

The Corporation of the City of Kawartha Lakes

Agenda

Committee of the Whole Meeting

COW2019-09

Tuesday, September 10, 2019

Open Session Commencing at 1:00 p.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham

Councillor Ron Ashmore

Councillor Pat Dunn

Deputy Mayor Doug Elmslie

Councillor Patrick O'Reilly

Councillor Tracy Richardson

Councillor Kathleen Seymour-Fagan

Councillor Andrew Veale

Councillor Emmett Yeo

Accessible formats and communication supports are available upon request.

		Pages
1.	Call to Order	
2.	Adoption of Agenda	
3.	Disclosure of Pecuniary Interest	
4.	Deputations	
4.1	COW2019-09.4.1	9 - 11
	Request to Purchase Land Adjacent to 1474 Fleetwood Road Darolyn Jones	
4.2	COW2019-09.4.2	12 - 14
	Dock Spaces in Thurstonia Andrew Girdler	
4.3	COW2019-09.4.3	15 - 17
	Encroachment Licence Agreement - Use of City Owned Land Adjacent to Stanley Road, Woodville Kevin Waldock	
4.4	COW2019-09.4.4	18 - 20
	Use of City Owned Property Adjacent to Stanley Road, Woodville Robin Wagnell Debbie Stillemunkes	
5.	Presentations	
5.1	COW2019-09.5.1	21 - 36
	2019 Flood Update Mark Pankhurst, Chief of Fire Service	
5.2	COW2019-09.5.2	37 - 66
	Haliburton, Kawartha Lakes Poverty Reduction Roundtable Update Marina Hodson, Executive Director, Kawartha North Family Health Team and Roundtable Co-Chair Rachel Gillooly, Poverty Reduction Coordinator	

5.3	COW2019-09.5.3	67 - 79
	Affordable Housing Targets Hope Lee, Manager, Human Services	
6.	Consent Matters	
	<p>That all of the proposed resolutions shown in Section 6.1 and 6.2 of the Agenda be approved and adopted by Committee of the Whole in the order that they appear on the agenda and sequentially numbered.</p>	
6.1	Reports	
6.1.1	HH2019-008	80 - 106
	Affordable Housing Targets Hope Lee, Manager, Human Services	
	<p>That Report HH2018-008, Affordable Housing Targets, be received;</p> <p>That the affordable ownership and rental targets (Ideal Model) and the processes to encourage them outlined in Report HH2018-008 be adopted;</p> <p>That the policy entitled Affordable Housing Incentives, appended to Report HH2018-008, be adopted, numbered and inserted in the Corporate Policy Manual; and</p> <p>That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.</p>	
6.1.2	CORP2019-017	107 - 118
	Proposed Amendments to High Bill Adjustment Policy Linda Liotti, Manager, Revenue and Taxation	
	<p>That Report CORP2019-017, Proposed Amendments to High Water Bill Adjustment Policy, be received; and</p> <p>That these proposed amendments to the High Water Bill Adjustment Policy (CP2017-006), attached as Appendix “A” to this report be brought forward for Council for approval at the September 24, 2019 Regular Council Meeting.</p>	
6.1.3	CORP2019-024	119 - 134
	2019 Q2 Capital Close Nicole Owens, Junior Accountant	

That Report CORP2019-024, **2019 Q2 Capital Close**, be received;

That the capital projects identified in Attachment A to Report CORP2018-024 be approved to be closed due to completion;

That the balances in the table below as per Attachment A be transferred to or from the corresponding reserves;

Reserve	Report Closing Balance
Capital Projects Reserve	\$87,480.19
Public Works Fleet Reserve	\$432,429.85
Police Reserves	\$62,304.44
Sewer Infrastructure Reserve	\$2,135.56
Water Infrastructure Reserve	\$25,960.40

That the following projects be granted an extension to December 31, 2019:

- 928180100 - IT Systems
- 932170201 - ***Bethany Fire Station Replacement (2017-2018)
- 932180100 - Fire Facilities
- 932180300 - Fire Equipment
- 983150600 - ***Urban/Rural Reconstruction Projects (2015-2017)
- 983180201 - Jennings Creek Culverts
- 983180400 - Urban/Rural Resurfacing
- 983180500 - Rural Resurfacing
- 983180700 - Road Lifecycle Extension
- 983181000 - Streetlights
- 983181100 - Traffic Signals
- 983181200 - Parking Lots
- 998180300 - Water Distribution & WW Collection 2018
- 998180400 - Water Treatment Program 2018
- 998180500 - Wastewater Treatment 2018
- 950180100 - Parkland Siteworks
- 950180200 - Parkland Facilities
- 950180300 - Parks & Rec Equipment
- 950180400 - Cemetery Siteworks
- 950180601 - Dalton Community Centre Elevator
- 953170300 - Building Envelope
- 953180100 - B&P Facilities
- 953180201 - Demo & Removal of 6 Buildings
- 983180600 – Gravel Resurfacing 2018

That the following project be granted an extension to June 30, 2020:

- 998161701 - Lindsay WPCP Upgrade - Construction

That the following projects be granted an extension to December 31, 2020:

- 983180300 - Urban/Rural Reconstruction
- 998151801 - Ridout St SPS - Pumps & Flow Meter
- 950180500 - Arenas & Pools
- 950190100 - Parkland Siteworks

That the following project be granted an extension to June 30, 2021:

- 998110100 - Omemee WPC Plant Upgrades

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

6.1.4 MLE2019-002 135 - 180

Noise By-Law

Aaron Sloan – Manager of Municipal Law Enforcement and Licensing

That Report MLE2019-002, **Noise By-law Review** be received;

That By-law 2005-025 be repealed;

That By-law 2018-234 being a by-law to Establish and Require Payment of Fees for Services and Activities Schedule A-12 be amended to establish an exemption fee; and

That the necessary By-laws be forwarded to Council for consideration at the next Regular Council Meeting.

6.1.5 ED2019-017 181 - 197

Proposed Designation of 3 St. David Street and 4 Riverview Road

Emily Turner, Economic Development Officer – Heritage Planning, on behalf of the Municipal Heritage Committee

That Report ED2019-017, **Proposed Designation of 3 St. David Street and 4 Riverview Road**, be received;

That the Committee of the Whole endorse the Municipal Heritage Committee's recommendation to designate the 3 St. David Street and 4 Riverview Road in Lindsay under Part IV of the Ontario Heritage Act as being of cultural heritage value and interest;

That staff be authorized to proceed with the process to designate the subject property under Part IV of the Ontario Heritage Act, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

6.1.6

ED2019-020

198 - 203

Kawartha Lakes Innovation Cluster Pilot Project Proposal

Rebecca Mustard, Manager of Economic Development

That Report ED2019-020, **Kawartha Lakes Innovation Cluster Pilot Project Proposal**, be received;

That the Mayor and Clerk be authorized to execute any documents and agreements required to enter into an agreement with the Innovation Cluster- Peterborough Kawartha to deliver the Kawartha Lakes Innovation Cluster Pilot until December 31, 2020; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

6.1.7

ED2019-021

204 - 296

Kawartha Lakes Small Business and Entrepreneurship Centre (KLSBEC) Program Funding 2019- 2022

Rebecca Mustard, Manager of Economic Development

That Report ED2019-021, **KLSBEC Program Funding 2019-2022**, be received;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

6.1.8	ENG2019-020	297 - 305
	<p>Downtown Reconstruction Update Corby Purdy, Supervisor, Infrastructure Design and Construction</p> <p>That Report ENG2019-020, Downtown Reconstruction Update, be received; and</p> <p>That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.</p>	
6.1.9	ENG2019-021	306 - 312
	<p>Update on Projects within the Road Life Cycle Extension Program Michael Farquhar, Supervisor, Technical Services</p> <p>That Report ENG2019-021, Update on projects within the Road Life Cycle extension program, be received; and</p> <p>That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.</p>	
6.1.10	RD2019-005	313 - 328
	<p>Roads Fee for Service Review David MacPherson – Manager, Roads Operations</p> <p>That Report RD2019-005, RD2019-005 Winter Maintenance Fee for Service Review, be received; and</p> <p>That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.</p>	
6.1.11	WWW2019-007	329 - 360
	<p>Requirement to Connect to Municipal Services Review Rob MacPherson, Water and Wastewater Technician</p> <p>That Report WWW2019-007, Requirement to Connect to Municipal Services Review, be received; and</p> <p>That this recommendation be brought forward to Council for consideration at the September 24, 2019 Regular Council Meeting.</p>	
6.1.12	WWW2019-009	361 - 391
	<p>Wastewater Effluent Monitoring Rob MacPherson, Water and Wastewater Technician</p>	

That Report WWW2019-009, Wastewater Effluent Monitoring Feasibility Review, be received; and
That this recommendation be brought forward to Council for consideration at the September 24, 2019, Regular Council Meeting.

- 6.2 Correspondence
- 6.3 Items Extracted from Consent
- 7. **Closed Session**
- 8. **Matters from Closed Session**
- 9. **Adjournment**



Request to Speak before Council

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Darolyn Jones

Address: *

1474 Fleetwood Rd

City/Town/Village:

Bethany

Province: *

Ont

Postal Code:

L0A 1A0

Telephone: *

705-341-5494

Email: *

maple.lane@hotmail.com

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

Darolyn Jones

Deputant Two:

RECEIVED

JUL 22 2019

**OFFICE OF THE CITY CLERK
KAWARTHA LAKES**

Please provide details of the matter to which you wish to speak: *

I would like to purchase 1.4 meter strip of land from the City's abutting parcel of land. prior to the parcel being listed for sale. This would satisfy the set back required for the new garage I had built to store my late husbands antique car, there is no hydro or any special features it's intention was just storage for the car.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?


David Hardy

What action are you hoping will result from your presentation/deputation? *

To be able to obtain the 1.4 meters strip of land to satisfy the requirements and I can then close the garage permit.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

A handwritten signature in black ink, appearing to be 'J. [unclear]', is written over a long, empty rectangular box.

Date:

July 22 2019

The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.

Do you understand how your information will be used and agree to allow the City to use your personal information provided on this form, including any attachments for the purposes of requesting to make a deputation to Committee or Council? *

☒ Yes

Please complete this form and return to the City Clerk's Office by submitting it online or:
Fax: 705-324-8110 Email: agendaitems@kawarthalakes.ca



Request to Speak before Council

RECEIVED

JUL 30 2019

**OFFICE OF THE CITY CLERK
KAWARTHA LAKES**

Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

ANDREW GIRDLER

Address: *

3 FIRST ST.,

City/Town/Village:

DUNSFORD

Province: *

ON

Postal Code:

K9M 1L0

Telephone: *

705-821-3099

Email: *

GIRDLERRENOVATION@GMAIL.COM

There can be a maximum of two speakers for each deputation. Please list the name(s) of the individual(s) who will be speaking. The names that are listed here will be included on the Council Meeting Agenda.

Deputant One:

ANDREW GIRDLER

Deputant Two:

Please provide details of the matter to which you wish to speak: *

RECENT CHANGES TO CKL REAL ESTATE POLICY
ARE MAKING IT IMPOSSIBLE FOR US TO
LEASE A DOCK SPACE FOR OUR NEW
HOME IN DUNSFORD ON STURGEON LAKE

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

RON ASHMORE, ROBYN CARLSON

What action are you hoping will result from your presentation/deputation? *

I AM HOPING TO ASK COUNCIL TO MAKE AN
EXCEPTION TO THE POLICY CHANGE TO ALLOW
US TO LEASE A DOCK SPACE CLOSE TO
OUR HOME.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

A. Giesler

Date:

July 30, 2019

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Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Kevin Waldock

Address: *

129 Stanley Rd.

City/Town/Village:

Woodville

Province: *

ON

Postal Code:

K0M 2T0

Telephone: *

[REDACTED]

Email: *

[REDACTED]

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Deputant One:

Kevin Waldock

Deputant Two:

First Name, Last Name

Please provide details of the matter to which you wish to speak: *

We were given approval to encroach city property, License Agreement was sent, signed, etc... Then the COKL denied the encroachment because of new pictures that were sent to the city by parties unknown.

What we are talking about here is a garden shed (encroaching by 2-3'), kids play set, and a trampoline that is set up seasonally. Our house was purchased from the same people which now complain (131 Stanley Rd). We were led to believe that we owed the backyard, they built a house on the property line and now take issue with normal backyard items that have been there for 6-7 years. They have called the city approximately 8 times, MPAC, and the OPP in order to harass us. Of all the calls the only thing that was requested of us was to move our fire pit location, which was done promptly.

The Concession Allowance behind our house is used by every single home and cottage on our street. There are fences built through it, bunkies built on it, every house has a fire pit on it, garden sheds, gazebos, landscaping stone patios. Comparatively, our encroachments are very minor when you look at the entire concession allowance. We feel because we are trying to go through the proper channels and procedures to encroach on city property we are being singled out and treated differently then the rest of the residents on Stanley Rd.

Pictures will be provided closer to the date. Thanks.

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

We would request the original License Agreement be reinstated in whole or part of the listed items encroaching: Garden Shed, Kids Play set, and Seasonal Trampoline.

By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.

Signature:

Kevin Waldock

Date:

4/15/2019



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☒ Yes

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Request to Make a Deputation/Presentation to
Council/Committee
City of Kawartha Lakes
City Clerk's Office
26 Francis Street, PO Box 9000
Lindsay, ON K9V 5R8
705-324-9411

Name: *

Robin Wagnell

Address: *

131 Stanley Rd.

City/Town/Village:

Woodville

Province: *

Ont.

Postal Code:

K0M2T0

Telephone: *

[REDACTED]

Email: *

[REDACTED]

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Deputant One:

Robin Wagnell

Deputant Two:

First Name, Last Name

Please provide details of the matter to which you wish to speak: *

THANK YOU FOR THE INVITATION TO SPEAK TO THE COUNCIL

I am sending you some emails to further clarify the issues. they have been sent to agendaitems@kawarthalakes.ca Please attach these to my deputation
SENT ARE LETTERS AND EMAILS FROM THE FOLLOWING:

- letter sent to Robyn Carlson March 18, 2019.
- letter from Paul Bowles dated July 11, 2019 .
- letter from Joel Pringle (Real Estate Agent for my property) dated July 11, 2019.

Basically I wish for the rights of all residents to be enforced. This includes safe and enjoyable use of all private property and the public areas attached to these

Please attach any additional supporting documents you wish to provide and submit with this completed form.

Have you discussed this matter with City Staff?

☒ Yes

☐ No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *

It is important for me that the parkland attached to the road allowance be made available to all residents on Stanley Rd as intended.

Furthermore, the public should not need to skirt around personal items left on this park or road allowance. Please refer to photos sent in another email from me. This causes a reluctance to pass by due to the feeling of intrusion or trespassing.

Remove signs

Also, the access to the water seems restricted because of signs posted saying Private Property and no trespassing. The original dock built by the previous owner of 131 Stanley road exists. However, it has been made clear in the last four years-----that this dock is not accessible.

Finally, for the sake of natural growth, and beauty, the clearing of the forest to be stopped.

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Signature:

R.L Wagnell Signature page to follow immediately after sending this document

Date:

8/29/2019



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☒ Yes

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2019 Flooding Update

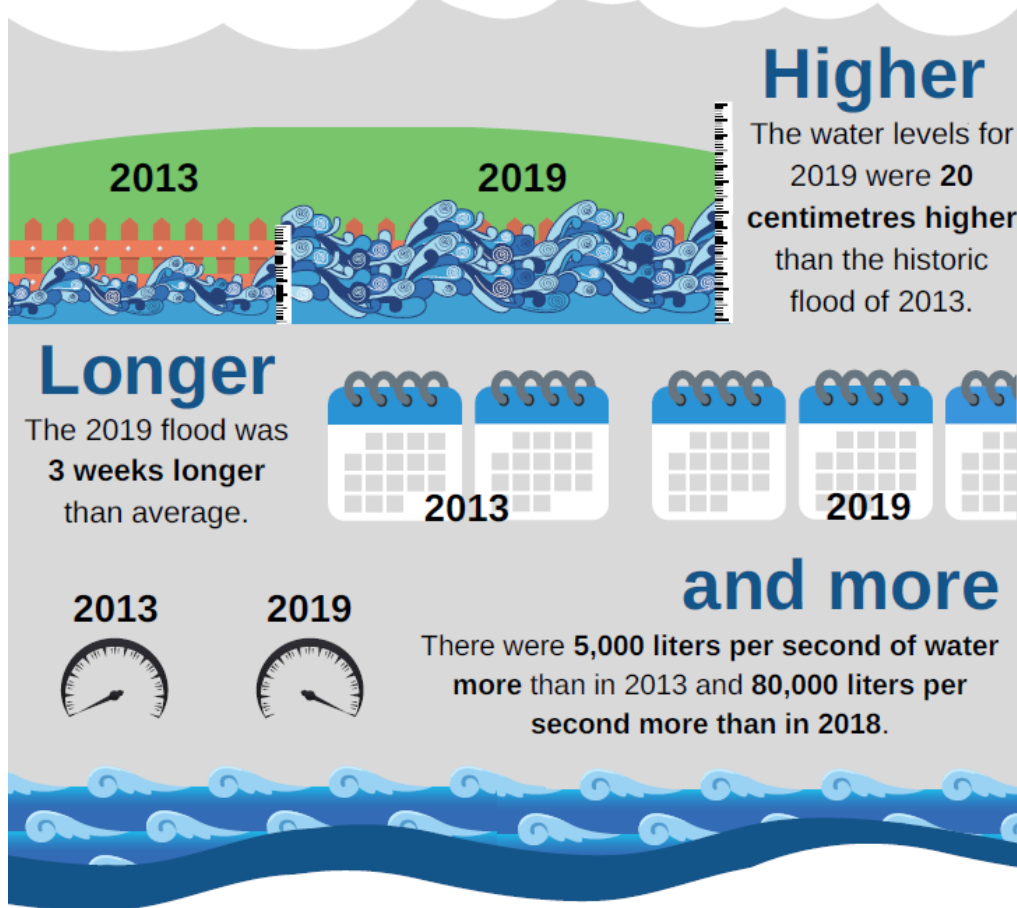
Presented by Mark Pankhurst,
Fire Chief

September 10, 2019



Burnt River Flood2019

This 2019 flooding was **higher, longer and contained more water** than any other flood in this municipality's history.



The floodplain mapping project completed by Kawartha Conservation has shown that potential discharge and flow rate for the Burnt River could be double of this year's historic high event.



Data supplied by Kawartha Conservation.

For more information, contact
kawarthaconservation.com



www.KawarthaLakes.ca



Flood Monitoring Activities

- Environment Canada weather predictions were closely monitored.
- The Flood Operations group monitors 3 distinct water sheds – Black River system, Gull River system and Burnt River system which is the most problematic.
- Conference calls with MNRF, TSW, and Kawartha Conservation are held regularly.
- During the conference call on April 19th, 2019, rain amounts of 15 to 25 mm were predicted by Environment Canada for Friday April 19th into early Saturday morning.
- Significantly more rain was received than predicted (90 to 95 mm of rain with 15 mm more that followed) which lead to Burnt River water levels changing very quickly.

April 20, 2019

- By Saturday April 20, 2019 the water levels at Burnt River had reached flooding threshold levels.
- Red Cross notified Fire Services that they had been called to assist 5 families and they had deployed a team to the area.
- Several roads closed by Saturday evening in the Burnt River area.

April 21, 2019

- Public Works began sandbagging operations at Burnt River works yard.
- Eight people from Cedar Plank Road required assistance to be evacuated from their homes as water levels continued to rise and road access was cut off.

April 21, 2019 cont.

- Fire Department was called to respond to Crooked Court Drive and Basswood Road to assist residents.
- Approx. 1600 sand bags were filled at the Burnt River Depot through the day and an inventory of 1000 sand bags was maintained throughout the flood.
- Water levels appeared to crest by 20:00 hours.

April 22, 2019

- Burnt River was showing signs of decline.
- Continued sandbagging operations at Burnt River Depot
- Black River, Moore Lake and Gull Lake were increasing in levels. Moore Lake was above average level.

April 23, 2019 to May 5, 2019

- Sandbagging operations continued.
- Snow pack had mostly melted in the water shed.
- As of April 23rd Red Cross had provided assistance to a total of 25 individuals.
- Burnt River levels continued to decline and level off.
- Briefing on the flood impact was submitted to the Ministry of Municipal Affairs and Housing on April 25, 2019.
- May 3, 2019 the Ministry rep toured the flood area.

Disaster Recovery Assistance for Ontarians

- Provincial changes to disaster assistance do not require declaration of emergency by the municipality.
- Coverage for homeowners primary residence only, small owner operated businesses and farms. Insurance policies are the first payer.
- Eligible expenses include clean up, costs to repair or replace essential property, basic emergency expenses such as evacuation travel costs.

Municipal Disaster Recovery Assistance

- Provincial assistance to help municipalities that have incurred extraordinary costs because of a natural disaster.
- City of Kawartha Lakes did not meet the Provincial threshold for municipal funding.

Communications

- Before, during and after the flood information was distributed in tax inserts, on the City website, Twitter, Facebook, Ping Street, and roadside board signs.
- There were over 15,000 views in 2 weeks of the Mayor's flood video with all positive comments.

Debrief Meetings

- Flood debrief meetings were held with the Mayor and ward Councillors as well as City staff.
- Several items were discussed and will be implemented as part of the future flood mitigation strategy.

Going Forward

- The Flood Contingency Plan is being updated with key dates and times incorporated for flood preparations.
- 3000 sandbags will be prepared in advance of the 2020 flood season.
- Locations have been designated for sand bags and/or sandbag supplies:
 - Burnt River Community Centre
 - Dalton Community Centre
 - Chisholm Trail South of Black River
 - Coboconk Service Centre (Medical Centre)
 - Norland Municipal parking lot off Monck Road
 - Cozy Cove and Highway 121
 - Cedar Plan and Riverbank

Going Forward

- First 2020 flood operations meeting will take place in February to assess the environmental conditions for the upcoming season and determine target dates for sand bag operations.
- Sand bag and supplies locations will be posted by the Communications Division when they are in place.
- New signs will be erected to notify people they are entering a flood plain and directing them to the City website for information.
- Human Services is developing a standard operating procedure to include evacuation processes.

Thank You!

- Thank you to the Fire Services staff, Communications team, OPP, Kawartha Lakes Police Service, Red Cross, Public Works, Human Services, Kawartha Conservation Authority, MNRF, TSW and everyone else who spent many hours working during the flood event.

It was a very collaborative team effort throughout the flood event.

INCOME & EMPLOYMENT

Average employment income in CKL is 21% lower than the Provincial avg.

ON = \$47,369 / CKL = \$37,242; Statistics Canada (2016)

13% of the population in CKL is considered to be low income

Statistics Canada (2016)

21% of residents aged 25-64 have not completed high school

Statistics Canada (2016)

CKL

HOUSING

Housing is affordable if a person spends less than 30% on accommodations – in CKL, 51.7% of households who rent are spending 30% or more on shelter costs.

Statistics Canada (2016)

People are currently waiting 3 – 5 years for subsidized housing; the waitlist has nearly tripled in size since 2013.

CKL Housing Help Centre (2016)

TRANSPORTATION

A lack of accessible, affordable transportation limits opportunity for employment, education, services, recreation & social inclusion.

now...

FOOD

13.5% of HKPR area households are food insecure.

HKPR District Health Unit (2012)

It costs \$884 to feed an average family of four healthy food for one month.

HKPR District Health Unit (2018)

CHILDREN

16.5% of children ages 0-17 live in low income households in CKL

Statistics Canada (2016)

Intervention during the early years of a child's life through public investment programs has an estimated return of 6 : 1.

Public Health ON (2014)

33% of kindergarten students in CKL are considered 'vulnerable' according to Early Development Instruments.

Early Development Instrument Results (2015)



OUR STORY

In 2012, through a joint effort between the City of Kawartha Lakes and County of Haliburton, a Poverty Reduction Strategy for the community was created.

The Haliburton, Kawartha Lakes Poverty Reduction Roundtable, established in the summer of 2016, consists of a group of representatives from different organizations and backgrounds with an interest in poverty reduction. The overarching goal of the roundtable is to reduce the prevalence and impact of poverty for all residents of the City of Kawartha Lakes and Haliburton County through the implementation of the Poverty Reduction Strategy Action Plans.



Food Security

- to support and expand the Student Nutrition Programs during the school year and the summer months.
- to advocate to the federal and provincial governments to develop policies and programs that take a comprehensive approach to address poverty and food security including income security.



Education & Employment

- To increase job and life skill readiness programs and employment support for Ontario Works and Ontario Disability Support Program Recipients
- To address the barriers to employment and to continuing educations and job skills training opportunities such as childcare, transportation and housing



Children & Youth

- Support early learning programs, child activities and social supports for young children (0 to 6 years of age) and their families.
- Increase the number of licensed childcare spaces.



Housing

- Increased the supply of affordable housing in Lindsay, Minden and Haliburton by 127 rent subsidy units & five new affordable home ownership units
- Established a Homelessness Response Strategy which included joining the 20 K Homes Campaign to raise awareness and end chronic homelessness



Transportation

- Rural transportation summit held in Fenelon Falls
- Weekly Shopping Shuttle



Bridges Out of Poverty

- Seven workshops held in Bobcaygeon, Lindsay, Bethany & Minden
 - 181 participants



MOVING FORWARD

- Run *"Getting Ahead in a Just Gettin'- By World"* for persons living in poverty
- Stakeholder engagement in poverty reduction issues
 - Review and update action plans

INCOME & EMPLOYMENT

- Support and create employment and business opportunities.
- Address the barriers to employment and job skills training opportunities such as childcare, transportation and housing needs.
- Work with the PRR* to implement the Poverty Reduction Strategies.
(<https://www.kawarthalakes.ca/en/living-here/poverty-reduction-strategy.aspx>)

HOUSING

- Continue to invest in more affordable and supportive, high quality housing.
- Create more mixed neighbourhoods with diverse housing options.
- Invest in programs for home repairs, improved energy efficiency and increased accessibility.

FOOD

- Advocate for policies and programs that address the root causes of food insecurity.
- Support innovative community food initiatives.
- Waive rental fees and insurance costs of municipally owned land and certified kitchens for food security initiatives.

CHILDREN

- Increase the number of licensed child care spaces.
- Support subsidized, no-cost and low-cost recreational opportunities, library programs and community events for children and their families.
- Endorse the Children's Charter

How you

can help...

TRANSPORTATION

- Establish a rural transportation model that connects communities.
- Invest in active transportation infrastructure such as bike and pedestrian paths and paved shoulders.

City of Kawartha Lakes
&
County of Haliburton

Poverty Reduction Roundtable
2019 Community Report
To
CKL Committee of the Whole
September 10, 2019



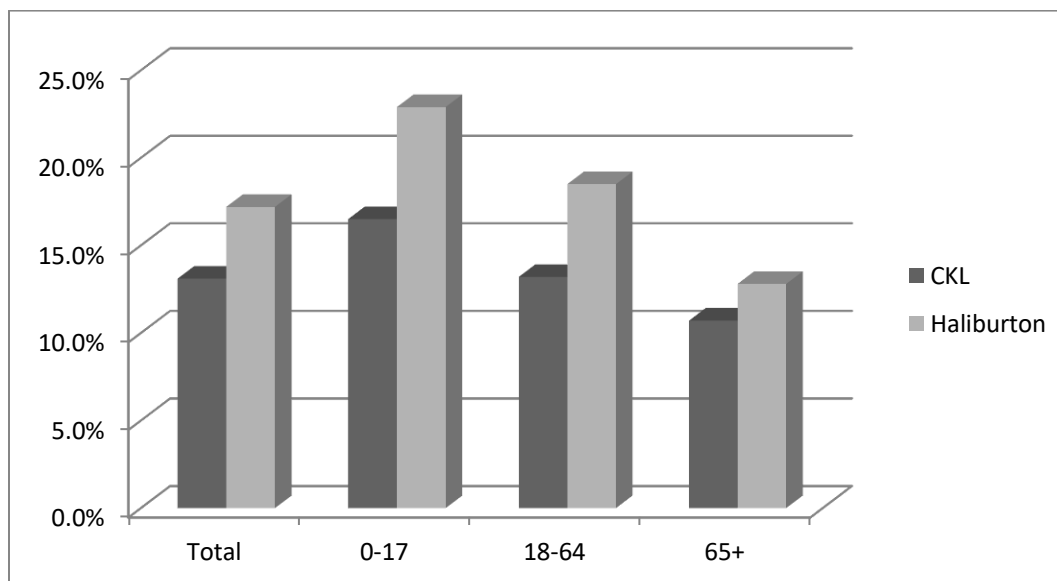
Our Story

In 2012, through a joint effort between the City of Kawartha Lakes and County of Haliburton, a Poverty Reduction Strategy for the community was created.

The Haliburton, Kawartha Lakes Poverty Reduction Roundtable, established in the summer of 2016, consists of a group of representatives from different organizations and backgrounds with an interest in poverty reduction. The overarching goal of the roundtable is to reduce the prevalence and impact of poverty for all residents of the City of Kawartha Lakes and Haliburton County through the implementation of the Poverty Reduction Strategy Action Plans.

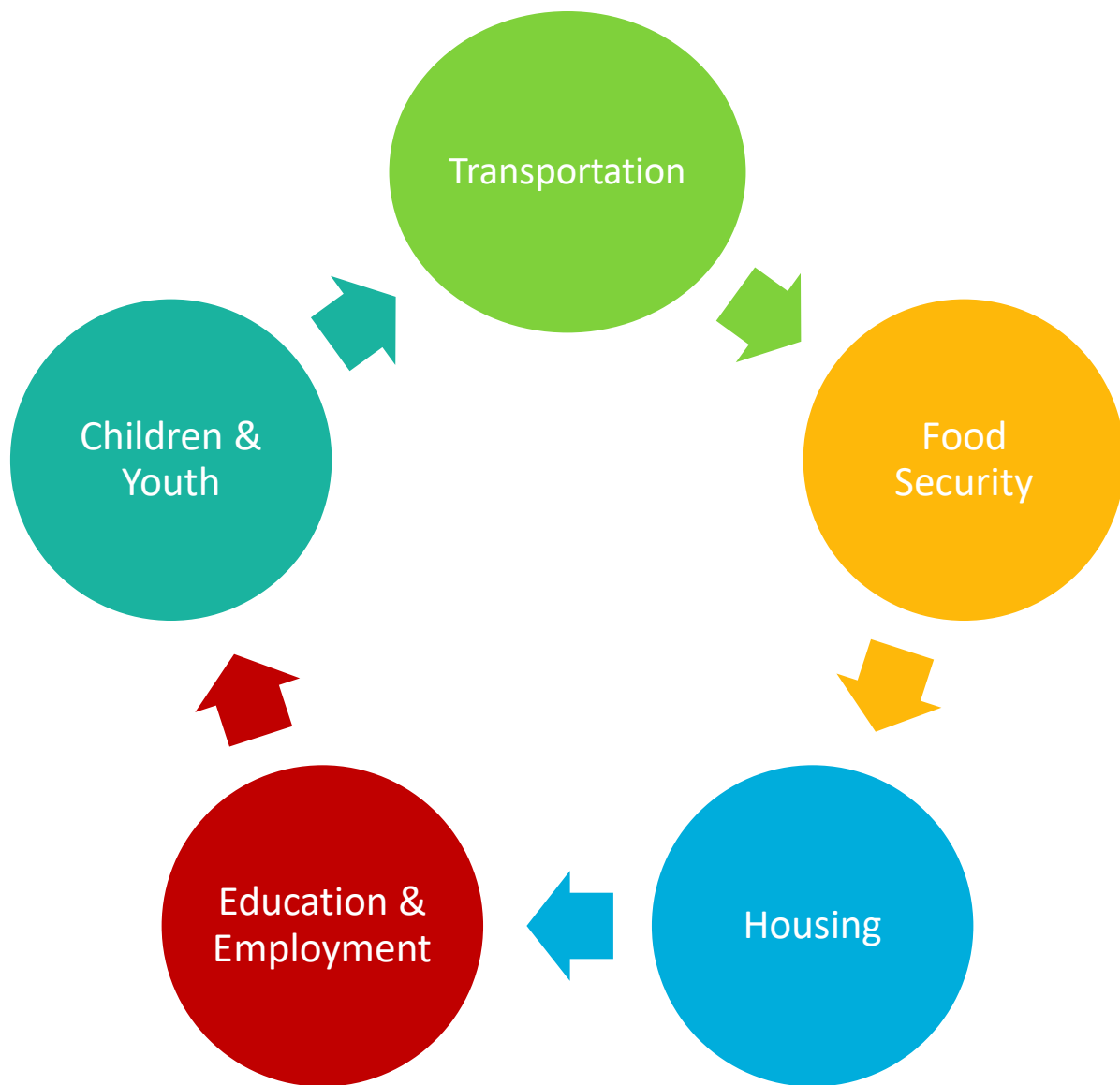
At 13.1% (9,625) of Kawartha Lakes households are considered low-income. This includes 16.5% (2,000) of children 0-17 years of age, 13.2% (5,710) of adults 18-64 and 10.7% (1,915) of adults 65 and older.

In Haliburton County, 17.2% (3,050) of residents in private households are considered low-income. This includes 22.9% (480) of children 0-17 years of age, 18.5% (1,835) of adults 18-64 and 12.8% (740) of adults 65 years and older.



Poverty Reduction Action Plans

The Poverty Reduction Strategy contains five action plans that target different areas that play a role in poverty reduction in the City of Kawartha Lakes and County of Haliburton. These five action plans are closely inter-related as a disruption in any one of these areas will have an adverse effect on the others.



Roundtable Stakeholders

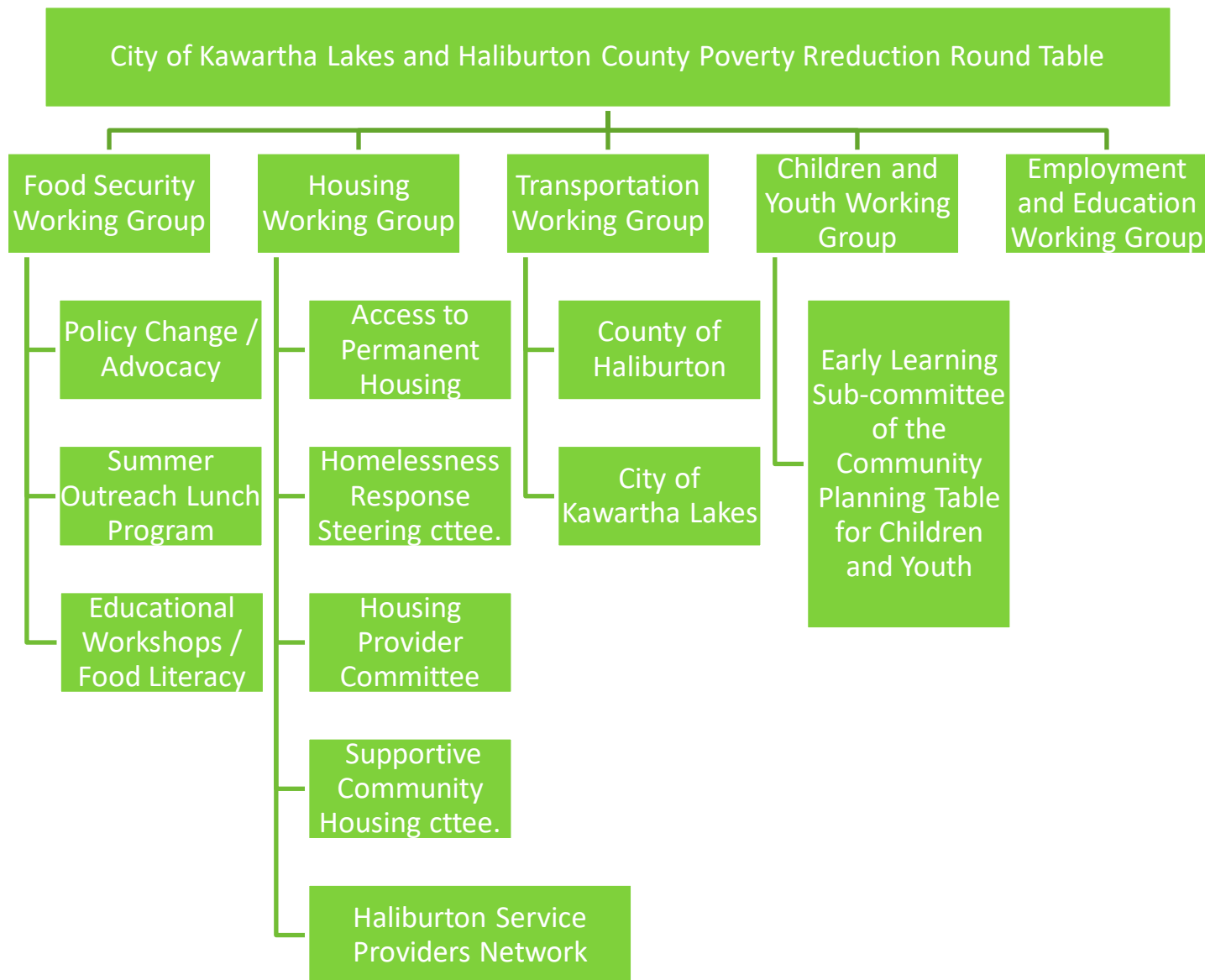
The Poverty Reduction Roundtable is comprised of community members including the non-profit or business sectors, government, broader public services, the faith community or any interested residents with an interest in reducing poverty and/or lived experience in the City of Kawartha Lakes and Haliburton County.

The Roundtable, along with smaller working groups that involve numerous other community partners, work together to address each of the action plan areas. Working to raise awareness, share information, provide educational events, foster collaboration between various community stakeholders to develop poverty reduction initiatives and advocate for policies, programs and services that address the root causes of poverty.



“Poverty is about feeling a sense of hopelessness and constant struggling; not meeting children’s needs, losing dignity and feeling judged by the community.”

Poverty is the inability to meet the basic needs of life.



Poverty in Numbers

City of Kawartha Lakes

13.1 %



County of Haliburton

17.2 %

of the population is low-income¹



16.5 %

18.5 %

of children (age 0-17) live in low-income households¹



51.7 %

49.5 %

of people who rent, spend more than 30% of their income on shelter costs¹

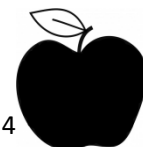
People currently wait **3 -5 years** for subsidized housing²



In the Haliburton, Kawartha, Pine Ridge Region:

13.5 % of households are food insecure³

It costs **\$ 884** to feed a family of four for one month⁴



Working Group Highlights

Food Security

The Food Security working group of the KL Food Coalition and its members implement various projects that address food security. The work of the food security working group aligns with the new Food Policy and Poverty Reduction Strategy for Canada.

The Action Plan for the Food Security working group lists the following priorities:

- Advocate to the federal and provincial governments to develop policies and programs that take a comprehensive approach to address poverty and food security including income security, employment, affordable housing, and transportation.
- Incorporate policies related to food systems, healthy eating, community design and the built environment into municipal official plans.
- Support food security initiatives including community gardens and community/collective kitchens and by waiving or assisting with the rental fees and insurance costs of municipally owned lands and facilities that may be used for food security initiatives by non-profit organizations.
- Support innovative community food security initiatives and programs.
- Support the Kawartha Lakes Food Coalition in the implementation of the KL Food Charter and endorse and support the implementation of the Kawartha Lakes Food Action Plan.
- Develop a food charter and food action plan for the County of Haliburton.

A summer lunch outreach program was developed under ***the Food Security Action Plan of Kawartha Lakes Food Coalition and the Poverty Reduction Strategy's Food Security Action Plan to support and expand the Student Nutrition Programs during the school year and the summer months***. The purpose of the summer outreach program is to bridge the gap during the summer months when schools are closed, and students do not have access to the student nutrition program that is available in the schools during the school year.



The program is offered to elementary age students living in neighbourhoods where there is a high density of poverty and schools reported concerns about food insecurity in their student population over the summer months. Last year, the program was offered to students who attended King Albert and Queen Victoria Public Schools and St Mary Catholic School in Lindsay. This year, the program expanded to include Leslie Frost Public School in Lindsay and in Fenelon Falls. Students interested in getting a free nutritious brown bag lunch go to the pick- up sites which are at each of the schools just mentioned in Lindsay and at Garnet Park in Fenelon Falls.

The summer lunch program is a partnership between the Food Security Group of Kawartha Lakes Food Coalition, the Salvation Army, The Food Source and the Haliburton Kawartha Pine Ridge District Health Unit. These partners plan, coordinate, and implement the program as well as source food and funding for the program. They also recruit many community volunteers who prepare and distribute the lunches.

Additionally, members of the Poverty Reduction Roundtable, secured funding via the TD Friends of the Environment Fund to purchase and plant in excess of 100 fruit trees across the communities to provide access to the harvest to community members.

The food security group of KL Food Coalition has also done a lot of work to implement the objective ***to advocate to the federal and provincial governments to develop policies and programs that take a comprehensive approach to address poverty and food security including income security.*** Members of the committee participated on the Ministry of Social Services Basic Income Pilot Advisory Committee to support promotion and implementation of the pilot.

Following the cancellation of the Basic Income Pilot the working group sent the Provincial Government a letter expressing deep concern/disappointment with the cancellation of pilot and requested continuation of the pilot. Sample letters were provided to community partners and requested they send letters to the Provincial Government advocating for the pilot to be reinstated.

In support of the Mayors' request, they also sent a letter to the Federal government requesting they assume oversight of the pilot for year 2 and 3 of the study. They met with MP Jamie Schmale to discuss the cancellation of BIP, the Mayors' letter, and how he could help with advocacy to the Federal Government to take on the completion of the pilot. As the Federal Government was in pre-budget consultations, he encouraged the Food Security group of KL food coalition to send a letter to the Federal Minister of Finance requesting that the pilot be included in the 2019 budget plans. Letters were prepared and sent to the Federal Minister of Finance, Federal Minister of Social Services and copied the

NDP/Conservative budget critics and Ministry of Social Services critics. Additionally, letters were prepared to the four Mayors of pilot sites, including Mayor Letham, with an update of the KL Food Coalition's advocacy work and requested these mayors send a letter to the Federal Minister of Finance as well. The coalition also contacted their local, regional, and provincial partners and urged them to send letters requesting them to advocate for Basic Income Pilot to be taken over by the Federal Government.

This working group examined the factors linking access to sufficient, nutritious food with income, housing, transportation, childcare, employment, and education. Their Action Plan has been expanded into a more detailed work plan that divides each recommendation into a series of processes listing available resources and performance measures.

Education & Employment

Under the objectives of the Employment and Education Poverty Reduction action plan and many of the other PRS action plans to address employment and to reduce poverty, residents need the skills and education to meet the labour force needs, need full-time year-round employment and need the supports that enable them to enter and remain in the labour market.

The Roundtable acknowledges the fundamental linkages between education, employment and poverty reduction. The economic development and potential of a community hinges on its residents having the necessary education and skills required to meet current and future employment needs and opportunities. As such, the Employment and Education Action Plan recommendations aim to address the need for educational and skill-building programs as well as bolstering employment opportunities. The six recommendations are as follows:



- Identify current, emerging and future business opportunities and associated labour force needs.
- Collaborate with community stakeholders to develop a workforce development and training program based on the identified labour force needs.
- Develop and implement strategies that target business and industry retention, expansion, attraction and new business/entrepreneurial development that provide sustainable employment that pays a living wage.
- Implement a plan that includes the development and improvement of the necessary infrastructure required to meet the current and forecasted business, employment

and educational needs including broadband communication services, transportation, and social infrastructure needs.

- Address the barriers to employment and to continuing education & job skills training opportunities such as childcare, transportation and housing needs.
- Increase job & life skill readiness programs and employment supports for Ontario Works (OW) and Ontario Disability Support Program (ODSP) recipients.

It was decided amongst many community partners such as the United Way, VCSS, City of Kawartha Lakes Human Services, Job Quest, Early ON, the Health Unit, the Boys and Girls Club and King Albert Public School to pilot a 3-week program that focused on job readiness skills. It was decided to pilot this program to parents whose children attend King Albert Public School as that neighbourhood area has a high incidence of people receiving social assistance.

The United Way took the lead in this project which focused on readiness for employment, the barriers to employment and how to overcome the barriers, and other soft skills training. It also offered the Food Handlers Course and Smart Serve as these certifications increase the likelihood of finding work in the food industry which is often the entry point for many into employment.

The pilot was held during the 3-week period in the summer when children from that catchment area were attending the Ready for K program and the Summer Learning Program for children in grades 1-3. It was felt this would be a good opportunity for parents to attend this readiness for employment program as many parents would be at the school to drop off and pick up their children for these summer programs. On-site childcare was provided free of charge to reduce the barriers to attendance. The fee for the Food Handlers Course was waived and the Smart Serve course had a nominal charge; however, if the person was OW or ODSP recipient the cost would be covered through those programs.

Generally, the program was poorly attended except for the Food Handlers Course which eight people completed while three completed the Smart Serve training. As only a few people were interested in the other components of this pilot, anyone who expressed interest was provided 1:1 support through VCSS and Job Quest.

Moving forward, the Education & Employment Working Group plans to engage Fleming Crew, CKL Future's Development Corp., and Haliburton County Development Corporation to explore possible partnerships and programs to increase income and stability.

In the City of Kawartha Lakes they are working towards partnering with Victoria County Career Services, Whitepath Consulting, and the Chamber of Commerce to develop programming that would help develop soft skills and sustainable employment.

Children & Youth

This working group recognizes the long-term effects that poverty can have on children right from the moment of conception. The group's goals revolve around developing opportunities for securing optimal health, safe and affordable housing, optimal nutrition and levels of education, access to affordable and convenient transportation, and access for parents to secure employment and childcare.



The Children and Youth Action Plan notes that following the recommendations from the other four Action Plans will lay the foundation for addressing the root causes of child poverty. This is an important acknowledgement of the interconnectivity of these issues and the fact that communities cannot hope to face the challenge of poverty reduction without understanding this correlation.

The recommendations – *and some outcomes* - from the Children and Youth Action Plan are:

- Advocate to the provincial and federal governments for increased income and social supports for families with children, including the removal of child support as a deductible income source for families in receipt of social assistance.
- Continue to fund the dental cleaning program for pregnant women on Ontario Works and expand free or reduced cost dental service to low-income women who do not have dental benefits.
- Support early learning programs, child activities and social supports for young children (0 to 6 years of age) and their families.
- Advocate for a universal childcare system.
- Increase the number of licensed childcare spaces.
- Support subsidized, no- or low-cost recreational opportunities, library programs and community events for children and their families.
- Increase the number of health, recreational, social and educational program supports and services available in the community.
- Support and expand Student Nutrition Programs both during the school year and in the summer months.

- Support and promote mentorship programs for children and youth.
- Secure Municipal Council endorsement of a Children's Charter.

Child support payments are now fully exempt from social assistance benefit calculations. For people participating in Ontario Works this change started in February 2017 and for people participating in the Ontario Disability Support Program (ODSP) this change came into effect on January 1, 2017. Previous to this change child support payments were considered income and were deducted dollar-for-dollar from benefits.

The City of Kawartha Lakes has a management directive that funds dental cleaning for pregnant women participating in the OW program and up to 3 months after they deliver in the City of Kawartha Lakes and the County of Haliburton. Low income dental clinics are currently offered through Volunteer Dental Outreach in the County and Community Care in the City.

EarlyON centres offer free, high-quality drop-in programs for families and children from birth to 6 years old. Since January 2018, CKL and the EarlyON service provider, have focused on improving access to EarlyON services. Over the first 15 months of the program there have been five broad goals that have been pursued:

1. Increasing summer programs,
2. More Saturday programs,
3. Expanding weekly programs to more communities,
4. Enhancing drop-in programs and
5. Adding more hours of service.

In 2018 summer programming was offered at all centres and Saturday programs are now available in both the City and the County. There are now EarlyON drop-in programs being offered in 20 communities: Bethany, Bobcaygeon, Cardiff, Coboconk, Dalton, Dorset, Fenelon Falls, Gooderham, Haliburton, Janetville, Kinmount, Kirkfield, Lindsay, Little Britain, Minden, Norland, Omemee, Pontypool, Wilberforce and Woodville. At a minimum EarlyON drop-in services are being offered at least twice per month at all of these locations. In 2019, EarlyON is continuing to work on drawing attention to the programs and services, especially in our rural communities and they are always looking for ways to improve engagement with children and families. The Early Learning Subcommittee (ELS) of the Community Planning Table, a network of agencies that come together to discuss how they can better serve children in their early years, has a standing agenda item to discuss EarlyON.

Presently, advocacy activities are around ensuring that an environment for high quality, affordable early years programs are available. For example, wage enhancement for early years educators in licensed child care. There is local child care representation in the Ontario Coalition for Better Child Care (OCBCC). There has been a push by the OCBCC to maintain the wage enhancement grant for early years staff in licensed child care centres

and home providers. OCBCC advocates for affordable fees for families, decent work and professional pay for educators and the meeting of families' child care needs through not-for-profit centres. Children's Services advocates for improvements to child care and early learning for County of Haliburton and the City of Kawartha Lakes families. Much of this advocacy takes place through the Ontario Municipal Social Services Association (OMSSA).

Priorities include:

1. Increasing capacity - including predictable multi-year operational funding, additional capital funding for child care and special attention to sustainable child care programs in smaller and rural communities.
2. Improving access - increasing the threshold for full fee subsidy from a family income of \$20,000 or less to low income measure after-tax (LIM-AT) thresholds.
3. Leveraging public assets - the elimination of rental and cost recovery fees for the use of school board space for child care and early learning programs. And
4. Supporting Early Childhood Educator (RECE) recruitment and retention - support competitive and appropriate wages to enable ECE recruitment and retention across the entire early years and child care system in Ontario.

Two current capital projects will add 20 infant spaces, 20 toddler spaces and eight preschool spaces in 2020. Over the past several years there have been approximately seven new licensed home child providers in our area. Licensed home child care is an important piece in the child care expansion puzzle. While it may not be feasible for a child care centre to operate in a small rural community, licensed home providers can fill an important need for families seeking child care in those communities. Licensed home providers also provide a different option for families when seeking child care. There continues to be an ongoing issue attracting and retaining Registered Early Childhood Educators (RECE) within the child care and early learning sector. More effort is required to find local solutions to this problem. There have been instances within the past year where child care centres were not able to fully operate at their licensed capacity because they were not able to staff the centre with enough RECE's.

City of Kawartha Lakes Children's Services continues to fund a number of important programs and events in the City and County. In Haliburton County, funding is provided to the Point-in-Time summer adventure day camp, after school recreation programs and family fun nights. In the City, the annual Family Gala is supported by Children's Services.

Through an Ontario Trillium Foundation Grant, EarlyON will be leading a Physical Literacy Network for Early Learning Providers with the Kawartha Lakes Sport and Recreation Council. Early learning providers will be assisted in delivering quality physical activity through peer-to-peer mentorship, network building and support through a consultant. The grant's goal is to help early learning providers equip children with movement skills that are the foundation for lifelong active participation.

As well as providing lunch and pre-employment courses, the Food Security Working Group also offered: SAIL, Healthy Cooking for Tweens, Early ON Kindergarten Readiness, literacy program for grades 1-4 and also a physical literacy program.

The primary focus of the Early Learning Subcommittee in 2018 was to create a Children's Charter for the County of Haliburton and the City of Kawartha Lakes. Jessica Knot, the first Poverty Reduction Roundtable co-ordinator, was an important resource that the ELS relied on to assist in moving the project forward. After receiving approval from the TLDSB Research Advisory Committee, the ELS invited all TLDSB elementary and secondary schools in the City and County to participate in a simple activity. Students were asked to complete the following statements:

- To be happy and healthy, I need and
- all children have the right to

The feedback received was excellent and included many illustrations that hadn't been expected. Using the phrases and drawings that children and youth provided a draft charter was prepared. However, there have been a number of concerns raised about whether the charter was inclusive and whether all children and youth could see themselves in the charter. The ELS has determined that it might be best to focus their efforts on a charter for children up to about 12 years of age and allow other groups more focused on youth in our communities to develop a charter for youth.

Housing

The issues around affordable housing are being addressed by a number of community partners led by the City of Kawartha Lakes. The Housing working group is very much influenced by a number of pre-existing committees operating in the City of Kawartha Lakes and Haliburton County, including Access to Permanent Housing, whose mandate is to bring together service providers, organizations and individuals interested in working on increasing affordable housing in the region.

The Housing Action Plan recommendations are to:

- Meet the affordable housing targets proposed in the Official Plan of the City of Kawartha Lakes of 25% of all new development to be affordable to low and moderate-income households
- Increase the supply of permanent affordable housing options in the County of Haliburton as per local conditions and local economy.
- Review the “Building Strong Communities: 10 Year Housing and Homelessness Plan” from a poverty reduction lens and implement its recommendations as appropriate.



- Develop innovative policies and programs that promote the development of affordable housing projects such as incentives associated with developmental charges and permitting the development of secondary suites and shared housing.
- Pursue opportunities to expand affordable housing stock.
- Continue to maintain and enhance existing affordable housing stock.
- Lobby the provincial and federal governments to renew and/or increase funding for affordable housing construction, rent supplements, retrofit funding and homelessness prevention programs.
- Lobby the federal government to develop a national housing strategy.
- Encourage and support community initiatives and programs that address housing needs such as Habitat for Humanity, Places for People, Community Care, Canadian Mental Health Association etc.
- Create/expand and support home building supply depot sites in the community and at landfill sites that accept and resell for a nominal charge donated new, used or surplus building supplies in partnership with local individuals, related businesses, organizations and/or service clubs.
- Promote community education on the development of secondary suites, building affordable housing, cost cutting measures homeowners can take to reduce utility costs and how to do home repairs.
- Develop a housing loss/homelessness prevention plan: financial skills coaching and mortgage/rent advice; help with rent arrears and utilities; referrals to supports for physical and mental health, referrals to employment, training and educational programs, and legal services.
- Establish a central source of affordable housing information and financial support programs, along with a referral service and application assistance.
- Consider affordable housing needs in all municipal policy-making and land use planning.
- Develop and enforce by-laws regarding residential property standards, repairs, maintenance and upkeep of rental properties.
- Dedicate staff time and resources to monitor population and household projections and growth, identify priority groups and housing needs, research affordable housing options and report to Council on achievement of the recommendations as outlined in the housing component of this strategy and the 10 Year Housing and Homelessness Plan, as appropriate.

The Housing Action Plan emphasizes the links between affordable housing, personal health and community economic development with a current focus on the review of a 10-year Housing and Homelessness Plan. This has led to an increased supply of housing in Lindsay, Minden and Haliburton; the development of a Housing Help model that provides support and resources for residents experiencing housing insecurity; and the establishment of a Homelessness Response strategy which included joining the 20 K Homes campaign to end chronic homelessness in Canada.

Transportation



The Transportation working group was divided into two sub-groups, as transportation issues for Haliburton County and City of Kawartha Lakes are regionally specific and require separate approaches.

Once again, rural transportation cannot be considered in a vacuum, but rather it touches on issues of health, employment and education, and access to food, childcare and social services. While the two communities developed their individual work plans, the Transportation Action Plan

recommendations includes several objectives for both regions to work towards:

- Lobby the provincial and federal governments for cheaper gas and/or gas subsidies, credits and/or rebates.
- Lobby the government of Ontario to take a more active role in transportation and view ridership per capita not strict formulae of absolute ridership.
- Develop specific, short-term transportation support/ subsidy programs for low-income earners preparing to return to work or for other specific purposes.
- Expand discounts for Lindsay bus passes and rural “dial-a- ride” transit to low-income earners.
- Draft transportation strategies for the City of Kawartha Lakes, building on the recommendations of the Official Plan and Integrated Community Sustainability Plan (ICSP).
- Develop a rural transportation system for the County of Haliburton, considering the Northumberland model and a possible Municipal Transit Authority
- Create and coordinate a central, easily accessible car share/car pool program.
- Create and coordinate a central contact point through which residents can learn about and book transportation (e.g. central “ride board” of individuals, organizations, municipality offering rides).
- Increase transportation support offered by the City, the County and its lower tier municipalities, social services agencies and community organizations to access their programs and services.
- Encourage grocery stores, pharmacies, food banks, etc. to provide no/minimal cost delivery services and/or customer transportation
- Designate “public seats” on school buses replicating successful programs in other communities such as the Municipality of Orangeville.

- Invest in efforts to educate residents about alternatives to the “car culture” at the community level.
- Invest, through programs and policy, in active transportation infrastructure such as bike and pedestrian paths, bike lanes, paved shoulders, signage, walkways and benches.

Each of the Transportation working groups have made significant strides in advancing their goals. In Haliburton County, the committee known as Rural Transportation Options partnered with the County Council and received funding from the Ministry of Transportation to develop a Community Transportation Project. This project was designed to increase local transportation options and streamline existing services. The project concluded in March 2018, and influenced Haliburton County Council’s decision to select a “Booked Shared-Ride Model” which is very similar to the Northumberland model and invest \$50,000 in an implementation plan report, presented to Council in early 2019. However, for a number of reasons, Council decided not move ahead with the plan. Plans are underway to re-engage the community and Councillors.

In the City of Kawartha Lakes, the transportation working group elected to focus its efforts on bringing rural transportation to Kawartha Lakes to:

- facilitate travel to and from employment, education, and medical appointments;
- increase opportunities for inter-community shopping; and
- allow for more convenient travel across the Kawartha Lakes region.

A rural transportation summit was held in Fenelon Falls in conjunction with the Lindsay Transit Advisory Board to obtain transportation strategies with public input, and an Action Plan launched at an event in Omemee. The working group’s action plan was presented to Kawartha Lakes Council and unanimously received, however, Council declined City staff’s recommendation to apply for rural new transportation grants from the province and resolved not to take action specifically on rural transit for the next several years.

Work to expand the Fleming Shuttle (Peterborough-Lindsay) in partnership with the Frost Campus students was not approved for government funding under the Rural Economic Development programs. Agreement had been reached with the College operators to open the shuttle to workers, residents looking for work, and those undertaking training. While not successful, the application enjoyed excellent support from the Lindsay Chamber of Commerce, local labour unions and VCCS.

The working group helped facilitate two test runs of a “Weekly Shopping Shuttle” to excellent public and media embrace. Ridership began at nearly 100 residents and almost doubled during the second test run. Next steps to regularize this service are promoting

and engaging with the private sector owner of the shuttle is ongoing. The shuttle had the support of the Bobcaygeon, Lindsay and Fenelon Falls Chambers of Commerce.

The “Weekly Shopping Shuttle” began regular operation, every Tuesday, with a route that encompasses communities throughout the City of Kawartha Lakes! This is an excellent development. By January 2019, the shuttle had reported 4,500 riders. After fulsome, the working group has deemed public spaces on school buses – not feasible at this time.

The working group also worked with the City to have transit and transportation included on the City’s new website which is now featured in the Living Here section.

Moving forward, the transportation working group will continue to work on coordinating a central ride share resource; encouraging increased home delivery by local stores e.g. groceries, pharmacy,, etc.; and focusing on the development of more “active transportation” infrastructure; as well as lobbying the government more for cheaper gas.

Bridges Out of Poverty

The Roundtable was able to secure funding from the Ontario Trillium Foundation and recruited three individuals to receive training to run Bridges Out of Poverty workshops in Haliburton and the City of Kawartha Lakes. The workshop is a framework for understanding poverty designed to increase the understanding of poverty and to improve one’s ability to work with individuals living in poverty. They focus on the hidden rules of economic classes and provide strategies to provide relationships at the individual level and improve outcomes at an organizational level.



Seven workshops have been held in Bobcaygeon, Lindsay, Bethany and Minden, on a cost recovery basis, with great engagement, attendance (total of 181 participants) and feedback from community partners. Two more workshops are scheduled to take place this year in Burnt River (September) and Lindsay in November.



Moving Forward:

As the second stage of the Bridges Out of Poverty workshop, the Roundtable will be running “*Getting Ahead in a Just Gettin’- By World*” for persons living in poverty.

Outside of the Roundtable, there are many great initiatives happening to address issues of poverty in our community. Our many stakeholders are engaged in these projects that are spear-headed by different organizations and the Roundtable will continue to monitor and encourage such initiatives.

Following the recent funding and recruitment of the new part-time poverty reduction coordinator, the Roundtable will now focus on reviewing and updating the action plans and continuing to engage further stakeholders.

Some of our Partners



References

1. Statistics Canada (2016). Census Data, Census Profile. <https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/index-eng.cfm>
2. City of Kawartha Lakes Housing Help Centre (2016).
3. Haliburton Kawartha Pine Ridge District Health Unit (2012). InFocus Report: Healthy Eating, Physical Activity and Healthy Weights. <http://www.hkpr.on.ca/Portals/0/PDF%20Files/PDF%20-%20Epi/HKPRDSB%20in%20Focus%20rev%2009%2019.pdf>
4. Haliburton, Kawartha, Pine Ridge District Health Unit (2017). Addressing Food Insecurity Through Income <https://www.haliburtoncountyfoodnet.com/addressing-food-insecurity-through-income-report-2017.html>

Affordable Housing Targets

September 10, 2019

Housing & Homelessness Plan (HHP)

- Housing Services Act requires each Service Manager to have a plan to address housing and homelessness
- City is Service Manager for both City and County
- Service Manager HHP adopted by both the City and County in 2014 (2014-2023)
- First periodic review due no later than December 31st, 2019
- Refreshed HHP 2020-2029 to councils in November 2019
- HHP requires targets based on local housing need

Definition of Affordable Housing

- Other City and County plans or strategies are overarching of all income brackets
- Service Manager and HHP focus is specific for low to moderate (middle) income households
- Targets are striving to create housing, both rental and ownership to meet approved definition
- Rent or accommodation costs not to exceed 30% of the gross annual household income for low to moderate income households

Local Assessment – Low Income

City	County
9,332 households	2,532 households
Income of Renters at or below \$22,800	Income of Renters at or below \$21,000
Income of Owners at or below \$46,500	Income of Owners at or below \$39,400
Affordable Rent at or below \$570	Affordable Rent at or below \$520
Affordable House Price at or below \$164,900	Affordable House Price at or below \$139,800

Local Assessment – Moderate or Middle Income

City	County
9,332 households	2,532 households
Income of Renters between \$22,800 - \$42,100	Income of Renters between \$21,000 - \$36,600
Income of Owners between \$46,500 - \$84,600	Income of Owners between \$39,400 - \$73,200
Affordable Rent between \$570 - \$1,050	Affordable Rent between \$520 - \$920
Affordable House Price between \$164,900 - \$299,900	Affordable House Price between \$139,800 - \$259,500

Factors in Establishing Targets

Each additional affordable unit is not always the result of new construction

- Resale of existing ownership
- Subsidy to a tenant to use in an existing market rental
- Rehabilitation of spaces not currently residential rental or inhabitable
- Secondary suite in new construction or in an existing dwelling
- Purpose built rental and ownership

Key considerations for achieving targets

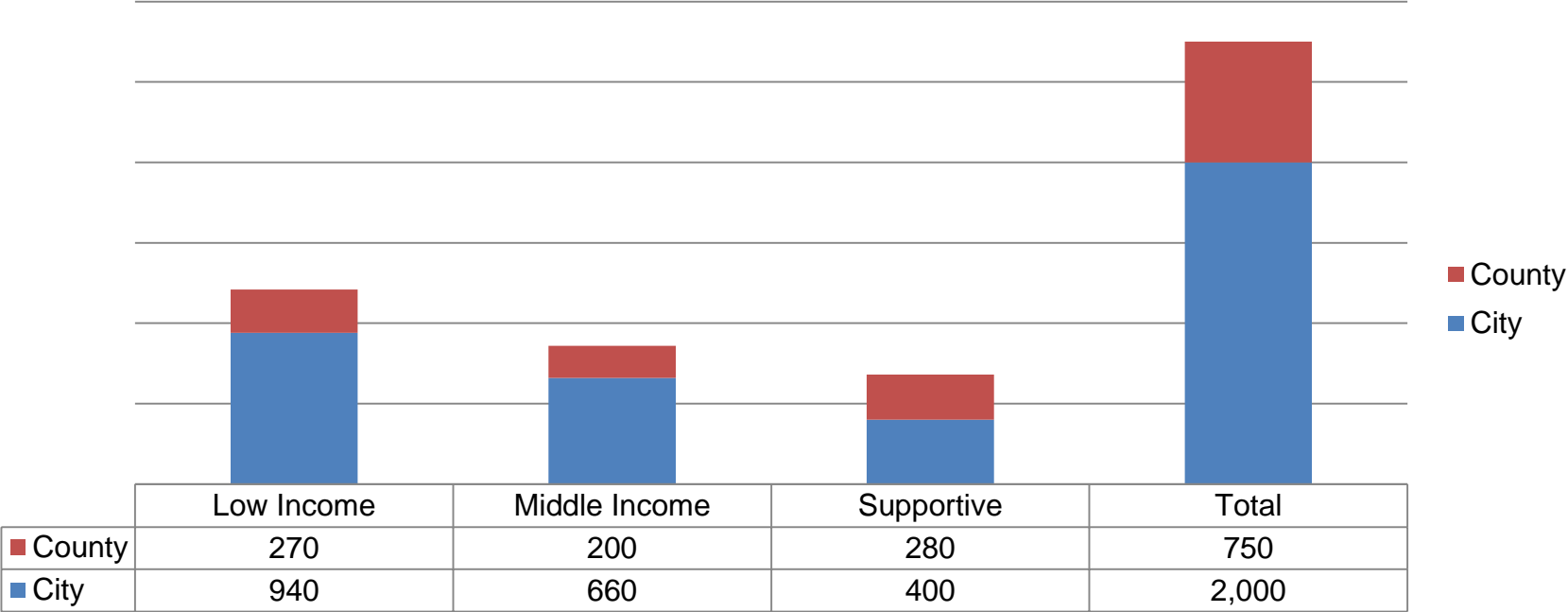
- Continued, ongoing and sustainable funding and policy support at all three levels of government
- No expectation that any partner can create affordable housing without some level of funding or policy support
- Participation of multiple partners
- Continued and ongoing education and information for all partners

Options to encourage affordable ownership for the low to moderate income

- Continue to support Homeowner down payment assistance in resale homes
- City and County will establish policies to ensure that there are options available to low and/or middle income needs as new ownership developments are proposed
- Actively pursue ownership options with not for profits like Habitat for Humanity

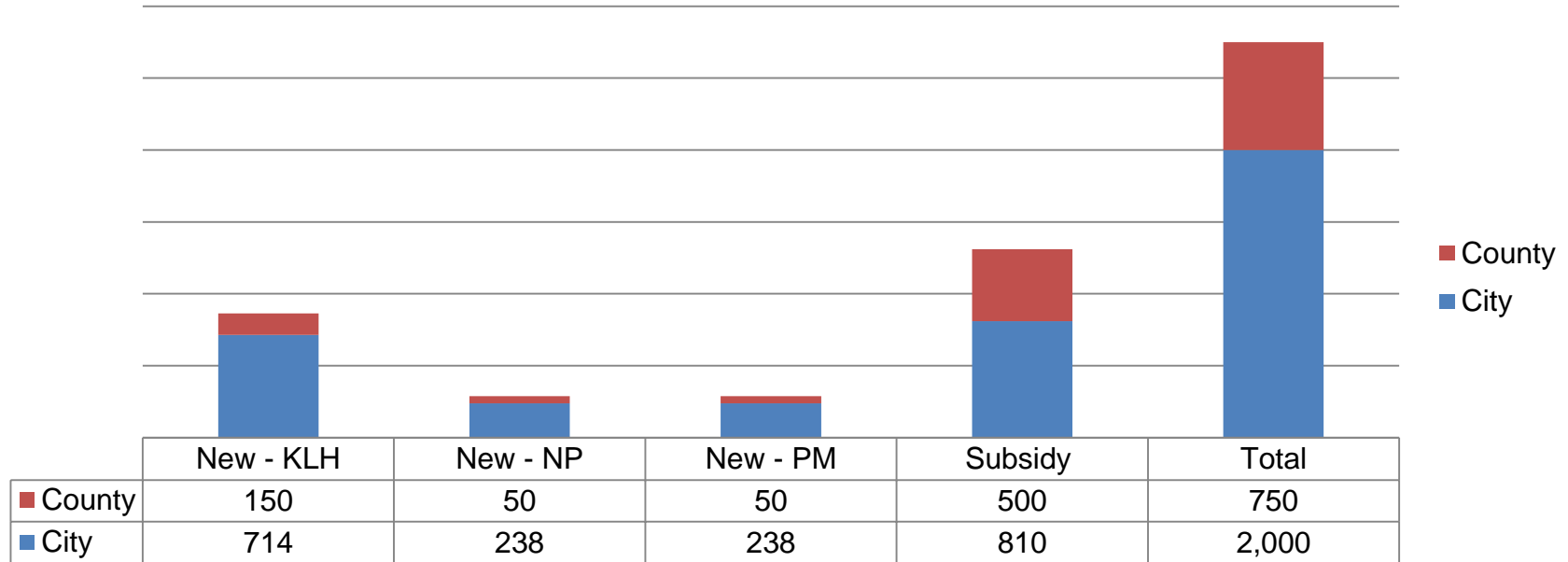
Rental Targets

Ideal Model
Additional Rental Units Created Over 10 Years (2020-2029) by Category



Prospective Partners to Achieve Targets

Ideal Model
Additional Rental Units Created Over 10 Years (2020-2029) by Type



KLH: KLH Housing Corp NP: Non-Profit Provider PM: Private Market Subsidy: Rent Supplement/Housing Allowance/Portable Benefit

Process to actively and aggressively work toward achieving targets

- Affordable Housing Incentives Policy
- Annual information sessions each fall starting in 2019
- Annual expression of interest process each winter starting in 2019/20
- The costs associated with the municipal incentives for each recommended expression of interest submission considered during annual budgets starting in 2021

Conclusion

- A target is defined as an object or goal being aimed for
- A variety of partners including KLH Housing, other non profit housing providers, the private market and residents will assist the Service Manager to reach the target
- There is a need for clearly defined incentives and processes for partners who will help the Service Manager to reach the target
- An annual process will assist all municipalities to consider the cost of working toward these targets in conjunction with other municipal priorities
- A proactive approach in realizing partners ready to assist in meeting targets will assist the Service Manager with Federal and/or Provincial funding possibilities

Thank You

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number HH2019-008

Date: September 10, 2019

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier:

Title: Affordable Housing Targets

Author and Title: Hope Lee, Manager, Human Services

Recommendation(s):

That Report HH2018-008, Affordable Housing Targets, be received;

That the affordable ownership and rental targets (Ideal Model) and the processes to encourage them outlined in Report HH2018-008 be adopted;

That the policy entitled Affordable Housing Incentives, appended to Report HH2018-008, be adopted, numbered and inserted in the Corporate Policy Manual; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The Housing Services Act, 2011 requires each Service Manager (the City is the designated Service Manager for both the City of Kawartha Lakes and the County of Haliburton) to have a plan to address housing and homelessness. The first Housing and Homelessness Plan (HHP) was required in 2014 with a minimum period of 10 years. The Act requires a periodic review at least once every 5 years. Both the initial plan and any periodic review must be:

- done in consultation with the public
- done in consultation with the Minister by providing a copy and considering any comments the Minister provides; and
- be approved by the Service Manager.

Annual reporting on the plan to the public must occur each year by June 30. The plan must include an assessment of the current and future housing needs and objectives and targets relating to the housing need.

The City and County adopted the first plan in 2014 (2014-2023) and is in the final stages of its first periodic review which is due no later than December 31, 2019. In reviewing the plan now, it is being refreshed as a new plan for the next ten years, covering 2020-2029.

A project coordinating committee have been working on a refreshed plan since the fall of 2018 with an expectation to deliver that plan to the Minister and to councils in the fall. The committee has created a draft plan, completed multiple forms of public consultations and have published a comprehensive needs assessment.

One final consideration to complete the refreshed plan is setting the target for the number of additional affordable units that the City and County will strive to achieve over the next term of the plan (2020-2029).

A series of information reports and presentations have been provided to both City and County Councils over the course of 2019 in order to complete the revised plan. Two specific items provided information and context related to the targets; CKL-H Affordable Rental Housing Targets presentation in March and From Housing Assets, To Housing People; CKL-H Housing Master Plan presentation and report in June.

This report provides information and recommendations for setting targets.

Definition of Affordable Housing:

While other City and County plans or strategies may be overarching for residents in all income brackets, the HHP and the work of the Service Manager focuses on targets specifically for low to moderate income households across the entire housing continuum. The recommended targets apply to the categories that fall within the focus of the plan and which meet the adopted definition of affordable housing for the City and County.

Figure 1



The targets are striving to create housing, both rental and ownership, where the rent or the accommodation costs would not exceed 30% of the gross annual household income for low to moderate income households.

Low to moderate households are those households at or below the 60th income percentile. A percentile is a measure used in statistics indicating the value below which a given percentage of observations in a group of observations falls. For example, the 60th percentile means that 60% of the population with an income falls below this threshold. The 50th percentile is the median where 50% of the population is above and 50% is below.

Chart 2 displays the number of household in both the City and the County within the income percentiles¹.

¹ Statistics Canada. 2017. Kawartha Lakes, CDR [Census division], Ontario and Ontario [Province] (table). Census Profile. 2016 Census. Statistics Canada Catalogue no. 98-316-X2016001. Ottawa. Released November 29, 2017.
<https://www12.statcan.gc.ca/census-recensement/2016/dp-pd/prof/index.cfm?Lang=E> (accessed August 6, 2019).

Chart 2

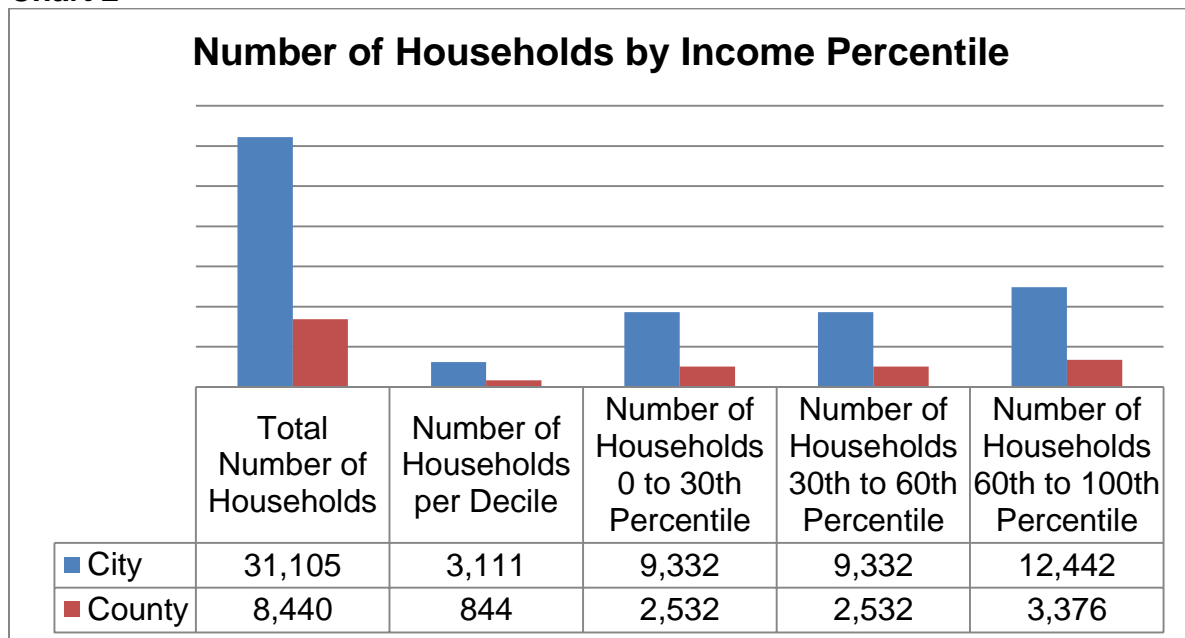


Table 1 below outlines permanent affordable rental and ownership data and needs based on City and County assessments.

Table 1

Low Income (Household with income at or below the 30 th percentile)	Moderate Income (Households with income between the 30 th and 60 th percentile)
Gross Annual Household Income of Renters (at or below) City: \$22,800 County: \$21,000 Monthly Rent that meets Affordable Definition (at or below) City: \$570 County: \$520	Gross Annual Household Income of Renters (between) City: \$22,800 - \$42,100 County: \$21,000 - \$36,600 Monthly Rent that meets Affordable Definition (between) City: \$570 - \$1,050 County: \$520 - \$920

<p>Gross Annual Household Income of Owners (at or below) City: \$46,500 County: \$39,400</p> <p>Housing Price that meets Affordable Definition (at or below) City: \$164,900 County: \$139,800</p>	<p>Gross Annual Household Income of Owners (between) City: \$46,500 - \$84,600 County: \$39,400 - \$73,200</p> <p>Housing Price that meets Affordable Definition (between) City: \$164,900 - \$299,900 County: \$139,800 - \$259,500</p>
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Rationale:

Factors in Establishing Targets

An important understanding as targets are being established is that each additional affordable unit is not always the result of new construction. An additional affordable unit can be created in a variety of ways including:

- Resale of existing ownership
- Subsidy to a tenant to use in an existing market rental (Rent Supplement, Housing Allowance or Portable Benefit)
- Rehabilitation of spaces not currently residential rental or inhabitable
- Creation of a secondary suite within an existing or new residential home
- Purpose built rental and ownership

Key considerations for meeting approved targets include:

- Continued, ongoing and sustainable funding and policy support from all three levels of government (federal, provincial and municipal)
- There is no expectation that any partner will be able to create affordable housing without some level of funding or policy support
- Participation of multiple partners:
 - Private developers
 - Community housing providers
 - Affordable housing providers
 - Community agencies
 - Residents
 - Municipal staff

- Continued and ongoing education and information for all potential partners in order to advertise, keep the messaging current, help partners understand how they can contribute and help the City and County understand what is standing in the way for partners

Ownership:

In both the City and the County the majority of new housing starts each year continue to focus on detached homes for the ownership market. There is also an ongoing resale market.

In the case of ownership, options need to be available to meet low and/or middle income needs:

1. Low Income
 - a. ownership housing for those with an average annual gross household income at or below the 30th percentile of income
 - b. accommodation costs do not exceed 30% of gross income
2. Middle Income
 - a. ownership housing for those with an average annual gross household income between the 30th and 60th percentile of income
 - b. accommodation costs do not exceed 30% of gross income

In order to encourage options where low and/or middle income needs are met in the City and County, these three approaches are recommended:

1. Resale market: There is little the City or County can do to establish and pursue an actual target within the resale market. Instead part of the continued analysis and reporting back will include annual tracking of the resale market in order to understand how many units were available to the low and middle income households. The Service Manager will continue to offer it Homeownership funding for this purpose as it has the ability to do so. This will allow some of the low and middle income earners who don't have the ability to secure a down payment, opportunity to move along the continuum from rental to ownership
2. New construction: The City and County will establish policies to ensure that there are some options available where low and/or middle income needs are met. This will be done through a community benefit program and/or the Official Plan.
3. Habitat for Humanity: The City and County will actively pursue ownership options with Habitat for Humanity and other similar not for profit

organizations to ensure they have the ability to be actively increasing the number of ownership opportunities.

Rental

The lack of purpose built rental has been and continues to be of concern in both the City and the County. The vacancy rate has remained low for several years as supply is not keeping up with demand. The continued focus of single detached homes making up the majority of the living spaces will only escalate an already critical rental housing situation.

As part of the HHP refresh, the City engaged OrgCode Consulting who are known nationally for their housing forecasting modelling. Modelling results can be used faithfully and effectively when the bigger picture is seen. The modelling is sensitive to two dozen current and historical variables which paints a picture of what is needed and by when.

The Org Code report generated three models for establishing targets:

1. Status Quo: Planning toward things not getting worse, considers small gains being made over the past few years have been important, but not enough. Targets are set that increase the numbers of units but is just keeping pace with overall growth. There is not a real proportionate increase in units for the population.
2. Moving Forward: Housing needs are not eliminated, but considerable gains are made in working to address them. The increase in units starts to lower proportionate gap in the need. It will take approximately 20 years to meet demand at this model's development rate.
3. Ideal: The overall need is explored in the context of identifying the volume of housing needs by dwelling unit size. The numbers of units increase significantly to meet the demand within 10 years.

The recommended model for the City and County to use in setting rental targets is the "Ideal" model. In the case of rental, the City and County need to work toward ensuring there are options for the low income, middle income and supportive housing needs.

1. Low Income – see Table 1 for income and affordability levels
2. Middle Income – see Table 1 for income and affordability levels
3. Supportive

- a. Average income and affordable rent generally within the low income category
- b. Additional support services provided (history of homelessness, barriers to housing, mental illness, substance use, frail elderly, physical disabilities, etc.)

The “Ideal” modelling forecasts the need over the 10 year period of the refreshed plan (2020-2029). The total additional numbers of units required under this model are illustrated below by bedroom size and by category.

Chart 3

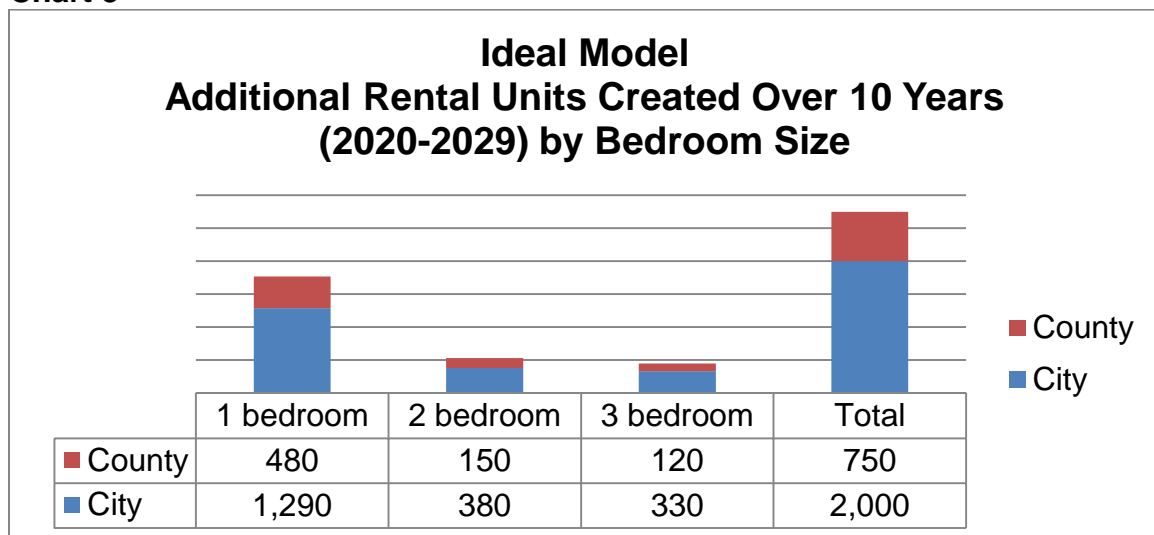
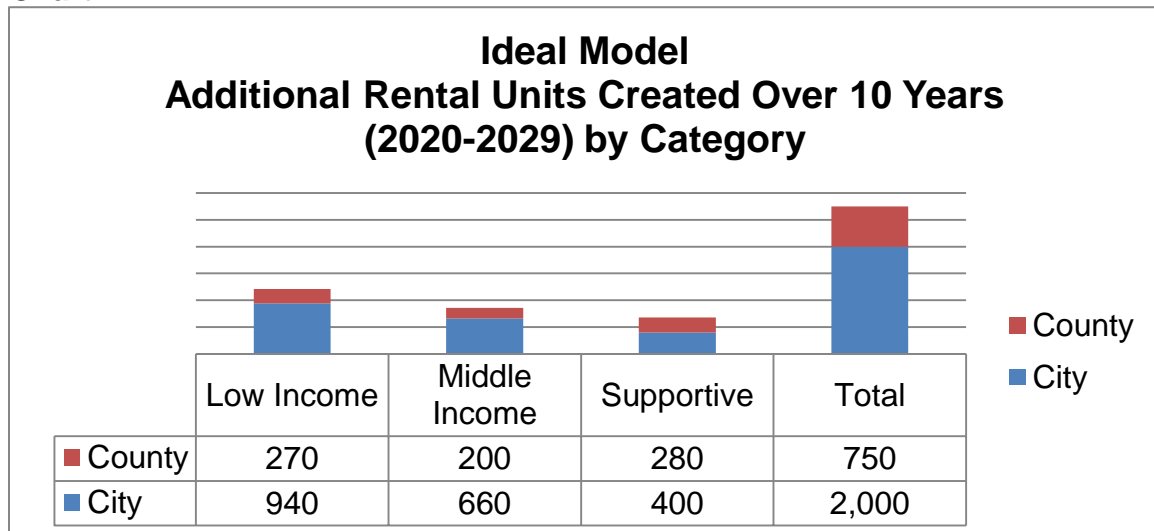


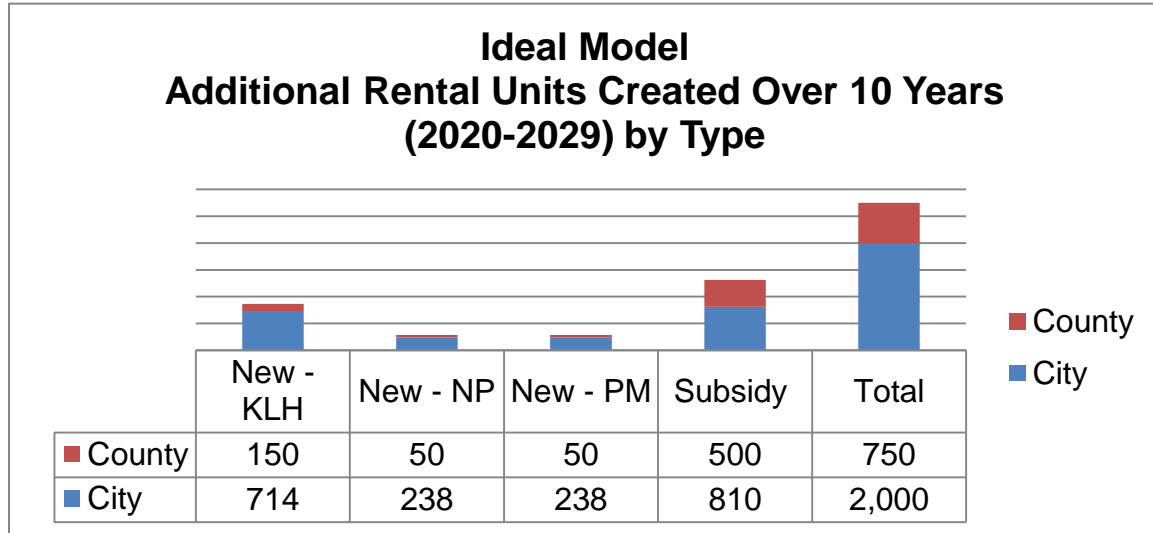
Chart 4



As mentioned previously, partnerships are key to creating these units. In order to plan and provide some direction in achieving the targets, some additional internal analysis resulted in further defining into types.

The following chart identifies how the rental units might be created and by who².

Chart 5



The expectation is that targets will be met through a combination of new construction and through subsidy in existing units. For those new units, it is further broken down by potential partners.

Table 2

	Ideal - New Construction			Ideal - Existing
	KLH Housing	Non Profit	Private Market	Subsidy
CKL	36%	12%	12%	41%
County	20%	7%	7%	67%

KLH Housing Corporation has been the key contributor in developing new affordable housing over the past several years. This model anticipates that KLH will continue and increase its contribution over the next 10 years. Of the percentage of units designated to occur through new construction, 56% of that contribution is recommended to occur through KLH (36% in the City and 20% in

² KLH: KLH Housing Corp NP: Non-Profit Provider PM: Private Market Subsidy: Rent Supplement/Housing Allowance/Portable Benefit

the County) will ensure that the majority of the new housing created will have affordability periods that match the life of the asset.

The balance of new construction units is anticipated to come equally through existing non-profit partners or the private market. The private market will include residents who create secondary units, developers of purpose built rental apartments or the creation of units through the rehabilitation of buildings.

The expectation of the private market participation is unknown and thus reflected in the smaller percentage. Private developers are and continue to be reluctant to develop affordable housing for a variety of reasons (little to no profit, current landlord and tenant law, etc). So while we have the policy direction in place to support and encourage them to do so, the uptake is the challenge. To date there is not overarching legislation that councils can rely on to require private developers to develop affordable housing.

The final type is the provision of some type of subsidy in an existing unit. This could be some combination of rent supplement or housing allowances, where the agreement is with the landlord and attached to a unit, or some type of portable benefit, where the tenant qualifies and takes to the benefit to a unit of their choice.

Achieving the Targets

Land

There has been some question as to whether the City and County have adequate land in settlement areas to support this increase in development. Only a portion of the targets are met by building new and therefore requiring available land (see Table 2). There is no expectation that the City or County need to have ownership of this land. The plan includes land owned by government and by others. It may require some or all of the following scenarios:

- Donation, lease or sale below market of federal, provincial or municipal lands to KLH or other community housing partners
- Use of current land already owned by KLH, other community housing partners, private developers
- Purchase or lease of privately owned land

The County in particular has approved affordable targets (Council and Provincial) within its Official Plan and Housing Strategy that exceed the targets presented in this report as new development. The current County Official Plan promotes equal

distribution between each local municipality based on population and needs as identified in the Housing Strategy.

Table 3

Municipality	Target Total Units	Target Affordable Units
Algonquin Highlands	140	35
Dysart et Al	719	179
Highlands East	280	70
Minden Hills	771	192
County Total	1,910	476

In order to further confirm land availability, a preliminary exercise was completed using MPAC property codes for both the City and County. The MPAC property codes were used to identify vacant parcels and then align those with the residential designations. The Official Plan direction that Council shall strive for 25% of all new development to be affordable to low and moderate income households was considered for this exercise.

For illustration purposes if we looked at Table 4 and Bobcaygeon for example, 25% of the 161 hectares of vacant residential land is 40 hectares. Even if all 40 hectares were developed as low-density (ie detached dwellings), using the Growth Management Strategy (2011) density target of 16.6 units/hectare results in 666 units.

Table 4: CKL Settlement Areas³

Settlement Area	Total Land (Sq Km)	Total Land (HA)	Vacant Residential Land (HA)	Affordability Factor: 25% of Vacant Residential (HA)	Density Factor: 16.6 units/ha
Bobcaygeon	7	700	161	40	666
Fenelon Falls	4	400	89	22	369
Lindsay	23	2,300	322	81	1,337

³ While the County table is able to identify land and servicing constraints, the City's detailed analysis is pending resolution of the appealed secondary plans.

Settlement Area	Total Land (Sq Km)	Total Land (HA)	Vacant Residential Land (HA)	Affordability Factor: 25% of Vacant Residential (HA)	Density Factor: 16.6 units/ha
Omemee	2.6	260	76	19	316
Woodville	2	200	12	3	50
TOTAL	38.6	3,860	660	165	2,738

Table 5: County Settlement Areas

Settlement Area	Total Settlement Area (ha)	Total potential area of vacant land	Total Area minus constraint and infrastructure	Number of potential lots	Potential Affordable Housing @25%
West Guilford	51	16.15	2.79	9	2
Eagle Lake	53	19.94	3.56	12	3
Irondale	66	47.29	5.09	17	4
Harcourt	48	56.46	10.72	36	9
Oxtongue Lake	371	210.28	33.75	84	21
Haliburton [MAH Mod 3c]	1,086	299.64	65.66	996	249
Wilberforce	187	11.65	19.06	32	8
Highland Grove	96	59.44	10.4	17	4
Cardiff	57	30.61	1.39	28	7
Tory Hill	47	19.82	2.76	5	1
Gooderham	89	33.2	5.8	10	2
Dorset	333	179.2	28.91	72	18
Carnarvon (AH)	42	46.31	6.26	16	4
Carnarvon (MH)	65	40.59	7.38	25	6
Minden	1,362	1,092.85	152.19	2,174	543
TOTAL	3,953	2,163.43	355.72	3,511	881

Planning Act changes on the horizon will give the potential for each new lot in the settlement areas developed with a single detached dwelling to also have a secondary suite and a dwelling in an accessory building. These provincial changes would then require updates to local planning documents.

While not all of the settlement areas have municipal services that does not preclude the development of new low, medium or high density residential development.

Process

In order to actively and aggressively work toward achieving the targets a clear and established process will include the following:

1. Efficient allocations of federal and provincial funding to maximize the number of units created
2. Knowledge of other funding opportunities and different funding models to support interested partners in creating viable business plans and applications for funding
3. Housing Services is added to the stakeholder list for pre-consultation processes and included early in any development discussions in order to encourage targets
4. Housing Services is added as a Land Management committee member in order to explore municipal lands for affordable housing purposes
5. The adoption of a policy which provides guidance and clarity to partners regarding municipal incentives, affordability periods and expectations; built from the council approved Affordable Housing Framework and the Municipal Housing Facilities Bylaw
6. The use of Community Improvement Plans wherever possible as a tool to achieve affordable targets
7. Annual information/education sessions each fall for programs that can assist to achieve targets including: new construction, multi-unit rehabilitation, secondary suites, rent supplements, etc
8. Expression of interest processes each winter following the information sessions to understand viable projects that could be funded in order to assist in meeting targets
9. Municipal budget process will annually consider the municipal incentive expenses for expression of interest submissions recommended by staff to proceed (within the overall budget priorities and requirements)
10. A debt allowance be established in order for KLH Housing to plan for new developments long term debt needs in meeting targets

Other Alternatives Considered:

The recommendation of this report is to adopt the “Ideal” model. The charts below provide information on the other two models that were created; Status Quo and Moving Forward.

Chart 6

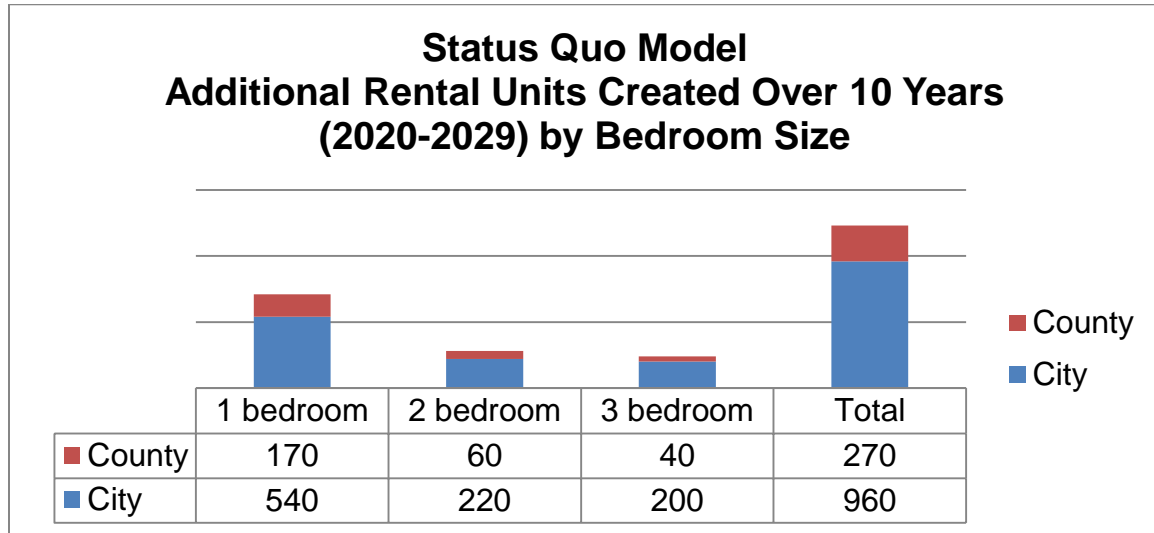


Chart 7

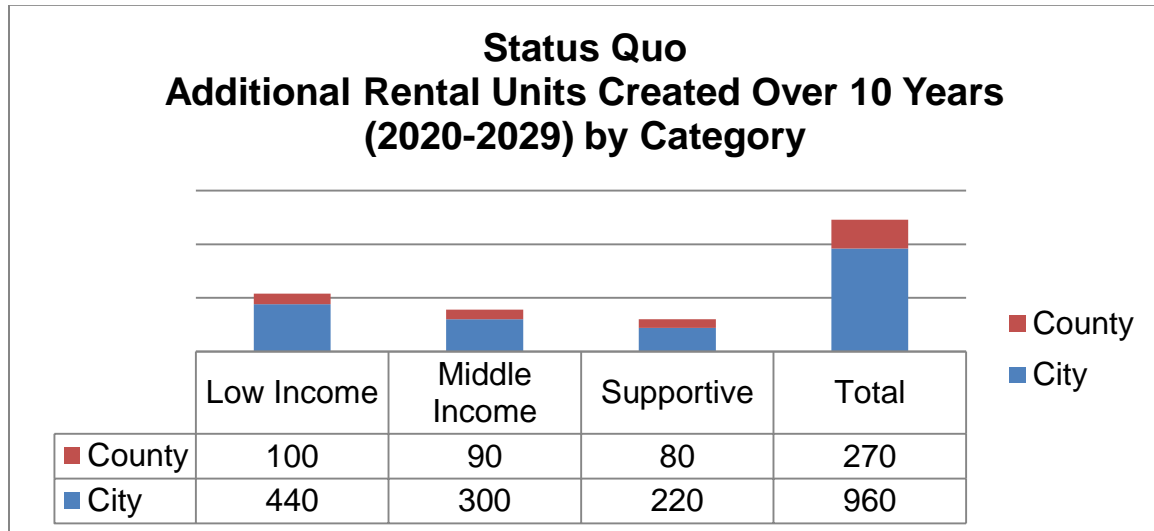


Chart 8

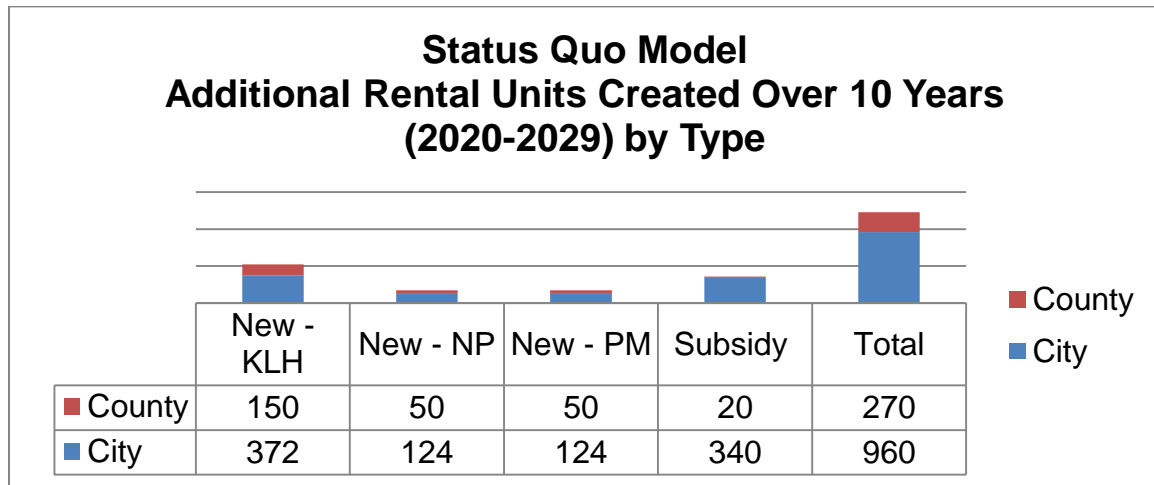


Chart 9

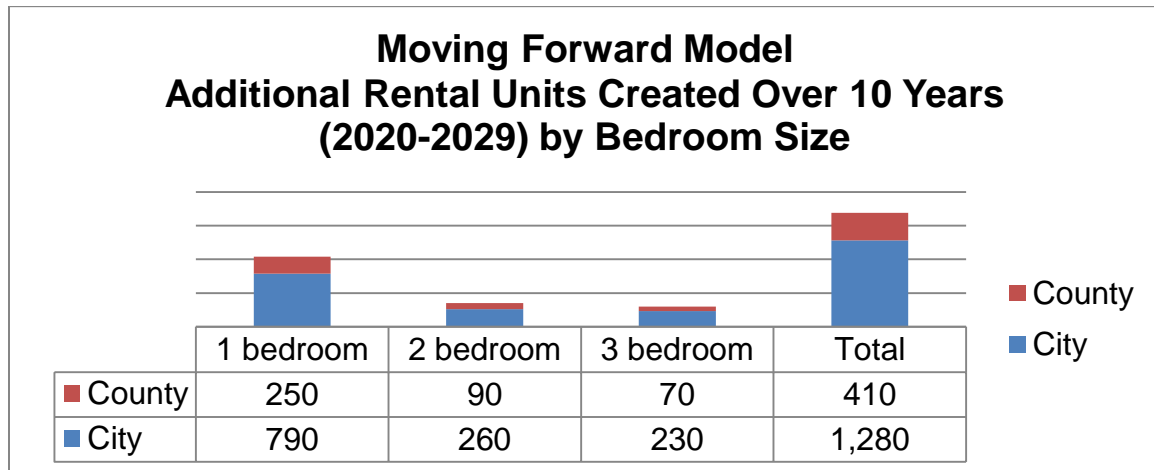


Chart 10

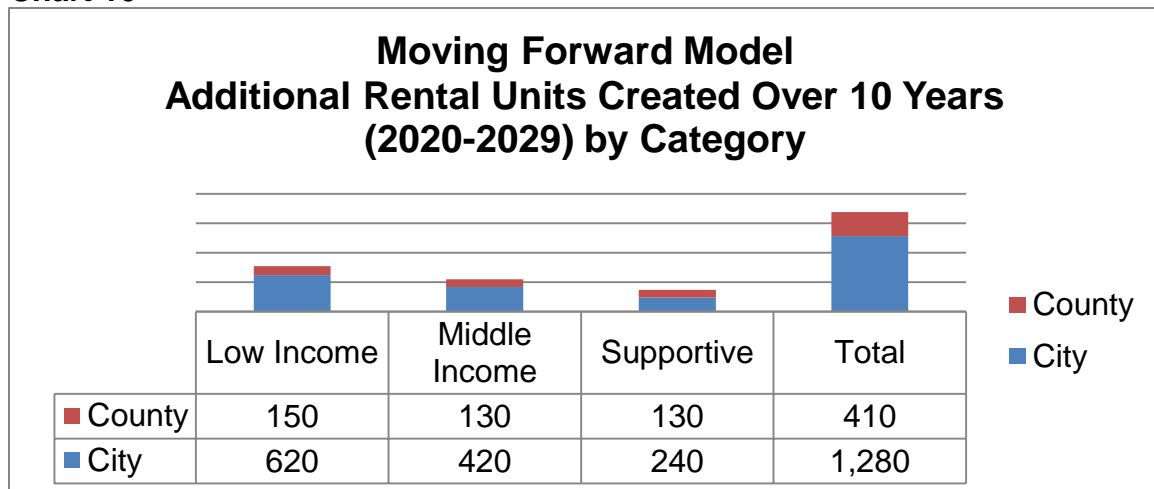
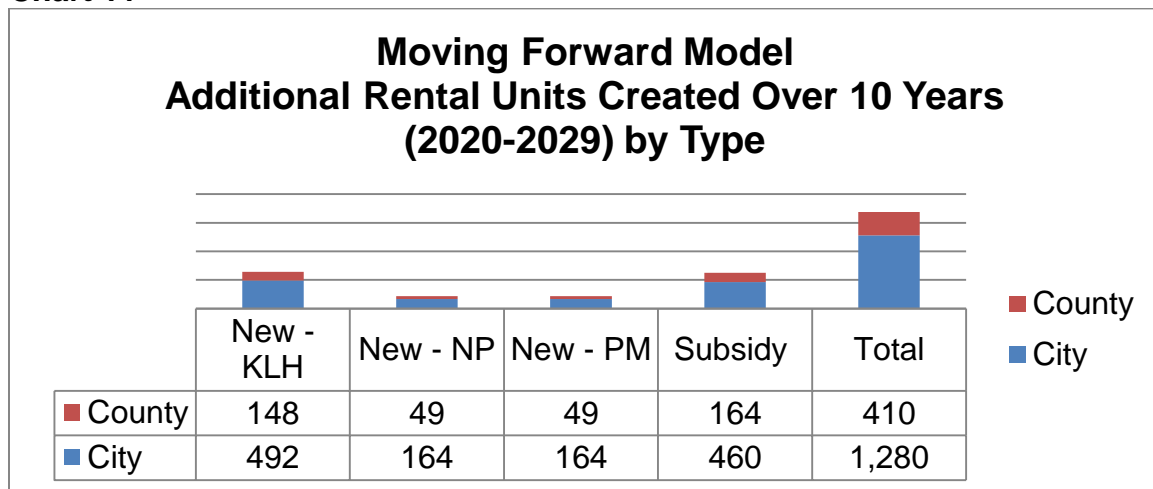


Chart 11



Financial/Operation Impacts:

It is too complex to calculate the actual municipal cost in order to achieve these targets at this point in time. There will be fluctuations in the numbers of units and types of units created annually. While subsidies could be introduced on a more regular basis year over year (depending on stock available), some development could be years in the making and potentially large enough to address a large percentage of the target independently. In order to achieve the low income targets and longer affordability periods, the greater the financial investment will need to be.

What is required is a commitment of all three levels of government to assist. Any partner in achieving the targets will need some level of assistance to provide rents affordable for the low and middle income.

Through the National Housing Strategy (NHS) access to various funding/financing is available. In addition the Province has committed to cost matching NHS funding where required providing Service Managers with funding allocations that can assist in meeting the recommended targets. Details of these programs and funding levels were presented to Councils in June.

New Construction, Rehabilitation and Secondary Suites

Providing municipal incentives to encourage new construction and rehabilitation will assist in variety of ways, all of which were detailed within the Affordable Housing Framework, adopted by councils and including such things as:

- The provision of land (donation, lease or below market value)
- Reduced or deferred property tax
- Exemptions from securities (for site plan as an example)
- Building permit fees, development charges, municipal service connection fees or charges, entrance permit fees, application fees and charges, parkland levy, etc

It is recommended that a council policy that identifies any such incentive the City or County could provide be adopted. Along with the list, levels would also be included to assist the proponent in understanding what the City or County would expect in return. For example incentives that equaled \$15,000 per unit might require the rent to be at 80% of average market rent for a period of 10 years.

The policy will assist the proponent to identify:

- which items apply to their development that are part of the list
- which incentives apply to their development situation (some incentives may not be available to a private developer or landlord, such as debt servicing)
- how does the value of the incentives impact the development (rent levels, affordability period)
- does it result in a viable financial plan that includes units which will help the City and County in meeting target

Within the expression of interest process, the value of municipal incentives would be established, such as:

- the cost of any fees or charges
- the value of capital grants
- the value of relief from security
- the estimated value of any reduced or deferred property tax
- the market value of any land being donated
- the estimated amount of debt servicing being requested

City or County budgets would incorporate the values of these requests. Once the budget and the project were approved the full value of the municipal incentives would be itemized within the municipal housing facilities agreement and the total amount registered on title. This agreement and the overarching bylaw is the authority to provide any such incentive (land, property tax, fees, charges, cash grants, etc) and outlines the obligations of each party, including

the affordability period. If breached the proponent is required to repay some or all of the value of these.

Instead of waivers or exemptions for fees and charges, transfers could take place between Housing Services (Service Manager) and other municipal departments for the value of any fees and charges on behalf of the proponent. For example connection fees, application fees, development charges. This process eliminates the need to change multiple municipal bylaws or policies to allow exemptions, keeps the same standard processes in place (in some cases only some of the units will be affordable) and allows for clean recording for all involved. It would require councils to approve a budget amount equivalent to the approved fees and charges for each project within the Human Services Department.

The policy and expression of interest criteria create a system where the higher the value of the municipal incentives, the lower the rent and the longer the affordability period. Where the City also provides an allocation of its federal/provincial funding to the project, rents and affordability periods may be further dictated at those two levels of government. The only exception to using the City's centralized community housing or homelessness list would be for those creating a second unit within their own home.

A draft of the policy is attached as Appendix A to this report. It is recommended that along with approving the targets, the policy is also adopted. The policy will allow staff to develop management directives, standard operating procedures, information and education materials, the expression of interest process, etc in order to implement that process later this year.

Supportive Targets

In addition to creating the unit, the supportive targets require some level of support service funding to ensure the tenancy is successful. This ranges from intensive case management for the homeless population to a few hours a week in personal support assistance for a senior beginning to age in place.

Objectives of the plan will go one step further than this report to identify specific population support needs. From there securing those investments either directly or with community agency partners will be required. There is no expectation at this point that any new municipal dollars can or should be identified for the support services as these costs should be addressed through provincial funds.

Subsidy in Existing Units

There are two ways to provide subsidy in existing units:

- a rent supplement attached to the unit itself; or
- a portable benefit attached to the tenant

Achieving the targets through rent supplement can follow a process where there is:

- information/education sessions with landlords/owners
- expressions of interest process
- annual budget request based on the expression of interests

Unlike the municipal incentives which are for the most part one time (with the exception of property tax), a rent supplement commitment requires stable annual ongoing funding. While there may be a small portion of new funding for this purpose, the substantial contribution will be municipal.

The portable benefit is successful especially with certain populations, like the homeless. Annually, during budget processes, Housing Services will recommend the increase in the number of portable benefits that should be added. In addition there is an expectation that the national housing benefit will be implemented in Ontario beginning in 2020. This is part of the National Housing Strategy.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Setting targets and creating more affordable housing is contributing directly to Action 2.2.3.

Consultations:

Treasurer, City of Kawartha Lakes
Policy Planning Supervisor, City of Kawartha Lakes
Data Analysis Coordinator, City of Kawartha Lakes
Manager of Planning, County of Haliburton
Org Code Consulting Inc

Attachments:

Appendix A - Affordable Housing Incentives Policy



Draft CP2019-XXX
Affordable Housing Ir

Department Head E-Mail: rsutherland@kawathalakes.ca

Department Head: Rod Sutherland

Council Policy No.:	CP2019-XXX
Council Policy Name:	Affordable Housing Incentives
Date Approved by Council:	September 2019
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Form	

Policy Statement and Rationale:

The City of Kawartha Lakes is the provincially designated Service Manager for the administration and delivery of Housing and Homelessness services under the Housing Services Act (“the Act”) within the City and the County of Haliburton.

Although the City is the designated Service Manager within the Act for the City and County, policy direction with financial impacts for both are developed in a coordinated approach.

This policy is applicable for additional affordable housing in both the City and the County since the Service Manager is the responsible party for approval and administration of the Municipal Housing Facility Bylaw and any project specific agreements occurring under that bylaw. The Service Manager is also the recipient and responsible for any federal and/or provincial affordable housing funding.

In connection with the council adopted Affordable Housing Framework, this policy will provide clarity and guidance to proponents wishing to assist the City or County in the development of new affordable housing units and more specifically in achieving targets established in the 2020-2029 Housing & Homelessness Plan.

Any incentive or funding will apply only to the unit(s) which meet or exceed the definition of affordable housing for the City and County as defined in Bylaw 2018-057.

Scope:

Eligible Proponent Types:

- KLH Housing Corporation (KLH)
- Community Housing Provider (CHP)
- Private Non Profit (PNP)

- Private Developer (PD)
- Habitat for Humanity (HH)
- Homeowner (HO)

Available Municipal Incentives:

The incentives listed in Table 1 are provided in order for proponents to complete expression of interest packages. While councils have approved these items as incentives to help create affordable housing units, proponents and budgets must still be approved on a case by case basis.

Table 1: Municipal Incentives

Incentive	Method	Eligible Proponent	Program Type
Municipally Owned Land	Donation	KLH, CHP, HH	New Rental Construction
Municipally Owned Land	Lease	KLH, CHP, PNP	New Rental Construction
Municipally Owned Land	Below Market Value	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Land Management Fees & Charges	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Property Tax Exemption	Offsetting grant	KLH, CHP, PNP	New Rental Construction
Property Tax Deferral	Offsetting grant	PD	New Rental Construction, Secondary Suite, Rehabilitation
Pre Consultation Fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental Construction, Secondary Suite, Rehabilitation
Zoning application fee, advertising fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation, Secondary Suite
Official Plan Amendment application fee, advertising fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation,



Council Policy

Incentive	Method	Eligible Proponent	Program Type
			Secondary Suite
Removal of Holding System application fee, advertising fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation, Secondary Suite
Minor Variance application fee, advertising fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation, Secondary Suite
Consent Fees, advertising fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation, Secondary Suite
Site Plan Application Fees	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Site Plan Security	Requirement to provide waived	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Subdivision or Condominium application fee, advertising fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Building Permit Fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation, Secondary Suite
Demolition Permit Fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation
Accessory Dwelling Unit Permit	Offsetting grant	KLH, CHP, PNP, PD, HH	Secondary Suite
Landfill Tipping Fees, contaminated soil & construction/demolition waste	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation, Secondary Suite



Council Policy

Incentive	Method	Eligible Proponent	Program Type
Development Charges	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Development Application Approvals Process (DAAP) fees	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Parkland Levy	Requirement to provide land or cash value waived	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Entrance Permit	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Conservation Permit Fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Demolition Water Turn Off Service	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation
Water & Sewer Connection Fee	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation, Secondary Suite
Water & Sewer Frontage Charges	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction, Rehabilitation, Secondary Suite
Water Responsibility Agreement Security	Security requirement waived	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Municipal Improvement Cost Sharing	Offsetting grant	KLH, CHP, PNP, PD, HH	New Rental or Ownership Construction
Debt Servicing Assistance	Secured financing only, reimbursement of interest and principal payments responsibility of proponent	KLH, CHP	New rental construction

Incentive	Method	Eligible Proponent	Program Type
Cash Contribution	Grant	KLH, CHP	New rental construction
Rent Supplement/Housing Allowance Funding	Operating subsidy	KLH, CHP, PNP, PD, HO	Existing Rental

Other Funding:

In addition, the Service Manager may have access to allocations of funding under certain federal and/or provincial programs. Any funding available within these programs will be communicated during the annual information/education sessions and Expression of Interest.

Rental Affordability Period:

In order to receive incentives, proponents will be required to meet affordable rents for a period of time. That period of time, or affordability period, will be established by considering the per unit contribution to the project by totalling the value of all incentives. The affordability period would range from a minimum of five years to a maximum of forty years.

Ownership Affordability Period:

In order to receive incentives, proponents will be required to initially offer the home at an affordable price, as agreed to by Service Manager.

Agreements:

New development ownership and rental proponents will enter into formal agreements that outline the requirements including the affordable home prices or rents, the affordability period and the value of each incentive provided. The total value of the incentives will be registered on the title of the property. Registrations will not be removed until conditions are met (home sold at affordable price or end of affordability period). Should the agreement be breached at any point during its term, the full value of the original incentives provided will become due and payable to the Service Manager.

Existing rental proponents receiving rent supplement or housing allowance subsidies will enter into agreements that outline the requirements including the rents and affordability periods. These agreement are not registered on title as they are receiving monthly payments in order for tenants to receive a subsidy.

Policy:

1. Following the scope of this policy staff will develop management directives, standard operating procedures, applications, information and education packages.
2. At least once each year this information will be delivered through workshops in the City and the County to interested proponents comprising at minimum of:
 - a. Overview of the plan and targets
 - b. Policy overview
 - c. How to participate in the Expression of Interest
 - d. Next steps following the Expression of Interest
 - e. Feedback on the policy and process
3. An Expression of Interest process will be developed by staff and documented within management directives or standard operating procedures.
4. At least once each year, following information sessions and prior to budgets being established, a request for Expressions of Interest will be communicated publically. The requirements of the Expression of Interest process will include, but not be limited to some of the following:
 - a. How the project meets the affordable housing targets
 - b. A calculation and a sliding scale which provides the anticipated price or rental charge and affordability period based the dollar value of the incentives or funding being provided
5. Staff will assess Expressions of Interest in order to make recommendations during subsequent budget cycles.
6. Following approvals, proponents will be required to enter into municipal housing facilities agreement with the City.

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
0.0	[Date]	Initial Release	



Council Policy

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number CORP2019-017

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Proposed Amendments to High Bill Adjustment Policy
(CP2017-006)

Author and Title: Linda Liotti, Manager, Revenue and Taxation

Recommendation(s):

That Report CORP2019-017, **Proposed Amendments to High Water Bill Adjustment Policy**, be received; and

That these proposed amendments to the High Water Bill Adjustment Policy (CP2017-006), attached as Appendix “A” to this report be brought forward for Council for approval at the September 24, 2019 Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting on April 18, 2017, Council adopted the High Bill Adjustment Policy replacing the Contested High Consumption Policy.

Subsequently, at the Council Meeting of June 18, 2019, Council adopted the following resolution:

CR2019-398

That the High Water Bill Adjustment Appeal Committee and any requests received for appeal be placed on hold; and

That the High Water Bill Adjustment Policy be brought forward to Council at a July 2019 meeting for review.

The existing policy framework for the management of processing high bill adjustments and the role of the High Water Bill Adjustment / Mandatory Service Connection Appeal Committee is under review to ensure alignment with the fiscal responsibility of the City. The purpose of this Report is to update the existing High Bill Adjustment Policy and streamline the appeal process directly to Council.

Rationale:

The High Bill Adjustment Policy and the High Water Bill Adjustment and Mandatory Connection Appeals Committee have been in existence for over a year. It was felt that it would be prudent to report, through a retrospective lens, a high level overview of activity in both these streams.

Adjustments Processed by Staff (High Bill Adjustment Policy)

Year	# of Adjustments	Total Relief	Type of Property Adjusted		
			Residential	Multi Residential	Commercial / Industrial
2017	23	\$14,080.53	21	1	1
2018	19	\$9,352.30	17	2	-
2019	17	\$10,838.42	14	2	1
Total	59	\$34,271.25	52	5	2

High Water Bill Committee Recommendations:

Year	# of Applicants	# of Approved Adjustments	Total Relief	Type of Property Adjusted		
				Residential	Multi Residential	Commercial / Industrial
2017	-	-	\$ -	-	-	-
2018	4	3	\$3,659.21	1	1	1
2019	8	-	\$ -			
Total	12	3	\$3,659.21	1	1	1

Further root-cause analysis was completed to gain insight for the majority of circumstances in both streams. The analysis has resulted in the following proposed amendments:

- That relief be provided for obvious or hidden leaks, resulting in high consumption (previously denoted in Section 8) that occurs from circumstances beyond the control of the property owner. Instances, such as leaking plumbing fixtures (ie. taps, toilets, etc.), water softeners, water powered sump pumps will no longer qualify as these matters should be part of regular maintenance of the property by the property owner.
- Instances of unexplained sudden large increase in consumption will now be considered for adjustments, depending on circumstances, and in consultation with the Director of Public Works
- The policy be expanded from only residential and not-for-profit properties to all property types with an adjustment cap of \$1,500 being applied.
- Written notification must occur within 30 days of bill date
- Maximum period adjusted will be one billing cycle (3 months)
- Remove minimum threshold of \$50 for processing of an adjustment

These proposed amendments will create transparency and efficiency in processing the high water bill adjustments as the policy is broadened to include the property classifications presently excluded and currently coming to the Committee, which, in general has been using the policy as a guideline to provide financial relief to these cases.

Other Alternatives Considered:

None

Financial/Operation Impacts:

Unquantifiable, however, as the majority of adjustments were processed as a result of high consumption due to obvious or hidden leaks resulting from circumstances within the property owner's control, the proposed amendments will reduce the number of adjustments. Also, with the introduction of an adjustment cap of \$1,500 for all properties, this will reduce the financial impact of the processed adjustment.

Further, the Water and Wastewater rates are established to recover the cost of producing and delivering safe drinking water to property owners, and the collection and treatment of wastewater. Providing relief to residents for high water bills or exemptions from the physical mandatory service connection requirements (as described in section 2.01, 2.02 and 2.03 of the Mandatory Connection By-law, as amended) results in the City incurring a cost for which there isn't a direct revenue for recovery. This cost is then borne by the remaining user rate contributors throughout the City. It is anticipated that these proposed amendments will lessen the relief provided and increase stability in the Water and Wastewater rates.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

Strategic Enabler – Responsible Fiscal Resource

Consultations:

Property Owner

Director, Public Works

High Water Bill Adjustment / Mandatory Service Connection Appeal Committee

Attachments:



**Appendix A -
Proposed Amendment**

Department Head E-Mail: jstover@kawarthalakes.ca

Department Head: Jennifer Stover



Council Policy No.:	CP2017-006
Council Policy Name:	High Bill Adjustment Policy
Date Approved by Council:	April 18, 2017
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

This Policy establishes the expectations of Council relating to a high bill inquiry.

Scope:

This policy covers various types of high consumption water and wastewater bills and how to address customer concerns.

Policy:

1.0 Definitions

- 1.1 **“High Bill”** is a bill that is 2 x the normal consumption for the same period in the previous year based upon average daily consumption.
- 1.2 **“Leak”** means an unintentional water loss that is caused by circumstances beyond the control of the property owner (eg. broken and/or malfunctioning pipes within a residence or building). A leak occurs when there is a failure on the plumbing system to do what it was designed to do.
- 1.3 **“Unoccupied”** means a dwelling and/or building in which occupants are absent from the property for a time period of seventy-two (72) hours or more.
- 1.4 **“Vacant”** means regardless of the presence of furnishings, a vacant dwelling and/or building is one that is not used by an owner/lessee or is not occupied by an owner/lessee. A newly constructed dwelling and/or building is also considered to be vacant after it is completed and before the occupants move in.

2.0 General

- 2.1 A high bill can be a result of:

- A reading error



- A period of increased consumption
 - An estimated bill that is higher than the actual consumption
 - A catch up bill following one or more estimated bills
 - A final meter reading from an existing meter where a new water meter is being installed
 - Obvious or hidden leaks
 - A malfunctioning water meter
 - Installation of a new meter
 - Mis-matching of registers and meters
- 2.2 Pipes and infrastructure after a water meter are on private property and is not a municipal responsibility.
- 2.3 Plumbing must be in compliance with government regulations.
- 2.4 By-law 2018-039, A By-law to Regulate Water and Wastewater Services, Section 10.03(i) provides authority to adjust accounts where the meter is not registering or not registering correctly.
- 2.5 Estimated readings are used where an actual reading cannot be obtained due to:
- Staff availability
 - No reading available due to faulty equipment
- 2.6 Estimated readings will not be used when an actual water meter reading is available and is higher than a normal reading as it masks potential issues that may not be identified until subsequent bills.
- 2.7 An estimated reading is identified on the bill.
- 2.8 Staff shall assist the customer in identifying the cause of a high bill.
- 2.9 The following circumstances will not qualify for an adjustment to an account:
- Water loss, resulting in high consumption, from circumstances within the control of the property owner. Examples of such circumstances are, but not limited to, obvious or hidden leaks in the following:

- Plumbing fixtures (taps, toilets, etc)
- Water softeners
- Irrigation system
- Icemakers
- Water powered sump pumps
- Water loss due to theft, vandalism or construction damage, as the responsibility to resolve these issues lies with the customer
- A leak was caused by a third party from whom the customer is able to recover their costs
- A dwelling and/or building is Unoccupied and/or Vacant for 72 hours or more
- Costs can be recovered through an insurance claim

3.0 A Reading Error

- 3.1 Occasionally a reading error will occur and result in a higher than normal bill for a customer. When this happens the correct reading shall be entered and the customer will be notified of the adjustment if applicable.
- 3.2 Where the reading error was a prior period resulting in a low bill and then a higher bill in the subsequent billing cycle, the customer will be provided the details of the error, and if requested, will be provided an extended period of time to pay the higher bill without late payment charges. Repayments should not extend beyond 6 months.

4.0 Period of Increased Consumption

- 4.1 Reasons for periods of increased consumption include but are not limited to:
- Seasonal Use:
 - Watering of sod and/or gardening
 - Filling of swimming pools or whirlpools
 - Washing vehicles
 - Use of irrigation systems



- Building of ice rinks
 - Visitors
 - Increase in the number of days in the billing period
 - Neglect of private property
- 4.2 The uses denoted above do not constitute a reason for an investigation of a high bill.

5.0 Estimated Bill Higher than Actual Consumption

- 5.1 An account that has been estimated shall be adjusted to reflect actual consumption:
- When the customer provides the City with a meter reading when estimated readings were used for billing purposes; or
 - After the water meter and remote reading equipment has been inspected and repaired or replaced in the case of faulty readings and notices have been left for repair.
- 5.2 If there is no response to the first request to inspect and repair or replace within 90 days, estimates will continue in accordance with the By-law to Regulate Water and Wastewater Services.
- 5.3 If it is determined when the meter is inspected and repaired or replaced, that the meter was malfunctioning, estimates shall remain as billed unless the estimate is not comparable to normal usage for historical billing periods where actual reads were available.

6.0 Catch Up Bill

- 6.1 When previous bills have been estimated and the subsequent bill is an actual reading no adjustment shall be provided.
- 6.2 Where the catch up bill is more than two times the normal consumption based on the 5 year average, if requested, an extended period of time to pay the higher bill without late payment charges will be provided. Repayments should not extend beyond 6 months.



7.0 Final Meter Reading from Replaced Water Meter

- 7.1 Where there is a discrepancy between the outside reader and the water meter and the reading is based upon the Touch Read Technology (TRT) the discrepancy could be a result of communication error between the water meter and the TRT device due to environmental factors.
- 7.2 Where the difference results in a water bill of more than 2 times difference than the daily average for the previous 5 years, the adjustment calculation used in relation to Section 11.0 will be applied.

8.0 Malfunctioning Water Meter

- 8.1 If a water meter has been sent for testing and it has been determined the meter has been over registering and exceeding the limits established in By-law 2018-039 the water bill in question shall be recalculated to reflect the amount of the overcharge or where a recalculation cannot be reasonably made the charge shall be adjusted to reflect the flat rate water and/or sewer charges as defined by By-law.

9.0 Installation of a New Water Meter

- 9.1 Old water meters may not capture consumption due to under or un-registering the consumption and the new water meter will now be accurately measuring the consumption.
- 9.2 No adjustment will be made as the water meter is correctly measuring the water consumed at the property.

10.0 Mismatching of Registers and Water Meters

- 10.1 Water meters and registers are matched when delivered to the City and accounts are set up indicating the unit of measure for billing purposes.
- 10.2 When it has been identified the register attached to the water meter does not match the size of the water meter or the unit of measure is incorrect the situation will be corrected.
- 10.3 Where it has been identified the unit of measure has been recorded incorrectly the situation will be corrected and adjustments made.
- 10.4 If the mismatch results in a credit to the property owner the account will be adjusted back to the date of the installation of the water meter.



10.5 If the mismatch is in favour of the municipality an adjustment will be made for the previous 2 year period.

11.0 Obvious or Hidden Leaks

11.1 This policy applies to all property types where a obvious or hidden leak has occurred, causing high consumption, due to circumstances beyond the control of the property owner and do not include circumstances identified in Section 2.9 of this policy.

11.2 Reasonable effort to locate the leak and initiate repairs must be taken by the customer within 30 calendar days upon notification from the City of increased water usage.

11.3 Notification may include, but is not limited to:

- Water billing with higher than historical average consumption
- A written notice delivered to the owner or occupant
- A courtesy phone call

11.4 To qualify for an adjustment water usage must exceed 2 times (200%) the average daily consumption of the similar period from the previous 5 years (not including estimated readings).

- If history is not available for the previous 5 years, available history will be used in the calculation.
- If no history is available the cubic metres used in the calculation of the flat rate water charges will be used as the average.

11.5 The customer must provide sufficient documentation of repairs.

11.6 Notification to the City is required within 14 calendar days after the date of the final repair(s).

11.7 The customer's account must be in good standing at the time of submission.

11.8 The adjustment shall be in the form of a credit applied to the account.

11.9 Adjustments shall be issued after repairs have been completed and verification water usage at the location has returned to normal.



- 11.10 Failure to request a review within 60 days of initially being notified of the high consumption waives the customer's opportunity for an adjustment.
- 11.11 The customer is consenting to the City or its representative the right of access to the property for the purpose of an inspection to determine whether the issue resulting in high consumption was repaired within the required timeframe.
- 11.12 The City reserves the right, in circumstances below, to process adjustments after consultation with the Director of Public Works:
- Where the water meter has been tested and found to be measuring water consumption within prescribed standards for accuracy and is otherwise free from defects that could affect the measuring of water consumption; and no other City activity could have reasonably caused, in the determination of the Director of Public Works or designate, the increase in recorded water consumption.
 - Where the increase in recorded water consumption, in the determination of Director of Public Works or designate cannot reasonably be attributed to an act or omission of the customer, an occupant of the property or a person within the customer's or occupant's control; or a leak or other defect in the private plumbing system of the customer's property.
 - Where the customer provides to the City, at the customer's cost, written verification from a licensed plumbing contract, that the private plumbing system of the property is free from leaks or other defects that may affect water consumption and that upon careful inspection of the system there are no other factors that may explain the increased consumption.
- 11.13 The adjustment will be calculated as 50% of the difference between the high water bill and the average consumption, to a maximum of \$1,500 as per Section 13.1.
- 11.14 A maximum of one billing cycle (3 months) will be adjusted.
- 11.15 Wastewater reductions will be calculated in the same manner.

12.0 Payments

- 12.1 There is no extension of the due date or the time for paying water and/or wastewater bills because of a pending adjustment request.
- 12.2 Late payment charges will only be adjusted in relation to the adjustment provided for the leak or where readings have been estimated for an extended period of time resulting in a large reconciliation bill.



Council Policy

13.0 Adjustment Cap

13.1 Adjustments under this policy will be capped at \$1,500 for all properties.

14.0 Frequency of Adjustments

14.1 Property owners are responsible for ensuring there is no repetition of this occurrence. As such, only one leak adjustment per property during the term of the applicant's ownership of the property shall be permitted.

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
1.0	Sept 10, 2019	Edits of Section 2.9 and Section 8, removal of section 12 and edits of Sections 11 and 14	Council

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number CORP2019-024

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: 2019 Q2 Capital Close

Author and Title: Nicole Owens, Junior Accountant

Recommendation(s):

That Report CORP2019-024, **2019 Q2 Capital Close**, be received;

That the capital projects identified in Attachment A to Report CORP2018-024 be approved to be closed due to completion;

That the balances in the table below as per Attachment A be transferred to or from the corresponding reserves;

Reserve	Report Closing Balance
Capital Projects Reserve	\$87,480.19
Public Works Fleet Reserve	\$432,429.85
Police Reserves	\$62,304.44
Sewer Infrastructure Reserve	\$2,135.56
Water Infrastructure Reserve	\$25,960.40

That the following projects be granted an extension to December 31, 2019:

- 928180100 - IT Systems
- 932170201 - ***Bethany Fire Station Replacement (2017-2018)
- 932180100 - Fire Facilities
- 932180300 - Fire Equipment
- 983150600 - ***Urban/Rural Reconstruction Projects (2015-2017)

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

- 983180201 - Jennings Creek Culverts
- 983180400 - Urban/Rural Resurfacing
- 983180500 - Rural Resurfacing
- 983180700 - Road Lifecycle Extension
- 983181000 - Streetlights
- 983181100 - Traffic Signals
- 983181200 - Parking Lots
- 998180300 - Water Distribution & WW Collection 2018
- 998180400 - Water Treatment Program 2018
- 998180500 - Wastewater Treatment 2018
- 950180100 - Parkland Siteworks
- 950180200 - Parkland Facilities
- 950180300 - Parks & Rec Equipment
- 950180400 - Cemetery Siteworks
- 950180601 - Dalton Community Centre Elevator
- 953170300 - Building Envelope
- 953180100 - B&P Facilities
- 953180201 - Demo & Removal of 6 Buildings
- 983180600 – Gravel Resurfacing 2018

That the following project be granted an extension to June 30, 2020:

- 998161701 - Lindsay WPCP Upgrade - Construction

That the following projects be granted an extension to December 31, 2020:

- 983180300 - Urban/Rural Reconstruction
- 998151801 - Ridout St SPS - Pumps & Flow Meter
- 950180500 - Arenas & Pools
- 950190100 - Parkland Siteworks

That the following project be granted an extension to June 30, 2021:

- 998110100 - Omemee WPC Plant Upgrades

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Background:

This report is provided to advise Council on each capital project's actual costs versus its approved budget and to close projects that are complete as of June 30, 2019 in accordance with the Capital Close and Administration Policy.

Rationale:

The expectation of a capital close report is to bring completed capital projects to a zero balance by recommending provisions for any shortfalls and disposition of surplus amounts. When projects are closed with a surplus, the surplus is typically transferred to the Capital Projects Reserve. There are some exceptions to this practice. If the project being closed was funded from a source other than the general tax levy then the surplus is returned to that source of funding.

Please see below a list of attachments:

Attachment A - Lists all projects completed and recommended to be closed identifying the amount that will be returned to the reserves listed. There are projects that are closing with a zero balance as the funding has been returned to the original funding source and does not require Council approval to do so.

Attachment B – Lists all projects that will be complete as of December 31, 2019 or are on target to be completed by their current completion date. The project numbers with three asterisks (***) are multi year projects that will have additional funding over multiple years and will be using the same project number until the project is completed.

Attachment C – Lists the active projects that are seeking Council Resolution to extend the current completion date.

Current Project Summary

	Number of Projects	Total Budget	Spending as of June 30th 2019	Remaining Budget as of June 30th 2019
Closing Projects	21	\$5,374,179	\$4,741,039	\$633,140
On Target Projects	75	\$113,675,773	\$51,780,094	\$61,895,679
Projects Requesting Extension	30	\$47,060,146	\$32,091,708	\$14,968,438
Total	126	\$166,110,098	\$88,612,841	\$77,497,257

Other Alternatives Considered:

Council may choose an alternative direction with respect to where the over and under expenditures should be transferred. Staff's recommendations are in accordance with the Capital Close and Administration Policy C 187 FIN 018.

Financial/Operation Impacts:

The status of each project has been reviewed by Directors and appropriate management staff. The below detailed tables show the balances to the affected Reserves and Deferred Revenue, of the projects being closed.

Attachment A: Completed Projects

The table below details surplus funds from closing projects that require Council approval to return to reserves.

Reserve	Report Closing Balance
Capital Projects Reserve	\$87,480.19
Public Works Fleet Reserve	\$432,429.85
Police Reserves	\$62,304.44
Sewer Infrastructure Reserve	\$2,135.56
Water Infrastructure Reserve	\$25,960.40

Obligatory Funds

The table below details a list of surplus funds from closing projects that do not require Council approval to be returned.

Obligatory Reserves and Development Charge Reserve	Report Closing Balance
Gas Tax Reserve – Transit	\$7,600.55
Provincial Grants Receivables	\$2,631.44
Federal Grants Receivables	\$2,631.44
Development Charges	\$2,408.19

Debenture Proceeds

The debenture debt will be decreased by \$7,558.13 due to the closure of various capital projects that already had debenture funding from previous capital budgets.

Debenture Proceeds	Report Closing Balance
998170601 – Fenelon Falls Water Treatment Plant	\$7,558.13

In summary, a total of \$633,140.19 is recommended to be closed and returned to the original budget funding sources. There are currently 126 active projects and staff recommend closing 21 projects, leaving a remaining 105 projects open.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This recommendation assists in achieving the Strategic Enabler goal. This Capital Close enables Council and the public to see that the projects that have been approved are being closed within budget and in a timely manner. This illustrates responsible fiscal resource management.

Consultations:

Directors, Managers and Executive Assistants

Attachments:



Attachment A -
Closing Projects.xlsx



Attachment B - On
Target Projects.xlsx



Attachment C -
Projects Requesting an

Attachment A: Completed projects.

Attachment B: Projects on target to be closed by current completion date.

Attachment C: Projects requesting an extension.

Department Head E-Mail: jstover@kawarthalakes.ca

Department Head: Jennifer Stover

Completed Projects as of June 30, 2019

Project Number	Description	Budget Year	Capital Reserve	Fleet Reserves	Police Reserves	Sewer Infrastructure Reserve	Water Infrastructure Reserve	Provincial Grant	Federal Grant	Development Charges	Debenture	Gas Tax Reserve	Total
998151201	Lindsay WPCP Upgrade	2015				2,135.56				2,408.19			4,543.75
998152200	Glenelg St E - Watermain Replace/Design	2015					25,846.67						25,846.67
928170401	Upgrade Client Hardware	2017	(3,573.60)										(3,573.60)
932170901	Bunker Gear	2017	1,096.71										1,096.71
998170601	Fenelon Water Treatment	2017									7,558.13		7,558.13
953170200	Building Services	2017	47,055.05										47,055.05
932180201	Fire - Fleet	2018		683.19									683.19
938180200	Paramedic - Fleet	2018	2,631.01										2,631.01
938180301	Paramedic Equipment - PAD's	2018	(529.92)										(529.92)
942180101	Police Computers	2018			19,989.91								19,989.91
942180201	Police Printer Replacement	2018			1,425.76								1,425.76
942180301	Police Vehicle Replacement	2018			24,625.08								24,625.08
942180401	Police Radio System Upgrade	2018			8,098.48								8,098.48
942180501	Police Switch Replacement	2018			8,269.57								8,269.57
983181301	Municipal Drains	2018	39,931.82										39,931.82
997180200	Landfill Equipment	2018	5,955.91										5,955.91
998180101	Caroline St Water Main Replacement	2018					113.73	2,631.44	2,631.44				5,376.61
994180101	Transit Stops & Shelters	2018										7,600.55	7,600.55
994180200	2018 Fleet Equipment	2018		431,746.66									431,746.66
991180100	Roads Operation Depots	2018	(5,086.79)										(5,086.79)
942190701	Police CEW's (Taser) - 7 Units	2019			(104.36)								(104.36)
	Total		87,480.19	432,429.85	62,304.44	2,135.56	25,960.40	2,631.44	2,631.44	2,408.19	7,558.13	7,600.55	633,140.19

Capital Projects on Target to be Closed by Current Completion Dates as of June 30, 2019

Job	Description	Budget Year	Total Approved Budget as of June 30, 2019	Total Spending as of June 30, 2019	Remaining Budget as of June 30, 2019	Closing Date	% Complete	Comments
Multi-year Projects - On Target								
932130701	***Fire Services Central Training Facility	2014	75,000.00	426.80	74,573.20	December 31, 2020	0%	PROJECT EXTENSION APPROVED CW2019-111 Multi year project requiring additional funding. Master Fire Plan recommendation MFP T-1 "That a Central Training Facility be established to incorporate all aspects, facilities and equipment discussed in this plan." Funding from 2014 & 2015 totals \$75,000. More funding is required to complete the project. Funding expected in 2020 Capital Budget.
928151500	***ERP System	2015	3,200,218.00	3,030,191.76	170,026.24	December 31, 2020	75%	Implementation and Enhancements ongoing
998151701	***Colborne St SPS Upgrades	2015	5,680,000.00	9,160,159.33	(3,480,159.33)	December 31, 2020	100%	Project in conjunction with 998170502 - Colborne Sanitary Pumping STN
950151801	***Logie Park Improvements	2015	4,518,177.00	650,092.05	3,868,084.95	June 30, 2020	75%	Construction underway.
950153301	***Shoreline Restore Sheet Piling	2015	600,000.00	227,189.92	372,810.08	June 30, 2020	75%	Project underway, construction work being done.
932171001	***SCBA Gear	2017	500,000.00	-	500,000.00	December 31, 2020	0%	Multi year project. Equipment to be ordered once all funding has been approved.
953170501	***Development 68 Lindsay St N	2017	12,400,000.00	12,126,656.37	273,343.63	December 31, 2019	95%	Final work being done by contractors, on track to be completed by year end.
983181400	***Gravel Road Rehabilitation	2018	3,475,350.00	503,896.01	2,971,453.99	June 30, 2021	50%	Multiyear project. Completion expected in 2021. Tenders approved and purchase orders generated
987180301	***Airport Capital Plan (2018)	2018	35,000.00	24,316.10	10,683.90	June 30, 2019	50%	Projects underway. All projects are being done in junction with one another.
999190101	***Document & Record Management System	2019	421,000.00	1,785.89	419,214.11	June 30, 2021	0%	Year 1 of multi-year project. Consultations and planning is underway.
Multi-year Project Sub Total			30,904,745.00	25,724,714.23	5,180,030.77			
Projects on Target								
983160600	Urban/Rural Reconstruction Projects	2016	4,851,494.00	3,303,543.42	1,547,950.58	December 31, 2019	75%	Project underway. Ellice St, Mary St, and Elliot St final approvals and permits needed

Job	Description	Budget Year	Total Approved Budget as of June 30, 2019	Total Spending as of June 30, 2019	Remaining Budget as of June 30, 2019	Closing Date	% Complete	Comments
997166101	Pump Chamber Construction	2016	250,000.00	22,580.83	227,419.17	December 31, 2019	50%	Project underway. Purchase order issued, work is underway.
998160201	Water Operations Monitor System	2016	150,000.00	78,693.74	71,306.26	December 31, 2019	50%	OCWA Bobcaygeon Pilot project remaining to be completed
998160501	Pinewood Production Well	2016	254,456.45	180,424.75	74,031.70	December 31, 2019	90%	Project underway. Purchase order issued, work is underway.
998160800	Fenelon Falls Watermain Upgrades	2016	64,400.00	59,956.77	4,443.23	December 31, 2019	75%	Project underway. Ellice St, Mary St, and Elliot St final approvals and permits needed
998161100	Peel/York Watermain Design	2016	50,000.00	38,937.65	11,062.35	December 31, 2019	75%	Project underway. Downtown reconstruction project remaining to be completed
998161501	Wastewater Operating Monitor System	2016	150,000.00	63,499.69	86,500.31	December 31, 2019	50%	OCWA Bobcaygeon Pilot project remaining to be completed
928171901	Parks & Rec Software	2017	180,000.00	110,342.80	69,657.20	December 31, 2019	60%	Project progressing on target, upgrades and enhancements being implemented.
932172201	Coboconk Fire Hall Upgrades	2017	637,786.00	519,018.59	118,767.41	December 31, 2019	80%	Project awarded by tender and underway, PO903511.
983170100	Bridges	2017	3,006,214.00	2,588,191.26	418,022.74	December 31, 2019	75%	Project underway. Mill Pond Bridge "B" EA ongoing
983170300	Urban/Rural Reconstruction Projects	2017	6,259,100.00	5,455,100.08	803,999.92	December 31, 2019	75%	Project underway. Downtown reconstruction project remaining to be completed
983170800	Road Restoration WWW Projects	2017	400,775.00	207,344.04	193,430.96	December 31, 2019	75%	Construction work underway.
983171101	Traffic Signals	2017	100,000.00	26,800.44	73,199.56	December 31, 2019	75%	Project underway. Downtown reconstruction project remaining to be completed
997170200	Landfill Site Works	2017	875,000.00	433,856.08	441,143.92	December 31, 2020	50%	1 project complete. Remaining project the installation of gas extraction wells are complete. Some surface restoration work will need to be completed at the end of Cell construction
998170101	Watermain Replacement 2017	2017	767,714.00	514,032.18	253,681.82	December 31, 2019	75%	Canal Street design ongoing. TSW coordination
998170500	Wastewater Treatment 2017	2017	6,500,561.00	1,554,916.96	4,945,644.04	December 31, 2020	50%	Project underway. Tenders approved and purchase orders issued.

Job	Description	Budget Year	Total Approved Budget as of June 30, 2019	Total Spending as of June 30, 2019	Remaining Budget as of June 30, 2019	Closing Date	% Complete	Comments
983180100	2018 Bridge Program	2018	3,152,320.00	2,641,761.75	510,558.25	December 31, 2019	75%	Project underway. Fenelon Falls Crossing EA ongoing
987180100	Airport Siteworks (2018)	2018	211,500.00	13,132.66	198,367.34	December 31, 2020	50%	Projects underway. Multiple airport projects are being done in junction with one another.
987190200	Airport Facilities (2019)	2018	38,000.00	2,198.02	35,801.98	June 30, 2020	50%	Projects underway. Multiple airport projects are being done in junction with one another.
998190400	WWW Study & Special Projects	2018	250,000.00	9,298.02	240,701.98	June 30, 2020	25%	Studies have begun, purchase order issued. Estimated completion Q2 2020
928190100	IT Systems	2019	635,000.00	31,297.22	603,702.78	June 30, 2020	5%	Hardware purchases ongoing and Backup NOC comms buildout in progress
932190100	Fire Facilities	2019	2,230,000.00	-	2,230,000.00	June 30, 2020	10%	Projects on target for completion. Work being contracted out, equipment ordered. Tender being prepared.
932190300	Fire Equipment	2019	755,000.00	-	755,000.00	June 30, 2020	0%	Projects on target for completion. Most equipment has been ordered. Inventory updated to forecast needs for additional equipment to order.
938190101	Bobcaygeon Paramedic Station Generator	2019	20,000.00	-	20,000.00	June 30, 2020	50%	In progress, equipment ordered.
938190200	Paramedic - Fleet	2019	750,000.00	-	750,000.00	June 30, 2020	40%	In Progress, Ambulance ordered, Remounts in progress and ERV ordered
938190300	Paramedic Equipment	2019	155,000.00	21,589.50	133,410.50	June 30, 2020	40%	In Progress, Public Access Defibrillators need to be ordered still, remaining money for outfitting new Ambulance, expected completion by year end.
942190101	Police Computers	2019	44,500.00	-	44,500.00	June 30, 2020	0%	Accessing current inventory to determine what new equipment needs to be purchased.
942190201	Police Printer Replacement	2019	3,500.00	934.96	2,565.04	June 30, 2020	25%	Equipment has been ordered.
942190301	Police Camera/Recorder Replacement	2019	36,900.00	-	36,900.00	June 30, 2020	0%	Accessing current inventory to determine what new equipment needs to be purchased.
942190401	Police Vehicle Replacement	2019	144,007.00	100,523.98	43,483.02	June 30, 2020	75%	Awaiting delivery of last vehicle.

Job	Description	Budget Year	Total Approved Budget as of June 30, 2019	Total Spending as of June 30, 2019	Remaining Budget as of June 30, 2019	Closing Date	% Complete	Comments
942190501	Police Radio System Upgrade	2019	76,500.00	24,929.70	51,570.30	June 30, 2020	50%	Enhancements are on going.
942190601	Police MDT Upgrade/Backup	2019	11,000.00	-	11,000.00	June 30, 2020	0%	On target. Mobile data terminal equipment to be ordered.
969190100	Victoria Manor Updates	2019	401,476.00	26,044.59	375,431.41	June 30, 2020	20%	On target. Equipment has been ordered and upgrades are underway.
983190100	Bridges 2019	2019	1,539,000.00	88,444.97	1,450,555.03	June 30, 2020	50%	Project underway. Tenders approved and purchase orders issued.
983190200	Culverts 2019	2019	940,250.00	-	940,250.00	June 30, 2020	50%	Project underway. Tenders approved and purchase orders issued.
983190300	Urban Rural Reconstruction 2019	2019	8,370,351.00	1,089,407.59	7,280,943.41	June 30, 2020	50%	Project underway. Tenders approved and purchase orders issued.
983190400	Urban Rural Resurfacing 2019	2019	5,114,748.00	39,761.73	5,074,986.27	June 30, 2020	50%	Project underway. Tenders approved and purchase orders issued.
983190500	Rural Resurfacing	2019	3,450,935.00	43,093.32	3,407,841.68	June 30, 2020	50%	Project underway. Tenders approved and purchase orders issued.
983190600	Gravel Resurfacing	2019	1,403,689.00	170,211.68	1,233,477.32	June 30, 2020	50%	Project underway. Tenders approved and purchase orders issued.
983190700	Lifecycle Management	2019	2,019,800.00	1,941.60	2,017,858.40	June 30, 2020	50%	Project underway. Tenders approved and purchase orders issued.
983190900	Sidewalks	2019	342,586.00	117,561.68	225,024.32	June 30, 2020	50%	Project underway. Tenders approved and purchase orders issued.
983191001	Streetlights	2019	517,000.00	-	517,000.00	June 30, 2020	50%	Project underway. Updating as necessary. Equipment ordered.
983191100	Traffic Signals	2019	115,000.00	-	115,000.00	June 30, 2020	50%	Project underway. Pedestrian signal to be installed.
983191301	Municipal Drains	2019	46,000.00	-	46,000.00	June 30, 2020	50%	Project underway.
983191401	Parking Lot - 322 Kent	2019	68,000.00	-	68,000.00	June 30, 2020	50%	Project underway, purchase order issued.
987190100	Airport Siteworks (2019)	2019	155,000.00	-	155,000.00	June 30, 2020	50%	Projects underway. All projects are being done in junction with one another.
987190301	Airport Capital Plan (2019)	2019	45,000.00	-	45,000.00	June 30, 2020	50%	Projects underway. All projects are being done in junction with one another.
997190100	Landfill Site Works	2019	2,650,000.00	512,811.98	2,137,188.02	June 30, 2020	50%	Projects underway. Awaiting ECA document approval
997190201	Lindsay Landfill Electricity Program	2019	55,000.00	-	55,000.00	June 30, 2020	10%	RFP approved at Council. To be awarded.

Job	Description	Budget Year	Total Approved Budget as of June 30, 2019	Total Spending as of June 30, 2019	Remaining Budget as of June 30, 2019	Closing Date	% Complete	Comments
994190101	Transit Stops & Shelters	2019	75,000.00	-	75,000.00	June 30, 2020	0%	Assessing stops and shelters to determine needs. Equipment to be ordered and installed.
994190300	2019 Fleet Equipment	2019	3,984,535.00	665,387.37	3,319,147.63	June 30, 2020	100%	Most equipment has been ordered or gone to tender.
950190200	Parkland Facilities	2019	768,300.00	231,886.25	536,413.75	June 30, 2020	15%	Projects underway. Some contracts still to be awarded and equipment ordered.
950190300	Recreation Facilities	2019	2,641,000.00	281,028.61	2,359,971.39	June 30, 2020	25%	Upgrades have begun, project is on target to be completed on target. One large project has just issued a purchase order for work to begin.
950190400	Parks & Rec Equipment	2019	115,000.00	38,483.84	76,516.16	June 30, 2020	40%	Equipment has been ordered.
950190500	Cemetery Siteworks	2019	100,000.00	33,968.73	66,031.27	June 30, 2020	35%	Projects are underway
953190100	B&P Facilities	2019	1,062,000.00	93,018.28	968,981.72	June 30, 2020	20%	Multiple projects on the go. Contracts and purchase orders issued and about to begin.
953190200	B&P Equipment	2019	456,000.00	20,144.42	435,855.58	June 30, 2020	15%	Some equipment ordered. Assessments being done to detail other equipment to be purchases.
998190100	Water Treatment Program 2019	2019	2,359,000.00	180,162.77	2,178,837.23	June 30, 2020	25%	Project underway. Tenders approved and purchase orders issued.
998190200	Wastewater Treatment 2019	2019	328,000.00	38,615.79	289,384.21	June 30, 2020	25%	Project underway. Tenders approved and purchase orders issued.
998190300	Water Distribution WW Collection 2019	2019	6,551,000.00	948,171.67	5,602,828.33	June 30, 2020	25%	Project underway. Tenders approved and purchase orders issued.
Projects On Target Subtotal			78,684,397.45	22,623,051.96	56,061,345.49			
Projects Complete, pending final invoicing								
997130801	***Eldon Landfill	2013	292,000.00	178,983.25	113,016.75	December 31, 2019	95%	Project complete. Awaiting Certificate of Requirement and final payment of final invoices.
997141000	***Landfills - Cell Construction	2014	143,750.00	61,683.44	82,066.56	December 31, 2019	100%	Complete pending final invoices
997146001	***Fenelon Landfill-Admin Building	2014	269,675.00	107,455.51	162,219.49	December 31, 2019	100%	Complete pending final invoices
998170300	Water Distribution & WW Collection 2017	2017	3,204,206.00	2,992,394.61	211,811.39	December 31, 2019	N/A	Pending final contract adjustments and clearances.
997180100	Landfill Site Works	2018	177,000.00	91,811.02	85,188.98	December 31, 2019	100%	Complete pending final invoices

Job	Description	Budget Year	Total Approved Budget as of June 30, 2019	Total Spending as of June 30, 2019	Remaining Budget as of June 30, 2019	Closing Date	% Complete	Comments
Complete Projects Subtotal			4,086,631.00	3,432,327.83	654,303.17			
Grand Total			113,675,773.45	51,780,094.02	61,895,679.43			

Capital Projects Requesting an Extension

Project	Description	Budget Year	Total Approved Budget as of June 30, 2019	Total Spending as of June 30, 2019	Remaining Budget as of June 30, 2019	Closing Date	Extension Date Requested	% Complete	Comments
Multi-year projects requesting an extension									
932170201	***Bethany Fire Station Replacement	2017	1,098,309.00	990,097.75	108,211.25	June 30, 2019	December 31, 2019	95%	PO 901709 issued. Multi Year Project. Project delayed start due to Kawartha Conservation civil redesign requirement. Expected completion Q3 2019. Landscaping has not been completed.
Multi-year Subtotal			1,098,309.00	990,097.75	108,211.25				
Projects requesting an extension									
998110100	Omeme WPC Plant Upgrades	2011	2,450,000.00	2,415,737.15	34,262.85	December 31, 2019	June 30, 2021	N/A	Extend to June 30, 2021. Pending final contract adjustments and clearance.
998151801	Ridout St SPS-Pumps&Flow Meter	2015	100,000.00	61,107.83	38,892.17	June 30, 2019	December 31, 2020	70%	Extension required to Q4, 2020. Pump 1 and 2 are complete. Pump 3 replacement is ongoing.
998161701	Lindsay WPCP Upgrade - Construction	2016	315,000.00	187,354.20	127,645.80	December 31, 2019	June 30, 2020	50%	Extension required to Q2 2020 to allow for work to be completed and certificates approved.
953170300	Building Envelope	2017	375,300.00	320,409.98	54,890.02	June 30, 2019	December 31, 2019	97%	Extend to Q4 2019, delays due to additional work that was necessary, discovered part way through the project. Target November 1, 2019 for completion.
928180100	IT Systems	2018	282,000.00	86,092.77	195,907.23	June 30, 2019	December 31, 2019	30%	Hardware purchases ongoing, extend to December 31, 2019 to allow for final delivery and invoicing
932180100	Fire Facilities	2018	356,000.00	321,683.58	34,316.42	June 30, 2019	December 31, 2019	70%	Exhaust replacement projects complete. Minor repairs ongoing at Cameron, Dunsford and Kinmount Fire Halls. Request extension to December 31, 2019 to complete projects and allow for final invoicing.
932180300	Fire Equipment	2018	730,000.00	184,743.43	545,256.57	June 30, 2019	December 31, 2019	60%	Extrication equipment and bunker gear ordered and arrived, final payments have been approved. Additional fire and telecommunication equipment have been ordered, awaiting delivery. Request extension to December 31, 2019 to allow final payments to be processed.
983180300	Urban/Rural Reconstruction	2018	6,895,615.00	5,133,506.39	1,762,108.61	December 31, 2019	December 31, 2020	75%	Project start delayed due to unfavourable weather conditions. Extend to Q4 2020 to allow all roads to be completed.

Project	Description	Budget Year	Total Approved Budget as of June 30, 2019	Total Spending as of June 30, 2019	Remaining Budget as of June 30, 2019	Closing Date	Extension Date Requested	% Complete	Comments
983181200	Parking Lots	2018	171,000.00	79,260.05	91,739.95	June 30, 2019	December 31, 2019	75%	Extension required to Q4 2019. Downtown Parking Strategy as per PAR2018-057 underway
998180300	Water Distribution & WW Collection 2018	2018	5,190,000.00	3,744,972.89	1,445,027.11	June 30, 2019	December 31, 2019	50%	Extension required to Q4 2019 to complete work and allow time for final invoicing. Estimated completion Q4 2019.
998180400	Water Treatment Program 2018	2018	502,000.00	267,385.38	234,614.62	June 30, 2019	December 31, 2019	50%	Extension required to Q4 2019 to complete work and allow time for final invoicing. Estimated completion Q4 2019.
998180500	Wastewater Treatment 2018	2018	784,000.00	100,293.30	683,706.70	June 30, 2019	December 31, 2019	50%	Extension required to Q4 2019 to complete work and allow time for final invoicing. Estimated completion Q4 2019.
950180100	Parkland Siteworks	2018	2,225,636.80	1,368,967.09	856,669.71	June 30, 2019	December 31, 2019	80%	Extended to December 31, 2019. Majority of projects are complete. Extension required due to weather delays
950180200	Parkland Facilities	2018	239,000.00	33,052.99	205,947.01	June 30, 2019	December 31, 2019	25%	Extend to December 31, 2019. Extension required to seasonal weather delays.
950180300	Parks & Rec Equipment	2018	177,799.27	129,885.44	47,913.83	June 30, 2019	December 31, 2019	75%	Extend to December 31, 2019 to allow for delivery of equipment and final invoicing.
950180400	Cemetery Siteworks	2018	149,376.26	107,758.66	41,617.60	June 30, 2019	December 31, 2019	75%	Extend to December 31, 2019. Majority of projects complete. Outdoor projects for roadways and fencing delayed due to unfavourable weather conditions.
950180500	Arenas & Pools	2018	3,317,000.00	1,209,146.01	2,107,853.99	June 30, 2019	December 31, 2020	80%	Extend to December 31, 2020. Majority of projects complete however Woodville Pad approved for 2020
950180601	Dalton Community Centre Elevator	2018	73,000.00	3,358.08	69,641.92	June 30, 2019	December 31, 2019	70%	Extend to December 31, 2019 to allow for proper certification and processing of final invoices.
953180100	B&P Facilities	2018	2,491,108.66	1,010,627.78	1,480,480.88	June 30, 2019	December 31, 2019	60%	Projects within are in various stages of completion. Some will be complete earlier than others but the project envelope will need to be extended until December 31, 2019. Extensions are due to additional work required to complete the job properly as per consultants.
953180201	Demo & Removal of 6 Buildings	2018	278,380.00	288,867.55	(10,487.55)	June 30, 2019	December 31, 2019	90%	Extension required to December 31, 2019. Original contractor was not available and project had to be re-tendered causing a delay in the start of the project.

Project	Description	Budget Year	Total Approved Budget as of June 30, 2019	Total Spending as of June 30, 2019	Remaining Budget as of June 30, 2019	Closing Date	Extension Date Requested	% Complete	Comments
983190600	Gravel Road Resurfacing	2018	1,787,890.00	1,370,370.08	417,519.92	June 30, 2019	December 31, 2019	95%	Extension required to complete additional roads that were added to project this summer. Expected completion Q4 2019.
950190100	Parkland Siteworks	2019	3,257,000.00	100,457.49	3,156,542.51	June 30, 2020	December 31, 2020	75%	Extend to December 31, 2020. Majority of projects complete however Woodville Pad approved for 2020
Subtotal			32,147,105.99	18,525,038.12	13,622,067.87				
Projects requesting extension for final invoicing only									
983150600	***Urban/Rural Reconstruction Projects	2015	4,488,332.00	4,392,603.57	95,728.43	June 30, 2019	December 31, 2019	100%	Extension required to Q4 2019. Complete pending final invoices
983180201	Jennings Creek Culverts	2018	100,000.00	36,942.72	63,057.28	June 30, 2019	December 31, 2019	50%	Extension required to Q4 2019. Complete pending final invoices
983180400	Urban/Rural Resurfacing	2018	4,309,200.00	4,392,438.12	(83,238.12)	June 30, 2019	December 31, 2019	100%	Extension required to Q4 2019. Complete pending final invoices
983180500	Rural Resurfacing	2018	3,487,400.00	3,092,852.12	394,547.88	June 30, 2019	December 31, 2019	75%	Extension required to Q4 2019. Complete pending final invoices
983180700	Road Lifecycle Extension	2018	1,219,800.00	555,739.44	664,060.56	June 30, 2019	December 31, 2019	75%	Extension required to Q4 2019. Complete pending final invoices
983181000	Streetlights	2018	110,000.00	101,463.33	8,536.67	June 30, 2019	December 31, 2019	95%	Complete awaiting receipt of IESO grant. Extend to December 31, 2019.
983181100	Traffic Signals	2018	100,000.00	4,533.41	95,466.59	June 30, 2019	December 31, 2019	75%	Extension required to Q4 2019. Complete pending final invoices
Subtotal			13,814,732.00	12,576,572.71	1,238,159.29				
Grand Total			47,060,146.99	32,091,708.58	14,968,438.41				

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number MLE2019-002

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Noise By-Law

Author and Title: Aaron Sloan – Manager of Municipal Law Enforcement and Licensing

Recommendation(s):

THAT Report MLE2019-002, **Noise By-Law Review** be received;

THAT By-Law 2005-025 be repealed;

THAT By-Law 2018-234 being a by-law to Establish and Require Payment of Fees for Services and Activities Schedule A-12 be amended to establish an exemption fee; and

THAT the necessary By-Laws be forwarded to Council for consideration at the next Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of July 11, 2017 **CC2017-20.10.1.4** Council resolved that Memorandum **CR2017-618** regarding the Noise By-law, be received; and **THAT** staff be directed to review By-law 2005-025, A By-law to Regulate Noise in the City of Kawartha Lakes and provide a report with the results of the review and any recommended changes by Q1, 2018.

CARRIED

Staff has completed the review and this report addresses that direction.

Rationale:

In January 2005 Council passed a City wide By-law to regulate noise. Historically, the noise by-laws were a fragmented patchwork left over from the prior municipalities (post amalgamation). The passing of the by-law created an efficient structure and allowed for consistent enforcement practices. Since passing the City Noise By-law in 2005, the by-law has been amended a number of times to address various issues, resulting in the current consolidated noise by-law.

Noise and sound are extremely subjective; tolerance is often the trigger for complaints to Municipal Law Enforcement and Police, noise can be an issue that fractures many neighbourhood relationships. Excessive and intrusive noise affects the health, safety and well-being of citizens. The intent of the noise by-law is to provide regulation of noise, education of the individual and community, to look at the issues causing the noise concern, and to give consequences for violations when needed, thereby allowing the citizens to enjoy their property without the negative social and environmental impact of noise.

The Consolidated By-Law to Regulate Noise in Kawartha Lakes 2005-025 has been fully reviewed and is attached as **Appendix "A"** to this report.

In 2017-2018 the Noise by-law review was deferred to allow staff to review how Short Term Rentals play a role in our communities and how the noise by-law applies to them. Ultimately, the Consolidated Noise by-law and the Consolidated Fees by-law were amended to reflect a process change.

Staff used the review process as an opportunity to compare the draft noise by-law to by-laws being used in other municipalities. Studied were the following:

- Waterloo
- Toronto
- Oakville
- Peterborough
- Ramara

Staff also noted that the Ministry of Environment and Climate Change (MOECC) offers an Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300):

This guideline serves four purposes:

1. To provide sound level limits that are applied by the MOE to stationary sources.
2. To provide advice, sound level limits and guidance that may be used to guide land use planning decisions.
3. To provide sound level limits that may be incorporated into noise control by-laws, which may be developed by municipalities.
4. To provide sound level limits that may be applied under the provisions of the *Aggregate Resources Act*.

Survey Results

Under the Municipal Act 2001, there is no provision to hold a public meeting prior to passing a new noise by-law. However, staff considers it appropriate to advise and collect information from the public relating to this process.

The process for this review has involved a public consultation by survey hosted by the Communications Division. The purpose of the survey was to collect public opinion about general and specific concerns and experiences, also to examine processes for efficiency and improvement. The noise survey was hosted on the City of Kawartha Lakes website and went live on May 16, 2019 at 12p.m. and concluded 3 weeks later on June 12, 2019 at 3 p.m.

During the three week period the survey was promoted by Communications on social media, in the newspaper and on the radio. The survey was answered 1059 times. A number of responses were also received via email and letter mail. This response rate is considered to be extremely high. The survey questions are attached to this report as **Appendix “B”** Noise Survey.

The survey contained 26 questions. The following are samples of the questions asked and data collected.

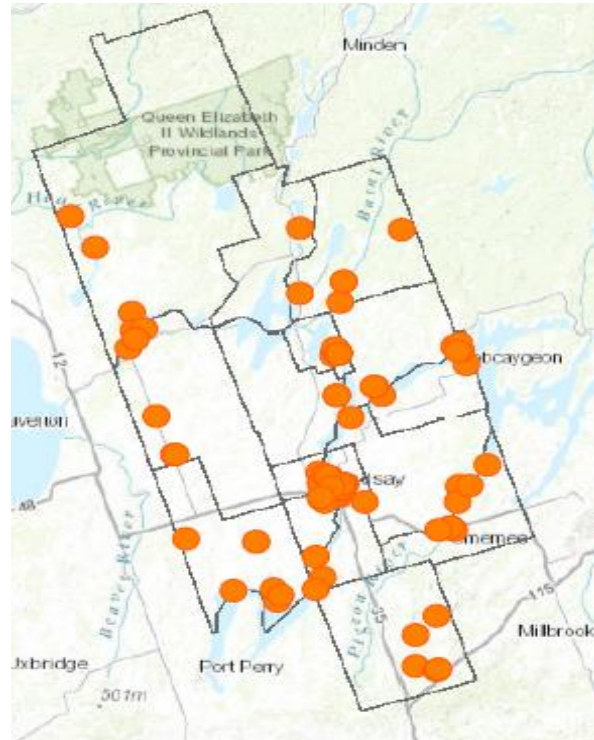
Question	Responses – 1059 total
Are you aware that the City of Kawartha Lakes has regulatory noise By-laws?	829 - Yes
Have you ever contacted the City's Municipal Law Enforcement and Licensing Division (MLEL) to make a noise By-law complaint?	163 - Yes
Should special permits be available	749 - Yes

Question	Responses – 1059 total
from the municipality offering limited noise by-law exemptions (for example, music events, weddings)?	
Should By-law exemption requests be approved by?	679 – indicated Municipal Law and Licensing Division
I believe that the City should be in the business of noise regulation.	631 – agree
Noise is a normal part of living in the City of Kawartha Lakes	604 – agree
Generally, the noise levels in the City of Kawartha Lakes are reasonable.	781 – agree
Please select the top 3 noises that disturb you the most. (picklist)	554 - Residential house (loud music, parties) 532 - Pet or animal noise, dog barking 404 - Motorcycle noise

Noise related complaints are received in the Municipal Law Enforcement and Licensing Division and are tracked through CityWorks as Occurrences. In 2018 the Division received the following:

Municipal Law Enforcement Occurrences - 2018	
Barking / Howling	87
Construction (commercial and residential)	13
Drums	1
Bagpipes	1
Radio / Party / Yelling	13
Security Alarm	1
Pump / Generator / Compressor	2
Delivery Truck	1
Dirt bike / Vehicle without effective exhaust	5
Total	125

In 2018 the Municipal Law Enforcement and Licensing Division Officers responded to **125** noise related calls to service across the City and as pictured in the following graphic:

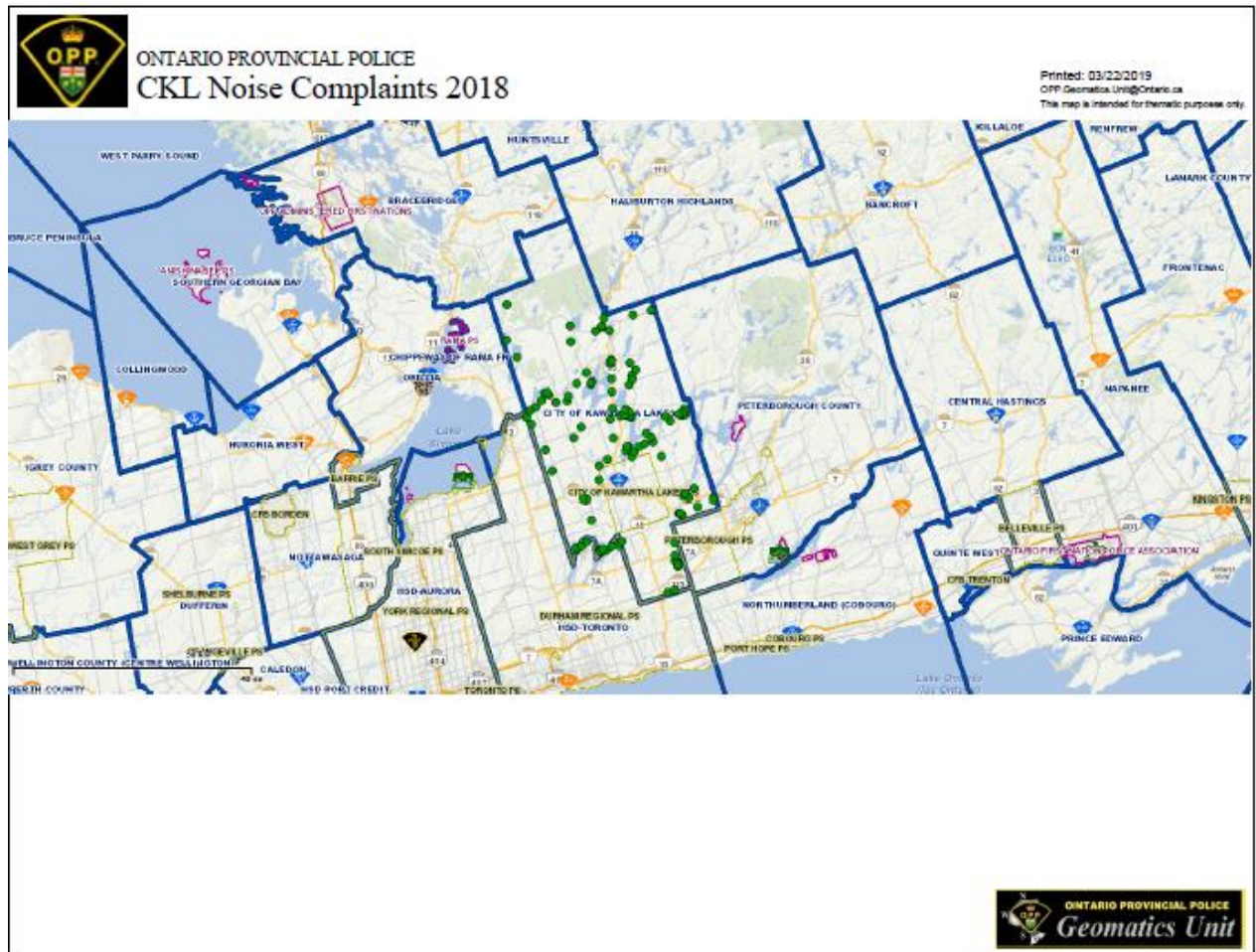


The local police services also offer response to noise issues, while they may not directly enforce the by-law the officers respond, provide public education and enforcement through other legislation such as the Criminal Code or the Highway Traffic Act.

In 2018 the Kawartha Lakes Police Service Officers responded to **228** calls to service. The calls to service are classified as follows:

KLPS Noise Complaints	
Noise By-law (general)	5
Residential	191
Vehicles	12
Businesses	2
Animal	18

The Ontario Provincial Police responded to **177** noises related calls for service in 2018 and as pictured on the following graphic:



Review Conclusion, Draft By-law wording and Process Change

The Consolidated Noise by-law requires revisions, to reflect current issues, exemption process and process changes. The survey and consultations with staff and public have in some instances requested changes to address concerns that may be regulated by other by-law or Provincial regulations.

The current noise by-law contains provisions with respect to motorized vehicles.

The Highway Traffic Act R.S.O. 1990, c. H.8 also contains provisions applicable to mufflers and motor vehicles.

MLE Officers do not have the authority to stop motorized vehicles using municipal roadways, which makes enforcement challenging and difficult. Regulation of motor vehicles in the Noise by-law may give the public a false expectation that the MLEO may be able to enforce. However, staff feels that having sections with respect to motorized vehicles in the Noise by-law enables the Police Services additional options outside of the Highway Traffic Act or similar regulation for enforcement. Complaints of this nature are pushed to the Police Services generally; however MLE recognizes that joint projects with the police services are a possibility.

The draft noise by-law reflects changes that have been requested from the public, Councillors and city staff. The draft also addresses issues resulting from a legal review, and process changes. Noise by-law updates include additional definitions, items added to the schedules, a new exemption process, application and fees (included below). The draft by-law has been included as **Appendix “C”**

Currently, Noise By-law exemption requests go to Council for consideration and approval. In 2018 Council reviewed and granted approximately **11 Noise by-law exemption** request letters. Staffs is recommending that the exemption approval process be moved to staff level and utilize a review and approval process used similar to Licensing application approvals and as described below. This change in process will reduce the items added to the Committee of the Whole and/or Council Agenda.

The Municipal Act 2001, S.O. 2001, c. 23.2 authorizes legislative and quasi-judicial powers may be delegated only to:

- a) An individual who is an officer, employee or agent of the municipality.

The administrative changes suggested in this report and draft by-law align with Municipal Act 2001, S.O. 2001, c. 23.2 (2) (c) and are listed in the draft by-law as follows,

By-Law Draft changes

3.00 Administration

3.01 The Municipal Law Enforcement and Licensing Division shall be responsible for the administration of this by-law.

Article 5.00: Exemptions

5.01. The prohibitions described in Schedules “A” and “B” do not apply if the noise is necessary and the result of measures undertaken in an emergency for the:

- a) immediate health, safety or welfare of the inhabitants; or
- b) preservation of property;

5.02. The prohibitions described in Schedules “A” and “B” do not apply if the noise is the result of an activity that has been granted an exemption under Schedule “C” or Article 5.00.

Exemption Process

5.03. Multi-day events that extend over 3 days, all day construction activities related to residential or commercial construction or for municipal activities related to municipal infrastructure shall be directed to Council or Committee of the Whole for consideration.

5.04. The prohibitions described in Schedules “A” and “B” do not apply if the noise is the result of an activity that has been granted a noise exemption under this by-law.

5.05. Any person may submit a noise exemption application to the Manager of Municipal Law Enforcement and Licensing requesting a noise exemption from any of the prohibitions described in Schedules “A” and “B” in the following ways:

- (i) by attending the Municipal Law Enforcement and Licensing Division office
- (ii) by submitting the application on-line
- (iii) sending the application regular mail

5.06. The noise exemption application, as set in Section 5.07, are to be submitted 45 days prior to the event occurring. Applications received after 45 days may not be approved.

- 5.07. The noise exemption application form shall contain details about the event including but not limited to the following:
- (i) Type of event and event details
 - (ii) Date of the event
 - (iii) Civic address – Location
 - (iv) Duration of the event such as start and finish times,
 - (v) Contact information of at least two people associated with the event (government issued photo identification and contact phone number)
 - (vi) Owner information, if different from the applicant
 - (vii) Letter of permission from property owner or copy of facility rental agreement, if applicable
 - (viii) Description of the source of sound and reasons for the noise exemption request
 - (ix) Site plan
 - (x) Payment as per section 5.16.
- 5.08. All noise exemption requests will be circulated to the following for review and optional comment:
- (i) Kawartha Lakes Police Service - Chief of Police
 - (ii) Kawartha Lakes Ontario Provincial Police – Detachment Commander
 - (iii) Kawartha Lakes Fire Service – Fire Chief
 - (iv) City – Director of Community Services
 - (v) City – Director of Development Services
 - (vi) City – Director of Public Works
- 5.09. The requestor shall provide notice of the noise exemption request application to residents who reside within 500 metres of the location property at least 40 days prior to the event occurring. The requestor shall direct all respondents to reply directly to the Manager of Municipal Law Enforcement and Licensing, or designate.
- 5.10. The Manager of Municipal Law Enforcement and Licensing may approve the noise exemption request application, grant an alternative exemption or refuse such exemption. The group may impose any conditions that it considers appropriate.
- 5.11. The approved noise exemption will be in effect for the date and times specified.
- 5.12. Approval or denial notification of the noise exemption application will be provided to the applicant within 14 days of receipt of the exemption application.

- 5.13. Where the noise exemption application is approved with conditions, no person shall contravene the conditions as imposed in the noise exemption approval.
- 5.14. Any granted noise exemption does not exempt a person from complying with any other regulation or Municipal By-Law.
- 5.15. No person shall alter or breach the terms or conditions of the noise exemption issued by the Manager of Municipal Law Enforcement and Licensing and such alteration or breach shall immediately render the noise exemption null and void.
- 5.16. Where a Person or Owner has submitted a noise exemption application for processing, they shall be charged an Administrative Fee as described in the Consolidated Fees By-Law.

The Municipal Act, 2001, S.O. 2001, c.25 Part 12 subsection 391 (1) provides that a municipality may impose fees and charges on persons,

- a) for services or activities provided or done by or behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality of any local boards; and,
- c) for the use of its property including property under its control;

Staff recommends that an administration fee for exemption requests will serve to offset the costs to process and administer the exemption request specific to a location. Other municipalities were canvassed as comparators and are as follows:

Municipality	Fee	Notes
Vaughan	\$300.00	
Ottawa	\$55.00	
Township of King	\$50.00	
Mississauga	\$250.00	
Barrie	\$325.00	
Markham	\$50.00 (residential)	\$320.00 (construction)
Brantford	\$100.00	
Waterloo	\$325.00	
Brant County	\$160.00	
Rama	\$150.00	
North Bay	\$255.00	
Springwater	\$25.00	
Toronto	\$100.00	\$120.00 if greater than 60 people

Staff recommends that The Consolidated Fees By-Law will require an amendment to Schedule A-12 as follows:

Service Description	Unit	Rate effective 2019	Reference
Exemption application	Each day	\$75.00	By-law 2019-xxx (Insert new Noise by-law #)

Other Alternatives Considered:

Including a sound rating system such as decibel reading system (dbA) was considered as an addition to the draft by-law. Including this type of rating system would change the way officers investigate noise complaints. As such, the Municipal Law Enforcement and Licensing Officers would require a substantial change to staff business processes and adjustment to the items to be regulated, for example some of the time limitations could be removed from the schedules and the max sound levels could be added.

When considering the statistical data that we have at this time, the complaint type and the number of complaints received yearly staff is not recommending this option. Having a decibel reading system (dbA) would increase the complexity and cost of enforcement for the Municipal Law Enforcement and Licensing Division. Every MLE Officer would require training in a Ministry of the Environment and Climate Change (MOECC) approved sound study course and sound measuring equipment would need to be purchased and maintained. Officers would also be required to maintain a minimum level of training to be recognized as being proficient as an acoustician.

The estimated costs would be \$15,000.00 staff training (initial start up) and \$4000.00 for yearly certifications. One outdoor sound level noise monitoring kit would be required with an estimated cost of \$5900.00.

Financial/Operation Impacts:

The current Noise enforcement program is active within the 2019 budget. Staff does not anticipate the need for additional enforcement staff to offer the current service level in 2020 or with the passing of this bylaw. There will be no, or minimal financial impact to the enforcement program as the process changes and additional duties will be absorbed with current service programs and budgets.

The exemption application process will see a small amount of revenue generation which will be used to offset general enforcement costs and the staff time needed to process the exemption applications.

Relationship of Recommendation(s) To the 2016-2019 Strategic Plan:

The report and noise regulatory by-law aligns with the goals identified in the 2016-2019 Strategic Plan namely:

- Goal 2 – An Exceptional Quality of Life
- Goal 3 – A Healthy Environment

The purpose of noise regulation is to provide an environment free from unusual, unnecessary or excessive sound that may degrade the quality and tranquility of life for the residents of the City.

Consultations:

Public – Survey
O.P.P
Kawartha Lakes Police Service
Communications
Clerks
Municipal Law Enforcement and Licensing

Attachments:

Appendix A – Consolidated Noise By-law 2005-25



2005-025
Consolidated Noise By-law

Appendix B – Survey Questions



Noise By-law survey
- New.pdf

Appendix C – Draft Noise By-law



2019-xxx Noise
Bylaw.pdf

Department Head E-Mail: critchie@kawarthalakes.ca
Department Head: Cathie Ritchie

The Corporation of the City of Kawartha Lakes

Office Consolidation of By-Law 2005-25

Consolidated on October 15, 2018

Passed by Council on February 1, 2005

Amendments:

1) By-law 2005-33	February 1, 2005	Schedule "B"
2) By-law 2005-143	June 28, 2005	Schedule "B"
3) By-law 2006-116	May 23, 2006	Schedule "B"
4) By-law 2008-153	September 16, 2008	Schedule "C"
5) By-law 2009-057	April 28, 2009	Schedule "C"
6) By-law 2009-123	June 9, 2009	Definitions (d) (e) (v) & (w) Schedule "B" sections 1, 2 & 14.
7) By-law 2010-107	June 15, 2010	Schedule C (20)
8) By-law 2018-198	September 25, 2018	Section 1 and 4

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2005 - 25

A By-Law to Regulate Noise In The City Of Kawartha Lakes

Recitals

1. The Municipal Act, 2001 c.25 Section 129 authorizes the council of every local municipality to regulate and prohibit with respect to noise.
2. Council considers it appropriate to regulate and prohibit noise in Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2005-25.

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
 - a. **"Agricultural Property"** means a property that is zoned for agricultural use in the zoning by-law that applies to the property;
 - b. **"By-law"** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it.
 - c. **"City"** means The Corporation of the City of Kawartha Lakes.

- d. **"Commercial Construction"** includes but is not limited to erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work on all properties with the exception of properties used solely for residential or seasonal residential use;
(2009-123, effective June 9, 2009)
- e. **"Commercial Construction Equipment"** means any equipment or device designed and intended for use in construction or material handling, including but not limited to air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment on all properties with the exception of properties used solely for residential or seasonal residential use;
(2009-123, effective June 9, 2009)
- f. **"Council"** means the elected municipal council for the City.
- g. **"Dwelling Unit"** means is a building or part of a building consisting of at least a washroom, a room with cooking facilities, and a sleeping area meeting all appropriate municipal and other requirements to be a self-contained living quarters that provides or is capable of providing a residence for one or more persons.
- h. **"Emergency"** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;
- i. **"Emergency vehicle"** includes but is not limited to, a land ambulance, an air ambulance, a fire department vehicle, and a motor vehicle being used to respond to an emergency;
- j. **"Farming and Food Production Protection Act, 1998"** means the provincial legislation cited as S.O. 1998, c. 1, as amended from time to time, including successor legislation.
- k. **"Kawartha Lakes"** means the geographic area under the jurisdiction of the City.
- l. **"Motor vehicle"** includes but is not limited to, an automobile, bus, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road- building machine;
- m. **"Municipal Act, 2001"** means the provincial legislation cited as S.O. 2001, c. 25, as amended from time to time, including successor legislation.
- n. **"Municipal Law Enforcement Officer"** means a person duly appointed within the City's administration to enforce the by-laws of the City.
- o. **"Municipal Service Vehicle"** means a vehicle operated by or on behalf of the City while the vehicle is being used for the

construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purposes.

- p. **"Noise"** means sound at the point of reception, that is unusual or excessive, or that is likely to be unwanted by or disturbing to persons or inhabitants.
2018-198 effective September 25, 2018
- q. **"Officer"** means a sworn member of the Kawartha Lakes Police Service, The Ontario Provincial Police, a Municipal Law Enforcement Officer, a Municipal Enforcement Officer or any other Provincial Offences Officer appointed by Council to enforce the provisions of this or any other Bylaw.
- r. **"Person"** means any individual, directors, partnership, group or association, organization, company, corporation or cooperative which may include the registered owner of the property, any occupant of the property in question with authority to act on behalf of the registered owner, any person authorized by the registered owner to act on his or her behalf, or any lessee or occupant of the property.
2018-198 effective September 25, 2018
- s. **"Point of Reception"** means any point on any premises other than those premises on which the sound is originating from.
2018-198 effective September 25, 2018
- t. **"Premises"** means a piece of land and any buildings and structures on it, and includes a place of business, road, and any other location or place.
- u. **"Residence"** means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities.
- v. **"Residential areas"** means all lands within the geographic boundaries of the City.
- w. **"Residential Construction"** includes but is not limited to erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, the laying of pipe and conduit whether above or below ground level, concreting, and the structural installation of construction components and materials in any form, and includes any associated or related work on property used solely for residential or seasonal residential use;
(2009-123, effective June 9, 2009)
- x. **"Residential Construction Equipment"** means any equipment or device designed and intended for use in residential construction or material handling, limited to handheld power and manual tools.
(2009-123, effective June 9, 2009)
- y. **"Road"** includes, but is not limited to, a public highway, private road, lane, pathway and sidewalk.
- z. **"Utility"** includes, but is not limited to, a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services.
- aa. **"Utility service vehicle"** means a vehicle operated by or on behalf of any company or agency that supplies or manages a utility with the

City while the vehicle is being used for the construction, repair or maintenance of that utility.

- bb. **"Vehicle"** includes, but is not limited to, a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other vehicle propelled or driven other than by muscular power; and
- cc. **"Zoning By-law"** means a by-law passed under section 34 of the Planning Act, 1990, c.P.13.

1.01 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word "include" is not to be read as limiting the phrases or descriptions that precede it.

1.02 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time or current S.O. edition.

1.03 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

Article 2.00: Application

- 2.01 The general prohibitions on activities described in Schedule "A" apply to all lands within the City at all times.
- 2.02 The prohibitions on activities by time and place described in Schedule "B" apply to all lands within the City during the days and between the hours specified in Schedule "B".

Article 3.00: Administration

- 3.01 The Clerk's Office shall be responsible for the administration of this by-law.
- 3.02 All Municipal Law Enforcement Officers with authority to enforce the by-laws of the City are responsible for enforcing the provisions of this by-law.
- 3.03 Any person may submit an application to the Clerk's Office requesting an exemption from any of the prohibitions described in Schedules "A" and "B".
- 3.04 If Council approves the application, the exemption will be in effect for the dates specified, and Council may impose any conditions that it considers appropriate.
- 3.05 An exemption shall be invalid if these conditions are contravened.

Article 4.00: Regulations

- 4.01 No person shall, at any time, make, cause or permit the making of noise within the City that is the result of any of the activities described in Schedule "A" and that is audible to:

- a) a person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; or
 - b) a person in a residence other than the residence from which the noise is originating.
- 4.02 No person shall, during the days and between the hours specified in Schedule "B", make, cause or permit the making of noise that is the result of any of the activities described in Schedule "B" and that is audible to:
- a) a person in a premises or a vehicle other than the premises or vehicle from which the noise is originating; and
 - b) a person in a residence other than the residence from which the noise is originating.
- 4.03 **Administrative Fee:** Where a Person or Owner has received an occurrence inspection an Administrative Fee may be charged for the inspection and the Administrative Fee as Set out in the Consolidated Fees By-law, if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.

2018-198 effective September 25, 2018

Article 5.00: Exemptions

- 5.01 The prohibitions described in Schedules "A" and "B" do not apply if the noise is the result of measures undertaken in an emergency for the:
- a) immediate health, safety or welfare of the inhabitants; or
 - b) preservation or restoration of property;
- unless the noise is clearly of a longer duration or of a more disturbing nature than is reasonably necessary to deal with the emergency.
- 5.02 The prohibitions described in Schedules "A" and "B" do not apply if the noise is the result of an activity that has been granted an exemption under Schedule "C".
- 5.03 The prohibitions described in Schedules "A" and "B" do not apply if the noise is the result of an activity that has been granted an exemption under section 3.04.

Article 6.00: Schedules

- 6.01 The following schedules are attached to and form part of this by-law:
- | | |
|------------|--|
| Schedule A | General Noise Prohibitions |
| Schedule B | Noise Prohibitions by Time and Place |
| Schedule C | Exemptions from the Noise Prohibitions |

Article 7.00: Offence and Penalty Provisions

- 7.01 Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act, 1990, c.P.33, as amended from time to time, and to any other applicable penalties.
- 7.02 If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is

imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Article 8.00: Repeal of Prior Historic By-Laws; Effective Date

8.01 **Repeal**: The following by-laws are repealed:

- (a) By-law 1-97 of The Corporation of the Village of Bobcaygeon
- (b) By-law 17-80 of The Corporation of the Town of Lindsay
- (c) By-law 84-18 of The Corporation of the Township of Somerville
- (d) By-law 2000-25 of The Corporation of the Township of Emily
- (e) By-law 1991-7 of The Corporation of the Village of Omemee
- (f) By-law 92-16 of The Corporation of the Township of Manvers
- (g) By-law 85-7 of The Corporation of the Village of Sturgeon Point
- (h) By-law 90-51 of The Corporation of the Township of Ops
- (i) By-law 1155 of The Corporation of the Township of Ops
- (j) By-law 85-3 of The Corporation of the Township of Eldon
- (k) By-law 79-9 of The Corporation of the Village of Fenelon Falls
- (l) By-law 24-90 of The Corporation of the Township of Fenelon
- (m) By-law 7-94 of The Corporation of the United Townships of Laxton, Digby and Longford

8.02 **Effective Date**: This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 1st day of February, 2005.

Mayor

Clerk



2005-025 Set
Fines.pdf

Schedule "A" to By-law 2005-25

General Noise Prohibitions

1. Operation of a motor vehicle or motorized snow vehicle in a race.
2. Operation of a motor vehicle in such a way that the tires squeal.
3. Operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and in constant operation.
4. Operation of any item of construction equipment without an effective exhaust muffling device that is in good working order and in constant operation.
5. Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds because of inadequate maintenance or an improperly secured load.
6. Operation of the horn of a vehicle or other warning device except where required or authorized, or in accordance with good safety practice.
7. Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice.
8. Persistent barking, calling or whining or other similar persistent noise-making by animals and birds kept as household pets.
9. Selling or advertising by shouting, yelling or amplified sound.
10. Unauthorized setting off of fireworks.
11. Operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes, or such other time limit specified in the by-law controlling the idling of vehicles and boats, while such vehicle is stationary in a residential area, unless:
 - a) The vehicle is in an enclosed structure constructed so as to effectively prevent the emission of excessive noise;
 - b) Continuous operation of the engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to the operation of ready-mixed concrete trucks, lift platforms, refuse compactors and heat exchange systems during normal operation;
 - c) Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo.

Schedule "B" to By-law 2005-25

(Amended by 2005-143, effective June 28/05)

Noise Prohibitions by Time and Place

Activity	Prohibited Times
1. Operation of commercial construction equipment in connection with commercial construction (2009-123, effective June 9, 2009)	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m. Sundays and Statutory Holidays
2. Erection, alteration, repair, dismantling, or any activity related to commercial construction (2009-123, effective June 9, 2009)	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
3. Operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices or sound	11:00 p.m. to 11:00 a.m.
4. Operation of a combustion engine that (i) is, or (ii) is used in, or (iii) is intended for use in a toy or model or replica of a larger device, which is not a conveyance and which has no purpose other than amusement	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
5. Venting, release or pressure relief of air, steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, pipe, valve, machine, device or system.	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
6. Operation of a solid waste bulk lift or refuse compacting equipment	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m. Sundays and Statutory Holidays
7. Outdoor operation of any powered or non-powered tool for domestic purposes other than snow removal	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
8. Loading, unloading, delivering, packing, unpacking or otherwise handling any containers, products, other materials or refuse, unless necessary for the maintenance of essential services or the moving of private household effects.	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
9. Lawful operation of a pit or quarry	12 midnight to 7:00 a.m. 6:00 p.m. to 12 midnight, subject to Provincial Regulations, Certificates of Approval, Licencing Agreement or existing Site plan Agreements and includes Saturday, Sunday or any Statutory Holiday as defined in the Interpretation Act (2006-116, effective May 23/06)
10. Lawful detonation of explosive devices including quarry, excavation or damming.	12 midnight to 8:00 a.m. 4:00 p.m. to 12 midnight, subject to Provincial Regulations, Certificates of Approval, Licencing Agreement or existing Site plan Agreements and includes Saturday, Sunday or any Statutory Holiday as defined in the Interpretation Act

11. Yelling, shouting, hooting, whistling, singing or the playing of musical instruments, including percussion instruments.	9:00 p.m. to 12 midnight 12 midnight to 7:00 a.m.
12. Sound emitted from gas or diesel powered pumps.	10:00 a.m. to 12 midnight 12 midnight to 7:00 a.m.
13. Persistent barking, calling or whining by any dog or other persistent noise made by any pet.	At all times.
14. Operation of residential construction equipment In connection with residential construction (2009-123, effective June 9, 2009)	Sundays and Statutory Holidays the following hours shall apply 5:00 p.m. to 12 midnight 12 midnight to 9:00 a.m.

Schedule "C" to By-law 2005-25

Exemptions from the Noise Prohibitions

1. Operation of emergency vehicles
2. Operation of municipal service vehicles and related equipment.
3. Operation of utility service vehicles and related equipment.
4. Authorized displays of fireworks.
5. Midways that have been authorized by the City.
6. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the City.
7. Operation of bells, chimes, carillons and clocks in churches and public buildings.
8. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the City.
9. Neighbourhood events on municipal highways and other municipal property that have been authorized by the City.
10. Normal aviation activities at a licenced airport.
11. Sounds emitted in connection within the operation of a farm including farm animals, farm equipment or machinery while conducting normal farm practices as that terms is defined in the *Farming and Food Production Protection Act, 1998 S. O. 1998, c.1* as amended from time to time, and when done within the appropriate zone.
12. Signals operated in accordance with applicable legislation (including warning signals for railway crossings and bridges).
13. Sounds associated with construction or repair work which is required urgently in order to prevent severe damage to buildings or property or to prevent danger the health of a person or property.
14. Sounds emitted as a result of snow removal equipment that is essential for the normal operation of a business or residence.
15. Bobcaygeon Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
16. Carden Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
17. Fenelon Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
18. Lindsay Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
19. Mariposa Agricultural Society Agricultural Fair and/or Exhibition
(2008-153, effective Sept. 16/08)
20. Sounds emitted in connection within the operation of a business dealing with the manufacturing of milk products.
(2009-057, effective April 28/09)
(2010-107, effective June 15/10)
21. Sounds emitted in connection with any commercial entities while supporting agricultural operations conducting normal farm practices at the

time as those terms are defined in the *Farming and Food Production Protection Act, 1998 S.O. 1998, c.1* as amended from time to time, and when done within the appropriate zone.

(2009-057, effective April 28/09)

Noise By-law Survey

General Information about By-laws

1. Are you aware that the City of Kawartha Lakes has regulatory noise By-laws?
- Yes
 - No
 - Unsure

2. Have you ever contacted the City's Municipal Law Enforcement and Licensing Division (MLEL) to make a noise regulatory By-law complaint?
- Yes
 - No
 - Unsure

** If yes...

3. How did you contact the Municipal Law Enforcement and Licensing Division to make the By-law complaint?
- By phone call
 - Through email
 - Through the Kawartha Lakes' Online Report It Form
 - Through social media
 - In person at a municipal service centre or City facility
 - Other

**provide comment box

4. I believe that the complaint process was easy, clear and accessible.
- Strongly Agree
 - Agree
 - Neutral
 - Disagree
 - Strongly Disagree

5. Should special permits be available from the municipality offering limited noise by-law exemptions (for example, music events, weddings, bar patios)?
- Yes
 - No
 - Unsure

6. If the municipality was to offer an exemption process that required a fee to be charged for review and processing, should non-profit organizations be exempt from the fee?
- Yes
 - No
 - Unsure

7. Should By-law exemption requests be approved by:

- g. Committee of Council (processing time here)
 - h. the Clerk (processing time here)
 - i. Municipal Law Enforcement (processing time here)
 - j. Other
 - k. ** provide comment box
8. A Municipal Law Enforcement officer should respond to a noise complaint within:
- l. 7-10 days
 - m. 5-7 days
 - n. 2-5 days
 - o. 1-3 days
 - p. 1 day
 - q. less than a day
 - r. I don't care as long as the problem is resolved

Noise By-law Questions

9. I believe that the City should be in the business of noise regulation.
- a. Strongly Agree
 - b. Agree
 - c. Neutral
 - d. Disagree
 - e. Strongly Disagree

10. Please select whether you strongly agree, agree, are neutral, disagree, or strongly disagree with the following statements:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Noise is a normal part of living in this municipality.					
Generally, the noise levels in this municipality are reasonable.					
More needs to be done to restrict noise levels, make violators accountable, and ensure noises are not permitted that negatively impact the quality of life of residents.					

11. How would you rate the following noises on a scale of one to 10. (1 being not at all concerning and 10 being extremely concerning)

	1	2	3	4	5	6	7	8	9	10
Construction Noise										
Music										
Pumps/Generators										
Safety Alarms										
Partying (talking, yelling, hooting, hollering)										
Animal noise (including barking)										
Lawn Mowers, Leaf Blowers or Snow Blowers										

12. Which statement do you agree most with?

- Leaf blowers should only be used at certain times of the day
- Leaf blowers should be permitted anytime during the day
- Leaf blowers should not be permitted
- No preference

13. Which statement do you agree most with?

- Power generators should only be used in an emergency
- Power generators should only be used at certain times of the day
- Power generators should be permitted anytime during the day
- Power generators should not be permitted
- No preference

14. Do you think that idling of vehicles for longer than five minutes should be regulated?

- Yes
- No
- Unsure

15. Please select whether you strongly agree, agree, are neutral, disagree, or strongly disagree with the following statements.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Street cleaner noise is acceptable at night time (between 7pm and 7am).					
Noise from road					

construction work is acceptable at night time (between 7pm and 7am).					
Noise from construction work that cannot stop until completed (i.e. continuous concrete pouring) is acceptable at night time (between 7pm and 7am).					
Noise from garbage and waste collection is acceptable at night time (between 7pm and 7am).					
Noise from the construction of commercial buildings is acceptable at night time (between 7pm and 7am).					
Noise from the construction of residential buildings is acceptable at night time (between 7pm and 7am).					

16. Please select the top 3 noises that disturb you the most.

- a. Building construction
- b. Home construction
- c. Motorcycle noise
- d. Noise from residential house (loud music, parties)
- e. Pet or animal noise (dog barking)
- f. Garden equipment noise (lawn mower, leaf blower, snow thrower)
- g. Generator noise or pump noise
- h. Airplanes
- i. Noise from bars or restaurants

- j. Outdoor music concerts
- k. Delivery trucks
- l. Noise from air conditioners
- m. Noise from street cleaners
- n. Other
- **provide comment box

17. Should the municipality regulate commercial or residential construction that occurs on weekends?
- a. Yes
 - b. No
 - c. Unsure

For noise issues such as **commercial construction**, the current By-law permits the noise to start at 7am and end at 9pm throughout the week (Monday to Friday). This By-law also prohibits commercial construction on Sundays and statutory holidays. If this By-law were to be amended...

18. What time would you prefer the By-law permits **commercial construction** to begin throughout the week (Monday to Friday)?
- a. 7:30am
 - b. 8am
 - c. 8:30am
 - d. 9am
 - e. 9:30am
 - f. 10am
 - g. Other
 - h. **provide comment box for other
19. What time would you prefer the By-law permits **commercial construction** to end throughout the week (Monday to Friday)?
- a. 5pm
 - b. 5:30pm
 - c. 6pm
 - d. 6:30pm
 - e. 7pm
 - f. 8:30pm
 - g. Other
 - h. **provide comment box
20. If **commercial construction** was permitted to begin at 9am on Saturday and Sundays, when would be a good end time?
- a. 5pm
 - b. 5:30pm
 - c. 6pm
 - d. 6:30pm

- e. 7pm
- f. 8:30pm
- g. Other
- h. **provide comment box

For noise issues such as **residential construction**, the current By-law permits the noise to start at 7am and end at 5pm during the week (Monday to Friday). If this By-law were to be amended...

1. What time would you prefer the By-law permits **residential construction** to end throughout the week?
 - i. 7:30am
 - j. 8am
 - k. 8:30am
 - l. 9am
 - m. 9:30am
 - n. 10am
 - o. Other
 - p. **provide comment box for other
21. What time would you prefer the By-law permits **residential construction** to end throughout the week?
 - a. 4pm
 - b. 4:30pm
 - c. 5pm
 - d. 5:30pm
 - e. 6pm
 - f. 6:30pm
 - g. Other
 - h. **provide comment box
22. Should the municipality regulate generator noise?
 - a. Yes
 - b. No
 - c. Unsure
23. If power generators are permitted, should the running and operation times be reduced to:
 - s. 1 hour
 - t. 2 hours
 - u. 3 hours
 - v. 4 hours
 - w. 5 hours
 - x. No preference
 - y. Other
 - **provide comment box

24. Please select whether you strongly agree, agree, are neutral, disagree, or strongly disagree with the following statements.

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Operation of a generator should be permitted between the hours of 7am and 11pm					
Operation of a generator should be limited to emergencies or power outages as a back-up system					
Operation of a generator should only be permitted when no other means of electricity is available					

25. Should all emergency activities to protect a household from loss or damage be exempt from the noise by-law regulations?

- z. Yes
- aa.No
- bb.Unsure

The Corporation of the City of Kawartha Lakes

By-Law 2019 - xx

A By-Law to Regulate Noise In The City Of Kawartha Lakes

Recitals

1. Section 10(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended authorizes the Council of a municipality to pass By-laws respecting the economic, social and environmental well-being of the municipality and the health, safety and well-being of persons;
2. The Municipal Act, S.O. 2001 c.25 Section 128 authorizes municipalities to prohibit and regulate with respect to public nuisances;
3. The Municipal Act, S.O. 2001 c.25 Section 129 authorizes the Council of every local municipality to regulate and prohibit with respect to noise;
4. The Municipal Act, S.O. 2001 c.25 Part 12 subsection 391(1) provides that a municipality may impose fees and charges on persons
5. The Municipal Act, S.O. 2001, c.25 subsection 398(2) provides that unpaid charges imposed against the owners of a property for services provided to it or the owners of it may be added to the tax roll of that property and collected in the same manner as municipal taxes;
6. The Municipal Act, S.O. 2001 paragraph 23.2 (1) (a) provides that a municipality is authorized to delegate legislative and quasi-judicial powers under the Municipal Act to an individual who is an officer, employee or agent of the municipality.
7. Council considers it appropriate to regulate and prohibit noise levels in the City of Kawartha Lakes in order to allow people to enjoy an environment free from unusual, unnecessary or excessive sound or vibration that may degrade the quality and tranquility of their lives.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2019-xx.

The short title of this bylaw shall be the “Noise By-law”

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section. Where

any word appears in ordinary case, its regularly applied meaning in the English language is intended.

- a. **“Agricultural Property”** means a property that is zoned for agricultural use in the zoning by-law that applies to the property;
- b. **“By-law”** means this by-law, as it may be amended from time to time. The Recitals to, and the Schedules attached to this By-law are considered integral parts of it;
- c. **“City”** means The Corporation of the City of Kawartha Lakes or the geographical area of the City of Kawartha Lakes;
- d. **“City Construction Project”** means a significant construction project undertaken by the City or on behalf of the City which involves or affects City highways, City property or City services and from which noise will be created that requires an exemption from the provisions of this By-law;
- e. **“Commercial Construction”** includes industrial construction and means the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit whether above or below ground level, street and highway building, application of concrete, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, with the exception of construction activities on properties used solely for residential or seasonal residential use;
- f. **“Commercial Construction Equipment”** means any equipment or device designed and intended for use in construction or material handling, including but not limited to air compressors, hand tools, power tools, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- g. **“Council”** means the elected municipal council for the City;
- h. **“Dwelling Unit”** means a building or part of a building consisting of at least a washroom, a room with cooking facilities, and a sleeping area meeting all appropriate municipal and other requirements to be a self-contained living quarters that provides or is capable of providing a residence for one or more persons;

- i. **“Effective muffler”** means a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, but it does not include a cut-out muffler, straight exhaust, gutted muffler, or a by-pass or similar device;
- j. **“Emergency”** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action in order to protect lives or property;
- k. **“Emergency vehicle”** includes but is not limited to, a land ambulance, an air ambulance, a fire department vehicle, a police services vehicle and a motor vehicle being used to respond to an emergency;
- l. **“Manager of Municipal Law Enforcement and Licensing”** means the Manager of Municipal Law Enforcement and Licensing and or designate who has been delegated authority by Council to authorize noise exemptions;
- m. **“Farming and Food Production Protection Act, 1998”** means the provincial legislation cited as S.O. 1998, c. 1, as amended from time to time, including successor legislation;
- n. **“Kawartha Lakes”** means the geographic area under the jurisdiction of the City;
- o. **“Manager of Municipal Law Enforcement and Licensing”** means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;
- p. **“Motor vehicle”** includes an automobile, a motorcycle, a motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine within the meaning of the Highway Traffic Act as amended;
- q. **“Municipal Act, 2001”** means the provincial legislation cited as S.O. 2001, c. 25, as amended from time to time, including successor legislation;
- r. **“Municipal Law Enforcement Officer”** means a person appointed by Council under Section 15 of the Police Services Act to enforce

the by-laws of the City, and includes any Licencing Enforcement Officer.

- s. **“Municipal Service Vehicle”** means a vehicle operated by or on behalf of the City while the vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or other municipal purposes;
- t. **“Noise”** means sound at the point of reception, that is unusual or excessive, or that is likely to be unwanted by or disturbing to persons or inhabitants;
- u. **“Officer”** means a sworn member of the Kawartha Lakes Police Service, the Ontario Provincial Police, a Municipal Enforcement Officer or any other Provincial Offences Officer appointed by Council to enforce the provisions of this or any other Bylaw;
- v. **“Person”** means any individual, directors, partnership, group or association, organization, company, corporation or cooperative which may include the registered owner of the property, any occupant of the property in question with authority to act on behalf of the registered owner, any person authorized by the registered owner to act on his or her behalf, or any lessee or occupant of the property;
- w. **“Point of Reception”** means any point on any premises other than those premises from which the sound is originating;
- x. **“Premises”** means a piece of land and any buildings and structures on it, and includes a place of business, road, and any other location or place;
- y. **“Residence”** means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;
- z. **“Residential Construction”** means the erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, the laying of pipe and conduit whether above or below ground level, concreting, and the structural installation of construction components and materials in any form, and includes any associated or related work on property used solely for residential or seasonal residential use;

- aa. **“Residential Construction Equipment”** means any equipment or device designed and intended for use in residential construction or material handling, may include manual and power tools;
- bb. **“Road”** includes, but is not limited to, a public highway, private road, lane, pathway and sidewalk;
- cc. **“Sound Amplification System”** means a system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment, including electronic devices or electro-mechanical transducers, used in the reproduction or amplification of music, speech or other sounds;
- dd. **“Special Event”** includes a demonstration, parade, sports event, festival, carnival, donation station, street dance, residential block party, sidewalk sale, outdoor mass and other similar events;
- ee. **“Utility”** includes, but is not limited to, a system that is used to provide a utility service to the public, including water, sewage, electricity, gas, communications networks and cable services;
- ff. **“Utility service vehicle”** means a vehicle operated by or on behalf of any company or agency that supplies or manages a utility with the City, while the vehicle is being used for the construction, repair or maintenance of that utility;
- gg. **“Vehicle”** includes, but is not limited to, a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other vehicle propelled or driven other than by muscular power; and
- hh. **“Zoning By-law”** means a by-law passed under section 34 of the Planning Act, 1990, c.P.13.

1.02 Interpretation Rules

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.
- (c) The word “include” is not to be read as limiting the phrases or descriptions that precede it.

1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. For Provincial laws, the

reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time or current S.O. edition.

- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.

Article 2.00: Application

- 2.01 The general prohibitions on activities described in Schedule “A” apply to all lands within the City at all times.
- 2.02 The prohibitions on activities by time and place described in Schedule “B” apply to all lands within the City during the days and between the times specified in Schedule “B”.
- 2.03 Listed General Noise Exemptions by activity, use or location are specified in Schedule “C”.

Article 3.00: Administration

- 3.01 The Municipal Law Enforcement and Licensing Division shall be responsible for the administration of this by-law.
- 3.02 All Municipal Law Enforcement Officers, Licensing Enforcement Officers and Police Officers with authority to enforce the by-laws of the City are responsible for enforcing the provisions of this by-law.

Article 4.00: Regulations

- 4.01 No person shall, at any time, make, cause or permit the making of noise within the City that is the result of any of the activities described in Schedule “A” and that is unwanted at the point of reception to:
- a) a person in a premises other than the premises from which the noise is originating; or
 - b) a person in a residence other than the residence from which the noise is originating.
- 4.02 No person shall, during the days and between the times specified in Schedule “B”, make, cause or permit the making of noise that is the result of the activities described in Schedule “B “ and that is unwanted at the point of reception to:
- a) a person in a premises other than the premises from which the noise is originating; and

- b) a person in a residence other than the residence from which the noise is originating.

4.03 **Administrative Fee:** Where a Person or Owner has received an occurrence inspection an Administrative Fee may be charged for the inspection and the Administrative Fee as Set out in the Consolidated Fees By-law, if not paid, the fee shall be added to the tax roll of the property and shall be collected in a like manner as municipal taxes.

Article 5.00: Exemptions

- 5.01. The prohibitions described in Schedules “A” and “B” do not apply if the noise is necessary and the result of measures undertaken in an emergency for the:
 - a) immediate health, safety or welfare of the inhabitants; or
 - b) preservation of property;
- 5.02. The prohibitions described in Schedules “A” and “B” do not apply if the noise is the result of an activity that has been granted an exemption under Schedule “C” or Article 5.00.

Exemption Process

- 5.03. Events that extend over 3 days, multi- day construction activities related to residential or commercial construction and activities related to municipal infrastructure shall be directed to Council.
- 5.04. The prohibitions described in Schedules “A” and “B” do not apply if the noise is the result of an activity that has been granted a noise exemption under this by-law.
- 5.05. Any person may submit a noise exemption application to the Manager of Municipal Law Enforcement and Licensing requesting a noise exemption from any of the prohibitions described in Schedules “A” and “B” in the following ways:
 - (i) by attending the Municipal Law Enforcement and Licensing Division office
 - (ii) by submitting the application on-line
 - (iii) sending the application regular mail

- 5.06. The noise exemption application, as set in Section 5.07, are to be submitted 45 days prior to the event occurring. Applications received after 45 days may not be approved.
- 5.07. The noise exemption application form shall contain details about the event including but not limited to the following:
- (i) Type of event and event details
 - (ii) Date of the event
 - (iii) Civic address – Location
 - (iv) Duration of the event such as start and finish times,
 - (v) Contact information of at least two people associated with the event (government issued photo identification and contact phone number)
 - (vi) Owner information, if different from the applicant
 - (vii) Letter of permission from property owner or copy of facility rental agreement, if applicable
 - (viii) Description of the source of sound and reasons for the noise exemption request
 - (ix) Site plan
 - (x) Payment as per section 5.16.
- 5.08. All noise exemption requests will be circulated to the following for review and optional comment:
- (i) Kawartha Lakes Police Service - Chief of Police
 - (ii) Kawartha Lakes Ontario Provincial Police – Detachment Commander
 - (iii) Kawartha Lakes Fire Service – Fire Chief
 - (iv) City – Director of Community Services
 - (v) City – Director of Development Services
 - (vi) City – Director of Public Works
- 5.09. The requestor shall provide notice of the noise exemption request application to residents who reside within 500 metres of the location property at least 40 days prior to the event occurring. The requestor shall direct all respondents to reply directly to the Manager of Municipal Law Enforcement and Licensing, or designate.
- 5.10. The Manager of Municipal Law Enforcement and Licensing may approve the noise exemption request application, grant an alternative exemption or refuse such exemption. The group may impose any conditions that it considers appropriate.
- 5.11. The approved noise exemption will be in effect for the date and times specified.

- 5.12. Approval or denial notification of the noise exemption application will be provided to the applicant within 14 days of receipt of the exemption application.
- 5.13. Where the noise exemption application is approved with conditions, no person shall contravene the conditions as imposed in the noise exemption approval.
- 5.14. Any granted noise exemption does not exempt a person from complying with any other regulation or Municipal By-Law.
- 5.15. No person shall alter or breach the terms or conditions of the noise exemption issued by the Manager of Municipal Law Enforcement and Licensing and such alteration or breach shall immediately render the noise exemption null and void.
- 5.16. Where a Person or Owner has submitted a noise exemption application for processing, they shall be charged an Administrative Fee as described in the Consolidated Fees By-Law.

Article 6.00: Schedules

- 6.01. The following schedules are attached to and form part of this by-law:

Schedule A	General Noise Prohibitions
Schedule B	Noise Prohibitions by Time and Place
Schedule C	Exemptions from the Noise Prohibitions

Article 7.00: Offence and Penalty Provisions

- 7.01. Any person who contravenes the provisions of this by-law is guilty of an offence and, upon conviction, is subject to a fine as provided in the Provincial Offences Act, 1990, c.P.33, as amended from time to time, and to any other applicable penalties.
- 7.02. Every Person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a maximum fine of not more than \$100,000.00 as provided for by Section 429 of the Municipal Act, 2001, S.O. 2001, c.25, as amended.
- 7.03. If this by-law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the

offence by the person convicted, pursuant to authority conferred pursuant to Section 431 of the Municipal Act, 2001, S.O. 2001, c.25.

Article 8.00: Repeal of Prior Historic By-Laws; Effective Date

8.01 **Repeal**: The following by-laws are repealed:

- (a) By-law 2005-25 being a By-Law to Regulate Noise in the City of Kawartha Lakes.

8.02 **Effective Date**: This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this xx^t day of xxxx, 2019.

Mayor

Clerk

Schedule “A” to By-law 2019-xxx

General Noise Prohibitions

1. Operation of a motor vehicle in such a way as to permit unnecessary motor vehicle noise such as the sounding of the horn, revving of the engine and the squealing of tires.
2. Operation of a vehicle in a manner that results in banging, clanking, or similar sounds because of inadequate maintenance or an improperly secured load.
3. Operation of a combustion engine or motor vehicle without an effective exhaust muffling device that is in good working order and in constant operation.
4. Operation of an engine or motor in, or on, any motor vehicle or item of attached auxiliary equipment for a continuous period exceeding five (5) minutes, while such vehicle is stationary, unless:
 - a. the vehicle is in an enclosed structure constructed so as to effectively prevent the emission of excessive noise;
 - b. the vehicle is operated as municipal or private bus transportation service and in the course of operation and containing passengers;
 - c. continuous operation of the engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to the operation of ready-mixed concrete trucks, lift platforms, refuse compactors and heat exchange systems during normal operation;
 - d. weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo and the vehicle is stationary for the purposes of actively loading or unloading of cargo.
5. Section 4 shall not apply to occupied motor vehicles when the temperature outside the motor vehicle is greater than twenty-seven degrees (27°C) including the humidex calculation or less than five degrees Celsius (5°C) including the wind chill value as determined by the Environment Canada temperature readings.
6. Persistent barking, calling or whining or other similar persistent noise-making by animals and birds kept as household pets.
7. Selling or advertising by shouting, yelling or amplified sound.

Schedule “B” to By-law 2019-xx

Noise Prohibitions by Type and Time

Noise Type	Prohibited Times	
	Day(s) of the week	Time of day
1. Combustion engines: a. Operation of a combustion engine which is not a conveyance and which has no purpose other than amusement that is, or is used in, or is intended for use: i. A toy ii. Model iii. Replica of a larger device	<ul style="list-style-type: none"> All days of the week 	<ul style="list-style-type: none"> 9:00pm to 7:00am
2. Commercial Construction*: a. Operation of commercial construction equipment b. Erection, alteration, repair, dismantling of items related to commercial construction <i>*All commercial construction activities in connection with commercial construction including but not limited to activities listed in Article 1:01(e).</i>	<ul style="list-style-type: none"> Monday – Friday 	<ul style="list-style-type: none"> 9:00pm to 7:00am
	<ul style="list-style-type: none"> Saturday 	<ul style="list-style-type: none"> BETWEEN 7:00am & 5:00pm
	<ul style="list-style-type: none"> Sundays 	<ul style="list-style-type: none"> PROHIBITED
	<ul style="list-style-type: none"> Statutory Holidays 	<ul style="list-style-type: none"> PROHIBITED
3. Residential construction*: a. Operation of residential construction equipment <i>*All residential construction activities in connection with residential construction including but not limited to activities listed in Article 1.01(z).</i>	<ul style="list-style-type: none"> Monday – Friday 	<ul style="list-style-type: none"> 7:00pm to 7:00am
	<ul style="list-style-type: none"> Saturday 	<ul style="list-style-type: none"> BETWEEN 7:00am & 5:00pm
	<ul style="list-style-type: none"> Sundays 	<ul style="list-style-type: none"> PROHIBITED
	<ul style="list-style-type: none"> Statutory Holidays 	<ul style="list-style-type: none"> PROHIBITED
4. Yard maintenance: a. Outdoor operation of any powered or non-powered tool for domestic residential purposes other than snow removal (includes lawn mowers, leaf blowers, chain saws or other similar devices.)	<ul style="list-style-type: none"> Monday – Friday 	<ul style="list-style-type: none"> 8:00pm to 7:00am
	<ul style="list-style-type: none"> Saturday & Sunday 	<ul style="list-style-type: none"> 7:00pm to 8:00am

5. Lawful operation of a pit or quarry	<ul style="list-style-type: none"> • <u>All</u> days of the week* <p><i>*Subject to Provincial Regulations, Certificates of Approval, Licencing Agreement or existing Site plan Agreements and includes Saturday, Sunday or any Statutory Holiday as defined in the Interpretation Act</i></p>	<ul style="list-style-type: none"> • 6:00pm to 7:00am* <p><i>*Subject to Provincial Regulations, Certificates of Approval, Licencing Agreement or existing Site plan Agreements and includes Saturday, Sunday or any Statutory Holiday as defined in the Interpretation Act</i></p>
6. Lawful detonation of explosive devices including: <ul style="list-style-type: none"> a. Quarry b. Excavation c. Damming 	<ul style="list-style-type: none"> • <u>All</u> days of the week* <p><i>*Subject to Provincial Regulations, Certificates of Approval, Licencing Agreement or existing Site plan Agreements and includes Saturday, Sunday or any Statutory Holiday as defined in the Interpretation Act</i></p>	<ul style="list-style-type: none"> • 4:00pm to 8:00 am* <p><i>*Subject to Provincial Regulations, Certificates of Approval, Licencing Agreement or existing Site plan Agreements and includes Saturday, Sunday or any Statutory Holiday as defined in the Interpretation Act</i></p>
7. Loading, unloading, delivering, packing, unpacking or otherwise handling any of the following unless necessary for the maintenance of essential services or the moving of private household effects: <ul style="list-style-type: none"> a. Containers b. Goods c. Products d. Other materials or refuse 	<ul style="list-style-type: none"> • <u>All</u> days of the week 	<ul style="list-style-type: none"> • 9:00pm to 7:00am
8. Operation of a solid waste bulk lift or refuse compacting equipment	<ul style="list-style-type: none"> • <u>All</u> days of the week 	<ul style="list-style-type: none"> • 9:00pm to 7:00am
9. Venting, release or pressure relief of air, steam or other gaseous material, product or compound unless specifically required due manufacturer process and	<ul style="list-style-type: none"> • <u>All</u> days of the week 	<ul style="list-style-type: none"> • 9:00pm to 7:00am

safety standards from any: <ul style="list-style-type: none"> a. Autoclave b. Boiler c. Pressure vessel d. Pipe e. Valve f. Machine g. Device or system 		
10. Sound emitted from gas or diesel powered pumps to water grass, shrubs and plants on a private property.	<ul style="list-style-type: none"> • <u>All</u> days of the week 	<ul style="list-style-type: none"> • 7:00pm to 7:00am • (Max of 1 hrs running time during any 4 hrs period)
11. Operation of a combustion engine being used in or as a generator or inverter to provide non emergency residential hydro when no other means are available	<ul style="list-style-type: none"> • <u>All</u> days of the week 	<ul style="list-style-type: none"> • 7:00 pm to 10:00 am • (Max of 1 hrs running time during any 4 hrs period)
12. Voices, instruments, and other sounds: <ul style="list-style-type: none"> a. Operation of any device or group of connected devices intended for the production, reproduction, or amplification of voices, or sound, or singing, or the playing of musical instruments (including percussion instruments) 	<ul style="list-style-type: none"> • <u>All</u> days of the week 	<ul style="list-style-type: none"> • 11:00pm to 11:00am
13. Yelling, shouting, hooting, whistling, or other boisterous activity	<ul style="list-style-type: none"> • <u>All</u> days of the week 	<ul style="list-style-type: none"> • 9:00pm to 7:00am

Schedule “C” to By-law 2019-xx

Exemptions from the Noise Prohibitions

1. Operation of emergency vehicles
2. Operation of municipal service vehicles and related equipment.
3. Operation of utility service vehicles and related equipment.
4. Authorized displays of fireworks.
5. Midways that have been authorized by the City.
6. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the City.
7. Operation of bells, chimes, carillons and clocks in churches and public buildings.
8. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the City.
9. Neighbourhood events on municipal highways and other municipal property that have been authorized by the City.
10. Normal aviation activities at a licenced airport.
11. Sounds emitted in connection within the operation of a farm including farm animals, farm equipment or machinery while conducting normal farm practices as that terms is defined in the *Farming and Food Production Protection Act, 1998 S. O. 1998, c.1* as amended from time to time, and when done within the appropriate zone.
12. Sounds emitted in connection with any commercial entities while supporting agricultural operations conducting normal farm practices at the time as those terms are defined in the *Farming and Food Production Protection Act, 1998 S.O. 1998, c.1* as amended from time to time, and when done within the appropriate zone.
13. Signals operated in accordance with applicable legislation (including warning signals for railway crossings and bridges).
14. Sounds associated with construction or repair work which is required urgently in order to prevent severe damage to buildings or property.
15. Sounds emitted as a result of snow removal equipment that is essential for the normal operation of a business or residence.

16. Bobcaygeon Agricultural Society Agricultural Fair and/or Exhibition.
17. Carden Agricultural Society Agricultural Fair and/or Exhibition.
18. Fenelon Agricultural Society Agricultural Fair and/or Exhibition.
19. Lindsay Agricultural Society Agricultural Fair and/or Exhibition.
20. Mariposa Agricultural Society Agricultural Fair and/or Exhibition.
21. Sounds emitted in connection within the operation of a business dealing with the manufacturing of milk products.

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number ED2019-017

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: 5

Title: Proposed Designation of 3 St. David Street and 4 Riverview Road

Description: Proposed Designation of 3 St. David Street and 4 Riverview Road, Lindsay under Part IV of the Ontario Heritage Act as Properties of Cultural Heritage Value or Interest

Author and Title: Emily Turner, Economic Development Officer – Heritage Planning, on behalf of the Municipal Heritage Committee

Recommendation(s):

That Report ED2019-017, **Proposed Designation of 3 St. David Street and 4 Riverview Road**, be received;

That the Committee of the Whole endorse the Municipal Heritage Committee's recommendation to designate the 3 St. David Street and 4 Riverview Road in Lindsay under Part IV of the Ontario Heritage Act as being of cultural heritage value and interest;

That staff be authorized to proceed with the process to designate the subject property under Part IV of the Ontario Heritage Act, including preparation and circulation of a Notice of Intention to Designate, and preparation of a designating by-law; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the meeting of August 1, 2019, the Municipal Heritage Committee adopted the following resolution:

Moved by J. Garbutt, Seconded by M. Sloboda

That the Municipal Heritage Committee requests staff prepares a report to Council recommending the designation of 3 St. David Street and 4 Riverview Road.

This report has been prepared to address that direction pertaining to 3 St. David Street and 4 Riverview Road.

3 St. David Street and 4 Riverview Road, both in Lindsay, are two adjacent properties near the Scugog River which have been proposed for redevelopment. The Committee believed that the two properties may have some historic importance and completed research on and a windshield survey of the properties to determine if they warranted designation. Through their research, they concluded that the properties adequately fulfil at least one of the criteria which determine significance under the Ontario Heritage Act (OHA). The evaluation of the properties was completed as per the requirements of the OHA and the Committee provided staff with their evaluation and research. The designations are not being put forward at the request of the owner.

Section 29 of the Ontario Heritage Act provides that, upon consultation with its Municipal Heritage Committee and serving a Notice of Intention to Designate pursuant to the OHA, the Council of a municipality may pass a by-law designating a property within the bounds of a municipality to be of cultural heritage value or interest. However, if it is determined that the properties do not sufficiently fulfil the criteria under Regulation 9/06 of the OHA, Council can also choose not to designate these properties. The Municipal Heritage Committee supports the designation of the subject property under Part IV, s.29 of the Ontario Heritage Act.

Rationale:

Ontario Regulation 9/06 identifies the criteria for determining the cultural heritage value of a property. Under this regulation, a property may be designated under Part IV, s.29 of the Ontario Heritage Act if it meets one or more of the following criteria:

1. The property has design value or physical value because it:
 - a. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
 - b. displays a high degree of craftsmanship or artistic merit, or
 - c. demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it:
 - a. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
 - b. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
 - c. demonstrates the work of an architect, artist, builder, designer or theorist who is significant to the community.
3. The property has contextual value because it:
 - a. is important in defining, maintaining or supporting the character of the area,
 - b. is physically, functionally, visually or historically linked to its surroundings, or
 - c. is a landmark.

Both properties fulfil at least one of these criteria, but do not fulfil any of the criteria regarding the design or physical value of the property, nor do they form integral parts of an intact heritage neighbourhood. Although not prescribed under the OHA, the Committee and Council also generally takes into account the architectural and structural integrity of the subject properties. Neither property is architecturally or structurally intact and has had significant modifications. Heritage evaluation reports have been prepared which demonstrate which criteria each properties fulfils and provides the necessary background information for each property in order for Council to make its determination. These reports are appended as Appendices A and B. A summary of the heritage value and reasons for designation for each property can be found below.

3 St. David Street: 3 St. David Street is a typical example of a late Victorian gable front house. Likely constructed in the mid-1870s, the property displays the standard characteristics of this type of house including the front facing gable, an offset entrance, two windows on the upper storey of the house, and a verandah. The property's primary significance lies in its historical associations with members of the Lindsay community and the development of the town in the late nineteenth century. Originally part of the Purdy property, its later occupants includes: Joseph Foley, the owner of the first hardware store in Lindsay; William Walker Sadler, son of mill owner Thomas Sadler and the owner of the steamboat the Greyhound; and the Lamantia family, one of Lindsay's early and most prominent Italian families who began their local grocery store in 1928. This history of occupants includes many people who were important to the development of Lindsay's local business community.

4 Riverview Road: 4 Riverview Road has cultural heritage value or interest because of its historical associations with local builder James Growden. Architecturally, the property is a typical example of an Ontario Gothic cottage. Constructed between 1863 and 1875, the house displays the main attributes of this structural type including the gable roof, central gable with rounded window,

and the symmetrical placement of the windows. Its primary significance lies in its historical associations with members of the Lindsay community and the development of Lindsay in the late nineteenth century. The property was occupied, and likely constructed by, local mason and builder James Growden. Growden is a significant local figure as the mason credited with the reconstructed of many commercial buildings in downtown Lindsay after the 1861 fire. They were reconstructed in the Italianate style which now defines the Lindsay's commercial core; Growden had an important role in that development as one of the key workman in the construction process. He was also the mason for a number other important public buildings in late nineteenth and early twentieth century Lindsay.

Other Alternatives Considered:

Council may choose to designate both, one or neither of the properties under the OHA. Under the OHA, Council is not obliged to designate a property recommended by the Municipal Heritage Committee. As the two properties proposed for designation are part of a redevelopment proposal, Council could choose not to designate the properties if it is determined that the properties do not sufficiently fulfil one or more of the Regulation 9/06 criteria or if Council believes that is it more appropriate to address the future of the structures on the subject properties through the redevelopment process. The properties only fulfil historical or associative criteria under the Regulations of the OHA and do not have specific architectural merit.

Staff recommends that, while each building fulfils at least one criteria under the OHA and is therefore eligible for designation under Part IV of the OHA, it is more appropriate to address the properties through the redevelopment process. This would allow for a more flexible approach to the properties which could be reviewed as part of the development of the site plan. At this time, alternatives could be considered as to how to conserve the properties. These may include integration of the buildings within the redevelopment, moving the buildings within the site, or removal of the buildings to another lot.

An alternative resolution for this path is as follows:

That the Committee of the Whole authorizes staff to address the preservation of 3 St. David Street and 4 Riverview Road through the redevelopment process.

Financial/Operation Impacts:

There are advertising costs associated with the designation process which are covered by the Municipal Heritage Committee budget. Should the owner of the properties object to the proposed designations, the properties may be the subject of a Conservation Review Board hearing which would have associated costs.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

Designation of property under Part IV of the Ontario Heritage Act contribute to Goal 1 – A Vibrant and Growing Economy and Goal 2 – An Exceptional Quality of Life because the preservation of heritage properties within the municipality contributes to maintaining a sense of place and community and can contribute to economic growth.

Consultations:

Municipal Heritage Committee

Attachments:

Appendix A – Heritage Evaluation Report: 3 St. David Street



Appendix A 3 St
David Street Designa

Appendix B – Heritage Evaluation Report: 4 Riverview Road



Appendix B 4
Riverview Road Desig

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

3 St. David Street

Heritage Designation Report

Lindsay

LOT 1 LOT 2 LOT 3N KENT W ST;DAVID

September 2019



Statement of Cultural Heritage Value or Interest

The subject property has been researched and evaluated in order to determine its cultural heritage significance under Ontario Regulation 9/06 of the *Ontario Heritage Act* R.S.O. 1990. A property is eligible for designation if it has physical, historical, associative or contextual value and meets any one of the nine criteria set out under Regulation 9/06 of the Act. Staff have determined that 3 St. David Street fulfils the following criteria:

1. The property has design value or physical value because it:

i. is a rare, unique, representative or early example of a style, type, expression, material, or construction method:

3 St. David Street is a typical example of a late Victorian gable front house. It displays the typical characteristics of this house type including its gable front, offset entrance and verandah.

ii. displays a high degree of craftsmanship or artistic merit:

The subject property does not display a high degree of craftsmanship or artistic merit.

iii. demonstrates a high degree of technical or scientific achievement:

There are no specific technical or scientific achievements associated with this property.

2. The property has historical or associative value because it:

i. has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to the community:

ii. yields, or has the potential to yield, information that contributed to an understanding of a community or culture:

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community:

The builder and designer of the property are unknown.

3. The property has contextual value because it:

i. is important in defining, maintaining or supporting the character of an area:

The subject property supports the character of the surrounding area which is defined primarily by single family homes.

ii. is physically, functionally, visually, or historically linked to its surroundings:

The subject property is historically linked to its some of the surrounding properties which are of a similar age.

iii. is a landmark.

The subject property is not a specific landmark.

Design and Physical Value

3 St. David Street is a typical example of a late Victorian gable front house. Constructed in the farmhouse style with a wide, wraparound verandah, it was likely constructed in the mid- to late 1870s. A house appears in this location in the 1875 Bird's Eye View map, which is probably this property. There were buildings on this property as of 1871 when insurance was put on buildings located there by then owner Joshua Johnston although they may have been other, older structures.

The subject property is constructed in a fundamentally vernacular style which became popular in the mid-nineteenth century and used frequently in Ontario into the early twentieth century. In general, this structural type, generally referred to as Victorian, incorporates a range of both Classical and Gothic motifs, depending on the size and ornateness of the property. This particular house is representative of a type of house that was constructed generally for middle and working class people within this style. This type of house was one-and-a-half storeys constructed on a rectangular plan with a gable roof and front gable. Generally, it also included a one storey rear or side addition which, historically, often housed a kitchen as well as a verandah, either on one side, as was more common on town lots, or a wraparound verandah which was more common when this structural type was used as a farmhouse. These structures often contained a range of different types of decoration depending on the preferences of the owner and builder which could include decorative bargeboard, finials, or transom windows.

3 St. David Street is a basic example of this style with limited decorative elements and which follows the standard rectangular plan. It includes the typical gable roof, offset entrance with transom and rear addition of this house type. The front arrangements of windows in this house is unusual: the two upper storey windows on the front elevation are standard, but the paired lower storey windows are not. These, however, are shown on the 1875 Bird's Eye View map. The house also retains a wraparound verandah, although the 1875 image of this structure shows a verandah only on the south elevation, indicating that this particular feature was changed and added to after that time. The house also retains a rear addition, which may or may not be the original. Several rear additions are shown in the 1875 map, likely housing a kitchen and storage shed. Additions such as these were often changed and modified throughout the history of a property and change to these parts of the structure is not unusual.

The subject property retains a number of other physical elements which contribute to the historic character of the property. These include the split rail fence along the south and east side of the property and the historic trees throughout the property.

Historical and Associative Value

3 St. David Street has historical and associative value as part of the nineteenth century development of the town of Lindsay. In particular, the property has association with Purdy's Mill, which was important in the early industrial development of the town, and with several residents of the house who made important contributions to the local community in the late nineteenth and early twentieth centuries.

After the development of the area into streets and lots, the subject property passed through a number of different owners, for various lengths of time. A number of these owners have importance within the community, notably for their role in the development of various businesses in the town. For example, between the 1870s and 1890s, the house was owned and occupied by William Foley and his family. Along with his brothers, Foley ran the first hardware store in Lindsay. They had arrived prior to the 1861 fire and their hardware store had grown and developed throughout the late nineteenth century.

The property has specific connections to the Sadler family through William Walker Sadler, who purchased the property in 1895 and whose family occupied the house well after his death until 1954. Sadler was born in 1854, the son of mill owner Thomas Sadler and Sarah Ann Needler. The family was prominent in Lindsay because of its role in the mill business and Thomas Sadler a leading businessman in the community William Walker Sadler also worked in this business with his father but is most well-known as the owner of the steamboat, the *Greyhound* (later *Kathleen*).

In the late nineteenth century, steamboats were an important part of the Lindsay landscape, as a key mode of transport along the Scugog River and around the lakes. By the late nineteenth century, it was a profitable and popular business with numerous steamboats travelling along the river and transporting people to the lakes and communities to the north. Sadler's father had first entered into the steamboat business himself with the construction of the *Alice-Ethel* in 1886. The *Greyhound* was constructed in 1894 and was intended to be a vessel with a higher passenger capacity and that could move at faster speeds. By the end of the century, it had become known as a fast vessel and remained in operating until 1904; the following year, it was completely renovated and the renamed the *Kathleen*. The *Kathleen* operated until 1909 when it was struck by lightning and burned in Sturgeon Point; it was once of the last large passenger steamers operating out of Lindsay at that time. Sadler himself was well known as it owner and a prominent member of the local business community. He was also recognized at the time as the owner of the first automobile in Lindsay.

The property also has historic connections with the local Italian community. In 1954, it was purchased by Giuseppe (Joe) and Antonia Lamantia who owned the property until 1992. Italian immigrants had arrived in Lindsay beginning in the 1920s and the Lamantia family has established their first grocery store, Central Fruit Market, on Kent Street in 1928. The business stayed in their family throughout the twentieth century and still operates in Lindsay today as LaMantia's Country Market. The family is an important part of the local Italian community and has historical connections with this property.

Contextual Value

3 St. David Street has some contextual value as part of a residential neighbourhood in Lindsay which is comprised primarily of single family homes. Some of the surroundings properties also have historic value and are of a similar age and style of the subject property. The neighbourhood, as a whole, is located on the former Purdy property and was divided into lots and streets shortly after the incorporation of the Town of Lindsay in 1857.

A number of properties, including the subject property, were constructed on this land in the late nineteenth century as this area of the town developed and are still extant. The Bird's Eye View map of 1875, for example, shows two nearby properties, at 4 Riverview Road and 12 St. David Street, as well as a number of other properties along King and Queen Streets which still survive. The current neighbourhood, particularly along Riverview Road and the section of St. David Street along which the subject property is located, has evolved throughout the nineteenth and twentieth centuries and does not present an intact historic streetscape as there are structures of many different types and ages in the surrounding areas. While the property is known in the local neighbourhood, it is not a specific landmark in the community.

Summary of Reasons for Designation

The short statement of reasons for designation and the description of the heritage attributes of the property, along with all other components of the Heritage Designation Brief, constitute the Reasons for Designation required under the *Ontario Heritage Act*.

Short Statement of Reasons for Designation

3 St. David Street is a typical example of a late Victorian gable front house. Likely constructed in the mid-1870s, the property displays the standard characteristics of this type of house including the front facing gable, an offset entrance, two windows on the upper storey of the house, and a verandah. The property's primary significance lies in its historical associations with members of the Lindsay community and the development of the town in the late nineteenth century.

Originally part of the Purdy property, its later occupants include: Joseph Foley, the owner of the first hardware store in Lindsay; William Walker Sadler, son of mill owner Thomas Sadler and the owner of the steamboat the *Greyhound*; and the Lamantia family, one of Lindsay's early and most prominent Italian families who began their local grocery store in 1928. This history of occupants includes many people who were important to the development of Lindsay's local business community.

Summary of Heritage Attributes to be Designated

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

- One and a half storey construction
- Red brick
- Gable roof
- Wrap around verandah
- Offset entrance with transom
- Fenestration

4 Riverview Road

Heritage Designation Report

Lindsay

PL 15P LOT 4 LOT 5 LOT 6N; RIVERVIEW RD

September 2019



Evaluation of Cultural Heritage Value or Interest

The subject property has been researched and evaluated in order to determine its cultural heritage significance under Ontario Regulation 9/06 of the Ontario Heritage Act R.S.O. 1990. A property is eligible for designation if it has physical, historical, associative or contextual value and meets any one of the nine criteria set out under Regulation 9/06 of the Act. Staff have determined that 4 Riverview Road, Lindsay fulfils the following criteria:

1. The property has design value or physical value because it:

i. is a rare, unique, representative or early example of a style, type, expression, material, or construction method:

4 Riverview Road is a typical example of an Ontario Gothic cottage. Constructed prior to 1875, it displays the typical features and layout of this structural type including the rectangular massing and central gable on the front elevation. The property is representative of this style but has had a number of modifications which have changed the built fabric of the structure.

ii. displays a high degree of craftsmanship or artistic merit:

The subject property does not display a high degree of craftsmanship or artistic merit.

iii. demonstrates a high degree of technical or scientific achievement:

There are no specific technical or scientific achievements associated with this property.

2. The property has historical or associative value because it:

i. has direct associations with a theme, event, belief, person, activity, organization, or institution that is significant to the community:

The property has direct associations with James Growden, a local builder who constructed the house and lived on the property until his death in 1925. Growden is significant to the community because of his role in the construction of significant nineteenth and twentieth century buildings in the town and was regarded as one of the pioneer builders of Lindsay. It also has associations with the development of Purdy's Mill as part of the former Purdy property.

ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture:

This property yields information about Lindsay in the late nineteenth century.

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community:

The property was likely designed and constructed by James Growden, a local mason, who owned and lived on the property from 1863 until his death in 1925. While it is not definitely established that Growden designed and constructed the building, it is extremely likely given his trade and experience. Growden is significant in the community as a builder because of his contributions to many late nineteenth and early twentieth century structures in Lindsay.

3. The property has contextual value because it:

i. is important in defining, maintaining or supporting the character of an area:

The subject property supports the character of the area which is defined primarily by single family homes.

ii. is physically, functionally, visually, or historically linked to its surroundings:

The subject property is historically linked to some of the surrounding properties which are of a similar age.

iii. is a landmark.

The subject property is not a specific landmark.

Design and Physical Value

4 Riverview Road is a typical example of an Ontario Gothic cottage and displays the key attributes of this style. The house appears on the 1875 Bird's Eye View Map of Lindsay and was likely constructed just prior to that period, although its exact date of construction is not definitively known. The lot was purchased by James Growden, the likely builder of the house, in 1863 and he probably constructed the current house shortly after his purchase.

The Ontario Gothic style developed around the mid-nineteenth century and was probably the most popular domestic architectural style in the province during this period for both urban and rural settings. The generally ornate Gothic Revival style had entered into the province around the 1840s, but was generally applied to larger home for wealthier clients. Simultaneously, there was increasing concern and interest in assisting lower and middle class individuals, particularly in the newly developing towns in the province with houses that were both architecturally fashionable, but affordable and functional.

The Ontario Gothic cottage, as it became known, was popularized in print media which published various patterns for cottage architecture in both Great Britain and North America during this period. The form that became the ubiquitous Ontario Gothic design was first published in *The Canadian Farmer*, a rural periodical, in 1864. This publication regularly devoted space to provided architectural patterns for its rural readers, but these designs also became very popular in towns and cities for their architectural interest and affordability.

The primary design elements of this house type was its rectangular massing, gable roof, and central gable. In generally, the building was arranged symmetrically with a central entrance and a window, often rounded or a lancet, in the central gable. The patterns promoted the use of decorative elements, such as carved bargeboard and gingerbread, quoins, and window hoods, and a verandah to enhance what was otherwise a fairly simple design. Many patterns also included a rear addition, generally for a kitchen, that was one storey and usually not visible from the front of the house. This was the typical form of the Ontario Gothic cottage in the province and innumerable of these houses were constructed in the second half of the nineteenth century integrating the basic elements of this style with various decorative elements as the builder and homeowner desired.

4 Riverview Road is recognizable as an Ontario Gothic cottage from its layout, massing, and details. The main portion of the house is constructed on a rectangular plan with a gable roof and central gable, the typical massing of this structural type. Like most Gothic cottages, the house has a rounded window in the central gable, which has retained its original shape, and symmetrical placement of windows on the front (south) and east elevations. The house was originally constructed using red brick on the exterior, although this has now been painted over; the rusticated surrounds around the south elevation windows are not original decorative features as the windows originally featured radiating voussoirs.

The property has had a number of modifications since its construction which have changed the original built fabric of the structure. While the building is representative of this house type in its overall form and massing, it is not an exemplary illustration of the stylistic and decorative development of this important housing type in mid- to late nineteenth century Ontario. The property lacks a number of key elements which are usually associated with this style, namely a central entrance and a verandah which may have been moved or removed as part of the building's evolution since the 1870s. It also has both a side and rear addition, which do not appear on the 1875 map although the side addition is likely from the late nineteenth century as early photographs of it show both buildings clad in matching brick of a similar age. Because of the modifications to the property, it does not display the craftsmanship or artistic merit which is usually associated with good examples of the Ontario Gothic style.

Historical and Associative Value

The subject property has historical and associative value for its associations with the development of the town of Lindsay in the mid- to late-nineteenth century. In particular, the property has direct associations with Purdy's Mill, which was important as part of the early industry in the area, and with James Growden, the first owner of the house who is significant in the history of the community as a mason and builder who was credited with the reconstruction of downtown Lindsay after the 1861 fire.

The subject property has historical significance in the early development of the town as part of the Purdy property. It originally formed part of Lot 20, Concession 6 of Ops Township, a large parcel of land which encompassed land on both sides of the Scugog River and was part of a parcel granted to William Purdy in 1828 when he entered into a contract with Upper Canada to build a saw mill on the river. The land patent was signed in May 1843 and, nine months later, passed to Purdy's two sons. When the Town of Lindsay was incorporated in 1857, these lands formed the nucleus of the new settlement and the mill property in particular was an extremely important structure to the early development of Lindsay. Shortly after incorporation, the section of the Purdy property on the north side of the river was surveyed and subdivided into streets and lots. The subject property was originally known as 4, 5, 6 Kent Street East and the address not changes to its current form until into the twentieth century.

The property was purchased in 1863 by local mason James Growden who is likely the builder of the house and who occupied it with his wife, Harriet, and their family until his death in 1925. Growden was born in Cornwall around 1836 and immigrated to Canada in 1857. He married his wife Harriet in Wentworth County and had moved to Ops Township by the early 1860s when he

appeared on the 1861 census. In 1863, he purchased the land from a William McDonnell, and by 1875 had constructed the present house where he lived with his wife and their eight children.

Growden's significance to the local community is due to his job as a mason and builder in the 1860s. In 1861, a fire consumed the vast majority of downtown Lindsay, nearly 100 buildings, most of which were of timber construction. The next decade saw a near complete reconstruction of Kent Street West and its cross streets. The reconstructed streetscape was comprised of three storey commercial blocks built primarily in the commercial Italianate style; this is the current form of downtown Lindsay and is an important part of the town's architectural history and identity. Growden is credited as one of the primary bricklayer who was responsible for the construction of many of these commercial buildings and, as a result, an integral figure in the development of Lindsay in its current form.

Growden's work was not limited to the downtown and, throughout the next several decades, he became a well-respected mason and builder in Lindsay, working on a significant range of projects, including residential, industrial, commercial and institutional buildings. Some of his most important projects include the construction of St. Andrew's Presbyterian Church in 1887, the enlargement of St. Mary's Catholic Church in 1894, and the construction of the East Ward School (1894; now Queen Victoria Public School) and the original Lindsay Collegiate Institute (1909). Growden is likely also the mason for the Lindsay Fire Hall as he appears to have been the only bricklayer to have submitted quote in the request for tender in 1901. By the early twentieth century, he was recognized in the community as one of the town's pioneer builders.

Growden was also extremely active in the political life of late nineteenth century Lindsay. He ran for a seat on the town council, both successfully and unsuccessfully, and was engaged in municipal matters throughout his life.

Contextual Value

4 Riverview Road has some contextual value as part of a residential neighbourhood comprised primarily of single family homes, some of which have historic value. The neighbourhood in which the subject property is located began as part of the Purdy property and was eventually divided into lots and streets after the creation of the Town of Lindsay in 1857 which included this parcel. The 1875 Bird's Eye View map shows a number of homes which had been constructed by this time on the former Purdy property, along with 3 Riverview Road.

There are a number of other extant properties in the local neighbourhood which were constructed in the late nineteenth century and are contemporaneous with the subject property. These include 3 St. David Street, which is immediately adjacent to 4 Riverview Road, and 12 St. David Street which also appears on the 1875 Bird's Eye View map. The majority of the properties which appear on the Bird's Eye View map and were constructed during the same period as the subject property are located along King Street and Queen Street to the north. The neighbourhood has evolved throughout the nineteenth and twentieth centuries and does not present an intact historic streetscape as there are structures of many different styles and ages in the surrounding area. While the property is known within the local neighbourhood, it is not a specific landmark in the town of Lindsay.

Summary of Reasons for Designation

The short statement of reasons for designation and the description of the heritage attributes of the property, along with all other components of the Heritage Evaluation Report, constitute the Reasons for Designation required under the Ontario Heritage Act.

Short Statement of Reasons for Designation

4 Riverview Road has cultural heritage value or interest because of its historical associations with the development of the Town of Lindsay in the mid- to late nineteenth century.

Architecturally, the property is a typical example of an Ontario Gothic cottage. Constructed between 1863 and 1875, the house displays the main attributes of this structural type including the gable roof, central gable with rounded window, and the symmetrical placement of the windows. Its primary significance lies in its historical associations with members of the Lindsay community and the development of Lindsay in the late nineteenth century. The property was occupied, and likely constructed by, local mason and builder James Growden. Growden is a significant figure in the history of the local community as the mason credited with the reconstruction of many commercial buildings in downtown Lindsay after the 1861 fire. They were reconstructed in the Italianate style which now defines the Lindsay's commercial core; Growden had an important role in that development as one of the key workman in the construction process. He was also the mason for a number other important public buildings in late nineteenth and early twentieth century Lindsay and has been recognized as one of the town's important pioneer builders.

Summary of Heritage Attributes to be Designated

The Reasons for Designation include the following heritage attributes and apply to all elevations, unless otherwise specified, and the roof including: all façades, entrances, windows, chimneys, and trim, together with construction materials of wood, brick, stone, stucco, concrete, plaster parging, metal, glazing, their related building techniques and landscape features.

- One and a half storey construction
- Gable roof
- Central gable with rounded window
- Fenestration
- West side addition

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number ED2019-020

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Kawartha Lakes Innovation Cluster Pilot Project Proposal

Description: The City has received funding to pursue a pilot project with the Innovation Cluster. This report is to provide Council with an overview of the project and seek permission to move forward and sign a contract with the Innovation Cluster to start the Pilot Project

Author and Title: Rebecca Mustard, Manager of Economic Development

Recommendation(s):

That Report ED2019-20, **Kawartha Lakes Innovation Cluster Pilot Project Proposal**, be received;

That the Mayor and Clerk be authorized to execute any documents and agreements required to enter into an agreement with the Innovation Cluster-Peterborough Kawartha to deliver the Kawartha Lakes Innovation Cluster Pilot until December 31, 2020; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

In Ontario, municipalities are able to provide for the establishment of a counselling service to small businesses operating or proposed to operate in the municipality under the Ontario Municipal Act 2006, c.32 Schedule A, s.50.

At the Council Meeting of March 26, 2019, Council adopted the following resolution:

CR2019-227

That Report ED2019-010, **Innovation Cluster Project**, be received;

That Staff be directed to work with the Innovation Cluster on potential opportunities to conduct a pilot program in Kawartha Lakes; and

That Staff be directed to report back to Council with a proposed plan for consideration.

Carried

At the Council meeting of June 18, 2019, Council adopted the following resolution:

CR2019-390

That Report ED2019-015, **Incubation Pilot Program Funding Support**, be received;

That the project titled Kawartha Lakes Innovation Cluster Pilot Project be approved for an application to the Kawartha Lakes Community Futures Development Corporation with a total project costs of up to \$100,000.00 with the City's 50% contribution from the Economic Development Innovation Reserve; and

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

Carried

At the direction of Council, Staff has been working with the Innovation Cluster on potential opportunities to conduct a pilot program in Kawartha Lakes to expand economic development programming to encourage business and job growth.

Funding for the Pilot Project has been secured through the Kawartha Lakes Community Futures Development Corporation. This report contributes to the Council direction, providing Council with a proposed Pilot Project.

Rationale:

Business development and growth in Kawartha Lakes is a priority of Council, as identified in the Corporate Strategic Plan and the Economic Development Strategy. It has also been identified as important by the community at large. In the 2017 public survey, conducted for the Economic Development Strategy, increasing employment opportunities was identified as the opportunity that would have the most positive impact on economic prosperity, and business investment and diversification were highlighted as the most important economic opportunities. A total of 292 survey responses were received.

In the recent public survey for the 2020-2023 Strategic Plan, 217 people responded to the request for “three actions you feel are most important to achieving a vibrant and growing economy” with the following responses related to business development and growth;

- Attract businesses to Kawartha Lakes (114 responses)
- Expand local employment (78 responses)
- Create an Innovation Centre (21 responses)

Linkages of the Pilot Project to the Kawartha Lakes Economic Development objectives:

Municipal programs can support local business development and growth by fostering a supporting business environment. This can include the provision of dedicated support services. The City of Kawartha Lakes has a comprehensive Economic Development program that is guided by the Corporate Strategic Plan and the Economic Development Strategic Plan. The program includes community economic development, growth in key industry clusters, entrepreneurship, business attraction and expansion and is supported by partnerships with the business community to provide complementary services to support the goals of the Economic Development Strategy.

The provision of specialized support services for high growth entrepreneurs is currently provided to many Kawartha Lakes entrepreneurs through the Innovation Cluster- Peterborough Kawartha at their Peterborough location. The proposed Pilot Project will see the creation of a physical location of the Innovation Cluster within Kawartha Lakes and include training, workshops, mentoring and support services that are incremental and complementary to the City’s Economic Development program.

How the Pilot Project will help achieve the City’s Economic Development objectives:

The Economic Development Strategy includes an emphasis on working in partnership with local business organization and the fostering of five (5) specific business clusters; agriculture and food, specialized manufacturing, tourism,

culture and engineered products and related services (makers, and tech creators). The focus of cluster development is supporting the growth and development of existing businesses (including employment) and collaborating with leaders to grow each cluster (number of businesses and employment).

The Innovation Cluster Pilot Project will have a focus in four areas of expertise; clean-tech, ag-tech, health care and the broader digital economy (a focus although not exclusive). The Innovation Cluster has expertise to assist innovative high growth businesses find the best path to market and commercialization. The Innovation Cluster is also well positioned to support established innovative high growth businesses with access to specialized resources relating to the development and commercialization of digital technology and intellectual property.

The Pilot Project will support 10 local innovative high growth entrepreneurs in the Kawartha Lakes location and offer at least six (6) training sessions to a broader audience of entrepreneurs and small businesses that is complementary to the City's Economic Development program.

The Pilot Project will also host the Peterborough Regional Angel Network in their Kawartha Lakes location introducing alternative investment opportunities to both entrepreneurs and potential Kawartha Lakes angel investors.

Anticipated benefits of the program to the municipality:

The physical location in Kawartha Lakes will provide the opportunity for local entrepreneurs to access specialized support services within their community, resources that entrepreneurs are currently leaving the community to access. The Pilot Project has intentional goals to support business retention and growth of innovative high growth businesses in Kawartha Lakes. The Pilot Project will also;

- Provide space for third party experts to mentor and consult with local businesses in the program;
- Connect and build community with local innovative and high growth businesses;
- Promote Kawartha Lakes as a location for innovation and high growth businesses to thrive;
- Increase the viability and development of local innovative high growth businesses and jobs;
- Assist creation of new jobs and businesses.

The City of Kawartha Lakes is home to over 7,500 businesses (2018), inclusive of approximately 2,000 businesses with employees.

How the Pilot Program will facilitate the fiscal sustainability of small business through the program after assistance from municipality ends:

As with many economic development initiatives, the purpose of the Pilot Project is to provide innovative high growth entrepreneurs and business owners with the connections, knowledge and resources to become more resilient and sustainable. The Pilot Project extends to December 31, 2020 during which Council will be presented with the progress on the project and options for supporting innovative high growth entrepreneurs on a go forward basis.

Other Alternatives Considered:

Council may choose not to pursue the proposed Pilot Project.

Financial/Operation Impacts:

Council has approved for up to \$100,000 in total project cost with 50% contribution from the Economic Development Innovation Reserve and the remaining 50% contribution through the KLCFDC.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The City of Kawartha Lakes Strategic Plan Goal 1- A Vibrant and Growing Economy, has an objective to foster a stronger and more diversified economy, increasing the number of businesses and expansion of local employment opportunities.

This Pilot Project directly contributes to supporting the Strategic Plan by introducing specialized small business counselling services to support the development and growth of innovative high growth businesses in Kawartha Lakes. The Pilot Project supports the Economic Development Strategy and is an incremental program that complements the City's comprehensive Economic Development Strategy.

Consultations:

Chief Administrative Officer

Solicitor

Kawartha Lakes Community Futures Development Corporation

Innovation Cluster- Peterborough Kawartha

Attachments:

None

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number ED2019-021

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Kawartha Lakes Small Business and Entrepreneurship Centre (KLSBEC) Program Funding 2019- 2022

Description: The City has received the 2019-2022 Ontario Transfer Agreement to deliver the SBEC Program. This report seeks Council approval to enter into an agreement with the Province.

Author and Title: Rebecca Mustard, Manager of Economic Development

Recommendation(s):

That Report ED2019-021, **KLSBEC Program Funding 2019-2022**, be received;

That the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

The Province of Ontario, through the Ministry of Economic Development, Job Creation and Trade, provides funding to support local economic development through the SBEC Program. The SBEC Program is comprised of the SBEC Core Initiative, Starter Company Plus Initiative and the Summer Company Initiative. These programs have been established by the Province to provide resources, training, and mentoring of entrepreneurs, businesses and youth and, where applicable, micro-financing to individuals to start, expand or purchase a small business in Ontario.

The three (3) initiatives offered through the SBEC Program were previously funded through separate agreements, with each covering a different program duration. Agreements for all three (3) initiatives concluded on March 31, 2019. Going forward, the Province has combined the three (3) initiatives into one (1) agreement with a three year (3) program funding period.

The 2019-2022 Ontario Transfer Payment Agreement for the SBEC Program has been received. This report is to seek approval of Council to sign the agreement and begin delivery of the program.

Rationale:

In the City of Kawartha Lakes, the SBEC Program, inclusive of all three (3) initiatives is delivered through the Kawartha Lakes Small Business and Entrepreneurship Centre (KLSBEC) and is an integral part of the City's Economic Development program.

The CORE initiative provides business advisory support and skills development to entrepreneurs and small businesses to improve the success rate and longevity of small businesses and build growth and prosperity in local communities. KLSBEC program accomplishments over the past five (5) years include 1,450 consultations with entrepreneurs and small business owners, hosting workshops and seminars with 1,350 learning spaces, and directly supporting the start-up of 300 businesses and 450 jobs.

The Starter Company PLUS program provides training, mentoring and micro-financing to approved program participants to start, expand or buy a small business. KLSBEC program accomplishments over the past two (2) years include the training and mentoring of 65 participants, 30 grants awarded, 32 businesses started and 35 businesses expanded.

Summer Company provides training, mentoring and micro-financing to youth who wish to start a full-time business over the summer with a goal of inspiring more youth to choose entrepreneurship as a career option and equip them with tools to succeed. The KLSBEC has been running this program since 2003. Over that

time approximately 126 student businesses have been launched and run during the summer. A number of these students have continued in entrepreneurship and now own and operate their own businesses.

Other Alternatives Considered:

No other alternatives have been considered.

Financial/Operation Impacts:

The City's contribution to the SBEC program contract duration will be \$22,716, which is included in the Economic Development operating budget. The City also provides in kind support for the program through the provision of office and training space, and administrative support.

The maximum Provincial contribution available to the City for the 2019-2022 Contract is \$609,303. While this funding provides for the base delivery of the SBEC Program, it is a reduction in funding compared to previous contracts and will not provide for the robust program the community has come to know. Staff are working on a number of alternatives for funding and program delivery to continue to provide a robust and successful KLSBEC program to the entrepreneurs and small business owners for the duration of the new contract. These alternatives will be presented to Council in the 2020 budget deliberations.

As per the Agreement, the Province can terminate the program upon 30 days' notice, which would require the City to wind down the SBEC Program. The City may be left with the wind down costs to the extent that the costs to wind down the program exceed the additional, unspent funds it has had in its possession at the time of the notice. Due to the long standing nature of the SBEC program, Staff do not see the termination of the program as a likely scenario.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

The SBEC Program directly supports the Council adopted Strategy Plan Goal 1- A Vibrant and Growing Economy and the Council adopted Economic Development Strategy, which actions the Council adopted Strategic Plan. The program supports the development of small businesses across the City which, in turn, contributes to the diversification of the local economy and expansion of local employment opportunities.

Consultations:

Insurance Risk Management Coordinator
Solicitor
Treasurer
Ministry of Economic Development, Job Creation and Trade

Attachments:

Appendix A – Ontario Transfer Payment Agreement for SBEC Program



Agreement Corp of
the City of Kawartha L

Appendix B – Guidelines 2019 SBEC Program Core Initiative



GUIDELINES 2019
SBEC Program Core Ir

Department Head E-Mail: cmarshall@kawarthalakes.ca

Department Head: Chris Marshall

**ONTARIO TRANSFER PAYMENT AGREEMENT FOR SBEC PROGRAM:
SBEC Core Initiative, Starter Company Plus Initiative and Summer Company Initiative**

THE AGREEMENT is effective as of the 1st day of April, 2019

B E T W E E N :

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the Minister of Economic Development, Job
Creation and Trade**

(the “Province”)

- and -

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

(the “Recipient”)

BACKGROUND

The Recipient intends to undertake the SBEC Program which is comprised of the SBEC Core Initiative, Starter Company Plus Initiative and Summer Company Initiative.

The Province has established the SBEC Program which is intended to provide important resources, training, mentoring to entrepreneurs, businesses, and Youth, as applicable, and/or Micro-Financing to individuals and Youth to start, expand, or purchase, as applicable, a small business in Ontario.

The Recipient has applied to the Province for Funds to assist the Recipient in carrying out the SBEC Program and the Province wishes to provide such Funds on the terms and conditions contained herein.

CONSIDERATION

In consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

1.0 ENTIRE AGREEMENT

1.1 The agreement, together with:

Schedule "A"	General Terms and Conditions
Schedule "B"	SBEC Program Specific Information
Schedule "C"	SBEC Program
Schedule "D"	Budget
Schedule "E"	Guidelines for SBEC Program
Schedule "F"	Payment Schedule
Schedule "G"	Reports
Schedule "H"	Request for Payment and Certificate
Schedule "I"	Eligible Expenditures
Schedule "J"	Summary of the <i>Travel, Meal and Hospitality Expenses Directive</i>
Schedule "K"	Communications and Confidentiality Protocol
Schedule "L"	Auditor's Certificate
Schedule "M"	<i>French Language Services Act</i> (Ontario) Checklist
Schedule "N"	Summer Company Initiative: Information Management and Privacy Provisions
Schedule "O"	Summer Company Initiative: Release and Consent Form, Assignment of Copyright and Waiver of Moral Rights Form, and any amending agreement entered into as provided for in Section 3.1, constitutes the entire agreement between the Parties with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

2.0 COUNTERPARTS

- 2.1 The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

3.0 AMENDING THE AGREEMENT

- 3.1 Other than as provided for under Section A4.4, the Agreement may only be amended by a written agreement duly executed by the Parties.

4.0 ACKNOWLEDGEMENT

- 4.1 The Recipient acknowledges that:
- (a) by receiving Funds it may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the *Broader Public Sector Accountability Act, 2010* (Ontario), the *Public Sector Salary Disclosure Act, 1996* (Ontario), and the *Auditor General Act* (Ontario);
 - (b) Her Majesty the Queen in right of Ontario has issued expenses, perquisites, and procurement directives and guidelines pursuant to the *Broader Public Sector Accountability Act, 2010* (Ontario);

- (c) the Funds are:
 - (i) to assist the Recipient to carry out the SBEC Program and not to provide goods or services to the Province;
 - (ii) funding for the purposes of the *Public Sector Salary Disclosure Act, 1996* (Ontario);
- (d) the Province is not responsible for carrying out the SBEC Program; and
- (e) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the SBEC Program or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

5.0 CONFLICT OR INCONSISTENCY

5.1 Conflict or Inconsistency. In the event of a conflict or inconsistency between the Additional Provisions and the provisions in Schedule “A”, the following rules will apply:

- (a) the Parties will interpret any Additional Provisions in so far as possible, in a way that preserves the intention of the Parties as expressed in Schedule “A”; and
- (b) where it is not possible to interpret the Additional Provisions in a way that is consistent with the provisions in Schedule “A”, the Additional Provisions will prevail over the provisions in Schedule “A” to the extent of the inconsistency.

- SIGNATURE PAGE FOLLOWS -

The Parties have executed the Agreement on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO as
represented by the Minister of Economic Development,
Job Creation and Trade**

Date

Name: Rachel Simeon
Title: Assistant Deputy Minister, Research, Science and
Commercialization Division

Authorized Signing Officer

The Corporation of the City of Kawartha Lakes

Date

Name: Andy Letham,
Title: Mayor and Cathie Ritchie, City Clerk

I have authority to bind the Recipient.

SCHEDULE "A"
GENERAL TERMS AND CONDITIONS

A1.0 INTERPRETATION AND DEFINITIONS

A1.1 Interpretation. For the purposes of interpretation:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the headings do not form part of the Agreement; they are for reference only and will not affect the interpretation of the Agreement;
- (d) any reference to dollars or currency will be in Canadian dollars and currency; and
- (e) "include", "includes" and "including" denote that the subsequent list is not exhaustive.

A1.2 Definitions. In the Agreement, the following terms will have the following meanings:

"Agreement" means this agreement entered into between the Province and the Recipient, all of the Schedules listed in Section 1.1, and any amending agreement entered into pursuant to Section 3.1.

"Approved Participant" means an individual who is a participant in the SBEC Program either as a Starter Company Plus Initiative Approved Participant or a Summer Company Initiative Approved Participant.

"Budget" means the budget attached to the Agreement as Schedule "D".

"Business Day" means any working day, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year's Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day on which the Province has elected to be closed for business.

"Client" means an entrepreneur or small business deemed eligible and suitable by the Recipient and seeks the services of the Recipient under the SBEC Core Initiative.

"Effective Date" means the date set out at the top of the Agreement.

"Eligible Expenditures" means those expenditures, exclusive of HST, which are directly attributable to the SBEC Program as more particularly described in Schedule "I" that are incurred and paid by the Recipient during the term of the Agreement.

“Event of Default” has the meaning ascribed to it in Section A13.1.

“Expiry Date” means the expiry date set out in Schedule “B”.

“Funding Year” means:

- (a) in the case of the first Funding Year, the period commencing on the Effective Date and ending on the following March 31; and
- (b) in the case of Funding Years subsequent to the first Funding Year, the period commencing on April 1 following the end of the previous Funding Year and ending on the following March 31.

“Funds” means the money the Province provides to the Recipient pursuant to the Agreement.

“Guidelines” means the guidelines for one or more of the Initiatives as applicable set out in Schedule “E”.

“Indemnified Parties” means Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees, and employees.

“Initiative” means any of the SBEC Core Initiative, the Starter Company Plus Initiative or the Summer Company Initiative.

“Initiatives” means two or more of the SBEC Core Initiative, the Starter Company Plus Initiative or the Summer Company Initiative.

“Learning Plan” means the Starter Company Plus Initiative Approved Participant’s individual learning plan as prepared and managed by the Recipient under the Starter Company Plus Initiative, which such Approved Participant agrees to undertake as a condition of his or her participation in the SBEC Program, as more particularly set out in Section A4.3 and Schedule “C”.

“Maximum Funds” means the maximum amount of Funds set out in Schedule “B” that the Province will provide to the Recipient under the Agreement.

“Micro-Financing” means micro-financing of up to \$5000 under the Starter Company Plus Initiative or up to \$3000 under the Summer Company Initiative as more particularly set out in Schedule “C”.

“Micro-Financing Agreement” means the Micro-Financing agreement as prepared by the Recipient and entered into between the Recipient and those Approved Participants that the Recipient has approved for Micro-Financing, as a condition of approval thereof, the foregoing subject to and in accordance with the terms and conditions of this Agreement including Section A4.3 and Schedule “C”.

“Micro-Financing Committee” means the committee set up by the Recipient to review and approve Micro-Financing as more particularly described in Schedule “C”.

“Notice” means any communication given or required to be given pursuant to the Agreement.

“Notice Period” means the period of time within which the Recipient is required to remedy an Event of Default pursuant to Section A13.3(b), and includes any such period or periods of time by which the Province extends that time in accordance with Section A13.4.

“Parties” means the Province and the Recipient.

“Party” means either the Province or the Recipient.

“Reports” means the reports set out in Schedule “G”.

“Salaries and MERCs” means the actual salaries or wages paid to employees, excluding bonuses, together with mandatory employment-related costs, incurred by the Recipient during the term of this Agreement. For greater certainty, mandatory employment-related costs may only include mandatory minimum vacation pay, employer’s contributions to employment insurance and the Canada Pension Plan, employer health tax, and Workplace Safety and Insurance Board Premiums.

“SBEC Core Initiative” means the undertaking set out in Schedule “C”

“SBEC Core Initiative Guidelines” means the SBEC Core Initiative guidelines set out in Schedule “B”.

“SBEC Program” means the undertaking set out in Schedule “C”.

“Starter Company Plus Initiative” means the undertaking set out in Schedule “C”.

“Starter Company Plus Initiative Approved Participant” means an individual applicant who is eligible and approved by the Recipient to participate in the Starter Company Plus Initiative, which approval is conditional upon the timely completion by each such Approved Participant of their individual Learning Plan, and for those Approved Participants the Recipient approves for Micro-Financing of up to \$5000 in Funds, conditional upon the prior execution of a Starter Company Plus Initiative Micro-Financing Agreement between such Approved Participant and the Recipient, all of the foregoing subject to and in accordance with the terms and conditions of this Agreement including Section A4.3, Schedule “C” and Schedule “E” as applicable.

“Starter Company Plus Initiative Guidelines” means the Starter Company Plus Initiative guidelines set out in Schedule “E”.

“Starter Company Plus Initiative Micro-Financing Agreement” means the Starter Company Plus Initiative Micro-Financing Agreement as prepared by the Recipient and entered into between the Recipient and those Approved Participants that the Recipient approves for Micro-Financing of up to \$5000 in Funds under the SBEC Program, as a condition of approval thereof, all of the foregoing subject to and in accordance with the

terms and conditions of this Agreement including Section A4.3 and Schedule “C”.

“Summer Company Initiative” means the undertaking set out in Schedule “C”.

“Summer Company Initiative Approved Participant” means a Youth applicant who is eligible and approved by the Recipient to participate in the Summer Company Initiative including approval for Micro-Financing of up to \$3000 in Funds, conditional upon the prior execution of a Summer Company Initiative Micro-Financing Agreement between such Approved Participant and the Recipient, all of the foregoing subject to and in accordance with the terms and conditions of this Agreement including Section A4.3, Schedule “C” and Schedule “E”.

“Summer Company Initiative Guidelines” means the Summer Company Initiative guidelines set out in Schedule “E”.

“Summer Company Initiative Micro-Financing Agreement” means the Micro-Financing Agreement as prepared by the Recipient and entered into between the Recipient and those Approved Participants that the Recipient approves for Micro-Financing of up to \$3000 in Funds under the Summer Company Initiative, as a condition of approval thereof, all of the foregoing subject to and in accordance with the terms and conditions of this Agreement including Section A4.3 and Schedule “C”.

“Youth” means an individual between the ages of 15-29, who is a student and a resident of Ontario and a Canadian citizen or permanent resident.

A2.0 REPRESENTATIONS, WARRANTIES, AND COVENANTS

A2.1 General. The Recipient represents, warrants, and covenants that:

- (a) it is, and will continue to be, a validly existing legal entity with full power to fulfill its obligations under the Agreement;
- (b) it has, and will continue to have, the experience and expertise necessary to carry out the SBEC Program;
- (c) it is in compliance with, and will continue to comply with, all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules, and by-laws related to any aspect of the SBEC Program, the Funds, or both;
- (d) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in support of its request for Funds (including information relating to any eligibility requirements) was true and complete at the time the Recipient provided it and will continue to be true and complete;
- (e) it shall carry out the SBEC Program in compliance with all Guidelines;
- (f) the Recipient shall provide all services to the public under the SBEC Program

in accordance with the *French Language Services Act* (Ontario), by taking appropriate measures in that regard, including among other things, providing signs, notices and other information on such services and communicating with the public to make it known to members of the public that such services are available in French at the choice of a member of the public. In this regard, subject to the Province's satisfaction, the Recipient shall, among other things that the Province may require from time to time, ensure that:

- (i) any person may communicate with the Recipient in both French and English;
 - (ii) any person may receive the services under the SBEC Program in both French and English;
 - (iii) the portions of the Recipient's website relating to the SBEC Program are available in French;
 - (iv) all public documents relating to the SBEC Program are available in French;
 - (v) bilingual (English/French) signs are posted as needed;
 - (vi) it has developed a protocol for providing francophone clients with services in French; and
 - (vii) it shall submit a written report in a form and content satisfactory to the Province regarding its provision of French language services and how it is meeting the requirements of this Section A2.1(f).
- (g) It shall comply with the terms and requirements of Schedule "K" - Communications and Confidentiality Protocol; and
- (h) It shall comply with the terms and requirements of Schedule "N" - Summer Company Initiative: Information Management and Privacy Provisions.

A2.2 Execution of Agreement. The Recipient represents and warrants that it has:

- (a) the full power and authority to enter into the Agreement; and
- (b) taken all necessary actions to authorize the execution of the Agreement, including if the Recipient is a municipality, passing a municipal by-law authorizing the Recipient to enter into the Agreement.

A2.3 Governance. The Recipient represents, warrants, and covenants that it has, will maintain in writing, and will follow:

- (a) a code of conduct and ethical responsibilities for all persons at all levels of the Recipient's organization;

- (b) procedures to enable the Recipient's ongoing effective functioning;
- (c) decision-making mechanisms for the Recipient;
- (d) procedures to enable the Recipient to manage Funds prudently and effectively;
- (e) procedures to enable the Recipient to complete the SBEC Program successfully;
- (f) procedures to enable the Recipient to identify risks to the completion of the SBEC Program and strategies to address the identified risks, all in a timely manner;
- (g) procedures to enable the preparation and submission of all Reports required pursuant to Article A7.0; and
- (h) procedures to enable the Recipient to address such other matters as the Recipient considers necessary to enable the Recipient to carry out its obligations under the Agreement.

A2.4 **Supporting Proof.** Upon the request of the Province, the Recipient will provide the Province with proof of the matters referred to in Article A2.0.

A3.0 TERM OF THE AGREEMENT

A3.1 **Term.** The term of the Agreement will commence on the Effective Date and will expire on the Expiry Date unless terminated earlier pursuant to Article A11.0, Article A12.0, or Article A13.0.

A4.0 FUNDS AND CARRYING OUT THE SBEC PROGRAM

A4.1 **Funds Provided.** The Province will:

- (a) provide the Recipient up to the Maximum Funds for the purpose of carrying out the SBEC Program;
- (b) provide the Funds to the Recipient in accordance with the payment schedule set out in Schedule "F"; and
- (c) deposit the Funds into an account designated by the Recipient provided that the account:
 - (i) resides at a Canadian financial institution; and
 - (ii) is in the name of the Recipient.

A4.2 **Limitation on Payment of Funds.** Despite Section A4.1:

- (a) the Province is not obligated to provide any Funds to the Recipient until the

Recipient provides the certificates of insurance or other proof as the Province may request pursuant to Section A10.2;

- (b) the Province is not obligated to provide instalments of Funds until it is satisfied with the progress of the SBEC Program;
- (c) any disbursement of Funds to the Recipient shall be subject to the Recipient's guidelines on travel, meal and hospitality expenses provided that such guidelines are no less stringent than the guidelines set out in Schedule "J" hereto;
- (d) the Province may adjust the amount of Funds it provides to the Recipient in any Funding Year based upon the Province's assessment of the information the Recipient provides to the Province pursuant to Section A7.1;
- (e) if, pursuant to the *Financial Administration Act* (Ontario), the Province does not receive the necessary appropriation from the Ontario Legislature for payment under the Agreement, the Province is not obligated to make any such payment, and, as a consequence, the Province may:
 - (i) reduce the amount of Funds and, in consultation with the Recipient, change the SBEC Program; or
 - (ii) terminate the Agreement pursuant to Section A12.1;
- (f) If the Recipient is a municipality, the Province is not obligated to provide any Funds to the Recipient until the Recipient provides evidence satisfactory to the Province that the Recipient's council has authorized the execution of this Agreement by the Recipient by municipal by-law.

A4.3 Use of Funds and Carry Out the SBEC Program. The Recipient will do all of the following:

- (a) carry out the SBEC Program in accordance with the Agreement;
- (b) use the Funds only for the purpose of carrying out the SBEC Program;
- (c) spend the Funds only on account of Eligible Expenditures and in accordance with the Budget;
- (d) not use the Funds to cover any cost that has or will be funded or reimbursed by one or more of any third party, ministry, agency, or organization of the Government of Ontario;
- (e) approve individual applicants in accordance with SBEC Program intake processes and eligibility and suitability requirements set out in Schedule "C";
- (f) develop and manage individual Learning Plans for each Starter Company Plus Initiative Approved Participant;

- (g) undertake post-SBEC Program reporting with all Approved Participants to obtain progress reporting information from Approved Participants such as business expansion and job creation for three consecutive Funding Years following the Expiry Date;
- (h) subject to and in accordance with Section A4.3(i) and (j), the Recipient shall prepare and enter into a Micro-Financing Agreement with each Approved Participant that the Recipient approves for Micro-Financing up to \$5000 in Funds for the Starter Company Plus Initiative or up to \$3000 in Funds for the Summer Company Initiative, as a condition of approval thereof;
- (i) ensure the following terms and conditions, as applicable, are included in the Starter Company Plus Initiative Micro-Financing Agreement and the Summer Company Initiative Micro-Financing Agreement:
 - (i) Audit Rights for the Crown. The parties agree that audit rights under the Micro-Financing Agreement shall inure to the benefit of the Province, any authorized representative or any independent auditor identified by the Province, at the Province's expense, which audit rights (including the right of inspection and review of the Approved Participant's progress of its project under the SBEC Program and any allocation and expenditure of Funds and to perform a full or partial audit of the Approved Participant) shall continue in full force and effect for a period of seven years from the date of expiry or termination of the [Starter Company Plus Initiative Micro-Financing Agreement or Summer Company Initiative Micro-Financing Agreement, as applicable];
 - (ii) Post-SBEC Program Reporting. The Approved Participant shall, if requested by the Recipient or the Province, provide progress reporting information such as the Approved Participant's business expansion and job creation for three consecutive Funding Years following the expiry date or termination of the [Starter Company Plus Initiative Micro-Financing Agreement or Summer Company Initiative Micro-Financing Agreement, as applicable];
- (j) ensure the following term and condition is included in the Starter Company Plus Initiative Micro-Financing Agreement:
 - (i) Learning Plan. The Approved Participant agrees to undertake the Learning Plan as a condition of their participation in the Starter Company Plus Initiative, attached thereto as a schedule to the Starter Company Plus Initiative Micro-Financing Agreement; and
- (k) ensure that all third party mentors and consultants engaging with Clients or Approved Participants in the SBEC Program are bound by appropriate confidentiality, non-compete, and conflict of interest provisions in agreements with the Recipient and Client or Approved Participants, as applicable.

A4.4 Despite Section 3.1. Despite Section 3.1, the Recipient may, on occasion, in the Budget, reallocate only within the same Funding Year:

- (a) Under the expenses category heading 'SBEC Program Delivery (A)', any amount of underspending in any line item thereunder, can be moved to either the 'Starter Company Plus Initiative (C)' or the 'Summer Company Initiative (D)' line items under the category heading 'Micro-Financing for Approved Participants';
- (b) Any amount of underspending in 'Summer Company Initiative (D)' can be moved to 'Starter Company Plus Initiative (C)'; and
- (c) An amount equalling up to 10% or \$500, whichever is greater, of any expenses line item to another expenses line item, provided that at all times the following conditions are met:
 - (i) Administration: the line item 'SBEC Program Administration' under the category heading 'Administration (B)' shall not exceed 10% of the overall Budget; and
 - (ii) Micro-Financing: other than as provided for above in Section A4.4(b), the amount allocated for Micro-Financing for the Starter Company Plus Initiative and for the Summer Company Initiative shall not be reduced.

A4.5 Interest Bearing Account. If the Province provides Funds before the Recipient's immediate need for the Funds, the Recipient will place the Funds in an interest bearing account in the name of the Recipient at a Canadian financial institution.

A4.6 Interest. If the Recipient earns any interest on the Funds, the Province may:

- (a) deduct an amount equal to the interest from any further instalments of Funds; or
- (b) demand from the Recipient the payment of an amount equal to the interest.

A4.7 Rebates, Credits, and Refunds. The Ministry will calculate Funds based on Eligible Expenditures, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit, or refund.

A5.0 RECIPIENT'S ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS

A5.1 Acquisition. If the Recipient acquires goods, services, or both with the Funds, it will:

- (a) do so through a process that promotes the best value for money; and
- (b) comply with the *Broader Public Sector Accountability Act, 2010* (Ontario), including any procurement directive issued thereunder, to the extent applicable.

A5.2 **Disposal.** The Recipient will not, without the Province's prior written consent, sell, lease, or otherwise dispose of any asset purchased or created with the Funds or for which Funds were provided, the cost of which exceeded the amount set out in Schedule "B" at the time of purchase.

A6.0 CONFLICT OF INTEREST

A6.1 **No Conflict of Interest.** The Recipient will carry out the SBEC Program and use the Funds without an actual, potential, or perceived conflict of interest.

A6.2 **Conflict of Interest Includes.** For the purposes of Article A6.0, a conflict of interest includes any circumstances where:

- (a) the Recipient; or
- (b) any person who has the capacity to influence the Recipient's decisions,

has outside commitments, relationships, or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased, and impartial judgment relating to the SBEC Program, the use of the Funds, or both.

A6.3 **Disclosure to Province.** The Recipient will:

- (a) disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest; and
- (b) comply with any terms and conditions that the Province may prescribe as a result of the disclosure.

A7.0 REPORTS, ACCOUNTING, AND REVIEW

A7.1 **Preparation and Submission.** The Recipient will:

- (a) submit to the Province at the address referred to in Section A17.1, all Reports in accordance with the timelines and content requirements set out in Schedule "G", or in a form as specified by the Province from time to time;
- (b) submit to the Province at the address referred to in Section A17.1, any other reports as may be requested by the Province in accordance with the timelines and content requirements specified by the Province;
- (c) ensure that all Reports and other reports are completed to the satisfaction of the Province; and
- (d) ensure that all Reports and other reports are signed on behalf of the Recipient by an authorized signing officer.

A7.2 **Record Maintenance.** The Recipient will keep and maintain:

- (a) all financial records (including invoices) relating to the Funds or otherwise to the SBEC Program in a manner consistent with generally accepted accounting principles; and
- (b) all non-financial documents and records relating to the Funds or otherwise to the SBEC Program.

A7.3 Inspection. The Province, any authorized representative, or any independent auditor identified by the Province may, at the Province's expense, upon twenty-four hours' Notice to the Recipient and during normal business hours, enter upon the Recipient's premises to review the progress of the SBEC Program and the Recipient's allocation and expenditure of the Funds and, for these purposes, the Province, any authorized representative, or any independent auditor identified by the Province may take one or more of the following actions:

- (a) inspect and copy the records and documents referred to in Section A7.2;
- (b) remove any copies made pursuant to Section A7.3(a) from the Recipient's premises; and
- (c) conduct an audit or investigation of the Recipient in respect of the expenditure of the Funds, the SBEC Program, or both.

A7.4 Disclosure. To assist in respect of the rights provided for in Section A7.3, the Recipient will disclose any information requested by the Province, any authorized representatives, or any independent auditor identified by the Province, and will do so in the form requested by the Province, any authorized representative, or any independent auditor identified by the Province, as the case may be.

A7.5 No Control of Records. No provision of the Agreement will be construed so as to give the Province any control whatsoever over the Recipient's records.

A7.6 Auditor General. The Province's rights under Article A7.0 are in addition to any rights provided to the Auditor General pursuant to Section 9.1 or 9.2 of the *Auditor General Act* (Ontario), as applicable.

A8.0 COMMUNICATIONS REQUIREMENTS

A8.1 Acknowledge Support. Unless otherwise directed by the Province, the Recipient will:

- (a) acknowledge the support of the Province for the SBEC Program; and
- (b) ensure that the acknowledgement referred to in Section A8.1(a) is in a form and manner as directed by the Province.

A8.2 Publication. The Recipient will indicate, in any of its SBEC Program-related publications, whether written, oral, or visual, that the views expressed in the

publication are the views of the Recipient and do not necessarily reflect those of the Province.

A9.0 INDEMNITY

A9.1 Indemnification. The Recipient will indemnify and hold harmless the Indemnified Parties from and against any and all liability, loss, costs, damages, and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits, or other proceedings, by whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of or in connection with the SBEC Program or otherwise in connection with the Agreement, unless solely caused by the negligence or wilful misconduct of the Indemnified Parties.

A10.0 INSURANCE

A10.1 Recipient's Insurance. The Recipient represents, warrants, and covenants that it has, and will maintain, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person carrying out a project similar to the SBEC Program would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury, and property damage, to an inclusive limit of not less than the amount set out in Schedule "B" per occurrence. The insurance policy will include the following:

- (a) the Indemnified Parties as additional insureds with respect to liability arising in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;
- (b) a cross-liability clause;
- (c) contractual liability coverage; and
- (d) a 30-day written notice of cancellation.

A10.2 Proof of Insurance. The Recipient will:

- (a) provide to the Province, either:
 - (i) certificates of insurance that confirm the insurance coverage as provided for in Section A10.1; or
 - (ii) other proof that confirms the insurance coverage as provided for in Section A10.1; and
- (b) upon the request of the Province, provide to the Province a copy of any insurance policy.

A11.0 TERMINATION ON NOTICE

A11.1 **Termination on Notice.** The Province may terminate the Agreement at any time without liability, penalty, or costs upon giving at least 30 days' Notice to the Recipient.

A11.2 **Consequences of Termination on Notice by the Province.** If the Province terminates the Agreement pursuant to Section A11.1, the Province may take one or more of the following actions:

- (a) cancel further instalments of Funds;
- (b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) determine the reasonable costs for the Recipient to wind down the SBEC Program, and do either or both of the following:
 - (i) permit the Recipient to offset such costs against the amount the Recipient owes pursuant to Section A11.2(b); and
 - (ii) subject to Section A4.1(a), provide Funds to the Recipient to cover such costs.

A12.0 TERMINATION WHERE NO APPROPRIATION

A12.1 **Termination Where No Appropriation.** If, as provided for in Section A4.2(e), the Province does not receive the necessary appropriation from the Ontario Legislature for any payment the Province is to make pursuant to the Agreement, the Province may terminate the Agreement immediately without liability, penalty, or costs by giving Notice to the Recipient.

A12.2 **Consequences of Termination Where No Appropriation.** If the Province terminates the Agreement pursuant to Section A12.1, the Province may take one or more of the following actions:

- (a) cancel further instalments of Funds;
- (b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) determine the reasonable costs for the Recipient to wind down the SBEC Program and permit the Recipient to offset such costs against the amount owing pursuant to Section A12.2(b).

A12.3 **No Additional Funds.** If, pursuant to Section A12.2(c), the Province determines that the costs to wind down the SBEC Program exceed the Funds remaining in the possession or under the control of the Recipient, the Province will not provide additional Funds to the Recipient.

A13.0 EVENT OF DEFAULT, CORRECTIVE ACTION, AND TERMINATION FOR DEFAULT

A13.1 Events of Default. Each of the following events will constitute an Event of Default:

- (a) in the opinion of the Province, the Recipient breaches any representation, warranty, covenant, or other material term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of the Agreement:
 - (i) carry out the SBEC Program;
 - (ii) use or spend Funds; or
 - (iii) provide, in accordance with Section A7.1, Reports or such other reports as may have been requested pursuant to Section A7.1(b);
- (b) the Recipient's operations, its financial condition, or its organizational structure, changes such that it no longer meets one or more of the eligibility requirements of the program under which the Province provides the Funds;
- (c) the Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or a creditor makes an application for an order adjudging the Recipient bankrupt, or applies for the appointment of a receiver; or
- (d) the Recipient ceases to operate.

A13.2 Consequences of Events of Default and Corrective Action. If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of the SBEC Program;
- (b) provide the Recipient with an opportunity to remedy the Event of Default;
- (c) suspend the payment of Funds for such period as the Province determines appropriate;
- (d) reduce the amount of the Funds;
- (e) cancel further instalments of Funds;
- (f) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient;
- (g) demand from the Recipient the payment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;
- (h) demand from the Recipient the payment of an amount equal to any Funds the Province provided to the Recipient; and

- (i) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

A13.3 Opportunity to Remedy. If, in accordance with Section A13.2(b), the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will give Notice to the Recipient of:

- (a) the particulars of the Event of Default; and
- (b) the Notice Period.

A13.4 Recipient not Remediating. If the Province provided the Recipient with an opportunity to remedy the Event of Default pursuant to Section A13.2(b), and:

- (a) the Recipient does not remedy the Event of Default within the Notice Period;
- (b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Notice Period, or initiate any one or more of the actions provided for in Sections A13.2(a), (c), (d), (e), (f), (g), (h), and (i).

A13.5 When Termination Effective. Termination under Article will take effect as provided for in the Notice.

A14.0 FUNDS AT THE END OF A FUNDING YEAR

A14.1 Funds at the End of a Funding Year. Without limiting any rights of the Province under Section A13.0, if the Recipient has not spent all of the Funds allocated for the Funding Year as provided for in the Budget, the Province may take one or both of the following actions:

- (a) demand from the Recipient payment of the unspent Funds; and
- (b) adjust the amount of any further instalments of Funds accordingly.

A15.0 FUNDS UPON EXPIRY

A15.1 Funds Upon Expiry. The Recipient will, upon expiry of the Agreement, pay to the Province any Funds remaining in its possession or under its control.

A16.0 DEBT DUE AND PAYMENT

A16.1 Payment of Overpayment. If at any time the Province provides Funds in excess of the amount to which the Recipient is entitled under the Agreement, the Province may:

- (a) deduct an amount equal to the excess Funds from any further instalments of Funds; or
- (b) demand that the Recipient pay an amount equal to the excess Funds to the Province.

A16.2 **Debt Due.** If, pursuant to the Agreement:

- (a) the Province demands from the Recipient the payment of any Funds or an amount equal to any Funds; or
- (b) the Recipient owes any Funds or an amount equal to any Funds to the Province, whether or not the Province has demanded their payment,

such Funds or other amount will be deemed to be a debt due and owing to the Province by the Recipient, and the Recipient will pay the amount to the Province immediately, unless the Province directs otherwise.

A16.3 **Interest Rate.** The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

A16.4 **Payment of Money to Province.** The Recipient will pay any money owing to the Province by cheque payable to the "Ontario Minister of Finance" and delivered to the Province set out in Schedule "B".

A16.5 **Fails to Pay.** Without limiting the application of Section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to pay any amount owing under the Agreement, Her Majesty the Queen in right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in right of Ontario.

A17.0 NOTICE

A17.1 **Notice in Writing and Addressed.** Notice will be in writing and will be delivered by email, postage-prepaid mail, or personal delivery and will be addressed to the Province and the Recipient respectively set out in Schedule "B", or as either Party later designates to the other by Notice.

A17.2 **Notice Given.** Notice will be deemed to have been received:

- (a) in the case of postage-prepaid mail, five Business Days after the Notice is mailed; or
- (b) in the case of email or personal delivery, one (1) Business Day after the Notice is delivered.

A17.3 **Postal Disruption.** Despite Section A17.2(a), in the event of a postal disruption:

- (a) Notice by postage-prepaid mail will not be deemed to be received; and
- (b) the Party giving Notice will give Notice by email or personal delivery.

A18.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT

A18.1 **Consent.** When the Province provides its consent pursuant to the Agreement, it may impose any terms and conditions on such consent and the Recipient will comply with such terms and conditions.

A19.0 SEVERABILITY OF PROVISIONS

A19.1 **Invalidity or Unenforceability of Any Provision.** The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement. Any invalid or unenforceable provision will be deemed to be severed.

A20.0 WAIVER

A20.1 **Waiver Request.** Either Party may, in accordance with the Notice provision set out in Article A17.0, ask the other Party to waive an obligation under the Agreement.

A20.2 **Waiver Applies.** Any waiver a Party grants in response to a request made pursuant to Section A20.1 will:

- (a) be valid only if the Party granting the waiver provides it in writing; and
- (b) apply only to the specific obligation referred to in the waiver.

A21.0 INDEPENDENT PARTIES

A21.1 **Parties Independent.** The Recipient is not an agent, joint venturer, partner, or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

A22.0 ASSIGNMENT OF AGREEMENT OR FUNDS

A22.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under the Agreement.

A22.2 **Agreement Binding.** All rights and obligations contained in the Agreement will extend to and be binding on the Parties' respective heirs, executors, administrators, successors, and permitted assigns.

A23.0 GOVERNING LAW

A23.1 **Governing Law.** The Agreement and the rights, obligations, and relations of the Parties will be governed by and construed in accordance with the laws of the Province

of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

A24.0 FURTHER ASSURANCES

A24.1 Agreement into Effect. The Recipient will provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

A25.0 JOINT AND SEVERAL LIABILITY

A25.1 Joint and Several Liability. Where the Recipient is comprised of more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

A26.0 RIGHTS AND REMEDIES CUMULATIVE

A26.1 Rights and Remedies Cumulative. The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

A27.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS

A27.1 Other Agreements. If the Recipient:

- (a) has failed to comply with any term, condition, or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a “**Failure**”);
- (b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

A28.0 SURVIVAL

A28.1 **Survival.** The following Articles and Sections, and all applicable cross-referenced Sections and Schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement: Article 1.0, Article 5.0, Article A1.0 and any other applicable definitions, Section A2.1(a), Section A2.2, Sections A4.2(e), A4.5, A4.6, A.4.7 Section A5.2, Section A7.1 (to the extent that the Recipient has not provided the Reports or other reports as may have been requested to the satisfaction of the Province), Sections A7.2, A7.3, A7.4, A7.5, A7.6, Article A8.0, Article A9.0, Section A11.2, Sections A12.2, A12.3, Sections A13.1, A13.2(d), (e), (f), (g) and (h), Article A15.0, Article A16.0, Article A17.0, Article A19.0, Section A22.2, Article A23.0, Article A25.0, Article A26.0, Article A27.0 and Article A28.0.

- END OF GENERAL TERMS AND CONDITIONS -

SCHEDULE “B”
SBEC PROGRAM SPECIFIC INFORMATION

Maximum Funds	\$609,303
Expiry Date	June 30, 2022
Amount for the purposes of Section A5.2 (Disposal) of Schedule “A”	\$ 2,000
Insurance	\$ 2,000,000
Contact information for the purposes of Notice to the Province	<p>Position: Lyn Doering, Manager, Contract Management and Relationship</p> <p>Address: Ministry of Economic Development, Job Creation and Trade Commercialization and Scale-up Networks Branch Relationship and Contract Management Unit</p> <p>2 Queen East, 3rd floor Toronto, Ontario M5C 3G7</p> <p>Email: lyn.doering@ontario.ca</p>
Contact information for the purposes of Notice to the Recipient	<p>Position: Diane Steven, Manager Kawartha Lakes Small Business & Entrepreneurship Centre</p> <p>Address: 180 Kent St W Lindsay, Ontario K9V 2Y6</p> <p>Email: dsteven@city.kawarthalakes.on.ca</p>
Contact information for the senior financial person in the Recipient organization (e.g., CFO, CAO) – to respond as required to requests from the Province related to the Agreement	<p>Position: Carolyn Daynes, Treasurer</p> <p>Address: 180 Kent St W 26 Francis St., Lindsay ON K9V 5R8</p> <p>Email: cdaynes@kawarthalakes.ca</p>

SCHEDULE “C”

SBEC PROGRAM

A. SBEC PROGRAM DESCRIPTION

The Recipient will undertake the delivery of the SBEC Program including three main Initiatives:

1. SBEC Core Initiative,
2. Starter Company Plus Initiative, and
3. Summer Company Initiative,

which are intended to provide important resources, training, mentoring to entrepreneurs, businesses, and Youth, as applicable, and/or Micro-Financing to individuals and Youth to start, expand, or purchase, as applicable, a small business in Ontario.

SBEC PROGRAM	OBJECTIVES
1. SBEC Core Initiative	<ul style="list-style-type: none">• Provide business advisory supports and skills development to Ontario’s entrepreneurs and small businesses to improve the success rate and longevity of small businesses and build growth and prosperity in local communities.• Services are focused on Clients starting a business or expanding an existing business which are typically less than five (5) years in operation and have under ten (10) employees.
2. Starter Company Plus Initiative	<ul style="list-style-type: none">• Provide training, mentoring and Micro-Financing opportunities for Approved Participants to start, expand or buy a small business.• Address local and/or regional economic development needs, and where appropriate focus on special industries and sectors.
3. Summer Company Initiative	<ul style="list-style-type: none">• Provide training, mentoring and Micro-Financing of up to \$3,000 to Youth who wish to start a full-time business over the summer.• Inspire more Youth to choose entrepreneurship as a career option and equip them with tools to succeed.

B. SBEC PROGRAM COMPONENTS

The Recipient shall deliver all the SBEC Program components below for the Initiatives.

SBEC PROGRAM	COMPONENTS
1. SBEC Core Initiative	<p>Initial Assessment/Inquiries</p> <p>The Recipient shall:</p> <ul style="list-style-type: none">• Respond to inquiries related to entrepreneurship and small business, and Recipient service offerings (initiatives, programs and services available).• Direct Clients to appropriate Recipient services or refer to other entrepreneurship stakeholder services. <p>Business Advisory/Coaching</p> <p>The Recipient shall work with Clients to provide personalized options, information and advisory support to address their business needs. The Recipient shall offer:</p> <ul style="list-style-type: none">• Initial one-on-one consultation, on a no fee basis to each Client.• Any additional consultation (advanced/in-depth) may be offered to the Client. Fees, if any, and the amount (cost-recovery or otherwise) are to be determined by the Recipient. The consultation can take place at the Recipient location or offsite.• Mentorship and/or coaching services to Clients. Services may be delivered on a non-fee or fee basis.• Referrals for third party “professional” consultations (i.e. accountants, real estate). <p>Business Skill Development</p> <p>The Recipient shall assist Clients in starting, maintaining or expanding their small business through short term workshops, events or activities.</p> <p>The Recipient shall:</p> <ul style="list-style-type: none">• Conduct and/or facilitate seminars and workshops that focus on entrepreneurship, small business and business development. Other than the initial consultation which shall

	<p>be complementary, fees, if any, are to be determined by the Recipient.</p> <ul style="list-style-type: none"> • Host and/or organize networking activities or events. These activities or events can be targeted to serve specific demographics (i.e.-Women, Indigenous and Youth entrepreneurs), to be determined by the Recipient. <p>Resources</p> <p>To raise the profile and promote small businesses in Ontario, the Recipient shall offer the following resources to assist businesses to proposer and expand:</p> <ul style="list-style-type: none"> • Conduct outreach services to the community to promote the services of the Recipient and develop partnerships within the community. • Provide computer stations (with internet) and business resources for Clients.
2. Starter Company Plus Initiative	<p>The Recipient shall deliver all four components at their sites:</p> <ol style="list-style-type: none"> 1. Approved Participant Intake 2. Training and Skills Development 3. Mentorship 4. Micro-Financing (Funds contributed by the Province up to \$5,000) <p>The Recipient shall ensure that all Approved Participants who are eligible and approved by the Recipient undertake the first three components. The fourth component is not required. The availability of the Micro-Financing component for an Approved Participant shall be determined by the Recipient.</p> <p>The Recipient shall determine an individual's eligibility and suitability for Starter Company Plus Initiative as well as their general business needs.</p> <p>The Recipient shall:</p> <ul style="list-style-type: none"> • Assess individuals based on eligibility requirements outlined in the Guidelines and the local suitability criteria developed by the Recipient.

- If the individual is eligible and suitable, and the individual wishes to proceed with the Initiative, the Recipient accepts the individual as an Approved Participant.
- If the individual is not eligible or not suitable for Starter Company Plus Initiative, the Recipient shall direct the individual to other entrepreneurship initiatives, programs and services.
- Have a decision model in place that provides rationale for approval to participate in the Starter Company Plus Initiative.
- Work with the Approved Participant to develop a customized Learning Plan outlining required training and mentorship based on the Approved Participant's business needs and goals.

Training and Skills Development

The objective of the Training and Skills Development component is to help Approved Participants start, expand or purchase a business by providing short term workshops or activities. This can include seminars, workshops, networking events and experiential learning. Activities can be completed in a classroom, one-on-one, or in a group setting.

The Recipient shall:

- Develop content and a suitable delivery method of training and skills development for each Approved Participant. The Recipient will organize, schedule and sequence the workshops to meet Approved Participants' needs in a way that is suitable for their organization.
- Provide short-term training and skills development opportunities to enhance business knowledge and skills to support Approved Participants in starting, expanding or purchasing a business.
- Monitor when an Approved Participant has finished the identified training on their Learning Plan.

Mentoring

The Recipient must match each Approved Participant with a designated mentor and/or a group of mentors. Mentorship activities provides the Approved Participant with a trusted confidante that can provide business expertise and share business experience. Activities can include, but are not limited to, identifying challenges,

working on problem solving strategies, developing networking skills, expanding contact networks and providing overall guidance.

The Recipient shall:

- Match each Approved Participant with a mentor who will provide support, entrepreneur advice and expertise for a minimum of three months.
- Recruit, train and coordinate a mentorship network to meet the needs of the Initiative.
- Monitor the Approved Participant-mentor match and record when the component has been completed.

Approved Participants can participate in the training and skills development and mentorship component concurrently.

Micro-Financing

Each Approved Participant that the Recipient approves for Micro-Financing shall receive up to \$5000 in Funds by the Province. The Recipient may find funding locally to match or increase the Micro-Financing amount. The Micro-Financing is administered and distributed by each Recipient. Such Approved Participants must also match the Micro-Financing amount by 25% (may include in kind contributions). The matching contribution may be waived by the Recipient under exceptional circumstances only.

The Recipient shall:

- Establish a Micro-Finance Committee.
- Develop all required procedures and criteria governing Micro-Financing administration.
- Prepare, negotiate and enter into Micro-Financing Agreements with Approved Participants prior to disbursement of Funds. The Micro-Financing Agreement shall outline the terms and the conditions of Micro-Financing including eligible expenditures, milestones and grounds for repayment in addition to the requirements set out in Schedule "A" Section A4.3 (h), (i) and (j).
- Distribute Micro-Financing to all Approved Participants.
- Where Approved Participants fail to comply with Starter Company Plus Initiative requirements or any requirements under the Micro-Financing Agreement, the Recipient shall make all necessary efforts to recoup all or part of the Funds on behalf of the Province.

<p>3. Summer Company Initiative</p>	<p>Intake- Application Process</p> <p>Youth interested in participating in the Summer Company Initiative are required to complete an online eligibility checklist, and if the individual is deemed eligible, may then submit an online application request to the Recipient. The Recipient will then contact the Youth and ask him or her to submit an online application, which includes a business plan and a description of the eligible business and cash flow. Those applicants will then be interviewed by the Recipient and informed if they have been accepted as Approved Participants.</p> <p>The Recipient shall:</p> <ul style="list-style-type: none"> • Promote and market the Initiative to targeted groups. • Review application inquiries to determine if potential applicants meet Initiative eligibility. • Distribute Summer Company Initiative applications to Youth applicants. • Assist Youth in completing Summer Company Initiative applications. • Review submitted Summer Company Initiative applications for completeness and assess if Summer Company Initiative requirements and Guidelines have been met. • Interview Youth applicants and select Approved Participants. • Ensure the Approved Participant has met all the requirements to participate. A list of requirements is outlined in the Summer Company Initiative Guidelines. • Enter into Summer Company Initiative Micro-Financing Agreement with the Approved Participant. • Meet Approved Participant targets as identified by the Province. <p>Business Training and Coaching</p> <p>The Recipient shall provide short term workshops or activities designed to help Approved Participants with the skills and tools to succeed in entrepreneurship. The training can focus, but not limited to marketing and sales, HST, record/book keeping, time management, customer service, insurance and risk management.</p> <p>The Recipient shall:</p> <ul style="list-style-type: none"> • Recruit and coordinate business mentors. Mentors must have a valid criminal background check issued by the police within the last six months and have an understanding of the objectives, business planning and operations of the Summer Company Initiative, and must maintain confidentiality of all information
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	<p>amongst other obligations set out further under Schedule “A”, Section A4.3 (k).</p> <ul style="list-style-type: none"> • Assign the Approved Participant to a mentor or mentor group. • Provide a minimum of 12 hours of business training and guidance per Approved Participant. • Conduct one on-site visit at the project location for the Approved Participant for ongoing support and guidance. • Monitor Approved Participant progress to ensure compliance with the business plan and cash flow forecasts. • Conduct exit interviews with the Approved Participants to ensure all Summer Company Initiative requirements have been met. <p>Micro Financing</p> <p>Approved Participants are eligible to receive up to \$3000 in Micro-Financing to support start-up costs and completion of their project under the Summer Company Initiative. Micro-Financing is issued by the Recipient in two installments.</p> <p>The Recipient shall:</p> <ul style="list-style-type: none"> • Establish a Micro-Finance Committee. • Develop all required procedures and criteria governing Micro-Financing administration. • Prepare, negotiate and enter into Micro-Financing Agreements with Approved Participants prior to disbursement of Funds which will be paid out in two instalments. The Micro-Financing Agreement shall outline the terms and the conditions of Micro-Financing including eligible expenditures, milestones and grounds for repayment in addition to the requirements set out in Schedule “A”, Section A4.3 (h), (i) and (j). • Distribute the first instalment after execution of the Micro-Financing Agreement. • Distribute the second instalment once the Approved Participant has completed all requirements of his or her project under the Initiative and Micro-Financing Agreement. • Where an Approved Participant fails to comply with Summer Company Initiative requirements or any requirements under the Micro-Financing Agreement, the Recipient shall make all necessary efforts to recoup all or part of the Funds on behalf of the Province.
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	<p>SCREEN Reporting</p> <p>The Recipient is required to:</p> <ul style="list-style-type: none"> • Administer and approve applications through the Summer Company Initiative Registration, Eligibility and Evaluation Network web-based system ("SCREEN"). • Report identified performance measures through the SCREEN input report. • Collect and submit success stories. • Distribute a survey to Approved Participants in a format and in accordance with the timelines to be provided by the Province.
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C. MICRO-FINANCING

The Recipient shall establish a Micro-Financing Committee to review and approve Micro-Financing for any Approved Participants under the Starter Company Plus Initiative and the Summer Company Initiative, as applicable. The scope and parameters of the Micro-Financing Committee are to be determined by the Recipient. Micro-Financing shall support:

STARTER COMPANY PLUS INITIATIVE	SUMMER COMPANY INITIATIVE
<ul style="list-style-type: none"> • Business start-up, expansion or purchasing a business in Ontario, provided that the Approved Participant raises at least 25% of funding for their business (which may include in-kind contributions). Under exceptional circumstances, the Recipient may waive the 25% Approved Participant funding contribution requirement. • The total Micro-Financing from the Province shall not exceed \$5,000 in Funds per Approved Participant for their business. • The Recipient may find funding locally to match or increase the Micro-Financing amount. 	<ul style="list-style-type: none"> • Business start-up or expansion costs of the Approved Participants. • The total Micro-Financing from the Province shall not exceed \$3,000 in Funds per Approved Participant for the purposes of business start-up or expansion in Ontario. • Micro-Financing must be disbursed in two instalments: <ul style="list-style-type: none"> ○ an initial disbursement of up to \$1,500 for start-up expenses; and ○ final disbursement of up to \$1,500 for successful completion of the Approved Participant's project under the Initiative and Micro-Financing Agreement.

Prior to disbursing any Micro-Financing, the Recipient must prepare and enter into a Starter Company Plus Initiative Micro-Financing Agreement or a Summer Company Initiative Micro-Financing Agreement, as applicable, with each Approved Participant in accordance with Schedule "A", Section A4.3 (h), (i) and (j).

The Recipient shall ensure that the review and approval for Micro-Financing process is fair, transparent and accountable. Without limiting the generality of the previous sentence, the Recipient shall ensure that each payment to an Approved Participant is tied to appropriate milestones and that payment is only made if satisfactory evidence of progress against the milestone is provided to the Recipient.

The Recipient is responsible for creating procedures and criteria governing the operations of the Micro-Financing administration role including, recruitment, conflict of interest, decision frameworks and documentation, funding, legal and taxation.

Micro-Financing Agreement

The Micro-Financing Agreement shall outline the terms and the conditions of the Micro-Financing including eligible expenditures, milestones and grounds for repayment in addition to the requirements set out in Schedule "A", Section A4.3 (h), (i) and (j).

Micro-Financing Administration

Micro-Financing is managed by the Recipient. This includes all financial administration, banking, and issuing of T4As.

D. INDIVIDUAL ELIGIBILITY AND SUITABILITY

SBEC PROGRAM	INDIVIDUAL ELIGIBILITY AND SUITABILITY
1. SBEC Core Initiative	<p>SBEC Core Initiative is an entrepreneurship service providing supports to entrepreneurs and small businesses within a municipality.</p> <p>The service supports typically focus on, but not limited to entrepreneurs and small businesses:</p> <ul style="list-style-type: none"> • Less than five (5) years in operation; and • Have under ten (10) employees.
2. Starter Company Plus Initiative	<p><u>Eligibility</u></p> <p>Individuals applying for the Initiative must satisfy the following eligibility requirements:</p> <ul style="list-style-type: none"> • 18 years of age or older at the time of registration; • proposing starting a new company, expanding an existing company or buying a business in Ontario; • not attending school full time nor returning to school; • resident of Ontario; • Canadian citizen or permanent resident;

	<ul style="list-style-type: none"> • not enrolled in other provincial employment or self-employment related initiatives and programs that include or do not include financial assistance; and • not currently enrolled concurrently in any self-employment or entrepreneurship training/financing initiatives and programs offered by government funded organizations. <p><u>Suitability</u> While the Starter Company Plus Initiative is open to all eligible individuals, it is a training and mentoring initiative geared towards assisting those in need of business knowledge and support.</p> <p>Approval into the Starter Company Plus Initiative is competitive and eligible applicants may not all be accepted. As the Initiative aims to address local and/or regional economic development needs, the Recipient may prioritize participation based on specific industries and sectors.</p>
3. Summer Company Initiative	<p><u>Eligibility</u> Individuals applying for the Initiative must satisfy the following eligibility requirements:</p> <ul style="list-style-type: none"> • a student between 15 and 29 years old as of April 30 of each Funding Year (a parent or guardian must sign the application for applicants under 18); • starting a new eligible business (see Section “E” below); • attending school and returning to school in the fall (this includes full-time, part-time, homeschooling, e-learning, distance learning, apprenticeships, trade schools, etc.); • a resident of Ontario; • a Canadian citizen or a permanent resident; • not working at another job or attending school for more than 12 hours per week during the term of the project under the Initiative; • self-employed as defined by the Canada Revenue Agency; • able to work over the summer period: <ul style="list-style-type: none"> ○ a minimum of 280 hours if a high school student ○ a minimum of 420 hours if a post-secondary student • has not received funding from the Summer Company Initiative in the past. <p>Under exceptional circumstances, exceptions may be granted by the Recipient.</p>

E. ELIGIBILITY CRITERIA FOR A NEW BUSINESS UNDER THE SUMMER COMPANY INITIATIVE

SBEC PROGRAM INITIATIVE	BUSINESS ELIGIBILITY
Summer Company Initiative	<p><u>Eligible Youth must create a new business that meets the following criteria:</u></p> <ul style="list-style-type: none"> • A sole proprietorship or a corporation where the applicant will be the majority shareholder; • An independent business venture; • A new business, not previously registered or operated on an on-going basis; • Operates at arm's length from family business ventures; • Operates in Ontario; • Operates full-time as defined in the business plan; and • Follows government rules and regulations for operating a business. <p><u>Businesses that are not eligible:</u></p> <ul style="list-style-type: none"> • partnerships/co-operatives; • franchises; • distributorships; • incorporated businesses that are controlled directly or indirectly by a person who would not be an eligible Youth under the Summer Company Initiative; • business ventures that are subsidiaries or divisions of an existing business; • business ventures that are continuations of existing commercial endeavours; • commissioned sales; • multi-level marketing ventures; • single events such as a theatrical production, a DJ gig, a music concert, a dance/party event, a fundraiser, a sporting tournament, etc.; • businesses that are strictly pay per click; or • 1-900 businesses.

F. MICRO-FINANCING ENROLMENT ALLOCATION AND TIMELINES

1) Starter Company Plus Initiative

	PERIOD	MICRO-FINANCING ALLOCATION	MICRO-FINANCING
Starter Company Plus Initiative	From April 1st to March 31st of each Funding Year or on a date specified by the Province	Min. 11 Approved Participants	\$55,000

2) Summer Company Initiative Allocation

	PERIOD	MICRO-FINANCING ALLOCATION	MICRO-FINANCING
Summer Company Initiative	From January 1 to June 30 of each Funding Year or on a date specified by the Province	Max. 6 Approved Participants	\$18,000

Funds allocated to Micro-Financing must be spent on Micro-Financing for Summer Company Initiative Approved Participants and Starter Company Plus Initiative Approved Participants.

In accordance with Schedule "A", Section A4.4, certain relocations of Funds in the Budget are permitted.

Any unspent Funds including Micro-Financing per Funding Year must be returned to the Province.

G. PERFORMANCE METRICS

The Recipient is responsible for reporting on activities and outcomes of the SBEC Program through the collection and reporting of key performance measures identified by the Province. Definitions for the performance metrics listed below can be found on the Enterprise Centre Report web portal (<https://www.ontariocanada.com/ecr>).

1. SBEC Core Initiative	<ul style="list-style-type: none">• Businesses Started• Businesses Purchased• Businesses Expanded• Jobs Created• Inquires• New Client Consultations (Starting a Business)• New Client Consultations (Existing Business)• Repeat Client Consultations• French Language Consultations• Referrals to Public Sector• Referrals to Private Sector Professionals• Workshops/Seminars• Outreach Connections• Events Hosted• Events Attendance• Mentorship matches
2. Starter Company Plus Initiative	<ul style="list-style-type: none">• Jobs Created• Completed Approved Participants• Businesses Started• Businesses Expanded• Dollar Value of Investment leveraged• Micro-Financing Issued• Businesses Purchased
3. Summer Company Initiative	<ul style="list-style-type: none">• Businesses Started• Application Inquiries• Application Submissions• Approved Participants• Mentoring Hours /Training Hours• Completed Approved Participants• Approved Participant Defaults• Approved Participant Withdrawal• Jobs Created• Interest in pursuing entrepreneurship as a career option

Reporting timelines and formats are provided in Schedule “G” Reports.

H. SBEC PROGRAM PLAN AND OUTCOMES

Recipient Name: The Corporation of the City of Kawartha Lakes

Components	Key Activity	Performance Metrics	Anticipated Results (Determine your Targets below)	Actual Interim Results	Actual Final Results
SBEC Program Outreach/Marketing/Events for all initiatives (Identify/list key steps to promote and market this SBEC Program to Audiences)	Social Media, Partner Referrals, Promotions at Educational Events & Seminars, Community Events, Partnership Activities, Conference, Publicity, Joint Programs with Partners.	# Outreach Connections	12		
	High School Business Plan Competition, Small Business Week activities.	# Events Hosted	2		
		# Events Attendance	15		
		# Mentorship matches	4		
SBEC Program Delivery for SBEC Core Initiative (Outline key activities associated with the delivery of this initiative. Examples: Administration, Strategic Planning and Recruitment, Initial Assessment/Inquiries, Business Advisory/Coaching, Business Skill Development, Events, Partnership Communications). Please specify Service Region pursuant to Guidelines.	Programs & Services for new and existing businesses. Business Planning, Education, Coaching, Consulting, Educational Seminars, One Year Plans, Marketing Plans, etc. The Small Business Enterprise Centre (SBEC) is fully integrated into the Economic Development Department and all key programs and services are supported within the City of Kawartha Lakes.	# Inquiries	500		
	SBEC works in partnership with 4 Chambers of Commerce and key municipal partners to promote and enhance services to small business owners.	# New Client Consultations (Starting a Business)	50		
	The annual Small Business Week activities is always a key education series of workshops/seminars that appeals to our small business community across Kawartha Lakes. Funding support for these events come through external partners and	# New Client Consultations (Existing Business)	20		
		# Repeat Client Consultations	50		
		# French Language Consultations	0		
		# Referrals to Public Sector	20		
		# Referrals to Private Sector Professionals	20		
	training include business plan development, marketing strategy, financial forecasting, operations and processes, social media	# Workshops/Seminars	8		
		# Businesses Started	50		
		# Businesses Purchased	2		
		# Businesses Expanded	20		
		# Jobs Created	75		
SBEC Program Delivery for Summer Company Initiative (Outline key activities associated with the delivery of this initiative. Examples: Administration, Intake, Training and Skills Development, Mentorship, Micro-Financing). Please specify local/region area and/or focus on special industry/sector.	Classroom visits and presentations to local high school business/accounting classes.	# Businesses Started	6		
	Meet with students to provide business plan/program information.	# Application Inquiries	20		
	Review business plans and financials for viability and provide feedback and recommendations.	# Application Submissions	6		
		# Approved Participants	6		
	Bi-weekly participant group meetings including business training and mentorship on various business topics (finance, goals, marketing, online marketing, networking).	# Mentoring Hours /Training Hours	12		
	Ongoing support and mentorship (emails, meetings) communications with participants.	# Completed Approved Participants	6		
	Business site visits	# Participant Defaults	0		
		# Participant Withdrawal	0		
		# Jobs Created	6		
		# Micro-Financing Issued	6		
SBEC Program Delivery for Starter Company Plus Initiative (Outline key activities associated with the delivery of this initiative. Examples: Administration, Intake, Training and Skills Development, Mentorship, Micro-Financing)	Intake-Application to be completed, meet with program coordinator to ensure viability, business plan & cash flow to be completed & individually scored by 3rd party.	# Completed Approved Participants	13		
	Training & Skills Development - Online training/mandatory webinars, seminars & workshops.	# Businesses Started	10		
	Mentorship-participants receive ongoing mentorship & support throughout program and will receive ongoing specific subject based mentoring based on their needs/request.	# Businesses Expanded	3		
		# Businesses Purchased	0		
		# Dollar Value of Investment leveraged	40000		
	Micro-financing - \$2K to \$5K grants to be disbursed upon successful completion of program requirements.	# Micro-Financing Issued	13		
	Maintain follow up schedule to monitor ongoing business progress of grant recipients.	# Jobs Created	13		

Definitions

Key Activities: the actions that will be undertaken to implement the component during the project

Performance Metrics: how actions will be evaluated in accordance with the Project description and guidelines

SCHEDULE "D"

BUDGET

Recipient Name: The Corporation of the City of Kawartha Lakes

FUNDING YEAR	2019/2020 Budget In Cash	2020/2021 Budget In Cash	2021/2022 Budget In Cash	TOTAL
SBEC PROGRAM INITIATIVES EXPENSES				
<u>SBEC Program Delivery (A)</u>				
SBEC Program Delivery for SBEC Core Initiative (Salary & MERCS, consultations, workshops, outreach, events, marketing/advertising, and travel)	\$107,895.00	\$98,562.00	\$93,562.00	
SBEC Program Delivery for Starter Company Plus Initiative (mentoring, grant committee, workshops, outreach, events, marketing/advertising, and travel)	\$22,000.00	\$22,000.00	\$22,000.00	
SBEC Program Delivery for Summer Company Initiative (training, mentoring, workshops, outreach, events, marketing/advertising, and travel)	\$14,000.00	\$14,000.00	\$14,000.00	
Subtotal (A)	\$143,895.00	\$134,562.00	\$129,562.00	\$408,019.00
<u>Administration (B)</u> (Max. 10% of total Expenses per Funding Year)				
SBEC Program Administration (Courier, Phone, Office supplies, Rent, and Audit at the end of the term)			\$5,000.00	
Subtotal (B)	\$0.00	\$0.00	\$5,000.00	\$5,000.00
Subtotal Expenses (A+B)	\$143,895.00	\$134,562.00	\$134,562.00	\$413,019.00
<u>Micro Financing for Approved Participants</u>				
Summer Company Initiative (6 microgrants) (C)	\$18,000.00	\$18,000.00	\$18,000.00	
Starter Company Plus Initiative (11 microgrants) (D)	\$55,000.00	\$55,000.00	\$55,000.00	
Subtotal Expenses (C+D)	\$73,000.00	\$73,000.00	\$73,000.00	\$219,000.00
TOTAL EXPENSES (A+B+C+D)	\$216,895.00	\$207,562.00	\$207,562.00	\$632,019.00
REVENUES				
<u>Cash Contribution</u>				
Cash Contributions from Municipality and Other Sources - Only consider cash contribution that can be audited (E)	\$7,572.00	\$7,572.00	\$7,572.00	\$22,716.00
<u>Funds from the Province</u>				
Maximum Funds per Funding Year from the Province (F)	\$209,323.00	\$199,990.00	\$199,990.00	\$609,303.00
TOTAL REVENUES (E+F)	\$216,895.00	\$207,562.00	\$207,562.00	\$632,019.00

Note: The Recipient shall not make any changes to the Budget, except for certain changes that may be made in accordance with Section A 4.4 of the Agreement.

See Schedule "I" for Eligible Expenditures for more details.

SCHEDULE “E”

SBEC PROGRAM GUIDELINES

SBEC Program Guidelines can be downloaded at
<https://www.ontariocanada.com/ecr/controller/ReportHelp>

SCHEDULE "F"

PAYMENT SCHEDULE

FUNDS PER FUNDING YEAR: \$199,990 (plus top up of \$9,333. in year one only) Maximum Funds: \$609,303		TERM: 3 Years
PAYMENT DATE OR MILESTONE	AMOUNT OF FUNDS	TOTAL DISBURSEMENT
Payment 1: Upon both parties signing the Agreement and receipt and approval by the Province of the insurance certificate required under Schedule "A", Article 10.	Up to \$119,994 (up to 60% of Funds per Funding Year) plus \$9,333 top up funding	\$129,327
Payment 2: Upon receipt and approval by the Province of the Quarterly Reports, Summer Company Initiative success stories and Interim Report pursuant to Schedule "G" on or before November 15, 2019.	Up to \$79,996 (up to 40% of Funds per Funding Year) Less 10% of Funds per Funding Year for holdback	\$59,997
Payment 3: Upon receipt and approval by the Province of the Fiscal Year-End Report for the first Funding Year pursuant to Schedule "G" on or before April 15, 2020.	Up to \$119,994 (up to 60% of Funds per Funding Year)	\$119,994

<p>Payment 4:</p> <p>Upon receipt and approval by the Province of the Quarterly Reports, Summer Company Initiative success stores and Interim Report pursuant to Schedule "G" on or before November 15, 2020.</p>	<p>Up to \$79,996 (up to 40% of Funds per Funding Year)</p> <p>Less 10% of Funds per Funding Year for holdback</p>	<p>\$59,997</p>
<p>Payment 5:</p> <p>Upon receipt and approval by the Province of the Fiscal Year-End Report for the second Funding Year pursuant to Schedule "G" on or before April 15, 2021.</p>	<p>Up to \$119,994 (up to 60% of Funds per Funding Year)</p>	<p>\$119,994</p>
<p>Payment 6:</p> <p>Upon receipt and approval by the Province of the Quarterly Reports, Summer Company Initiative success stores and Interim Report pursuant to Schedule "G" on or before November 15, 2021.</p>	<p>Up to \$79,996. (up to 40% of Funds per Funding Year)</p> <p>Less 10% of Funds per Funding Year for holdback</p>	<p>\$59,997</p>
<p>Payment 7:</p> <p>Upon receipt and approval by the Province of the Final Report and Audit Report on or before May 31, 2022 pursuant to Schedule "G".</p>	<p>Release of holdback:</p> <p>(10% of Funds per Funding Year from holdback)</p>	<p>\$59,997</p>

SCHEDULE “G”

REPORTS

Name of Report	Due Date
1. Summer Company Initiative SCREEN Input Report	To be made available at all times during the term of the Agreement; and to be submitted on or before November 15 of each Funding Year
2. Proof of Insurance Report: <ul style="list-style-type: none"> • Proof of Insurance Certificate for each Funding Year 	On or before February 15 of each Funding Year
3. Quarterly Report: <ul style="list-style-type: none"> • Enterprise Centre Reporting (ECR) on performance metrics/outcomes for SBEC Core Initiative and Starter Company Plus Initiative 	On or before 10 Business Days after the end of each quarter for each Funding Year: <ul style="list-style-type: none"> • Quarter #1: April 1 – June 30 • Quarter #2: July 1 – September 30 • Quarter #3: October 1 to December 31 • Quarter #4: January 1 to March 31
4. Summer Company Initiative success stories <ul style="list-style-type: none"> • Including the Summer Company Initiative: Release and Consent Form Assignment of Copyright and Waiver of Moral Rights Form attached as Schedule “O” 	August 31 of each Funding Year
5. Interim Report: <ul style="list-style-type: none"> • Updated SBEC Program plan and outcomes chart and budget as of September 30 of each Funding Year • Request for Payment and Certificate (including the Activities and Outcomes Report and the Budget Report) attached as of September 30 of each Funding Year per Schedule “H” to be signed by a senior officer • <i>French Language Services Act</i> (Ontario) Checklist attached as Schedule “M” to be signed by a senior officer. 	By November 15 of each Funding Year

6. Fiscal Year-End Report <ul style="list-style-type: none"> Updated SBEC Program plan and outcomes chart and budget as of March 31 of each Funding Year, <u>except</u> the last Funding Year Request for Payment and Certificate (including the Activities and Outcomes Report, the Budget Report, and the SBEC Program Narrative Report) attached as Schedule “H” as of March 31 of each Funding Year, except the last Funding Year to be signed by a senior officer 	By April 15 of each Funding Year, <u>except</u> the last Funding Year
7. Final Report: <ul style="list-style-type: none"> Updated SBEC Program plan and outcomes chart and budget as of March 31, 2022 Request for Payment and Certificate (including the Activities and Outcomes Report, the Budget Report, and the SBEC Program Narrative Report) attached as Schedule “H” as of March 31, 2022 To be signed by a senior officer 	By May 31, 2022
8. Audit Report <ul style="list-style-type: none"> Attached as Schedule “L”. To be prepared and signed by a chartered accountant. 	By May 31, 2022
9. Starter Company Plus Initiative and Summer Company Initiative post-progress reporting	May 31, 2022
10. Other reports or information requests	On a date or dates specified by the Province

REPORT DETAILS

1. Summer Company Initiative SCREEN Input Report

The Recipient shall complete and deliver by November 15th of each Funding Year the following table for the SCREEN Input Report:

SCREEN Input Report	Current Year
Number of Application Inquiries	

Number of Submissions	
Number of Approved Participants	
Number of Withdrawals <i>(Approved Participant withdrew after approval by the Recipient).</i>	
Number of Defaults <i>(Approved Participant did not complete his/her Summer Company Initiative business in accordance with the Summer Company Guidelines and his/her Summer Company Initiative Micro-Financing Agreement).</i>	

2. Proof of Insurance Report

Proof of Insurance Certificate to be supplied by the Recipient in accordance with Schedule “A”, Article A10.0.

3. Quarterly Report

The Recipient shall report back to the Province quarterly in the Enterprise Centre Reporting (ECR) system as of the Effective Date through to and including the Expiry Date for SBEC Core Initiative and Starter Company Plus Initiative on key performance metrics set out in Schedule “C”, Section G.

4. Summer Company Initiative Success Stories

All Summer Company Initiative success stories shall be submitted electronically to summer.company@ontario.ca unless otherwise directed by the Province.

The Recipient shall submit success stories equaling to at least 10% of the total number of the Summer Company Initiative Approved Participants.

The success stories shall include a description of the Approved Participants business and experience with the Summer Company Initiative; and photos. The stories shall be a minimum 100 words each. Photos will meet the below requirements:

- Should be action shots or should show the student displaying his/her business product or service;
- Should **NOT** include a **third party**;
- Must be **HIGH Resolution File** (see below); and
- Must be saved as First_LastName_City of ProgramProvider.JPEG (for example: John_Doe_Windsor).

	High Resolution File	Size (Mb) / Picture
Photo Requirements:	> 1000x1400 pix	> 1.0 MB

The Recipient will ensure that for each success story submission (comprised of (i) the story describing the student's Summer Company Initiative participation; and (ii) photograph(s) of the student participant), the following completed and signed forms (all of which are accessible through SCREEN and attached as Schedule "O") shall accompany each submission and will be provided to the Province:

- Release and Consent Form signed by the Approved Participant (if the Approved Participant is a minor then signed by his or her guardian);
- Assignment of Copyright (Part 1 of 2): two copies completed, and duly signed and witnessed by the (i) storyteller; and (ii) the photographer (which may be the same or different persons as applicable including the student him or herself); and
- Waiver of Moral Rights (Part 2 of 2): two copies completed, and duly signed and witnessed by the (i) storyteller; and (ii) the photographer (which may be the same or different persons as applicable including the student him or herself).

5. Interim Report

The Interim Report will be in a template to be provided by the Province, but must include:

- Updated SBEC Program plan and outcomes chart and budget.
 - Actual expenditures spent as compared to the Budget as of September 30 of each Funding Year. Any actual or anticipated variances in the Budget that comply with Schedule "A", Section A4.4 of the Agreement must be identified and reported on.
- Request for Payment and Certificate (including the Activities and Outcomes Report and the Budget Report) attached as Schedule "H" to be signed by a senior officer.

- For any acquisition valued at \$25, 000 or more in accordance with Schedule “A”, Section A5.1 submit full documentation of the competitive process used for any sub-contract for goods or services (excluding industry experts and employers that the Recipient partners with to deliver the SBEC Program).
- French Language Services Act (Ontario) Checklist attached as Schedule “M” to be signed by a senior officer.

6. Fiscal Year-End Report

The Fiscal Year-End Report will be in a template to be provided by the Province, but must include:

- Updated SBEC Program plan and outcomes chart and budget.
 - Actual expenditures spent as compared to the Budget as of March 31 of each Funding Year, except the last Funding Year. Any actual variances in the Budget that comply with Schedule “A”, Section A4.4 of the Agreement must be identified and reported on.
- Request for Payment and Certificate (including the Activities and Outcomes Report, the Budget Report, and the SBEC Program Narrative Report) attached as Schedule “H” to be signed by a senior officer.
- For any acquisition valued at \$25, 000 or more in accordance with Schedule “A”, Section A5.1 submit full documentation of the competitive process used for any sub-contract for goods or services (excluding industry experts and employers that the Recipient partners with to deliver the SBEC Program).

7. Final Report

The Final Report will be in a template to be provided by the Province, but must include:

- Updated SBEC Program plan and outcomes chart and budget.
 - Actual expenditures spent as compared to the Budget as of March 31, 2022. Any actual variances in the Budget that comply with Schedule “A”, Section A4.4 of the Agreement must be identified and reported on.
- Request for Payment and Certificate (including the Activities and Outcomes Report, the Budget Report, and the SBEC Program Narrative Report) attached as Schedule “H” to be signed by a senior officer.
- For any acquisition valued at \$25, 000 or more in accordance with Schedule “A”, Section A5.1 submit full documentation of the competitive process used for any sub-contract for goods or services (excluding industry experts and employers that the Recipient partners with to deliver the SBEC Program).

8. Auditor’s Certificate

The Recipient will provide the Province with an Auditor's certificate in the form of Schedule "L".

- To be prepared and signed by a chartered accountant.

9. Starter Company Plus Initiative and Summer Company Initiative post-progress reporting

Pursuant to Schedule "A", Section A4.3(i)(ii) and in accordance with the Micro-Financing Agreement, the Recipient shall provide the stipulated post-SBEC Program reporting.

10. Other reports or information requests

The Province will specify the timing and content of any other reports that the Recipient may be required to submit, to the satisfaction of the Province.

SCHEDULE "H"

REQUEST FOR PAYMENT AND CERTIFICATE

TO: The Ministry of Economic Development, Job Creation, and Trade

FROM: Recipient to fill out.

RE: Request for Funds for the Period Ending: _____

1. REQUEST FOR FUNDS		
A. Amount requested:		
	SBEC Program Delivery (A) and Administration (B) requested:	\$
	Micro-Financing for Approved Participants requested for Summer Company Initiative (C):	\$
	Micro-Financing for Approved Participants requested for Starter Company Plus Initiative (D):	\$
	Total Requested (A+B+C+D):	\$
B. Actual interest* earned on all Funds this Funding Year to date:		\$
<i>*interest will be deducted at the end of each Funding Year</i>		
2. ACTIVITIES AND OUTCOMES REPORT		
a. Quarterly Reporting on performance metrics/outcomes have been reported on Enterprise Centre Reporting (ECR):		
	Yes	No
b. Progress against planned key activities and performance metrics is on track (SBEC Program plan and outcomes chart):		
	Yes	No
If no, explain delays and/or deficits and actions that will be taken to address them:		
c. Please describe the main activities & outcomes		
(Max. 1000 words).		

2. BUDGET REPORT		
Budget allocation for this Funding Year has been expended as planned:		
	Yes	No
If no, provide rationale for Budget variances that are not in accordance with Schedule "A", Section A4.4 and actions that will be taken to address them:		
3. SBEC PROGRAM NARRATIVE REPORT (to be reported for the Final Report ONLY)		
Briefly describe key outcomes, successes to date such as media attention, regional connections established, SBEC Program improvements, etc. (Max 1000 words).		

I, <Enter (name), (title) of senior officer> of the Recipient, on behalf of the Recipient, hereby certify that:

1. To the best of my knowledge, information and belief, and after making all appropriate examinations and enquiries, the Recipient is in compliance with the terms and conditions of the Agreement and that no material changes have been made to the SBEC Program or Budget, as such terms are defined in the Agreement;
2. On and as of the date hereof, the unspent balance of Funds for the period ending <enter day/month/year > is \$●.
3. On and as of the date hereof, the revenues and expenditures for the period ending <Enter day/month/year > are accurately reported and that all Funds were spent in accordance with the terms of the Agreement;
4. On and as of the date hereof, the amount requested herein as an advance in Funds will be incurred on behalf of the Recipient solely for Eligible Expenditures per Schedule "I"; and

5. On and as of the date hereof, the attached Reports, namely (Activities and Outcome Report, [and] Budget Report [and SBEC Program Narrative Report [include for Final Report only]]) are true and accurate.

IN WITNESS WHEREOF the undersigned has hereunto signed these presents
this ● day of ●, 20●●.

Per: _____

Name:

TITLE OF SENIOR OFFICER:

SCHEDULE “I”

ELIGIBLE EXPENDITURES

Eligible and Ineligible Expenditures

Eligible Expenditures must be directly related to the delivery of the SBEC Program and Budget and not of a nature which would have been incurred by the Recipient in the normal course of business. Documentation for all expenditures must be kept on file for audit purposes. The Province reserves the right to make a determination on the eligibility of expenditures submitted for reimbursement. In the event of any interpretation issues regarding the eligibility, valuation or other matter regarding expenditures, the decision of the Province shall be final and determinative. Expenses not described in the categories set out in this document require prior written approval of the Province in order to be considered Eligible Expenditures.

Eligible Expenditures

Eligible Expenditures include, but are not limited to:

- SBEC Program administration and overhead (not to exceed 10% of amount budgeted for the SBEC Program expenses as described in the Budget) pursuant to Schedule “A”, Section A4.4(c)(i).
- Travel costs to attend business meetings within Ontario related to the administration of the Agreement or to attend meetings that the Province convenes or supports, all of which shall be subject to the Recipient’s guidelines on travel, meal and hospitality expenses provided that such guidelines are no less stringent than the Province’s *Travel, Meal and Hospitality Expenses Directive* a summary of which is attached in Schedule “J”.
- Professional fees, including legal and audit fees: a) directly related to and required for the management of the SBEC Program or b) to conduct the activities and services relating to the SBEC Program as described in the Budget. Costs are not to exceed demonstrated fair market value.
- Costs related to work performed by companies or individuals that contribute to the delivery of the SBEC Program. Consulting or other services directly related to the delivery of the SBEC Program must be costed at demonstrated fair market value or less.
- Telecommunication fees including connectivity charges directly related to and required for the management of the SBEC Program.
- Staff training costs directly related to delivery of the SBEC Program.
- Development, marketing and delivery expenditures.
- Training delivery directly related to the development and delivery of the SBEC Program, all of which shall be subject to the Recipient’s guidelines on travel, meal and hospitality

expenses provided that such guidelines are no less stringent than the Province's *Travel, Meal and Hospitality Expenses Directive*.

- 'Salary and MERCs' which are pro-rated to the time spent directly on the delivery of the activities and services relating to the SBEC Program as described in the Budget.
- Travel costs to meet with potential partners or stakeholders within Ontario required in the development of the SBEC Program and in connection with activities and services relating to the SBEC Program as described in the Budget.
- Marketing materials and related communication costs if directly related to the activities and services relating to the SBEC Program as described in the Budget.
- Information and marketing session costs required to deliver the SBEC Program. Facility and equipment rental fees and utilities used to support the delivery of the SBEC Program, and not of a nature which the proponent would incur in the normal course of business, and which are demonstrably incremental to the delivery of the SBEC Program.

Ineligible Costs

The Funds cannot be used towards the following costs:

- Costs related to referral fees for consultants.
- Costs related to professional consultations by law firms or lawyers and accounting firms or accountants.
- Costs related to the development of the application for funding under this Agreement.
- Costs not directly associated with the delivery of the SBEC Program or directly required to meet the deliverables of the SBEC Program.
- Administrative salaries, except for SBEC Program management costs covered under SBEC Program administration and SBEC Program delivery.
- Out-of-province travel costs.
- Capital expenses, including but not limited to, land, buildings, leasehold improvements.
- Costs related to activities not related to the SBEC Program.
- Annual membership fees to associations.
- Stipends for Approved Participants.
- Costs incurred prior to the Effective Date or after the Expiry Date.
- Expenses or fees payable to organizations located outside of Ontario.
- Debt reduction charges.
- Bonuses.

SCHEDULE “J”

SUMMARY OF THE TRAVEL, MEAL AND HOSPITALITY EXPENSES DIRECTIVE

TRAVEL – ALL EXPENSES MUST BE DIRECTLY RELATED TO THE SBEC PROGRAM

Airplane: Air travel is permitted if it is the most practical and economical way to travel.

- Economy (coach) class is the standard option for ticket purchase
- Please purchase your ticket as early as possible to access the most reasonable fares
- Prior Province approval must be obtained

Train: Travel by train is permitted when it is the most practical and economic way to travel.

- Coach class economy fare is the standard
- Please purchase your ticket as early as possible to access the most reasonable fares

Vehicle: Travel by vehicle is permitted when road transportation is the most practical, economical way to travel:

- Kilometres are claimed at \$0.40 per kilometre in the south and \$0.41 per kilometre in the north

Taxi Fares: Reimbursement of taxicab fares should be made only under the following conditions:

- When other means of transportation are not available
- When weather conditions warrant
- For health and safety considerations
- When transport of work–related baggage or parcels is required
- For group travels when cost effective
- Maximum claimable gratuity (tip) is 10%

Hotels: Reimbursement of hotel costs is permitted when these costs are the most practical, economical way to accommodate the person:

- A basic, economical hotel room is the standard option
- Booking hotel suites or larger/more deluxe rooms should not be permitted
- When a block of hotel rooms is made available for an event, conference etc. at a reduced rate, rooms at higher rates should not be covered

- If another hotel or room is booked when a conference/event block of rooms was available, only costs up to the conference rate should be covered. It is up to the claimant to book the hotel room at the reduced rate within a reasonable timeline to get the rate.
- Hotel expenses charged should be for the hotel room alone. Phone calls, room service, internet charges, movie charges, parking, other service charges etc. should not be “bundled” into the hotel room rate. The exception being any food costs that are offered as a deal within a room rate. For example, a hotel “Bed & Breakfast” option where the cost of the room and breakfast are economical.

Meal Rates in Canada Including Taxes and gratuities

- \$10.00 Breakfast
- \$12.50 Lunch
- \$22.50 Dinner

Please Note:

- When a meal is provided as part of a conference or other event, the costs of an alternative meal other than the conference or event meal should not be covered.
- Recommended gratuities are 10%–15% on a restaurant meal.
- No alcohol costs can be claimed and should not be covered as part of meal or travel costs.
- Reimbursement should be for restaurant/prepared food only. Groceries should not be covered.
- Room service meals while staying at a hotel should not be covered.

Submitting Claims and Records

All travel claims must be maintained for financial records by the claimant and the organization paying the travel claim:

- Claimants should submit original, itemized receipts with all claims (credit card slips are not sufficient).
- All claims should be supported by original itemized receipts. “Original itemized receipts” refers to a receipt that lists the items purchased and the individual prices for each item on the receipt.
- To consult with the Province’s Travel, Meal and Hospitality Expenses Directive, dated January 1, 2017 as may be amended from time to time (“Travel Directive”) please see: <https://www.ontario.ca/document/travel-meal-and-hospitality-expenses-directive>

IN THE EVENT OF ANY INCONSISTENCIES IN THE ABOVE SUMMARY AS COMPARED TO THE CURRENT VERSION, THE TRAVEL DIRECTIVE SHALL PREVAIL.

SCHEDULE “K”

COMMUNICATIONS AND CONFIDENTIALITY PROTOCOL FOR ALL INITIATIVES UNDER SBEC PROGRAM

1. The Recipient shall provide to the Province, prior to public release, an electronic copy of all reports, announcements, brochures, audiovisual materials, internet materials, advertising and publicity, including design or other public communication or publication.
2. The Recipient shall advise the Province’s staff (to be designated by the Province) of any upcoming (positive or negative) announcements or advertising campaigns related to the Recipient’s activities as described in the SBEC Program and Budget (e.g. news release, news conference, awards, bankruptcies, etc.) and, at the Province’s option, provide the Province with the opportunity to participate or be present at these announcements. The Recipient will provide the Province with a minimum of ten (10) Business Days prior written notice of such announcements or advertising campaigns.
 - (a) The Recipient will not make any public announcement related to the Recipient’s SBEC Program related activities or services without the prior approval of the Province.
 - (b) The Recipient will respond to requests by the Province for information about any public announcement as soon as possible and in any event will provide an initial response within twenty-four (24) hours.
 - (c) The Recipient will comply with any direction of the Province in respect of the Recipient’s use of any official logos of the Province on any of the Recipient’s websites, as well as promotional material and instructions for accessing the SBEC Program.
 - (d) The Recipient will prominently display information about the SBEC Program on any of its websites, as well as promotional material and instructions for accessing the SBEC Program.
 - (e) The Recipient will include information about the SBEC Program prominently displayed on its website, including promotional material and instructions for accessing the SBEC Program, with links to websites identified by the Province.

Confidentiality

- A. The Province is subject to the *Freedom of Information and Protection of Privacy Act* (Ontario) (the “Act”). The Act provides every person with a right of access to information in the custody or under the control of the Province, subject to a limited set of exemptions. Section 17 of the Act provides an exemption for third party information that reveals a trade secret or scientific, technical, commercial, financial or labour relations information that has been implicitly or explicitly supplied in confidence to Ontario, the

disclosure of which to a person other than a party to this Agreement could reasonably be expected to:

- (i) prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of the Recipient; or
 - (ii) result in undue loss to the Recipient.
- B. Any trade secret or any scientific, technical, commercial, financial or labour relations information submitted to the Province in confidence should be clearly marked.
- C. The Recipient is advised that the names and addresses of Clients and Approved Participants, and if applicable, any amount of Micro-Financing and the purpose for which the Micro-Financing is being granted is information to be made available to the Province upon request.

SCHEDULE “L”

AUDITOR’S CERTIFICATE

TO: **[Instructions: insert legal name and address of Recipient and contact person]**

CC: Ministry of Economic Development, Job Creation and Trade
Commercialization and Scale-up Networks Branch
2 Queen East, 3rd Floor
Toronto, Ontario, M5C 3G7

Attention: Manager

RE: **Agreement between Her Majesty the Queen in right of Ontario as represented by the Minister of Economic Development, Job Creation and Trade (“Ontario”) and [Instructions: insert legal name of Recipient] (the “Recipient”) dated effective MONTH DAY, 20XX (the “Agreement”)**

Except as otherwise defined herein, all capitalized terms shall have the meanings given to them in the Agreement.

We have audited the accompanying Schedules (the “Schedules”) which comprise a summary of the financial and reporting provisions of the Agreement and other explanatory information, relating to the Auditor’s Certificate dated **[insert date]**. **[Recipient to fill out]** for the period **[*] to [*] [Recipient to fill out]**. The Schedules have been prepared by management of the Recipient based on the Final Report (Schedule “G”) provisions of the Agreement.

Management’s Responsibility for the Schedules

Management of the Recipient is responsible for the preparation of the Schedules in accordance with the Final Report requirements of the Agreement, and for such internal control as management of the Recipient determines is necessary to enable the preparation of the Schedules that is free from material misstatement, whether due to fraud or error.

Auditor’s Responsibility

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

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the Schedules.

The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misinformation of the Schedules, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the management's preparation of the Schedules in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Recipient's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the Schedules.

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

Opinion

In our opinion, the Schedules for the period ● to ● [Recipient to fill out] is prepared, in all material respects, in accordance with the Final Report provisions of the Agreement.

Basis of Accounting Restriction on Distribution and Use

Without modifying our opinion, we draw attention to the note to the Schedules, which describe the basis of accounting. The Schedules are prepared to assist the Recipient to comply with the financial and project reporting provisions of the Agreement. As a result, the Schedules may not be suitable for another purpose. Our report is intended solely for the Recipient and Ontario and should not be distributed to or used by parties other than the Recipient and Ontario.

DATED: _____

Signed

Chartered Accountant (Recipient to insert name of chartered accountant. To be dated and signed by Chartered Accountant)

SCHEDULE “M”

FRENCH LANGUAGE SERVICES ACT (ONTARIO) CHECKLIST

DATE: <enter day/month/year >
TO: Ministry of Economic Development, Job Creation and Trade (the “Province”)
FROM: <Enter legal name of Recipient> (the “Recipient”)
RE: Agreement between the Province and the Recipient dated MONTH DAY, 20XX
(the “Agreement”)

The *French Language Services Act* (Ontario) (the “FLSA”) checklist for the provision of services in French in areas designated under the FLSA was introduced to facilitate the accountability and the active offer of services in French by the Recipient.

DESIGNATED BILINGUAL AREA

YES NO

☐ ☐ Is the Recipient located in/serving a designated bilingual area (DBA)?

SIGNAGE

Requirements:

The signage must state that French Language Services (FLS) are available.

Recipient located in/serving DBAs is required to display two signs:

- 1. Reception desk (which can be the bilingual banner); and*
- 2. Front door (which can be a sticker).*

YES NO

☐ ☐ Does the Recipient have bilingual signage at the Reception Desk?
☐ ☐ Does the Recipient have bilingual signage at the Front Door?

☐ ☐ Does the Recipient have bilingual signage installed on the directory list / tabletop sign of the building?

☐ ☐ Does the Recipient have promotional posters in both English and French (including electronic message boards)?

Additional Comments:

RECEPTION

Requirement: Recipient located in/serving Designated Bilingual Areas must have a reception protocol or framework or any similar mechanism to ensure effective engagement / participation of the Francophone community, including greeting participants with a bilingual greeting, such as “Bonjour, may I help you?” and continue to provide services in the language selected once the client has responded to the greeting.

YES NO

☐ ☐ Does the Recipient offer choice of official languages to clients?

☐ ☐ Does the Recipient answer all calls in both English and French?

☐ ☐ Does the Recipient without centralized reception-train all staff to use a bilingual greeting? If a response is received in French, the staff should respond with “Un moment s.v.p.” while they call or find a bilingual clerk to assist the client.

☐ ☐ Does the Recipient have a back-up plan and resources to ensure continuity of services?

Additional Comments:

VOICEMAIL

Requirement: Recipient located in/serving DBAs must have bilingual voicemail.

YES NO

- ☐ ☐ Does the Recipient have bilingual voicemail?
- ☐ ☐ Does the voicemail provide the name of a bilingual consultant?

Additional Comments:

CONSULTATION

Requirement: Recipient located in/serving DBAs must have a consultation protocol or framework or any similar mechanism to ensure effective engagement / participation of the Francophone community.

YES NO

- ☐ ☐ Does the Recipient offer access to bilingual consultations?
- ☐ ☐ Does the Recipient provide access to bilingual consultations in-house?
- ☐ ☐ Does the Recipient use the services of the Small Business Services?
- ☐ ☐ Does the Recipient use the services of another bilingual delivery partner?
- ☐ ☐ Does the Recipient use the services of a 3rd party?

Additional Comments:

WEBSITE

Requirement: Recipient located in/serving DBAs must have a website that provides clear information about the availability of FLS, and how and where FLS can be obtained.

All information on the internet regarding services offered in French is considered information to the public and must be provided in English and French

YES NO

- ☐ ☐ Does the Recipient have a website that clearly indicate information about FLS services availability and how to access them? Are the descriptions of the services available in French?

- ☐ ☐ Does the Recipient provide the name of a bilingual contact on the website?
- ☐ ☐ Is the information posted on the website of the Recipient regarding the SBEC Program provided in both English and French?

Additional Comments:

MATERIALS (FORMS/PAMPHLETS/PUBLICATIONS/BROCHURES)

Requirement: All material regarding services offered in French displayed and provided at service locations of the Recipient located in/serving DBAs must be bilingual or available in both English and French

YES NO

- ☐ ☐ Is the material regarding services offered in French is available in both English and French?

Additional Comments:

OTHER

Requirement: Recipient located in/serving DBAs must have a FLS framework or any similar mechanism to ensure quality services in French .

YES NO

- ☐ ☐ Does the Recipient answer all French correspondence (letters and emails) received in French in French?
- ☐ ☐ Does the Recipient use the services of professional translators to ensure quality translations

- ☐ ☐ Does the Recipient provide services at the advanced or superior level of French proficiency?
- ☐ ☐ Does the Recipient ensure that staff and management receive training/orientation on FLS legislation and requirements?

Additional Comments:

I, <Enter (name), (title) of senior officer> of the Recipient, on behalf of the Recipient, hereby certify that, on an as of the date hereof, the information set out in this Schedule is accurate and true.

IN WITNESS WHEREOF the undersigned has hereunto signed these presents
this ● day of ●, 20●●.

Per: _____

Name:

TITLE OF SENIOR OFFICER:

SCHEDULE “N”

SUMMER COMPANY INITIATIVE: INFORMATION MANAGEMENT AND PRIVACY PROVISIONS

1.0 Definitions

- 1.1 For the purposes of this Schedule, capitalized terms not defined below shall have the meanings ascribed to them in the Agreement:
- (a) “**Copies**” means duplication, in any medium, of data contained in or derived from SCREEN;
 - (b) “**Guarantor**” means the parent or legal guardian of a Summer Company Initiative Approved Participant who is a minor and matched with the Recipient for the purposes of participating in the Summer Company Initiative;
 - (c) “**Participant**” means a Youth applicant or a Summer Company Initiative Approved Participant as the case may be;
 - (d) “**FIPPA**” means the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31, as amended;
 - (e) “**Personal Information**” has the same definition as in subsection 2(1) of FIPPA;
 - (g) “**Summer Company Cycle**” means the period of time beginning with the submission of a Participant’s application and during which the Participant’s business is operational as part of the Summer Company Initiative;
 - (h) “**Summer Company-related information**” means information, recorded on any medium that is collected, created or used by either the Province or the Recipient in support of the Summer Company Initiative. Summer Company-related information includes, but is not limited to reports, studies, promotional and marketing materials.
 - (i) “**SCREEN**” means the Summer Company Initiative registration, eligibility and evaluation network web-based system that allows Participants to submit applications and participate in the Summer Company Initiative, and that allows the Recipient to administer and manage the Summer Company Initiative online.

2.0 Disclosure of Personal Information contained in SCREEN to the Recipient

- 2.1 The Province will provide the Recipient with access to Personal Information of the Participant and the Guarantor as applicable contained in SCREEN when the Recipient requires this information to deliver the Summer Company Initiative.
- 2.2 In accessing the SCREEN database, the Recipient must comply with the Province's Acceptable Use Policy, attached as Exhibit "A".
- 2.3 The Province shall retain custody and control of the records and any Copies of the records contained in or derived from SCREEN.
- 2.4 The Province will only provide Personal Information to the Recipient to the extent this disclosure is authorized by the person who provided the information to the Province.

3.0 Personal Information the Recipient collects from a Participant

- 3.1 When the Recipient is required to collect Personal Information from a Participant (and Guarantor if applicable), the Recipient shall only collect as much Personal Information as is necessary to administer, promote and advertise the Summer Company Initiative and notify Participants about other programs of the Province.
- 3.2 The Recipient will collect Personal Information solely from the Participant or Guarantor to whom the information relates.
- 3.3 Without diminishing any other security obligations, if the Recipient is required to collect a Participant's or Guarantor's social insurance number and enter it into the SCREEN database, the Recipient will destroy all records of the number in such a manner that the number cannot be subsequently reconstructed or retrieved except through SCREEN, as directed by the Province.
- 3.4 The Recipient will use, copy and disclose Personal Information solely as is necessary to administer, promote and advertise the Summer Company Initiative, or notify Participants about other programs of the Province.
- 3.5 The Recipient will collect Personal Information in accordance with and otherwise comply with the Province's Privacy Policy, attached as Exhibit "B".
- 3.6 The Recipient shall ensure that all Participants that provide the Recipient with Personal Information that is entered into SCREEN have authorized the Province to use this Personal Information for the purpose of administering, promoting and advertising the Summer Company Initiative and have notified Participants about other programs of the Province, subject to the Province's Privacy Policy (Exhibit "B" below).

- 3.7 The Recipient shall notify Participants that they will be able to opt-out of receiving future promotional communications from the Province.

4.0 Disposal and Retention of Personal Information

- 4.1 Where the Province has copies of the Personal Information in the Recipient's possession, upon completion of the Summer Company Cycle, the Recipient shall destroy all copies of Personal Information in its possession in such a manner that the information cannot be subsequently reconstructed or retrieved and shall comply with any additional destruction requirements provided by the Province.
- 4.2 Upon completion of the Summer Company Cycle, the Recipient shall retain all Summer Company-related information in its possession for a period to be determined by the Province.

5.0 Access and Security

- 5.1 The Recipient will limit access to Personal Information to those individuals who have a need to know such information.
- 5.2 The Recipient shall:
- (a) Secure and protect all Personal Information and Summer Company-related information in its possession from unauthorized access, disclosure or destruction.
 - (b) Ensure that all non-electronic Personal Information and Summer Company-related information in its possession is:
 - (i) stored in locked cabinets;
 - (ii) maintained in a secure, supervised location; and
 - (iii) accessed only by individuals who have authorization to do so.
 - (c) Ensure that all electronic Personal Information and Summer Company-related information in its possession is stored on computers to which:
 - (i) the public does not have access; and
 - (ii) access is restricted by user ID and password.
- 5.3 The Recipient agrees to implement any other specific security measures that are specified by the Province and that in the reasonable opinion of the Province would improve the adequacy and effectiveness of any measures used to ensure the security and integrity of Personal Information and Summer Company-related information generally.

- 5.4 The Recipient shall report any known or suspected data breach to the following individual:

Attention: Manager, Relationships and Contract Management
Ministry of Economic Development, Job Creation and Trade
2 Queen Street East, 3rd Floor
Toronto, ON M5C 3G7
Telephone: 416-817-4032
E-mail: summer.company@ontario.ca

6.0 Audit

- 6.1 The Province reserves the right to audit the Summer Company Initiative activities of Recipients in order to assess and verify compliance with the terms and conditions set out in this Schedule and its compliance with the Province's Privacy Policy and Acceptable Use Policy.
- 6.2 The Recipient shall, upon the written request of the Province, permit the Province to conduct an audit of its facilities and information management practices.

7.0 Requests, Questions and Complaints

- 7.1 The Province shall manage all requests related to Personal Information and its privacy policy through the Ministry of Economic Development, Job Creation and Trade's FIPPA Coordinator.
- 7.2 The Recipient shall co-operate with the Province in resolving any privacy complaints or requests for access to information.

EXHIBIT “A” TO SCHEDULE “N”

ACCEPTABLE USE POLICY

1. PURPOSE AND DEFINITIONS

The purpose of the Acceptable Use Policy (“Policy”) is to provide a set of principles and practices governing all users of the Province’s “SCREEN” web-based Back Office. This policy is subject to change from time to time without notice at the sole discretion of the Province.

This Policy is intended to prevent:

1. Unauthorised collection, use and disclosure of Personal Information;
2. The misuse of SCREEN and of any computer resources used to access SCREEN;
3. Exposure to risks, such as virus and hacker attacks, compromise of network systems and any security Breach.

For the purposes of this Policy, capitalized terms not defined below or elsewhere in this Schedule, shall have the meanings ascribed to them in the Agreement:

“**Back Office**” means the SCREEN application interface used to manage and administer the Summer Company Initiative.

“**Breach**” means breaking or neglect of a policy or procedure, duty, contract, or someone's privileged rights resulting in the unauthorized access to sensitive information.

“**End User**” means any user with either a “Head Office” or “Officer” account that permits access to the SCREEN Back Office. “Officer” accounts are to Summer Company Providers by the Province.

“**Front Office**” means the SCREEN application interface used by students to submit an application to and participate in the Summer Company Initiative.

“**Summer Company Provider**” means the entities who deliver the Summer Company Initiative including the Recipient.

“**Security Breach**” means the unauthorized disclosure of classified information, or the loss, theft, or deliberate damage of sensitive material assets.

2. SCOPE

This Policy applies, without exception, to all Ontario Government employees and Program Providers, assisting in the administration of the Summer Company Initiative, who have access to the SCREEN Back Office.

This Policy’s scope does **not** apply to the SCREEN Front Office.

3. GENERAL USE

- (a) For security and network maintenance purposes, the Province may periodically authorize the monitoring of equipment, systems and network traffic.
- (b) The Province has the authority to periodically perform a network and system audit or an audit of a Summer Company Provider's facilities to ensure compliance with this Policy.

4. SECURITY AND PROPRIETARY INFORMATION

- (a) The Back Office interface of the SCREEN system is confidential, to be used solely by Province staff and Summer Company Providers with "Head Office" and "Officer" accounts.
- (b) Access to and use of SCREEN shall be limited solely to the administration of the Summer Company Initiative.
- (c) Personal Information contained in SCREEN shall be used and disclosed only in accordance with the notification provided by the individual to whom the Personal Information relates, or in accordance with any other authorization provided by the individual. All notices of collection for the Summer Company Initiative shall state that Personal Information is collected for the purposes of administering, advertising and promoting the Summer Company Initiative and contacting Participants about other programs of the Province.
- (d) All End Users are responsible for the security of their SCREEN passwords and accounts, and for ensuring that their accounts are never shared.
- (e) All End Users are responsible for ensuring that the computers that they use to access the SCREEN Back Office are inaccessible to the public and are either locked, logged off or shut down when unattended.
- (f) All End Users must adhere to the following SCREEN password rules:
 - (i) A password must have a minimum length of 8 characters.
 - (ii) A password must consist of one or more numbers, one or more upper or lower case letters, and one punctuation character (e.g. "!").
 - (iii) Passwords must be changed following each Summer Company Initiative launch date.
- (g) Summer Company Providers must ensure that security safeguards, such as anti-virus and anti-spyware software, are installed and kept current on the computers that they use to access SCREEN.
- (h) All End Users are responsible for reporting immediately any known or suspected security or privacy breach, loss and theft of computerized devices and Personal Information stored on those devices to the following individual:

Attention: Manager, Relationship and Contract Management,
Commercialization and Scale-up Networks Branch
Ministry of Economic Development, Job Creation and Trade
2 Queen East, 3rd Floor
Toronto, Ontario, M7A 1N3
E-mail: summer.company@ontario.ca

5. UNACCEPTABLE USE

The following activities are **strictly prohibited**:

- (a) Engaging in illegal activities while using the Province resources.
- (b) Engaging in a personal business while using the Province resources.
- (c) Unauthorised copying, use, or disclosure of Summer Company Initiative data in any medium.
- (d) Revealing any technology, such as SCREEN programming code and technical information, without prior approval by the Province (senior management approval).
- (e) Introducing malicious programs, such as viruses, trojans, or malware, into the network or SCREEN.
- (f) Revealing an account password to others or allowing others to use that account.
- (g) Permitting unauthorised access to computers that are used to access the SCREEN Back Office.
- (h) Using the Province's computer resources to engage in acts of harassment.
- (i) Using any Province account to commit fraud.
- (j) Effecting or failing to report a known or suspected security Breach.
- (k) Effecting a disruption of the network, including, but not limited to, network sniffing, packet spoofing and denial of service attacks.

6. POLICY COMPLIANCE

- (a) A violation of this Policy by any Province employee or employee of the Government of Ontario, acting on the Province's behalf, may result in disciplinary action and/or investigation as needed.
- (b) A violation of this Policy by a Summer Company Provider may result in the termination of its contract in accordance with its terms.

EXHIBIT “B” TO SCHEDULE “N”

PRIVACY POLICY

PROTECTING PERSONAL INFORMATION

The Province has adopted the following Privacy Policy (the “Policy”) and practices for the collection, use and disclosure of personal information that is contained in applications submitted through the Summer Company Initiative, or otherwise relates to the Summer Company Initiative. The purpose of this Policy is to explain how the Province safeguards the personal information provided in connection with the Summer Company Initiative. The Province is also subject to the [Freedom of Information and Protection of Privacy Act, 1990](#) (“FIPPA”), which governs the collection, use, and disclosure of personal information by the Province.

This Policy applies to Summer Company Providers.

The Province has the right to change this Policy at any time without notice.

DEFINITIONS

For the purposes of this Policy, capitalized terms not defined below or elsewhere in this Schedule, shall have the meanings ascribed to them in the Agreement:

“**Summer Company Provider**” means the entities who deliver the Summer Company Initiative including the Recipient.

POLICY PRINCIPLES

1. *Accountability*

- (a) The Province is responsible for the protection of Personal Information under its custodianship and control, in accordance with FIPPA, Part III, Protection of Individual Privacy.
- (b) The Province administers its portion of the Summer Company Initiative in accordance with the legal authority of the Province under the *Ministry of Economic Development and Trade Act*.
- (c) The Province has designated the Freedom of Information Coordinator with the responsibility of ensuring its compliance with this Policy and all applicable privacy laws, and of answering all questions and requests regarding the collection, use and disclosure of Personal Information. See section 10 below.

- (d) All Province and Summer Company Provider employees shall limit access to Personal Information to those individuals who have a need to know such information to administer the Summer Company Initiative.
- (e) This Policy applies solely to information collected by the Province or Summer Company Providers in connection with the Summer Company Initiative.

2. *Identifying Purposes*

- (a) The Province and Summer Company Provider collect, use and disclose Personal Information as is necessary solely for the purposes of administering, promoting and advertising the Summer Company Initiative and contacting Participants about other initiatives of the Province.
- (b) The Province and Summer Company Provider identify the purposes for which Personal Information is collected at or before the time the information is collected.

3. *Consent*

- (a) The Province and Summer Company Provider collect, use, or disclose Personal Information only with the knowledge and consent of the Participant or to whom the Personal Information relates, or with the knowledge and consent of his/her Guarantor, except where required or permitted by law.
- (b) Consent is not obtained through deception.
- (c) Notice of Collection is provided at the time of or prior to the collection of Personal Information.
- (d) The Participant or his/her Guarantor may withdraw his/her consent to the collection, use or disclosure of his/her personal information at any time, on reasonable notice. Withdrawing consent may result in withdrawal from the Summer Company Initiative and the Participant will not be permitted to make another Summer Company Initiative application in any future Funding Year.
- (e) In the event that the Participant or his/her Guarantor withdraws his/her consent, the Province will erase all the Participant's or Guarantor's Personal Information from the Summer Company Initiative information bank, unless there is an overriding legal requirement to retain the information.

4. Limiting Collection

- (a) The collection of Personal Information is limited to those purposes necessary for administering, promoting and advertising the Summer Company Initiative and contacting Participants.
- (b) The Province and Summer Company Provider collect personal information by fair and lawful means.

5. Limiting Use, Disclosure, and Retention

- (a) The Province and Summer Company Provider do not use or disclose Personal Information for purposes other than those for which it was collected, except with the express consent of the Participant or his/her Guarantor, or as required or permitted by law.
- (b) The Province retains Personal Information as long as necessary to fulfill the Summer Company Initiative's requirements, or as required by law.

6. Accuracy

- (a) The Province ensures, to the best of its ability, that Personal Information in its custody is accurate, complete and up-to-date.
- (b) To request a correction to one's own Personal Information after the completion of a Summer Company Cycle, contact the Freedom of Information Coordinator as described in section 10 below.

7. Safeguards

The Province and Summer Company Provider protect Personal Information in their custody by the following safeguards:

- (a) Physical (e.g. locked filing cabinets, restricted access, appropriate disposal of personal information).
- (b) Organizational (e.g. security clearances, access only on a "need to know" basis, employee training).
- (c) Technological (e.g. passwords, data encryption).

8. Openness

The Province may make available, upon a request in writing or by e-mail to the Freedom of Information Coordinator, the following information:

- (a) a description of the type of Personal Information held by the Province, including a general account of its use,
- (b) what Personal Information is made available to other organizations.

9. Individual Access

- (a) After the completion of a Summer Company Cycle, a Participant or his/her Guarantor **cannot** access his/her Personal Information via the Web Site. All requests for access to one's own Personal Information must therefore be submitted to the Freedom of Information Coordinator as described in section 10 below.
- (b) Access requests are governed by FIPPA and access is subject to the limits and exceptions outlined in FIPPA.
- (c) The Province will normally respond to the requester within 30 days after receiving a request.
- (d) The Province may, however, extend the thirty day time limit in certain circumstances.
- (e) A Participant or his/her Guarantor may request a correction of his/her Personal Information where the individual believes there is an error.

10. Requests, Questions and Complaints

Please contact the Freedom of Information Coordinator **in writing or by e-mail** at the address below if:

- (a) You have any questions or complaints about the Province's privacy policies and practices;
- (b) You wish to request access to or a correction of your Personal Information:

Freedom of Information Coordinator
 Ministry of Economic Development, Job Creation and Trade
 Corporate Services Division
 18th Floor, 56 Wellesley St W
 Toronto, ON M7A 2E7
 Telephone: 416-325-8776
 E-mail: alma.beard@ontario.ca

SCHEDULE "O"

SUMMER COMPANY INITIATIVE: RELEASE AND CONSENT FORM, ASSIGNMENT OF COPYRIGHT AND WAIVER OF MORAL RIGHTS FORM

**Ministry of Economic
Development,
Job Creation and Trade**

Office of the Deputy Minister

18th Floor
777 Bay Street
Toronto, ON M7A 1S5

Telephone: 416-326-3780

**Ministère du
Développement
économique,
de la Création d'emplois et
du Commerce**

Bureau de la sous-ministre

18e étage
777, rue Bay
Toronto, ON M7A 1S5

Téléphone : 416-326-3780



RELEASE AND CONSENT FORM

I _____, consent to the collection, use and disclosure of personal information in regards to my participation in the Summer Company Initiative including but not limited to financial and credit information. Personal information is collected under the authority of the *Ministry of Economic Development and Trade Act*, RSO. 1990 c. M. 27, as amended and will be used for the purposes of administering and advertising the Summer Company Initiative and contacting applicants about future initiatives. I consent to the disclosure of my personal information to Summer Company Initiative providers and other ministries for the purposes of administering, promoting and advertising the initiative and contacting student applicants. Questions about the collection of personal information can be directed to the Freedom of Information Co-ordinator, Ministry of Economic Development, Job Creation and Trade, Corporate Services Division, 18th Floor, 56 Wellesley St W, Toronto, ON M7A 2E7 (e-mail: alma.beard@ontario.ca).

Without limiting the generality of the foregoing, I allow the Ministry of Economic Development, Job Creation and Trade to use my personal information including my name, my image and/or a description of my summer job for the purposes of promoting the Summer Company Initiative, in media communications of any kind produced by or on behalf of the Ontario government. I understand and agree that media communications will include but not necessarily be limited to: the Ministry of Economic Development, Job Creation and Trade's website; social media such as Twitter, Facebook, LinkedIn, YouTube, etc.; newspaper/magazine articles; photos;

brochures; and advertisements. I waive any right to inspect or approve the finished media communications.

I agree to waive any and all rights that I may have to use the information and images referred to in this form and agree that any such information and images shall hereafter remain the exclusive property of the Ministry of Economic Development, Job Creation and Trade. Use of the information and images will be made without any acknowledgement or payment to me.

I release and agree to hold harmless the Ministry of Economic Development, Job Creation and Trade, its employees, representatives, agents and assigns, from all actions, claims and demands arising from the Ministry's use and disclosure of my image, my name and/or a description of my summer job in the production, reproduction or distribution of any of the media communications.

I have read this Release and Consent and the Notice of Collection under the *Freedom of Information and Protection of Privacy Act* before signing below, and I understand the contents.

Date

Name of student (please print)

Signature of Student

Address

The following is to be completed for Summer Company Initiative participants under 18 years of age.

I hereby certify that I am the parent or guardian of the above-named minor participant who is under the age of 18 years. For the consideration above, I consent that any images of the minor, recordings of the minor's voice, use of the minor's name and/or descriptions of the minor's participation in the Summer Company Initiative which have been or are about to be recorded by or on behalf of the Ministry, may be used and disclosed by it for the purposes and under the rights set out above, signed by the minor, with the same force and effect as if executed by me.

Date

Name of Parent or Guardian (please print)

Signature of Parent or Guardian

Address

**Ministry of Economic
Development,
Job Creation and Trade**

Office of the Deputy Minister

18th Floor
777 Bay Street
Toronto, ON M7A 1S5

Telephone: 416-326-3780

**Ministère du Développement
économique,
de la Création d'emplois et du
Commerce**

Bureau de la sous-ministre

18e étage
777, rue Bay
Toronto, ON M7A 1S5

Téléphone : 416-326-3780



Summer Company Initiative - Success Stories Submissions

Instructions for completing the Assignment of Copyright and Waiver of Moral Rights forms:

Each Success Story submission, which includes a story and photograph(s) of the Summer Company Initiative participant, will be accompanied by the attached Assignment of Copyright form and Waiver of Moral Rights form that has been completed and signed by the “storywriter” and “photographer” for each submission. The Summer Company Initiative participant him/herself or other person(s) may be the “storywriter” and/or “photographer”. The “storywriter” is the author of the story describing the student’s participation in the Summer Company Initiative. The “photographer” created the image(s) depicting the student’s participation in the Summer Company Initiative.

Prior to Success Story submission:

The “storywriter” will complete and duly sign, and have witnessed:

- (i) two original copies of the Assignment of Copyright form; and
- (ii) two original copies of the Waiver of Moral Rights form.

The “photographer” will do the same, even if the “storywriter” and “photographer” is the same person. Where the “storywriter” or “photographer” is a minor, the parent or guardian will also duly sign the two original copies of the Assignment of Copyright form and of the Waiver of Moral Rights form.

To accompany each Success Story submission:

The “storywriter” and “photographer” will each submit an Assignment of Copyright and Waiver of Moral Rights in respect of their “story” and “photograph(s)” respectively – for a total of four original forms to accompany each Success Story submission to the Recipient.

The “storywriter” and the “photographer” will each keep an original copy of the two forms.

(please sign two original copies of this form)

SUCCESS STORIES: STORYWRITER / PHOTOGRAPHER

ASSIGNMENT OF COPYRIGHT (Part 1 of 2)

THIS ASSIGNMENT made in duplicate as of *(insert date)* _____.

The undersigned agrees to assign and now does assign and transfer unto the Queen's Printer for Ontario all of the undersigned's right, title and interest in and to the copyright in Canada and internationally of the following original work(s):

- *For stories: list the story describing the student's participation in the Summer Company Initiative (include participant's name/summer job and name of storywriter if different from participant) in which copyright is being assigned; attach the text*
- *For images: list the photograph(s) featuring action shot of student or display of product with student and no third parties (include participant's name/summer job and name of photographer if different from participant) in which copyright is being assigned to the Crown; attach photocopy of each image*

for the remainder of the unexpired term of the copyright.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ASSIGNMENT.

Date

Signature of Assignor
(storywriter/photographer)

Date

Signature of Parent or Guardian
(if Assignor is a minor)

Date

Signature of Witness

[If the Assignor is a corporation, use the signature block below]

Name of corporation: _____

Authorized signature: _____

Name (please print): _____

Title: _____

Date: _____

I have authority to bind the corporation.

(please sign two original copies of this form)

SUCCESS STORIES: STORYWRITER / PHOTOGRAPHER

WAIVER OF MORAL RIGHTS (Part 2 of 2)

THIS WAIVER OF MORAL RIGHTS is made in duplicate.

I, _____, the author of the story describing the student's participation in the Summer Company Initiative / the photographer of the image(s) depicting the student's participation in the Summer Company Initiative (please underline author or photographer as applicable) described in an assignment of copyright dated _____, signed by me in favour of the Queen's Printer for Ontario ("the Crown"), expressly, irrevocably and without restriction, waive in favour of the Crown and all sublicensees and assignees all my Moral Rights with respect to all such stories / photographs.

In this Waiver of Moral Rights, "Moral Rights" has the same meaning as in the *Copyright Act*, R.S.C. 1985, c. C-42, as amended or replaced from time to time and includes comparable rights in applicable jurisdictions.

IN WITNESS WHEREOF I have executed this Waiver of Moral Rights.

Date

Signature
(storywriter/photographer)

Date

Signature of Parent or Guardian
(if storywriter/photographer is a minor)

Date

Signature of Witness

SBEC PROGRAM GUIDELINES

SBEC CORE INITIATIVE

BACKGROUND

In recognition of the vital role that entrepreneurial activity and businesses play in Ontario's economy and specifically in the growth and prosperity of local communities, Small Business Enterprise Centres (SBECs or Recipients) were created in local communities across Ontario to deliver various services and programs.

The SBEC Core programming dates back to the mid 1980's with a few pilot Business Self-Help Offices (BSHOs). There are currently 47 SBEC locations across Ontario.

DESCRIPTION

Under transfer payment agreements, the Province provides funding to SBECs (including municipalities and non-profit entities). The SBEC Core Initiative consists of Client services and supports to entrepreneurs and new businesses within a municipality and surrounding service region ("Service Region"). The Recipients assist in the formation and support of new businesses by promoting their early growth and success.

The SBECs are part of the Ontario Network of Entrepreneurs ("ONE"). ONE was launched on May 15, 2013 and is made up of the SBEC Program, the Regional Innovation Centres ("RICS") program and the Business Advisory Services program all of which are funded by the Province.

MANDATE

The mandate of the SBEC Core Initiative is to help build a prosperous and fair Ontario by:

1. Assisting small "Main Street" businesses, including entrepreneurs and new business start-ups.
2. Providing stability and early-growth support to existing small businesses which are typically:
 - a. Less than five (5) years in operation, and
 - b. Have under ten (10) employees

3. Improving the success rate and longevity of small businesses in Ontario.
4. Raising the profile and promoting small businesses in Ontario as an important part of the community and as a viable career choice.

SBECs provide:

1. Training and business skills development to help small businesses maintain or expand their own business;
2. Business supports to help start businesses, and to help businesses to prosper and expand;
3. A variety of services, events, and activities targeted at supporting small businesses; and
4. Data collection of a number of metrics to help understand and assess the local economic environment and performance.

FUNDING ARRANGEMENTS

Ministry and Municipality/Non-Profit Funding Arrangements

1. The SBEC Core Initiative is funded by the Ministry of Economic Development, Job Creation and Trade, except for the SBECs in Northern Ontario locations which are funded by the Ministry of Energy, Northern Development and Mines. Under the SBEC, individual municipalities or other non-profit entities receive transfer payment funding for the delivery of the SBEC Core Initiative within the Service Region.
2. The municipality or non-profit entity may also provide their own funding for operation costs of the SBEC.
3. SBECs are not offices, agencies or otherwise a part of the Province; SBEC staff are primarily municipal employees or employees of non-profit entities. SBECs are managed locally, coordinated and networked across Ontario, and eligible for financial support under transfer payment agreements, and other private sector supports.
4. SBECs must enter into a transfer payment agreement acceptable to the Province in order to receive any funding under the Initiative.
5. Funding by the Province for this SBEC Core Initiative is a non-entitlement initiative. As such, notwithstanding that an SBEC applicant for funding has submitted a complete application, there is no guarantee that the SBEC applicant will be awarded funding by the Province.

Other public supports or private sector partnerships/sponsorships

SBECs are encouraged to seek public supports in addition to funding that may be provided by the Province or private sector partnerships/sponsorships in order to supplement the resource base available for Client services. Additional funding supports may be in the form of cash and/or in-kind contributions.

REQUIREMENTS AND SERVICES

General Description

Under the transfer payment agreements with the Province, individual SBECs must be engaged in business activities in their communities, the surrounding Service Region and the ONE region and meet the following requirements:

1. SBECs are required to engage with the community by offering business services, financing options, events, and activities to Clients throughout the Service Region.
2. SBECs must also undertake data collection, maintain Client information in a confidential manner, and maintain appropriate organizational insurance coverage.
3. SBECs are required to attend and participate in all ministry sponsored or funded events, such as regional meetings. SBECs are required to follow these Guidelines.

Community Engagement

As ONE members, SBECs should be:

1. Active in the community, developing, and promoting their centres as a visible resource, and
2. Providing services within the mandate to all individuals who visit or contact the SBEC, regardless of their place of residence.

Events, Activities and Services

Business outreach and networking activities should also include: local businesses, Chambers of Commerce, post-secondary institutions etc. within the specific SBEC's Service Region, which may be both within and outside the region of the municipality.

Events to be organized by SBECs in connection with the SBEC Core Initiative are to focus on entrepreneurship, small and medium business, and business development. These business outreach and networking activities may include but are not limited to offering or undertaking:

1. Information kiosks,
2. Workshops/seminars,

3. Speaking engagements,
4. Small business and entrepreneurship events,
5. Mentoring,
 - Youth outreach activities, including but not limited to
 - High school activities,
 - Post-secondary activities, and
 - Activities targeted at Youth not- in-school
6. Business referrals.

A description of the types of small business and entrepreneurship events in connection with the Initiative is outlined in the table below.

UNDER THE SBEC CORE INITIATIVE EACH SBEC IS EXPECTED TO OFFER THE FOLLOWING SERVICES	
<ul style="list-style-type: none"> • Provide information to new entrepreneurs and new and existing small business owners. 	<ul style="list-style-type: none"> • Provide referrals for third party “professional consultations” on an as-needed basis.
<ul style="list-style-type: none"> • Promote and distribute publications and materials related to the SBEC Core Initiative. 	<ul style="list-style-type: none"> • Conduct and/or facilitate seminars and workshops for new and existing entrepreneurs on topics related to business start-up, operations and management. Initial one-on-one consultation to be provided on a no fee basis to each Client. Any additional consultations (advanced/in-depth level) may be offered to the Client. Fees, if any, and the amount (cost-recovery or otherwise) are to be determined by the SBEC.
<ul style="list-style-type: none"> • Process – on a non-fee basis – general inquiries (face-to-face and electronically) related to business start-up and growth, operations and management and SBEC Core Initiatives and other services available. 	<ul style="list-style-type: none"> • Provide mentoring and/or coaching service to Clients. Services may be delivered on a non-fee or fee basis.
<ul style="list-style-type: none"> • Actively promote Initiatives related to small business opportunities. 	<ul style="list-style-type: none"> • Provide outreach services to: <ul style="list-style-type: none"> ○ The Service Region served by the SBEC on a market need basis; ○ Local businesses, Chambers of Commerce, post-secondary institutions etc.
<ul style="list-style-type: none"> • Provide all services to the public under the transfer payment agreement in accordance with the <i>French Language Services Act</i> (Ontario). 	<ul style="list-style-type: none"> • Develop, promote and provide networking opportunities for small business owners.
	<ul style="list-style-type: none"> • Each SBEC is expected to offer targeted events to service specific demographics each fiscal year, including, but not limited to: Women, Francophone, Aboriginal, Youth, and/or Accessibility events.

Location

TO BE DETERMINED BY THE RECIPIENT	LOCATION STANDARDS
<p>Conform to SBEC requirements, if any (e.g. Board/Municipality visibility standards).</p>	<ul style="list-style-type: none"> • A highly visible location in the central business district for each SBEC (i.e. located in a mall, on a main street or in a visible area in city hall or other suitable public building); • Access to parking and public transit; • Free access to building (does not require security key, sign in, doorbell, etc.); • Appropriate space to fulfill core services including reception area; • Private office for consultations; • Separate space for resource centre; • Access to boardroom/meeting space; and, • Appropriate accessibility access.

Signage/Visibility

TO BE DETERMINED BY THE RECIPIENT	SIGNAGE REQUIREMENTS
<p>Name/logo of SBEC.</p>	<p>Visible signage outside and inside featuring:</p> <ul style="list-style-type: none"> • SBEC name; • Outside sign visible from 50 metres; • Inside signage to make a distinction between founding or core partners; and other partners/sponsors. • Bilingual signage when the SBEC is located in a Designated Bilingual Area (DBA) as per the <i>French Language Services Act</i> (Ontario). • Appropriate use of Provincial logos as supplied and directed by the Province, including the Trillium logo, the ONE Brand logo, and Youth entrepreneurship logos, such as Summer Company

	Initiative, Starter Company Initiative etc.
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PERFORMANCE INDICATORS

SBECs will be required to collect, compile, analyze, and report to Province on the nature and number of:

- Businesses Started
- Businesses Purchased
- Businesses Expanded
- Jobs Created
- Inquires
- New Client Consultations (Starting a Business)
- New Client Consultations (Existing Business)
- Repeat Client Consultations
- French Language Consultations
- Referrals to Public Sector
- Referrals to Private Sector Professionals
- Workshops/Seminars
- Outreach Connections
- Events Hosted
- Events Attendance
- Mentorship matches

CONFIDENTIALITY, PRIVACY POLICY AND CONFLICT OF INTEREST

Client Confidentiality

Under the *Freedom of Information and Protection of Privacy Act* (Ontario) ("FIPPA"), the Province is responsible for protecting the personal information that it holds to carry out its responsibilities.

The privacy protection rules of FIPPA govern all aspects of personal information, including its collection, use, disclosure, retention, and secure destruction.

SBECs shall collect and maintain Client records and information to the appropriate standards so that:

- When collecting personal information from Clients, precautions are taken to ensure this information is safeguarded from unauthorized collection, use, disclosure, retention, and secure destruction.

- All records containing personal information and personal information banks shall be kept in compliance with FIPPA requirements and standards.

Privacy Policy

SBECs will be required to provide the Province with a copy of their respective privacy policies. The SBECs are subject to FIPPA, which governs the collection, use, and disclosure of personal information.

Please note that the Province is subject to FIPPA. FIPPA provides every person with a right of access to information in the custody or under the control of the Province, subject to a limited set of exemptions.

Conflict of Interest

SBECs will be required to provide the Province with a copy of their respective conflict of interest guidelines.

TRAVEL AND HOSPITALITY

Any disbursement of Funds to the Recipient shall be subject to the Recipient's guidelines on travel, meal and hospitality expenses provided that such guidelines are no less stringent than the guidelines set out in the Province's Travel, Meal and Hospitality Expenses Directive, dated January 1, 2017 as may be amended from time to time ("Travel Directive") please see: <https://www.ontario.ca/document/travel-meal-and-hospitality-expenses-directive>

ELIGIBLE AND INELIGIBLE EXPENSES

Any Funds provided under transfer payment agreements are subject to the eligible and ineligible expenditures as described in such agreements.

SBEC Program Guidelines as may be amended from time to time can be accessed at any time at <https://www.ontariocanada.com/ecr/controller/ReportHelp> ("Guidelines")

IN THE EVENT OF ANY INCONSISTENCIES IN THE ABOVE AS COMPARED TO THE GUIDELINES (ACCESSIBLE AT THE ABOVE LOCATION), THE GUIDELINES SHALL PREVAIL.

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number ENG2019-020

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: 5 and 7

Title: Downtown Reconstruction Update

Description: Update on Strategy for construction and phasing of the Lindsay downtown re-construction projects.

Author and Title: Corby Purdy, Supervisor, Infrastructure Design and Construction

Recommendation(s):

That Report ENG2019-020, **Downtown Reconstruction Update**, be received;

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of November 22nd 2016 Council adopted the following resolution:

10.3.1 ENG2016-032

Mike Farquhar, Supervisor Technical Services, Engineering
Kent St Corridor Study EA

CR2016-1134

RESOLVED THAT Report ENG2016-032, **Kent St Corridor Study EA**, be received;

THAT Council supports the preferred solutions as outlined in Appendix 'A' in this Report - Project File to improvements to the Kent St Corridor, in Lindsay; and

THAT staff be authorized to file the EA report for the legislated 30 day comment period.

CARRIED

A presentation by the consultant (HDR) was made at this meeting, no deputations

CR2016-1123

Moved By Councillor O'Reilly

Seconded By Councillor Breadner

RESOLVED THAT the presentation by Carl Wong, HDR Consultants, regarding the Kent Street Corridor Study and Environmental Assessment, be received.

In 2017 council approved detailed design for downtown Lindsay through the capital budget process. Staff released a formal request for proposal and ultimately CIMA+ was the successful proponent.

During the design phase two public meetings were held on:

- May 31, 2018, held at the Academy Theatre (See Appendix A) and
- March 7, 2019, held at the Victoria Armoury (See Appendix B)

to solicit feedback from stakeholders and the public. From discussions and comments received after the meeting on March 7, 2019, it was clear that stakeholders and business owners were very concerned about construction staging and timing, and there was a strong preference for separating the construction of Kent Street into phases.

[The following link on the city website contains key documentation of downtown project.](#)

Rationale:

Recommended Phasing of Construction

Phase 1 of the project, currently under construction, includes Peel Street from Victoria Avenue to William Street, and Russell Street from Lindsay Street to Victoria Avenue.

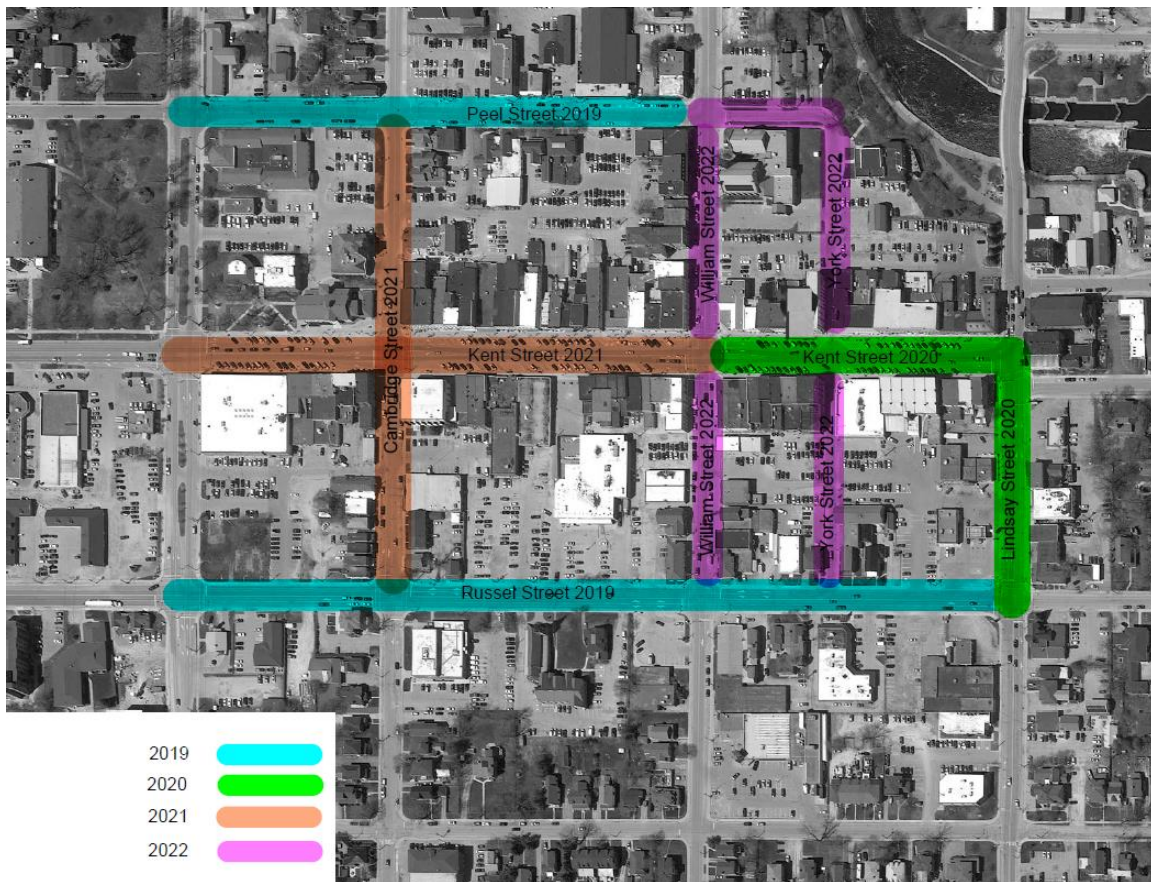
Phase 2 of the Downtown Reconstruction includes Kent Street from William to Lindsay Street, and Lindsay Street from Russell to Kent Street E. Phase 2 work is to be constructed between March and November of 2020, ensuring that Kent St is not reconstructed during the busy summer months (July and August).

Phase 3 includes Kent Street from Victoria to William Street, Cambridge Street from Peel Street to Russell Street Phase 3 work is to be constructed between March and November 2021 ensuring that Kent St is not reconstructed during the busy summer months (July and August).

Phase 4 includes William Street from Peel Street to Russell Street, York Street from Peel Street to Russell Street and Peel Street from William Street to York Street. Work is to be constructed between March and November 2022.

The intent of the above recommended Phase Plan is to:

- Minimize the construction on Kent Street during the months of July and August;
- Cash flow the project to be in line with financial plan;
- Create smaller phases in order to encourage additional contractors to Bid on the project which creates higher completion during the tender process;
- Allows flexibility to adjust strategy of future phase, if required
- Have a realistic schedule on what can be constructed in a construction season; and,
- Allows for internal staff resources for additional project management.



Strategy during construction of Kent St

Communication:

Positive feedback surrounding Monday morning emails from construction of Peel St and Russell St has been received by staff. Weekly Monday morning email updates will be continued for the remaining phases through the construction schedule. Information will also be posted on the CKL Website and social media accounts as required.

Parking:

The lot used for staff at 12 Peel Street can accommodate some of the downtown overflow parking as 12 Peel St Staff are schedule to move to 322 Kent St prior to Phase 2 commencing.

Additional on street parking have been created on Peel Street in 2019 as part of the Phase 1 construction.

Pedestrian Traffic:

Accommodations for pedestrian movement on Kent St will be made for the duration of the construction. The contractor will utilize temporary fencing to delineate a safe pedestrian corridor.

Project management:

12 Peel Street will be used as a construction hub. It will be open to public to view the overall plans for all phases of construction. Consultant will utilize 12 Peel Street as an office for the duration of construction.

Liaison with BIA and Community Liaison Officer:

For 2019 works, the BIA Community Liaison Officer(s) has acted as an additional liaison between the contractor, consultant and businesses. Staff has received positive feedback and continues to build great working relationships in an effort to extend services throughout all phases of construction.

3D rendering of proposed Kent Street



Other Alternatives Considered:

Staff are implementing approved council direction as per the Kent St Corridor EA.

The Phasing of the projects can be modified if required; this can be discussed during the yearly capital budget approval process.

Financial/Operation Impacts:

Approved in 2019 Capital Budget

Phase 1 – Peel St from William St to Victoria Ave and
Russell St from Lindsay St to Victoria Ave

Tender No 2019-31-CQ awarded to Coco Paving Inc., PO No. 905266 OC

Proposed in the Draft 2020 Capital Budget, subject to council approval

Phase 2 - Kent St W from Lindsay St to William St
Lindsay St from Russell St to Kent St E / Bridge

Future Budgets consideration / proposal, subject to council approval

Phase 3 - Kent St W from William St to Victoria Ave
(2021) Cambridge from Peel St to Russell St

Phase 4 - William St from Peel St to Russell St
(2022) York St from Peel St to Russell St
Peel St from William St to York St

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This project relates to Goal 1 by maintaining the City's existing infrastructure:

- Goal 1 – A Vibrant and Growing Economy

It also aligns with the Strategic Enablers of “Efficient Infrastructure & Asset Management” and “Responsible Fiscal Resource Management”.

Link to Strategic Plan

<http://links/corpdocs/Corporate/2016%20Strategic%20Plan%20-%20City%20of%20Kawartha%20Lakes.pdf?Web=1>

Review of Accessibility Implications of Any Development or Policy:

The Accessibility coordinator was involved throughout the EA process, the stakeholders meeting and the public meeting along with the CKL Accessibility Advisory Committee.

The design plan for Downtown will include Accessible pedestrian walkways / sidewalks, Audible pedestrian traffic signals / crossing and approved color contrast pavers on the boulevards.

Servicing Comments:

The corresponding infrastructure improvements (i.e. replacement of watermain, sanitary and storm pipe) have been incorporated into the design project and respective tender.

The City received a provincial grant that funds the replacement of cast iron watermain in Lindsay.

Staff have prioritize these works within the applicable capital budget planning.

Consultations:

CKL Internal Departments
Lindsay BIA
Kawartha Conservation
Public Meeting and Stakeholder Meetings

Attachments:

Appendix A – Notice of PIC No 1



Appendix A - Notice
of PIC No 1.docx

Appendix B – Notice of PIC No 2



Appendix B - Notice
of PIC No 2.docx

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas, Director of Engineering & Corporate Assets

Department File: Engineering

CITY OF KAWARTHA LAKES

DOWNTOWN LINDSAY RECONSTRUCTION INVITATION TO PUBLIC OPEN HOUSE

The City of Kawartha Lakes is undertaking a design project for the reconstruction of downtown Lindsay between Victoria Avenue to the west, Lindsay Street to the east, Russell Street to the south, and Peel Street to the north. Russell Street, Lindsay Street, and Peel Street as well as the portions of Kent Street West, Cambridge Street, William Street, and York Street within these limits will be reconstructed. The works are to include new asphalt, sidewalk, curb and gutter, streetscaping, streetlights and underground utilities including storm sewer, sanitary sewer and watermain.

This project is building on previously completed planning and design studies, and the public are invited to attend a public open house to review the project progress to date, review options, discuss any issues and provide constructive feedback. Representatives from the City and the Consulting Engineer will be present for discussion, and the project team will incorporate any potential improvements that can be implemented into the design.

Public Open House Details

Time: Drop in from 5:30 pm–8:00 pm; formal presentation at 6:30 pm

Date: Thursday May 31, 2018

Location: Victoria Room, 26 Francis Street, Lindsay, Ontario

Paul Turner, P.Eng.
CIMA+
55 King Street East
Bowmanville, Ontario L1C 1N4

T: 905.697.4464 ext. 6902

E: paul.turner@cima.ca

Juan Rojas, P.Eng.
City of Kawartha Lakes
12 Peel Street, Box 9000
Lindsay, ON K9V 5R8

T: 705.324.9411 ext. 1151

E: jrojas@kawarthalakes.ca



CITY OF KAWARTHA LAKES

DOWNTOWN LINDSAY RECONSTRUCTION INVITATION TO PUBLIC OPEN HOUSE #2

The City of Kawartha Lakes is undertaking a design project for the reconstruction of downtown Lindsay between Victoria Avenue to the west, Lindsay Street to the east, Russell Street to the south, and Peel Street to the north. Russell Street, Lindsay Street, and Peel Street as well as the portions of Kent Street West, Cambridge Street, William Street, and York Street within these limits will be reconstructed. Peel Street and Russell Street will be reconstructed in 2019, with the remainder to commence, starting in 2020.

This information centre will present the proposed streetscape plans, building on previously completed planning and design studies and incorporate the feedback of Public Open House #1 and additional input from the Stakeholder Groups Working Meeting, which included the Lindsay Downtown BIA, Downtown Revitalization Working Group, Heritage Committee and Accessibility Committee.

Public Open House #2 Details

Time: Drop in from 6:00 pm–8:00 pm; formal presentation at 6:30 pm
Date: Thursday, March 7, 2019
Location: Victoria Park Armoury, 210 Kent St. W., Lindsay, Ontario

Paul Turner, P.Eng.
CIMA+
55 King Street East
Bowmanville, Ontario L1C 1N4
T: 905.697.4464 ext. 6902
E: paul.turner@cima.ca

Juan Rojas, P.Eng.
City of Kawartha Lakes
12 Peel Street, Box 9000
Lindsay, ON K9V 5R8
T: 705.324.9411 ext. 1151
E: jrojas@kawarthalakes.ca



The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number ENG2019-021

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Update on projects within the Road Life Cycle extension program

Author and Title: Michael Farquhar, Supervisor, Technical Services

Recommendation(s):

That Report ENG2019-008, Update on projects within the Road Life Cycle extension program, be received;

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the June 11, 2019 Special Council meeting the following resolutions were passed. This report updates Council on those resolutions

Table 1

June 11 Council Resolutions	Roads	Being addressed through RD1907 Life cycle Extension	will be considered in 2020 Capital budget	Additional info /Recommendations
CR2019-363	Porter and Lifford road		Yes	the intersection of Lifford road and Dufferin pit entrance has been repaired
CR2019-364	St. James Street		Yes	to be designed for future construction
CR2019-366	McGill road and Slalom Dr.	Yes		The bend on McGill drive was paved and the intersection of Slalom and Christie was paved
CR2019-367	Grey road and Tracey's Hill road	Yes		completed through tender 2019-75-CQ
CR2019-368	McGregor Road and Walmac Shores	Yes		
CR2019-369	Thurstonia Park Drainage			Public Works operating projects
	Victoria Place Drainage			Public Works operating projects
	Bluewater Avenue drainage			Public Works operating projects
	Kenhill Beach road drainage			Public Works operating projects
	Alma St. Omeme drainage			Public Works operating projects
CR2019-370	Waite road	Yes		Based on available funds as addressed in purchasing report Pur2019-025
CR2019-371	Baseline road	Yes		
CR2019-372	Duke St. Bobcaygeon	Yes		
CR2019-373	Portage road (CKL 48)		Yes	
CR2019-374	Kelly's Bay road		Yes	
CR2019-376	Roads in Coboconk		Yes	
CR2019-378	Corbett drive		Yes	
	Drum road east		Yes	
	Yelverton road		Yes	
	Wilson Drive		Yes	
	Park Street		Yes	
	Northline road		Yes	
	Crego St.		Yes	
	CKL road 30		Yes	
	Grassy road		Yes	
	Hazel St.		Yes	
	Potts shore road		Yes	
	Balsam grove road		Yes	
	Marilyn cres.		Yes	
	Kenver St.		Yes	
	Pine Ridge road		Yes	
	McCrackin road		Yes	
	Hillside Drive		Yes	
	Schoolhouse road		Yes	
	McNabb road		Yes	
	Laxton/Digby line		Yes	
CR2019-379	CKL 41		Yes	

At the July Special Council meeting the following resolution was passed

CR2019-360

Moved By Councillor Seymour-Fagan

Seconded By Councillor Dunn

That the Memorandum from Mayor Letham, regarding **2019 Lifecycle Extension Budget**, be received

That the Lifecycle Extension Budget for 2019 be increased, to an additional maximum of \$800,000.00, to be funded from the Asset Management Plan Reserve, and to accommodate additional priority roads that need immediate attention; and

That Staff report back to council with the list of roads included in the 2019 Lifecycle Extension program after the tender has been awarded.

Carried

This report is a follow up to Council outlining the specific roads that are included for work with the Lifecycle extension program RD1906.

At the July 16, 2019 Council meeting as part of the work for RD1906 tender 2019-75-CQ was approved by Council through Purchasing report PUR2019-025

2019-75-CQ Local Asphalt Paving

Linda Lee, Buyer

Mike Farquhar, Supervisor, Technical Services

CR2019-449

That Report PUR2019-025, **2019-75-CQ Local Asphalt Paving**, be received;

That Royel Paving, A division of CRH Canada Group Inc. be selected for the award of 2019-75-CQ Local Asphalt Paving for the total quoted amount of \$762,192.20 plus HST.

That subject to receipt of the required documents, the Mayor and Clerk be authorized to execute the agreement to award the contract; and

That the Procurement Division be authorized to issue a purchase order.

Carried

The following roads were approved within tender 2019-75-CQ

Table 2

Item	Road Name
A	Tracey's Hill Road (between CKL 7 and Heights road)
B	St. Lukes Road between Centreline road and Sturgeon road
C	Halter Road Between Golden mile road and River road
D	Hayes Line Road 300 m west of #182
E	Walmac Shores Road between CKL 17 and east end
F	Duke Street between Joseph St. and Main St.
G	McGreggor Drive between Walmac shores and north end
H	Centennial Park Road between Rohallion road and #1280
I	Brechin Road between Miller road and CKL 6
J	Lorneville Road between Smith St. and # 124 Lorneville road
K	The Glen Road between CKL 6 and #231 the Glen road
L	Campbell Beach Road
M	Peniel Road (Monarch road to Hwy 35)
N	Elm Tree Road between Riley lane and Fish hawk road
O	Monach Road between Peniel road and Thunderbridge road
P	Cameron Road between CKL 8 and Hwy 35
Q	Glen Arm Road
R	Talbot River Road 225 m East of #46 Talbot river road
S	Baseline Road between Hwy 35 and CKL 45
T	St. David Street Fleetwood road to north end
U	Amela Street between CKL 12 and John St.
V	Joseph Street Bobcaygeon from Main St 75 m west of Main St.

The scope of work for these road sections involved spot repair by resurfacing with an overlay of hot mix asphalt in spot segments of the roads (with the exceptions of item T, U, V which will be pulverized, gravel added and paved).

In addition to these roads

Sections of Bayview Estates Road, Farmstead Road, Gray Road, McGill Dr. and the intersections of Slalom and Christie and Hillview Dr. and Slalom Dr. have been resurfaced utilizing existing tender 2019-27-CQ and funded through RD1906.

Rationale:

The work identified within tender 2019-75-CQ will begin in early September.

As this work progresses, Engineering will be able to ascertain the extent of additional road sections that can be added for completion this year based on weather conditions.

The purchasing report PUR2019-27-CQ allowed for a contingency as well as to exhaust all funds within RD1906. Any additional road segments that receive spot asphalt repair in addition to what has been shown above in Table 1 and 2 will be reported back to Council.

Financial/Operation Impacts:

N/A

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

This project relates to Goal 1 by maintaining the City's existing infrastructure:

- Goal 1 – A Vibrant and Growing Economy

It also aligns with the Strategic Enablers of “Efficient Infrastructure & Asset Management” and “Responsible Fiscal Resource Management”.

Link to Strategic Plan

<http://links/corpdocs/Corporate/2016%20Strategic%20Plan%20-%20City%20of%20Kawartha%20Lakes.pdf?Web=1>

Consultations:

Public Works

Attachments:

N/A

Department Head E-Mail: jrojas@kawarthalakes.ca

Department Head: Juan Rojas, Director of Engineering & Corporate Assets

Department File: Engineering

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number RD2019-005

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Winter Maintenance Fee for Service Review

Description: Council has requested the feasibility of offering a fee for service “where it makes sense” for specific roads identified by Council

Author and Title: David MacPherson – Manager, Roads Operations

Recommendation(s):

That Report RD2019-005, **RD2019-005 Winter Maintenance Fee for Service Review**, be received; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

Through 2015-2017 as part of the City's Core Service Review, services offered to private and unassumed roads were reviewed by Public Works staff in consultation with the Office of Strategy Management.

Staff continues to advise that maintenance on unassumed roads is not legally required and as a result most municipalities have chosen not to offer such services. Money expended on these non-obligatory commitments could be redirected to the City's assumed road network. Staff went through an extensive public consultation and reported to Council on several occasions. Residents on unassumed roads who benefit from the program were overwhelmingly in favour of the program and in many cases requested additional services.

As noted, there is no municipal legal obligation to provide any service to an unassumed road or private roads. Council has been provided the legal opinion in the past that states:

“The City is not legally obligated to provide maintenance on either category of road (private or unassumed) and not doing so limits both the maintenance costs and exposure to liability for the City.” (Staples & Swain)

At the request of Council, Staff prepared report RD2019-002 on providing fee for service on unassumed roads. The background for that report summarized Council's direction on providing service on unassumed roads at no cost. At the Council Meeting of June 18 2019, Council adopted the following resolution based on report RD2019-002:

CR2019-412

Moved By Councillor Yeo

Seconded By Councillor Richardson

That staff be directed to bring forward options for providing fee for service for winter maintenance of unassumed roads where there is continuation of service opportunities for expanding existing plow routes by end of Q3 2019.

Carried

This report addresses that resolution.

Rationale:

Establishing a standard and adhering to that standard is essential to consistent and equitable service delivery. Council has taken steps to ensure this occurs by:

- 1) Establishing the Seasonal Level of Service Policy (SLOS) which outlines service it is willing to offer for unassumed roads. This includes summer season maintenance only.
- 2) Directing Staff to continue maintenance of private roads which previously received service under agreement. As part of that decision, Council resolved that no additional agreements for private roads are to be entered into.
- 3) Establishing a standard for road assumption and passing a policy for assuming roads that outlines minimum construction standards to enable effective service delivery with municipal equipment.

Resulting from the extensive review already completed and due to the legal opinion received from external Counsel, Staff does not recommend commencing fee for service work. Fee for service is an impact to municipal resources, takes work away from local businesses and is not part of our core service delivery requirements.

Currently the best alternative for unassumed roads to receive full municipal servicing is for the benefitting owners to work towards having the City assume the road. Assumption of existing, historical roads can be achieved in accordance with Council Policy CP2017-010 (Assumption of Private and Unassumed Roads Policy). At the request of the road associations Staff are willing to review the roads and outline what steps are needed to have the road assumed and receive full municipal service.

The Director of Public Works requested Councillors to submit roads to be considered in this review. At the time of writing this report the following roads have been identified for consideration by respective Councillors:

	Length	Status
McGuire's Beach Rd.	1.3 km	Unassumed
Thistle Trail	0.30 km	Unassumed
Elder Street	0.11 km	Unassumed /Private
Cobble Lane	0.335 km	Private

McGuire's Beach Road is an unassumed road and therefore subject to the SLOS Policy. There have been many meetings with the road association attended by roads managers, the director of public works and the Mayor. The association has been advised on multiple occasions that fee for service is not available to them and even provided a list of contractors capable of performing the work on their behalf. Staff has worked with them on several occasions to clarify the process to have the road assumed and recommends that the association follows that process. Reinstatement of fee for service is not recommended.

Thistle Trail is an extended driveway to a single residence along the road allowance. The road section does not meet the minimum design standards and does not have a suitable turn around for municipal equipment. As such the road is not suitable for municipal maintenance equipment and fee for service is not recommended.

Elder Street up to ~59 Elder Street is municipally maintained road. Running easterly from that point the road is single narrow unassumed road that services multiple homes. The laneway is not large enough for municipal equipment to service. Should the local residents wish to have municipal services, they should work toward improving the road and having it assumed. Fee for service is not recommended.

Cobble Lane is a single lane private road servicing multiple homes. The single lane is not suitable for passage of municipal maintenance equipment. In addition, Council has resolved Staff not to enter into any new service agreements (Limited Service Agreements) for service on private roads. Fee for service is not recommended.

Other Alternatives Considered:

As confirmed within this report Staff does not recommend fee for service work however, Council has requested alternatives to commence winter control fee-for-service via CR2019-412. If Council wishes to consider offering winter control fee-for-service work, Staff recommends the road must meet the minimum standards as outlined in CP2017-001 and the following items should be included as part of an agreement for service:

Private Roads

- A legal agreement with the private land owner(s) would need to be executed allowing the city staff and equipment or a city contractor to enter on the private land and perform winter maintenance activities.
- In the agreement the land owner agrees to pay fees to the greater of actual costs or market rates (as deemed by the City) so as to ensure we are not taking work away from local businesses that could be performing the work.
- Services are to be provided to standards and frequency mandated by the provincial municipal maintenance standards (MMS) as deemed necessary by the City.
- The land owner or road association will be required to provide a deposit for this service. The amount of the deposit will be determined by the length of the road section.
- If payment for the previous year maintenance activities is not received by the City, the deposit will be used and the service will cease.

- The land owner will need to provide the required liability insurance coverage to protect the City from additional liability or risk, as determined by the City of Kawartha Lakes insurance provider.
- The road section must have snow storage capabilities
- The City will not be held liable for any damage caused, or resulting from, winter maintenance activities.

Unassumed Roads

- Services are to be provided to standards and frequency mandated by the provincial municipal maintenance standards (MMS) as deemed necessary by the City.
- A legal agreement will be needed with all benefitting land owners or road association representing all benefitting land owners.
- In the agreement the land owner agrees to pay fees to the greater of actual costs or market rates (as deemed by the City) so as to ensure we are not taking work away from local businesses that could be performing the work.
- The benefitting land owners will be required to provide a deposit for this service. The amount of the deposit will be determined by the length of the road section.
- If payment for the previous year maintenance activities is not received by the City, the deposit will be used and the service will cease.
- The City will not be held liable for any damage caused, or resulting from, winter maintenance activities.

Financial/Operation Impacts:

The recommendation of this report would have no financial or operational impacts to the City.

If Council chooses to offer fee for service work, an agreement with the benefitting land owners for winter control would be recommended. Pending volume of work, additional resources may be required to complete the work (administrative and/or operational). All costs would be allocated to the benefitting properties/association(s).

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendations contained in this report align with the Strategic Plan's Mission statement of "Providing responsible, efficient and effective services". It also aligns with the strategic enablers of "Responsible fiscal resource management" and "Efficient Infrastructure and asset management".

Consultations:

Public Works Manager Roads Operations West A
Public Works Manager Roads Operations West B
Director of Public Works

Attachments:

Appendix A – Council Policy CP2017-010



CP2017-010
Assumption of Private

Department Head E-Mail:

Department Head: Bryan Robinson, Director of Public Works



Council Policy

Council Policy No.:	CP2017-010
Council Policy Name:	Assumption of Private and Unassumed Roads
Date Approved by Council:	March 21, 2017
Date revision approved by Council:	n/a
Related SOP, Management Directive, Council Policy, Forms	n/a

Policy Statement and Rationale:

This policy establishes guidelines and minimum standards for unmaintained municipal roads, seasonal roads and private lanes within the City of Kawartha Lakes required for assumption consideration. The goal of this policy is:

- a) To ensure consistency in the upgrading of existing and construction of new municipal roads;
- b) To ensure adherence to the relevant Official Plan policies;
- c) To ensure that proponents build new municipal roads to a minimum municipal standard;
- d) To avoid passing any new development costs to ratepayers of the municipality;
- e) To ensure that proponents upgrading existing seasonal or private roads to municipal roads abide by a minimum municipal standard;
- f) To control the means by which the City of Kawartha Lakes may assume private or seasonally maintained municipal roads to provide fairness and consistency; and
- g) To control the use and development of unopened road allowances.

Scope:

The City shall only consider through this policy the assumption of existing unassumed roads, roads created through Planning Act easement, or existing private roads. The policy may also consider roads within an existing plan of subdivision that were not previously assumed by the City. The policy shall not be used to consider the assumption of new roads where assumption is governed by the Subdivision Agreement and By-law 2016-059. If the Subdivision Agreement has been frustrated so that assumption can no longer be effected through that agreement, this policy applies. The



Council Policy

policy shall not be used to consider the assumption of roadways subject to a Plan of Condominium.

Definitions

- a) “City” shall mean the Corporation of the City of Kawartha Lakes.
- b) “Council” shall mean the municipal Council of The Corporation of the City of Kawartha Lakes.
- c) “Director” shall mean either the Director of Public Works or Director or Engineering and Corporate Assets or his/her designates.
- d) “Municipal Roads” shall mean roads and highways in municipal ownership and that have been assumed by the municipality for year-round maintenance by the municipality.
- e) “Private Roads” shall mean roads and lanes in private ownership that have not been assumed by the municipality, which provide access by means of a registered right-of-way to private property; the use and maintenance of which is the responsibility of the abutting land owners.
- f) “Proponents” shall mean developers, residents, or ratepayers or other associations who are requesting the municipality assume for maintenance purposes an existing seasonal or private road so that it becomes a municipal road or seasonal road.
- g) “Seasonal Roads” shall mean roads that are owned by the City, but on which no winter maintenance is performed during the period from November 15 through to April 15.
- h) “Unassumed Road” shall mean roads that are owned by the municipality that are not maintained on a year round basis. This shall include unopened road allowances.

Policy:

When submitting a proposal to the City, all documentation and information must satisfy Council that the assumption of the assumed road is in the public interest, and that the proponent acknowledges and accepts that any and all costs associated with such assumption are to be borne by the proponent, and the following procedures applied.

Criteria for Assumption

Without being necessarily limited to the following, the following criteria should be considered in determining if it is in the public interest to assume the unopened and unassumed, or private road:

Council Policy

- a) Does the road serve, or will it serve, five (5) or more separate and distinct private parcels of land which are being used, or are capable of being used for the purposes permitted within that zone, on a year-round basis?
- b) Does the road provide access to a City-maintained boat launch, beach or other facility or attraction promoted by the City for public use and tourism?
- c) Would the assumption of the road over-extend existing municipal roads maintenance programs, operations and resources?
- d) Was the road constructed to the standards as stated herein, thus avoiding costly future upgrades and/or repair costs to the City?
- e) Will the assumption of the road promote further desired development?
- f) Would further development require the road to be extended?
- g) Would further development on this road over-extend existing municipal services?
- h) Would the road facilitate the safe and efficient movement of goods and people?
- i) At least two-thirds of all property owners representing at least one-half (50%) of the value of the lots who will receive direct benefit from the assumption of the road agree to the undertaking of the study and the assumption of the unassumed road by the City. For private roads, 100% of all property owners must agree to the undertaking of the study and the assumption of the private road by the City.
- j) All property owners required to give up ownership of legal title to the road itself, required road widenings or necessary turnarounds have consented to the City's acquisition of their lands.
- k) Have the Conservation Authorities or the Ministry of Natural Resources and Forestry, whichever has jurisdiction, been notified and are regulations followed where there could be any interference with wetlands or any alterations to shorelines and watercourses?
- l) The Ministry of Transportation supports the proposed assumption by the City.
- m) The proposal conforms to the land use policies of the relevant Official Plan and Zoning By-law if lot creation would occur as a result of the assumption process.
- n) There is a reference plan prepared by an Ontario Land Surveyor documenting the lands affected by the proposed assumption.
- o) The Proponent has provided original deeds and certification of title for the lands in question, prepared by the proponent's Solicitor.
- p) The City has received a legal opinion on the ownership status of the subject road and a risk assessment of assuming or not assuming the road.

Proponent Responsibilities

- a) The cost and associated process of bringing the road up to municipal standard will be the responsibility of the proponents. Options will be provided to the

Council Policy

proponents for immediate payment or the option to pay over a period of time as permitted under O. Reg 586/06 Local Improvement Charges – Priority Lien Status.

- b) Where the proposed right-of-way has a deficient width, all benefitting owners will be required to provide the necessary road widening to the City free and clear of all encumbrances and at no cost to the City.
- c) Where the proposed right-of-way dead-ends and a turnaround is thus required, title to the land required for the turnaround must be transferred to the City at no cost to the City.
- d) Prior to the commencement of an engineering study the proponent shall submit to the City a refundable deposit of one thousand dollars (\$1,000.00). Director of Public Works and Director of Engineering and Corporate Assets or their designates will provide proponent with estimate and additional deposit may be required prior to proceeding. This deposit will be used to cover the engineering review costs and the amount may be increased as needed if the review is more complex. Any amount of the deposit not needed to cover the independent review will be returned to the Proponent.

Staff Responsibilities

- a) Upon receipt of a petition requesting assumption of a roadway, City staff will verify the sufficiency of the petition, ie, petitions not supported by two-thirds of the property owners adjacent to the roadway will not be considered, petitions not supported by all owners giving up title rights will not be considered, and assumption of portions of a road less than 500 meters will not be considered unless the road links existing maintained City roads.
- b) City staff will prepare a Council Report and if Council agrees “in principle” with the possible assumption of the road then the works will proceed following confirmation of financing methodology.
- c) Prior to assuming the road section, the City shall request an independent review of the subject road, at the Proponent’s expense. This review will include a report on the as-built condition of the existing road by a professional engineer and a cost-benefit analysis to determine the operational costs of maintaining the road and the impact on City resources. In addition, the consultant will prepare, as part of the engineering report, an estimate of all costs relating to the construction or reconstruction of the unassumed road to the standards as stated herein. The cost of the independent engineering review and cost-benefit analysis will be borne by the Proponents.
- d) Year round road service will not be provided on seasonal roads or private roads until Council passes a by-law to formally assume the road and until the subject

Council Policy

- road is upgraded to the road standards as detailed in Appendix “A” to this policy, at the expense of the benefitting property owners.
- e) If assumption of a privately-owned road is requested, compliance with By-law to Regulate the Acquisition and Disposition of Municipal Real Property in and for the Corporation of the City of Kawartha Lakes 2010-118 (as amended or replaced) is required. Application must be made to Realty Services for consideration by the Land Management Committee and, if acquisition of title and assumption is supported by the Committee, the Committee will recommend by Realty Services Staff Report to Council for resolution to acquire title to the road at full cost recovery to the City. Following the transfer of land to the municipality, the Director of Engineering and Corporate Assets and/or the Director of Public Works will advance a by-law for assumption of the road, pursuant to the provisions of By-law to Delegate to Staff Authority to Approve the Release of City Property Interests in Certain Circumstances 2016-059, as amended.
 - f) If assumption of a privately-owned road is requested, and where acquisition by the City will result in severance(s), the Planning Department will be invited to comment to the Land Management Committee that convenes to consider the acquisition and assumption. The Planning Department will consider the implications of the road assumption to ensure that any natural severances conform to the Official Plan policies and Zoning By-law regulations.
 - g) Any formal requests and petitions for road assumption received after August 31st will not be considered until the following year to avoid unreasonable demands on the City’s winter control operations.
 - h) The assumption of roads may be implemented through a Development Agreement to the satisfaction of the Directors of Development Services, Engineering and Corporate Assets, and Public Works. The Agreement will include the approved drawings, cost estimates, and securities for the proposed road works.

City Road Standards

Appendix “A” to this policy provide specifics for the Minimum Road Construction Standards that must be met prior to the assumption of any unmaintained municipal road, unopened road allowance or private road.

Road improvement and work necessary to bring a road up to the standards listed in Appendix “A” may include: property acquisition for road allowance widening and/or turnarounds, tree removal, road base and/or surface improvement, drainage improvement, horizontal and vertical alignment improvements, removal of encroachments and signage installation.



Council Policy

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
1.0	March 21, 2017	Initial Release	
		Replaces 143 EPW 014	



Council Policy

Appendix 'A'

Road Standards for Adoption of Urban Roads

<u>Design Criteria</u>	<u>Minimum Standard</u>
Right of Way Width	18.5
Design Speed	50 kph
Horizontal Radius	80.0 m
Maximum Grade	6.00%
Kcrest	8
Ksag	12
Min Stopping Sight Dist	65.0 m
Min Number of Lanes	2
Lane Width	4.25 m
Curbs	Desirable, Concrete, Barrier Type
Sidewalks	Desirable, One side concrete, 1.5 m
Horizontal Clearance	3.0 m
Vertical Clearance	5.25 m
Turn Arounds	OPSD 500.01 or equivalent
Pavement Structure (GBE)	550 mm
Surface Type	Double Surface Treatment
(ADT < 400 vpd)	Hot Mix (per CKL design criteria)
Streetlighting	HydroOne and CKL criteria
Signage	As specified in the Ontario Traffic Manual
Drainage	Ditching or storm sewers outletting to Municipal Drain or watercourse

Notes

Council Policy

- 1 Deviations from the standard may be approved by the Director of Public Works and the Director of Engineering and Corporate Assets where the minimum standards cannot be achieved. The deviation must not result in any significant loss of safety or increased maintenance costs to the municipality.
- 2 The standards detailed above apply on to the assumption of private roads and are not the standards applicable to new construction after the date of the adoption of the standard by City Council.
- 3 GBE means granular base equivalent. GBE standard specified is equivalent to 50 mm hot mix over 150 mm granular A over 300 mm of Granular B.



Council Policy

Road Standards for Adoption of Rural Roads

<u>Design Criteria</u>	<u>Minimum Standard</u>
Right of Way Width	20.0
Design Speed	50 kph
Horizontal Radius	80.0 m
Maximum Grade	6.00%
Kcrest	8
Ksag	12
Min Stopping Sight Dist	65.0 m
Min Number of Lanes	2
Lane Width	4.25 m
Shoulder Width	1.0 m
Horizontal Clearance	3.0 m
Vertical Clearance	5.25 m
Turn Arounds	OPSD 500.01 or equivalent
Pavement Structure (GBE)	450 mm
Surface Type (ADT < 400 vpd)	Gravel
Surface Type (ADT > 400 vpd)	Double Surface Treatment
Signage	As specified in the Ontario Traffic Manual
Drainage	Ditches outletting to and adequate receiving watercourse or Municipal Drain

Notes

- 1 Deviations from the minimum standard may be approved by the Director of Public Works and Director of Engineering and Corporate Assets where the minimum standards cannot be achieved. The deviation must not result in any significant loss of safety or increased maintenance costs to the municipality.



Council Policy

- 2 The standards detailed above apply only to the assumption of private roads or roads constructed on unopened road allowances and are not the standards applicable to new construction after the date of the adoption of the standard by City Council.
- 3 GBE means granular base equivalent. GBE standard specified is equivalent to 150 mm granular A over 300 mm of granular B.

Definitions

Kcrest – Road design factor for a vertical curve which when viewed from the side is convex upwards. ie. A hill

Ksag – Road design factor for a vertical curve which when viewed from the side is concave upwards. ie. A valley

ADT – Average Daily Traffic

Vpd – vehicles per day

The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number WWW2019-007

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All Wards

Title: Requirement to Connect to Municipal Services Review

Description: Council has requested a review of the implications and potential impacts of altering By-law 2014-255

Author and Title: Rob MacPherson, Water and Wastewater Technician

Recommendation(s):

That Report WWW2019-007, Requirement to Connect to Municipal Services Review, be received; and

That this recommendation be brought forward to Council for consideration at the September 24, 2019 Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

By-law 2014-255 “A By-law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes”, known as the “Mandatory Connection By-law” has undergone a number of reviews and adjustments by a combination of City departments (Public Works, Engineering and Corporate Assets, Property & Building, Revenue & Taxation and Municipal Law Enforcement) over the last six years in order to improve its overall effectiveness.

Under the direction of Council, a presentation was provided to Council in September of 2018 to deliver an overview of the mandatory connection process, potential alternatives for addressing physical connection requirements that are outlined in the by-law, as well as a comparison of CKL’s by-law with other “mandatory connection” by-laws from other municipalities across Ontario.

The presentation showed evidence that the Mandatory Connection By-law is consistent with those in other municipalities. At the September 25, 2018 Council meeting, alternatives were discussed on how to better implement the program in order to ease the financial burdens placed on the properties that fell within the boundaries of municipal services, while also taking into account the long term viability of the water and wastewater infrastructure for CKL. It was determined that the most practical solution was to enforce the mandatory connect process with properties only at the time their private infrastructure (drinking water well and/or septic system) fails but that the properties would still be required to pay the Fixed Rate fees associated with maintaining the water and wastewater infrastructure. Staff were directed to prepare the necessary amendments to the by-law to reflect what was decided. The amendments were made and a report was brought before Council and endorsed on January 15, 2019:

CR2019-032

Moved By Deputy Mayor Elmslie

Seconded By Councillor Veale

That Report WWW2019-003, **Amendments to By-law 2014-255, Requirement to Connect to Municipal Services**, be received; and

That Section 2.01 of By-law 2014-255 be amended to read: “Subject to section 2.02 herein the owner of any Building as defined herein where such service or services have capacity, shall be responsible for the physical installation of a private sanitary lateral and/or private water service at the Owners expense and shall be responsible for the payment of all fees and charges payable to the Municipality for the installation and

connection of a municipal sanitary lateral and/or water service in accordance with the provisions of this By-law and any and all by-laws governing connections to municipal drinking water systems and wastewater collection systems upon failure and/or the need for replacement of their existing private water supply and/or sewage/septic disposal system(s). For further explanation refer to Appendix 1: Connection Diagram.”; and

That Section 2.02 of By-law 2014-255 be amended to read: “Subject to section 2.01, in the event that water and/or wastewater services become available after the date of passage of this By-law, persons described in section 2.01 shall connect their premises directly to the services in accordance with section 2.01 upon failure of their water and/or sewage/septic disposal system(s).”; and

That Section 2.03 by By-Law 2014-255 be amended to read: “Notwithstanding sections 2.01 and 2.02, in the event that:

Carried

Although the amendments were endorsed, Council directed staff to review the implications of altering the Mandatory Connection By-law even further to reduce financial pressures on properties required to connect, through the following resolution:

CR2019-033

Moved By Deputy Mayor Elmslie

Seconded By Councillor Richardson

That staff be directed to investigate the financial implications and potential impacts of:

- The City assuming fiscal responsibility for installation of water and sewer infrastructure to property lines for those properties required to connect to City services;
- Options to exempt farm or other properties where compliance with mandatory connection requirements is either unrealistic and/or cost prohibitive;
- Discontinuing fixed rate charges for properties that are unlikely to hook up to City services; and

That staff report back to Council by end of Q3 2019.

Carried

Over the course of 2018 and 2019, a number of properties that meet the requirements for connection to municipal services once their private infrastructure fails have come forward to Council and staff requesting an exemption to the payment of the fixed rate charges, until such time of failure and/or need for replacement of their existing private water supply and/or septic system. As all properties within their respective municipal servicing boundaries are supporting the City's water and wastewater infrastructure in a consistent manner each motion has failed to date. Although this did lead to a resolution being passed at the Regular Council Meeting of June 18, 2019 to review the Mandatory Connection By-law:

CR2019-399

Moved By Councillor Seymour-Fagan
Seconded By Councillor Yeo

That the Mandatory Connection By-law be brought forward to Council at a July 2019 meeting for review.

Carried

At the Special Council Meeting of July 16, 2019 a presentation and report were provided to Council, whereby they adopted the following resolution:

CR2019-433

Moved By Councillor Dunn
Seconded By Councillor Yeo

That Report WWW2019-010, **Review of Mandatory Connection By-law 2014-255**, be received; and

That staff be directed to report back in September 2019 with options for amending the Mandatory Connection By-law to provide relief from mandatory connections for the 134 properties not currently connected to municipal services, up to and including complete exemption from the by-law.

Carried

This report addresses the direction of Council from the January 15, 2019 (CR2019-033) and July 16, 2019 (CR2019-433) resolutions.

Rationale:

As part of the presentation provided to Council in September, 2018 and in July, 2019 (appendix B) the following aspects were compared to other municipalities' by-laws within Ontario: timing of connection, stipulated connection distances, inclusion of requirements to decommission/disconnect old private systems, Power of Entry clauses, fines, hardship clauses, loan programs, and associated fees. It was apparent that Kawartha Lakes is in alignment with the other programs. Mandatory Connection requirements also ensure that any new developments within serviced areas are connected to the municipal infrastructure available to the property, ensuring that capital investments made by CKL can be recovered through user rates collected. Currently, there are over 500 vacant properties that will also connect to municipal services once developed.

The ability to exempt properties, including farm properties where compliance with mandatory connection requirements are either unrealistic and/or cost prohibitive currently exists as part of Section 24 of By-law 2018-039 "A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes". There is a provision to allow properties to present their case to the High Water Bill/Mandatory Connection Committee. If the committee finds merit in the discussion an exemption can be made through the discretion of Council. Should the Committee no longer function in the future, the by-law enables exemption requests to come forward to the Director of Public Works for review. Should exemption not be recommended by the Director, ultimately requests can also come to Council via deputation.:

"24.01 High Water Bill Adjustment and Mandatory Service Connection

Appeals Committee: A High Water Bill Adjustment and Mandatory Service Connection Appeals Committee is established to hear and rule on appeals pertaining to high water bill adjustments and the requirement for mandatory service connections (required by Section 2.01, 2.02 and 2.03 of By-law 2014-255, as amended).

2019-008 Effective January 15, 2019

24.02 **Authority:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee may recommend to Council approval of high water bill adjustments or exemptions from mandatory service connections without prejudice or precedent to any other similar matter.

2019-008 Effective January 15, 2019"

One more factor must be taken into account which only applies to manufacturing, industrial, and commercial properties that fall under the Mandatory Connection By-law. According to Section 106 of the Ontario *Municipal Act, 2001*, the municipality is prohibited from directly or indirectly assisting these types of properties through "bonusing" (authorizing the usage of tax payer dollars to "...provide a business an exemption, a charge or a levy"). If Council does decide

to provide exemptions (removal of fixed rate or complete exemption from by-law), they could only apply to residential properties as the municipality is unable to supersede the Provincial Act.

Staff does not recommend any changes to the current process to exempt properties as this is the most effective way to review the properties on a case-by-case basis.

At the July 16 Council meeting staff were asked to review a number of options for amending the by-law to provide relief for the currently identified 134 properties of the requirements under the Mandatory Connection By-law. After reviewing a number of options and given that the by-law has been reviewed and amended extensively over the last two years, Staff recommend that the by-law remains as it is currently written and implemented using current practices. This will allow for the continued funding for the operation and maintenance of existing water and wastewater infrastructure for the municipal services available to property owners in a fair manner. This is consistent with the 2014 Provincial Policy Statement under the Planning Act, 1990. The Policy highlights the preference for municipal water and wastewater services for servicing settlement areas while emphasizing the efficient use and optimization of existing municipal services. The City's mandatory connection process is also very much in line with the other municipalities in Ontario. It is the most consistent and reasonable manner for the residents to contribute their fair share of the cost to maintain and optimize the municipal water and wastewater services, while still protecting the environment for current and future generations residing in Kawartha Lakes.

Other Alternatives Considered:

If Council chooses to consider amending the by-law to provide relief from mandatory connection for the 134 properties not currently connected to municipal services, staff reviewed the following options.

Alternative 1

One possible amendment for consideration is to remove section 2.06 of the Mandatory Connection By-law, which requires property owners who meet the requirements for mandatory connection to pay the Fixed Rate charges for water and/or wastewater as per the provisions of the By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes (By-law 2018-039, as amended). The requirement to make a physical connection to the system at the time of failure of an existing private system would remain. Staff does not recommend this alternative as removing the revenue currently being collected from the 134 properties places additional financial burden on the current water and wastewater users (approx. 13,000 water users, approx. 11,000 wastewater users) to sustain the water and sewer infrastructure, which will result in increased rates. Those properties subject to mandatory connection still benefit from having

the services available to them with increased property values, potential reduced insurance premiums, reduced risk from contamination and drought effects, guaranteed safe drinking water source. Exempting these properties allows them to continue to benefit from the services without fairly contributing to the operations and maintenance of the infrastructure.

Alternative 2

The second alternative for amending the by-law would be to exempt the currently identified 134 properties from all requirements of the Mandatory Connection by-law, which includes paying the fixed rate and connecting to municipal services at the time their private infrastructure fails. Exempting the properties that are realistically capable of connecting to municipal services and fall within the servicing boundaries is an inefficient use of the existing municipal services, is not in line with Provincial Planning policies that all municipalities in Ontario follow, and creates unequal requirements for dwellings benefitting from the services. It must also be reiterated that once the private infrastructure fails, the property owner would already be required to make a significant financial investment whether they had to install a new private system or connect to the municipal services available to them.

If Council chooses this option, Staff would be seeking additional guidance on capacity allocation. There is no point in reserving capacity allocation for properties that will never connect to the system. This capacity can be allocated to new development. Should the residents choose to connect to the system in the future, capacity would need to be confirmed before connection would be granted.

With alternative 2, there is also the potentially harmful impact on the environment and public health that coincides with properties that have private services. Private water and septic systems are seldom maintained to federal and provincial guidelines. Private septic systems are often unable to treat the wastewater with the same effectiveness as a municipal facility, which can lead to adverse effects, which could include nitrates and other pollutants contaminating surrounding soils and surface and groundwater resources. Private homeowners may also not be treating their private water source as effectively as a municipal system would, that could lead to adverse health effects. Free water testing available to private well owners only tests for bacteria and does not test for other organic and inorganic parameters that are legislated for municipal systems, which could have potential health effects. If the identified properties are permanently exempted the risks of causing harm to human health and the environment increases.

Financial/Operation Impacts:

The City assuming fiscal responsibility for installation of water and sewer infrastructure to property lines for those properties required to connect to City

services will vary significantly for each property connecting. Cost factors that can influence the price include:

- Location of main in right of way (long side service or short side service, extents of road restoration required)
- Road profile and surface type (urban, rural, sidewalk, presence of curb)
- Depth of main infrastructure (possible rock excavation, dewatering requirements)
- Time of year (winter work can impact completion of road restoration, road cuts are to be maintained until restoration completed)
- Amount of services being installed at once (water, sewer, or both)

Taking into account these factors, the average price range quoted by local vendors for installation of water and sanitary sewer infrastructure to property line from existing mains within the road allowance is \$20,000 to \$30,000 (for both services). Taking the average cost (\$25,000 for both services or \$12,500 for single service) into account for the 134 properties that meet the requirements of the Mandatory Connection By-law this represents an approximate cost of \$2,025,000 to connect the properties to municipal services (106 single service properties and 28 water and sewer). As this cost represents 10.4% of the 2019 Water and Wastewater Division budget, a significant increase to the user rate would have to occur for the Division to pay for this cost. This would also place an unfair burden on the rest of the users connected to the services and already contributing their reasonable share for the upkeep of the infrastructure. It must also be mentioned that if the City were to assume the financial responsibility of these installations, it would set an unfair precedent towards not only the residents that have already paid for municipal services installations but also for the 500+ properties currently undeveloped within CKL that would connect to municipal services once developed.

Of the 134 properties that meet the requirements of the Mandatory Connection By-law but maintain private infrastructure, 133 have been paying the Fixed Rate portion of the User Rate, the last property is currently out of compliance and working with By-Law. Based on the fees included as Schedule A to By-law 2018-039 "Water and Wastewater Services in the City of Kawartha Lakes" for a 5/8" – 3/4" meter size the 2019 annual fixed rate cost for water service is \$366.72 (or \$30.56 per month) and the sewer service rate is \$354.72 (or \$29.56 per month). This would result in a total annual fee of \$721.44 for properties that fronted both municipal water mains and sewer mains.

The total 2019 revenue from these 134 properties is \$58,381.92, which represents 0.30% of the 2019 Water and Wastewater Division budget. If Council decides to amend the by-law to remove the requirement for properties to pay the fixed rates when they have access to municipal services, these costs will then be placed onto the remaining users. This revenue allows for the reduction of financial pressures on the current users and helps counteract required increases

to the user rates fairly and consistently for every property that benefits from having access to municipal water and wastewater services.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendation to Council is consistent with the Council Adopted Strategic Plan in several ways:

Goal 1 “Vibrant and Growing Economy” – will be met through the proper servicing and collection of appropriate user fees to fund the maintenance, capacity and growth of the municipal water and wastewater systems.

Goal 3 “Healthy Environment” – will be met through community preparedness by ensuring that the necessary funds are secured in order to sustain water and wastewater infrastructure necessary to protect and prevent any adverse impacts towards the environment.

Enabler 3 “Municipal Service Excellence” – E3.3 Service Excellence – E3.3.1 –Review and adopt best municipal practices (and continue to review operational efficiencies using lean methodology).

This Report is also in line with the City’s values, specifically continuous improvement and excellence, as the by-law aids in the sustainability of the municipal drinking water systems and wastewater systems as well as provides excellent, efficient, and safe services for the public of Kawartha Lakes.

Servicing Implications:

The basis of the report is how critical it is to provide safe drinking water to residents, protect the environment and ensure fiscal sustainability of the City’s drinking water and wastewater systems in a fair manner to all residents. By-Law 2014-255 plays a key part in the future success of those goals.

Consultations:

Director of Public Works, Public Works

Supervisor, Water and Wastewater Operations, Public Works

Senior Engineering Technician, Engineering & Corporate Assets

Attachments:

Appendix A – By-Law 2014-255



Appendix A By-law
2014-255.pdf

Appendix B – Water Wastewater Mandatory Connection By-law Presentation



Presentation Water
Wastewater Mandator

Department Head E-Mail: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson

The Corporation of The City of Kawartha Lakes

Office Consolidation of By-Law 2014-255

Consolidated on January 29, 2019

Appendix #

A

Passed by Council on September 9, 2014

to

Amendments:

Report # www2019-007

- | | | |
|--------------------|--------------------|---------------|
| 1) By-law 2017-181 | September 12, 2017 | Sections 2.00 |
| 2) By-law 2019-007 | January 15, 2019 | Sections 2.00 |

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

The Corporation of the City of Kawartha Lakes

By-Law 2014-255

A By-Law To Require Owners of Buildings To Connect Such Buildings To Drinking Water Systems and/or Wastewater Collection Systems in The City of Kawartha Lakes

Recitals

1. Council authorizes the passage of a mandatory connection by-law through resolution number CR2014-853.
2. The Municipal Act, 2001, S.O. 2001, c.25, as amended (the "Municipal Act, 2001") sections 8 and 10 provide authority to municipalities to pass by-laws regarding public utilities, including water and wastewater services, and mandatory connection thereto.
3. Section 425 of the Municipal Act, 2001 provides the authority for a municipality to create an offence for failure to comply with a by-law. Section 426 of the Municipal Act, 2001 provides for the offence of obstruction. Section 429 provides the authority for the municipality to create a system of fines.
4. Pursuant to section 445 (1) of the Municipal Act 2001, if a municipality is satisfied that a contravention of a by-law of the municipality has occurred, the municipality may make an order requiring the person who contravened the by-law to do work to correct the contravention. Section 446 of the Municipal Act, 2001 provides the authority for a municipality to create a by-law that allows the municipality to enter and conduct work where the owner fails to do so, and to recover the costs in the same manner as property taxes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2014-255.

Section 1.00: Definitions and Interpretation

1.01 **Definitions:** In this by-law,

“appurtenances” means the apparatus or equipment that is an accessory to the drinking water system and/or wastewater collection system including municipal sanitary laterals and/or water services and their components; or an accessory to private sanitary laterals; or to private water services and/or sewage collection systems.

“Building” means and includes but is not limited to any building, trailer, or other covering or structure with a water supply which is located on a parcel of land abutting a public highway or street or right of way in front of which a water distribution main and/or wastewater collection main is located or a parcel of land not more than one foot from a public highway or street in which a water distribution main and/or wastewater collection main is located, and

- i. Contains, or is required by this or any other by-law, regulation or statute to contain, any sleeping, eating or food preparation facilities, or
- ii. Contains or is required by this or any other by-law, regulation or statute to contain, any washing or toilet or cleaning facilities, or
- iii. Is connected, or is required by this or any other by-law, regulation or statute to be connected, to a water supply or drinking water system, or
- iv. Is connected or is required by this or any other by-law, regulation or statute to be connected, to a drain or wastewater collection system or
- v. Which is a source of sewage

Other than a barn used for agricultural purposes and which contains no sleeping accommodation for humans.

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

“City Clerk” means the person appointed by Council to carry out the duties of the clerk described in section 228 of the Municipal Act, 2001;

“Connect” (or “connected”, or “connecting” or “connects, or “connections”) means to install a sanitary sewer lateral and/or water service including associated appurtenances.

“Cost” includes but is not limited to the cost of restoring any property disturbed or damaged in the course of making a connection and the cost of design, if any, materials, labour and supervision of the connection incurred after the date of sending a notice and includes the amount of expense charged by the City to the owner when the municipality makes a connection at the expense of the owner.

“Council” or “City Council” means the municipal council for the City.

“Director” means the person who holds the position of Director of Public Works and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Drinking Water System” means any works for the production, treatment, storage, supply and distribution of water, or any part of such works, according to the Safe Drinking Water Act, 2002, but does not include plumbing to which the Building Code Act, 1992 applies.

“Municipal Sanitary Lateral” means the pipes and appurtenances of a municipal sewer system located within the right-of-way and situated between the wastewater collection main and the property line; or up to but not including the inspection tee.

“Municipal Law Enforcement Officer” is the person duly appointed within the City’s administration to enforce the by-laws of the City.

“Municipal Water Service” means the portion of the water service from the water distribution main to the property line or up to and including the curb stop.

“Notice” means a notice given pursuant to this by-law requiring a connection to be made.

“Owner” means the registered owner of a lot or parcel of land on which a building is located.

“Private Sanitary Lateral” means the portion of the sanitary sewer lateral from the building to the property line or up to and including the inspection tee.

“Private Water Service” means the portion of the water service from the building to the property line or up to and not including the curb stop.

“Wastewater Collection System” means any works for the collection, pumping, storage, or any part of such works, but does not include plumbing to which the Building Code Act, 1992 applies.

“Wastewater Collection Main” means a collection and transmittal pipe or main of the wastewater collection system excluding municipal and/or private sanitary laterals.

“Water Distribution Main” means any transmittal pipe or main of the drinking water system excluding municipal and/or private water services.

1.02 **Interpretation Rules:**

- (a) The Appendix attached to this by-law forms part of the by-law.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

- (c) In this by-law, municipal water or wastewater service shall be deemed to be available if the City would be obliged to supply such service or services on request under section 86 (1) of the Municipal Act, 2001.

- 1.03 **Statutes**: References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability**: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Mandatory Connection

- 2.01 Subject to section 2.02 herein the owner of any Building as defined herein where such service or services have capacity, shall be responsible for the physical installation of a private sanitary lateral and/or private water service at the Owners expense and shall be responsible for the payment of all fees and charges payable to the Municipality for the installation and connection of a municipal sanitary lateral and/or water service in accordance with the provisions of this By-law and any and all by-laws governing connections to municipal drinking water systems and wastewater collection systems upon failure and/or need for replacement of their existing private water supply and/or sewage/septic disposal system(s). For further explanation refer to Appendix 1: Connection Diagram.
- 2019-007 Effective January 15, 2019
- 2.02 Subject to section 2.01, in the event that water and/or wastewater services become available after the date of passage of this by-law, persons described in section 2.01 shall connect their premises directly to the services in accordance with section 2.01 upon failure of their private water and/or sewage/septic disposal system(s).
- 2019-007 Effective January 15, 2019
- 2.03 Notwithstanding sections 2.01 and 2.02, in the event that:
- i. the non-municipal source of potable water for a premises described in Section 2.01 or 2.02 is or may be contaminated or otherwise unsuitable for drinking water as determined by the Medical Officer of Health under the Health Protection and Promotion Act. R.S.O 1990. C.H.7, as amended; or
 - ii. the private sanitary sewage septic system servicing a premises described in Section 2.01 or 2.02 is or may contravene the Environmental Protection Act, R.S.O. 1990, c.E.19 or the Building Code Act, 1992, S.O. 1992, c. 23; then
- the owner of the premises shall connect the premises to the services immediately.
- 2019-007 Effective January 15, 2019
- 2.04 Section 2.04 to By-law 2014-255 is deleted in its entirety and replaced with the following:

- 2.05 Any appeals or requests for exemptions from sections 2.01, 2.02, 2.03 and 2.04 of this By-law shall be forwarded to the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee as per Section 24.00 of By-law 2018-039 "A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes", as amended.

2019-007 Effective January 15, 2019

- 2.06 Subject to section 2.01, 2.02 or 2.03 of this by-law any Owner of a building on land that meet the requirements to connect to the municipal water and/or wastewater services shall be billed the Fixed Rate charges for water and/or wastewater as per the provisions of the By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes (By-law 2018-039, as amended) and the consolidated fees By-law 2018-234, as amended following three (3) month of the mailing of a notice to the Owner shown on the current tax roll.

2017-181 Effective September 12, 2017

2019-007 Effective January 15, 2019

- 2.07 If the Owner fails to make a connection required by the conditions set out in this By-law, the City may make the connection at the sole expense of the Owner and for this purpose may enter into and upon the property of the Owner in accordance with section 435 to 439 inclusive of the Municipal Act, 2001. Failure to connect within a reasonable time from failure shall constitute an offence.

2019-007 Effective January 15, 2019

Section 3.00: Decommissioning and Disconnection of Private Services

- 3.01 **Private Well and/or Water Supply Disconnection:** Upon connection to the municipal drinking water system and upon obtaining a building permit under the Building Code Act to do so, all plumbing from private wells shall be disconnected from the building and maintained in accordance with O. Reg. 903, as amended, to the Ontario Water Resources Act, R.S.O. 1990, c. O.40.
- 3.02 **Failure to Disconnect Private Well and/or Water Supply:** In the event that a private well is to be disconnected from the building at the time the new municipal drinking water supply is connected, the City has the right to enter the property and inspect and perform works to ensure the plumbing for the private well or water supply is disconnected and decommissioned at the Owner's expense in accordance with sections 435 to 439 inclusive, and section 446 of the Municipal Act, 2001, as amended.
- 3.03 **Septic and/or Sewage Disposal System Disconnection:** All septic systems or any other sewage disposal system upon obtaining a permit under the Building Code Act to do so, shall be decommissioned after connection to the municipal wastewater collection system at the Owner's expense.

- 3.04 **Failure to Disconnect Septic and/or Sewage Disposal System:** In the event that a septic and/or sewage disposal system is not decommissioned in accordance with this by-law, the City has the right to enter the property and inspect and perform works to decommissioned private septic and/or sewage disposal systems at the Owner's expense in accordance with sections 435 to 439 inclusive, and section 446 of the Municipal Act, 2001, as amended.

Section 4.00: Failure to Connect

- 4.01 If the Owner fails to make a connection required by a Notice within the eighteen (18) month period, the City may make the connection at the sole expense of the Owner and for this purpose may enter into and upon the property of the Owner in accordance with sections 435 to 439 inclusive of the Municipal Act, 2001. Failure to connect by the date set out in the Notice shall constitute an offence.
- 4.02 If the Owner fails to decommission in accordance with this by-law, the City may undertake the works at the sole expense of the Owner and for this purpose may enter into and upon the property of the Owner in accordance with sections 435 to 439 inclusive of the Municipal Act, 2001. Failure of the Owner to decommission the private well and/or water supply by the date set out in the Notice shall constitute an offence.
- 4.03 The City may, at any reasonable time, enter land and/or building in accordance with section 436 of the Municipal Act, 2001 for the purpose of carrying out an inspection in accordance with this by-law, at the Owner's expense.
- 4.04 All persons exercising power of entry to carry out works under this by-law shall be accompanied by an employee or agent of the City and show identification as required by section 435 of the Municipal Act, 2001.
- 4.05 No person shall hinder or obstruct, or attempt to hinder or obstruct, any person exercising a power or performing a duty under this By-law.
- 4.06 The cost of work undertaken by the City in accordance with this by-law shall be added to the tax roll for the property by the Treasurer and be collected in the same manner as municipal taxes or in like manner, in accordance with the Municipal Act, 2001, sections 398 (2), 446 (3) and(5).

Section 5.00: Orders, Enforcement and Penalties

- 5.01 **Authority:** All authority pursuant to section 445 (1) of the Municipal Act, 2001 to issue Orders requiring persons who have contravened this by-law shall be and is hereby delegated to a Municipal law Enforcement Officer. Any and all authority delegated under this section may only be exercised in accordance with section 445 of the Municipal Act, 2001.
- 5.02 **Offence:** Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O.1990, Chapter P.33, as amended.

- 5.03 **Offences:** Any person who contravenes any provision of this by-law is guilty of an offence, and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by section 429 of the Municipal Act, 2001, as amended.
- 5.04 **Corporation:** A director or officer of a corporation who knowingly concurs in the violation or contravention by the corporation of any provision of this by-law is guilty of an offence and upon conviction, is liable to a maximum fine of not more than \$100,000.00, as provided for by Section 429 of the Municipal Act, 2001, as amended.
- 5.05 **Enforcement:** This by-law may be enforced by Municipal Law Enforcement Officers and police officers.

Section 6.00: Administration and Effective Date

- 6.01 **Administration of the By-law:** The Director is responsible for the administration of this by-law.
- 6.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 9th day of September, 2014.

Ric McGee, Mayor

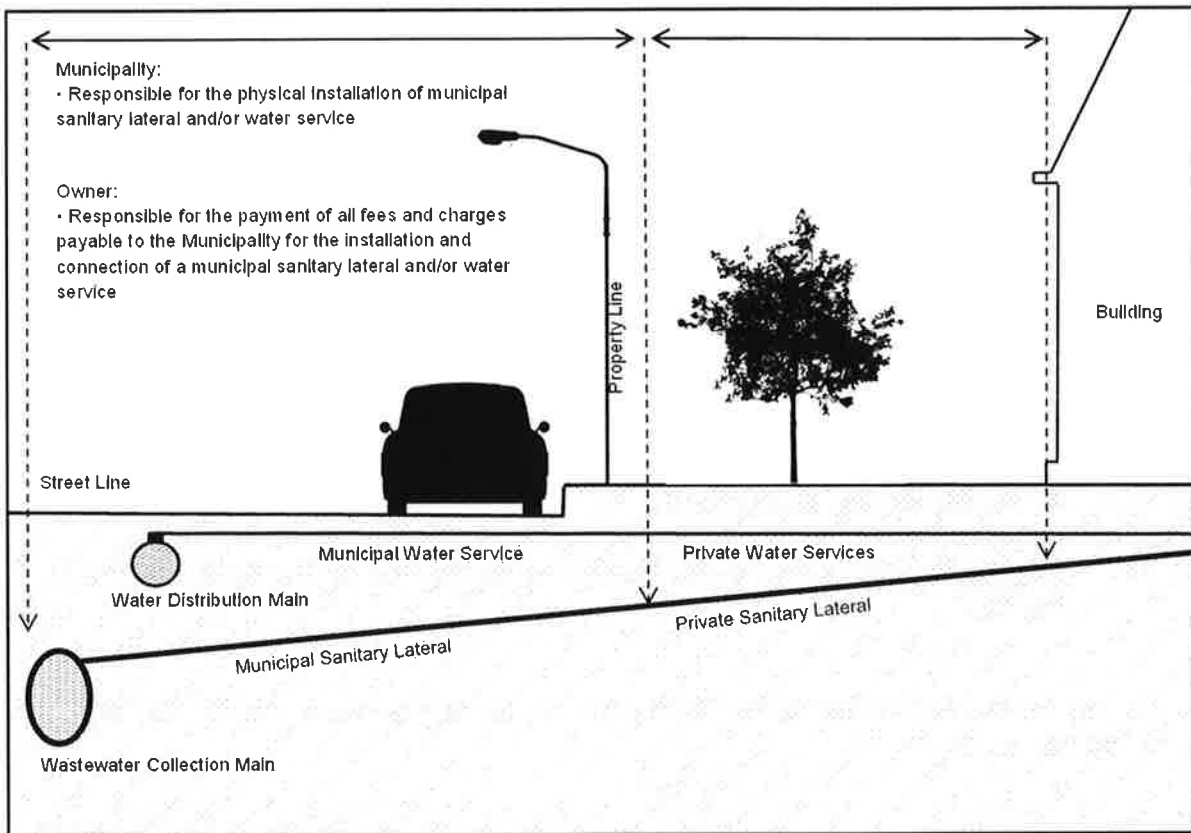
Judy Currins, City Clerk



2014-255 Set
Fines.pdf

Appendix 1 – Connection Diagram

Appendix 1: Connection diagram



Water Wastewater Mandatory Connection By-law

Water and Wastewater Division

July 16, 2019



Presentation Overview

1. History of Mandatory Connection By-law
2. Comparison of by-law with other municipalities in Ontario
3. Benefits of Mandatory Connection By-law
4. Impacts if By-law Rescinded
5. Questions

Mandatory Connection By-law History

- CKL endorsed first mandatory connection by-law in April 2005
- Intent of by-law is to:
 - ensure connection to municipal services
 - capital and operating sustainability
 - ensures residents are receiving safe water
 - environmental protection

Lean Six Sigma Black Belt Project

- In 2014, By-law 2005-75 was reviewed by various departments with a number of deficiencies identified
- A new by-law was created and passed in 2014 to address concerns
 - By-law 2014-255 “A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes”
- Implementation was planned on a phased-in approach with an initial pilot group

Fenelon Falls Pilot Summary

- Pilot started with 36 properties subject to mandatory connection requirements
- 11 properties removed from pilot due to restrictions on wastewater capacity at the time
- 22 out of 25 properties received conditional exemption by Council to connect until such time as wastewater services available, but required to pay fixed rate portion of user rates
- 2 properties connected
- 1 remained out of compliance with by-law

Subsequent By-law Amendments

September 2017

- By-law amended to charge those properties that meet the requirements for mandatory connection the annual fixed rate costs for the service(s) available to them after 3 months notice.
- Revenue to help cover basic costs for maintenance and replacement of existing infrastructure

December 2018

- Timing for physical connection requirements amended from 18 months after receiving Director's Notice to upon failure of existing private infrastructure (private well and/or septic system)

Mandatory Connection Properties

Water/Wastewater System	Number of Properties
Lindsay Water/Sewer	19 – Water, 1 – Sewer, 10 – Both
Oakwood Water*	3
Birch Point Water	3
Bobcaygeon Water/Sewer	3 – Water, 2 – Sewer, 8 – Both
Canadiana Shores Water	14
Coboconk Sewer	3
Fenelon Falls Water/Sewer	21 – Water, 6 – Both
King's Bay Water/Sewer	2 - Both
Kinmount Water	10
Norland Water	2

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Mandatory Connection Properties

Water/Wastewater System	Number of Properties
Omemee Water/Sewer	21 – Sewer, 2 - Both
Sonya Water	2
Southview Water	2
Total	134

Municipal By-law Comparison

Municipality and related by-law	Timing of Connection	Stipulated connection distance	Decommissioning/Disconnection of old systems included?	Can city enter onto private property and connect building at owners expense?
CKL By-Law 2014-255	Upon failure of existing private infrastructure	Side yard property line within 1 ft. of end of water or sewer main located within roadway	Yes, owner must decommission/disconnect previous services at their own expense as they connect to municipal services	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
Stratford By-law 28	6 months	Building must be within 300 feet from property line	Not referenced	Not referenced
West Grey By-law 25-2015	12 months	Any house, building or occupied structure that fronts or has access to a side yard along a municipal watermain or sanitary sewer,	Yes, owner must decommission previous services at their own expense as they connect to municipal services	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
Township of King By-law 2010-38	Only for sewage – 12 months from time of notice to connect and decommission previous system(s)	Not specific – just if sanitary main fronts property	Yes, owner must decommission previous services at their own expense as they connect to municipal services	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
Muskoka By-law 2017-16	24 months but if resident can show system installed within 10 yrs of notification and working, granted additional 10 yrs Must connect ASAP to both services if one service fails though	A building on land abutting any street, alley, or right of way in which there is located a municipal watermain or sanitary sewer and such services are presently available	Included. 435-439 and 446 of Municipal Act	Yes and added to tax roll as lien. Municipal Act S. 398 (2)
City of Cambridge By-law 6-13	Given 36 months to connect	No specific distance. Any house, building or occupied structure that fronts or has access to a side yard along a municipal watermain or sanitary sewer,	Not referenced. States when connection to municipal service is made, the owner must stop using their previous system in favour of new one. No decommissioning required	Yes and added to tax roll as lien. Municipal Act S. 398 (2)

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Municipal By-law Comparison

Municipality and related by-law	Fines listed in by-law	Hardship clause	Loan program	Is resident charged Fixed rate fees?
CKL By-Law 2014-255	Max fine of \$100,000.00 and set out under Provincial Offences Act (POA)	Not referenced	Credit Granting Policy (CP2017-004) over 10 years if amount > \$1000	Given 3 month notice before fixed rate fee applied to account. No consumption charges until connection made
Stratford By-law 28	\$2000.00 per day not in compliance	Utility Board in place to review and exempt commercial operation when connecting can bankrupt them	Not referenced	Properties are not exempt from capital contribution towards extending lines
West Grey By-law 25-2015	Will be fined unspecified amount in accordance with POA	Not referenced	Not referenced	Water and Sewage Capital and Financing Charge Rates are applied to every building on property that has access to w/ww lines
Township of King By-law 2010-38	Will be fined unspecified amount in accordance with POA	Not referenced	15 year payback period put on tax roll as lien 349(3) of MA Resident allowed to pay the \$18790.00 over a 4 equal payments within 36 months. If not fully paid, then 1.25% monthly interest and amount put on tax roll.	Not referenced
Muskoka By-law 2017-16	Max fine of \$50,000.00 and set out under Provincial Offences Act (POA)	Must provide >2 quotes. If cost >\$30,000 then exemption can be given to connect	10 year period to pay back. Loan amount cannot exceed cost of connection.	No reference
City of Cambridge By-law 6-13	Not less than \$50,000.00 but not more than \$100,000.00 and set out under Provincial Offences Act (POA)	Commissioner of Transportation and PW can decide to allow the resident the use of a septic tank system if it is determined the connection to works cannot be made available due to capacity limitations	Council can decide to grant a loan for connection cost. Max 5 years to repay plus interest rate (% not referenced) plus an additional 2% of loan added onto total amount.	After 36 months, if owner hasn't connected their property they are charged the fixed/flat rate of a connection and municipal sewage service per month regardless of water usage

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Benefits of Mandatory Connection By-law

- Ensures long term viability of water and wastewater infrastructure
- Ensures new development within serviced areas is connected to municipal infrastructure available to the property, ensuring capital investment recovered through user rates collected.
- In line with the 2014 Provincial Policy Statement under the *Planning Act, 1990* for development
- Ensures residents are provided safe drinking water
- Reinforces City's strategic priority of A Healthy Environment and Protecting Water Quality

Benefits of being connected to Municipal Water/Wastewater Services

Properties adjacent to but not connected to existing water and/or wastewater infrastructure are still benefitting from the services being available to them with:

- Increase property values
- Properties within areas that are fire rated receive reduced insurance premiums
- Municipally serviced properties through source protection legislation are less susceptible to risk from contamination, drought, and well interference from nearby development(s)
- Reserved capacity for property to connect at any time to municipal services
- Guaranteed safe drinking water source

Potential Impacts if By-law Rescinded

- Loss of revenue from fixed rate, increased pressures on existing users, approx. \$58,000/year
- Inability to force new development in serviced areas to connect, resulting in ineffective development
- Introduction of potential Transport Pathways in Source Water Protection vulnerable areas.
- Potential impacts to environment and health of residents
- Properties currently connected to municipal services could choose to disconnect and use private services

Questions



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The Corporation of the City of Kawartha Lakes

Committee of the Whole Report

Report Number WWW2019-009

Date: September 10, 2019

Time: 1:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Title: Wastewater Effluent Monitoring Feasibility Review

Description: Review of the feasibility and financial impacts of metering sanitary sewage discharge on the overall user rate for Institutional, Commercial, and Industrial (ICI) properties

Author and Title: Rob MacPherson, Water and Wastewater Technician

Recommendation(s):

That Report WWW2019-009, **Wastewater Effluent Monitoring Feasibility Review**, be received; and

That this recommendation be brought forward to Council for consideration at the September 24, 2019, Regular Council Meeting.

Department Head:_____

Financial/Legal/HR/Other:_____

Chief Administrative Officer:_____

Background:

At the Council Meeting of March 19, 2019, Council adopted the following resolution:

12.1.32 CW2019-077

That the March 19th, 2019 memorandum from Mayor Letham regarding **Wastewater Billing**, be received; and

That staff be directed to review the feasibility and financial impacts of metering sanitary sewer discharge on the overall user rate for Institutional, Commercial and Industrial (ICI) properties connected to municipal wastewater systems and report their findings to Council no later than Q3, 2019.

Carried

This report addresses that direction.

Rationale:

The City of Kawartha Lakes follows the best practices outlined in the *Canada-wide Strategy for the Management of Municipal Wastewater Effluent Model Sewer Use By-law, 2009*, created by the Canadian Council of the Ministers of the Environment (CCME) with regards to City sewer systems. The CCME Model Sewer Use By-law consists of a “Core” by-law, intended for smaller communities that are primarily residential, with additional “Advanced Clauses” that provide options for industrial sewer use controls and other source protection initiatives. The intent is to ensure that the municipal water and sewage systems are using modern practices and are sustainable over the long term. These best practices ensure the protection of the health of its residents and the environment. The concepts of user-pay and full cost pricing are key elements to this end. Currently, the City of Kawartha Lakes, as with most other municipalities in Ontario, install flow meters on municipal water services being used to track each property’s volume of water consumption. Utility services then use the measured water consumption to calculate the amount of wastewater entering the sanitary sewage system.

Staff reviewed best practices among municipal wastewater utilities across North America, particularly within Ontario. All of the municipalities based their wastewater volumes on their metered water volume consumption with varying degrees of rate structures. The three basic rate structures identified for metered services associated with sanitary waste are:

Declining Block Rate – this rate structure charges a successively lower price for set volumes, as consumption increases through a series of "blocks." That is to say that within set volume ranges, or blocks, the charge per-unit is set at one rate. Within the next volume range, the charge per unit decreases to a lower rate, and so on. This type of structure is typically used to represent the commodity nature of water and that larger users may place less cost on the system on a per unit marginal cost basis. Although there are a fair number of utilities with this type of structure, there has been a decline in popularity in recent years due to the fact that residential customers will typically pay higher rates for their services than non-residential customers.

Larger municipalities such as Toronto and Peel apply this type of rate structure for ICI properties connected to municipal services but all use very stringent acceptance criteria before a business will receive this rate structure as the metering process usually costs more than the price reduction in the user rate. The business applying for the reduced rate has to hire a third-party consultant, at their own cost, to verify at least a minimum of 15% of the water consumed was not re-entering the municipal sewer system. The business would also be responsible for the cost of installing a flow meter, the maintenance, and calibration costs required for the equipment, and the cost associated with monitoring the equipment. That is why all of the municipalities researched that use this rate structure require a minimum water volume consumption of 4000 m³ (4,000,000 L) per month before the municipality would enter into an agreement as it was determined it would not make financial sense for the municipality or the business below these volumes. Once the business had consumed over 4000 m³ in one month, a thirty percent reduction was provided on the consumption rate past 4000 m³. 4000 m³ of water is a considerably higher consumption usage than any ICI property within CKL presently use.

Increasing (or Inverted) Block Rate – the increasing block rate works essentially the same way as the declining block rate, except that the price of water in successive blocks increases rather than declines. Under this method the consumer's bill rises faster with higher volumes used. This type of structure is considered a "conservation" rate structure and is typically used by communities with water shortage issues to reflect the burden on the limited water supply placed by larger users and/or users with widely varying demands.

Constant Rate – this rate is a volume-based rate, in which the consumer pays the same price per unit consumed, regardless of the volume. All residential, institutional, commercial, and industrial customers pay a fixed monthly charge based on the metered volumetric charge collected through the amount of water used each month.

This rate is typically considered the most effective structure to be used by a municipality because it is by far the easiest to understand and implement, follows all related Federal and Provincial Acts and ties relatively well with the cost of

service. According to the CCME, that is why 83% of municipalities in Ontario base their sewage charges on their metered water consumption in a uniform, constant rate. The City of Kawartha Lakes uses this rate structure.

With consideration of the above information, Staff recommend keeping the rate structure the same and not implementing an effluent metering program within the City.

Other Alternatives Considered:

In the existing structure, all residential, institutional, commercial, and industrial customers pay a fixed monthly charge based on the size of their water meter and then a volumetric charge based on the amount of water used each month. The wastewater charges are then based on the volume of their metered water as set out in By-law 2018-039 – “A By-Law to Regulate Water and Wastewater Services in the City of Kawartha Lakes”.

As part of the by-law certain ICI properties that are not able to meet the identified effluent concentration limits are still able to release their wastewater into the sewer system if they enter an Extra Strength Surcharge Agreement (ESSA) with CKL. This process is also referenced as an “Advanced Clause” of the CCME Sewer Use Model. Although high-strength wastewater produced by certain industrial/commercial dischargers is capable of being treated at our Water Pollution Control Plants there is a higher cost associated with the process to treat high-strength wastewater. Treatment requires additional chemicals, electricity, and wears down the treatment equipment faster. The intent of the program is to recover the additional costs associated with the treatment of high-strength wastewater discharge as a way to support the sustainable operation and maintenance of the Water Pollution Control Plants (WPCP) within CKL.

As there are no ICI properties in CKL that are potentially consuming volumes of water to make an effluent metering program feasible for the municipality to administrate, one potential alternative to consider would be to allow ICI properties that have entered into an ESSA the ability to install an approved meter on their waste stream at their own cost. They would need to prove that the property is not releasing a similar flow into the sewer system as their water meter would indicate, and all of the wastewater would need to be measured. The property would also be required to maintain and calibrate the device per manufacturer specifications and provide the updated information to the City accordingly.

As discussed previously, it should be noted that the vast majority of municipalities in Canada base their sewage charges on their metered water consumption. This has been determined by multiple government agencies as the best practice for utility services to charge their users in a fair and even way to

operate and maintain their respective wastewater treatment facilities and infrastructure.

Financial/Operation Impacts:

There are no financial implications from the recommendation provided in this report.

The financial implications of implementing a sewer metering program are explained herein. In order to install separate meters and maintain them for sanitary sewer discharge it would dramatically increase capital and operating costs. There are several considerations that must be made when accounting for the cost of metering sanitary sewer discharge for ICI properties. In most cases, the properties must hire a third-party to track their water consumption and confirm that a significant amount of water that was metered (usually in the 15 – 25% range) did not enter the sanitary sewer for it to make financial sense for the business to request a sanitary sewage meter. After speaking with local environmental consulting groups the estimated cost to monitor these flows for two to three months was \$6000 for mobilization/demobilization, installation of a rental flow monitor and field maintenance.

There are multiple styles of flow meters for commercial/industry waste but the most commonly utilized style is known as a magnetic flow meter as they are the most reliable and precise for measuring thicker sludge and wastewater effluent associated with ICI properties. The cost of a flow meter varies greatly as the meter selection depends on type waste traveling through the meter (dirtier wastewater will clog the meter and give false readings), pipe size, calibration costs and maintenance requirements. Magnetic flow meters vary in cost significantly, ranging from \$500-\$5000 based on sizing and effluent type. The installation cost will also vary as each property has unique needs (spacing, piping, confined spaces, etc.) and each qualified plumber has their own pricing rates. A reasonable estimate for a standard installation is an additional \$1000. Once the device is installed it will require annual calibrations and maintenance. As the City does not have the resources to track, calibrate, and maintain the meters, it will cost an additional ~\$500 for each meter to be serviced by a third-party every year.

For each property that has a sanitary sewer meter installed this represents an estimated cost of \$8,000 to \$12,000 for the first year and an additional \$500 for calibration and maintenance costs annually thereafter. The device life expectancy varies based on the type and concentration of effluent passing through the meter but is expected to last ~20 years before device replacement is required. These costs do not take into account the additional resources required by the municipality to track the devices and administer the program (i.e. track usage flows, document maintenance and calibration records, send utility bills,

contact properties out of compliance etc.). As there are over 800 ICI properties connected to municipal services within CKL this would represent a \$6,400,000 - \$9,600,000 (32.9 % - 49.3% of the 2019 Water and Wastewater Division budget) additional cost if flow meters were to be installed on the wastewater line, with an additional \$400,000 in calibration costs per year after installation (2.1% of the 2019 Water and Wastewater Division budget).

In a detailed review of a local manufacturing business, the typical monthly water consumption, and therefore the wastewater consumption was 136.3 m³. Assuming they are able to hire an environmental consultant and show that 15% of the flows are not entering the sewer system, that would mean that only 115.86 m³ is entering the sewer system. With this new flow, the business could potentially see a reduction in invoicing of \$29.86 per month through metering their waste stream. The business would pay an average of \$83.33 per month to maintain their flow meter (using a meter life span of 20 years and environmental consultant firm only hired once). Assuming the waste stream is compliant with the concentration limits set in By-law 2016-006 and no additional sampling or equipment is needed by City staff, it would cost approximately \$40.00 per month for the City to administer a sanitary meter program for the business. This means the business would be losing an additional \$93.47 per month to meter their waste effluent as opposed to using the consumption rate metered on their incoming water. Therefore staff do not recommend metering sanitary sewer discharge for Institutional, Commercial and Industrial (ICI) properties connected to municipal wastewater systems as it is not financially feasible to undertake.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendation to Council is consistent with the Council Adopted Strategic Plan in several ways:

Goal 1 “Vibrant and Growing Economy”– will be met through the proper servicing and collection of appropriate user fees to fund the maintenance, capacity and growth of the municipal water and wastewater systems.

Goal 3 “Healthy Environment” – will be met through community preparedness by ensuring that the necessary funds are secured in order to sustain water and wastewater infrastructure necessary to protect and prevent any adverse impacts towards the environment.

Enabler 3 “Municipal Service Excellence” – E3.3 Service Excellence – E3.3.1 –Review and adopt best municipal practices (and continue to review operational efficiencies using lean methodology).

Enabler 4 “Efficient Infrastructure and Asset Management” - E4.3

Environmentally efficient municipal infrastructure - E4.3.1 - Develop municipal operations and practices that lead toward environmentally efficient municipal infrastructure.

This Report is also in line with the City’s values, specifically continuous improvement and excellence, as the by-law aids in the sustainability of the municipal drinking water systems and wastewater systems as well as provides excellent, efficient, and safe services for the public of Kawartha Lakes.

Attachments:

Appendix A – By-Law 2016-006



Appendix A - By-law
2016-006.pdf

Consultations:

Director of Public Works, Public Works

Supervisor, Water and Wastewater Operations, Public Works

Department Head E-Mail: brobinson@kawarthalakes.ca

Department Head: Bryan Robinson

By-Law 2016-006**A By-Law To Establish The Management and Use of the Sewer Works
in The City of Kawartha Lakes****Recitals**

1. Section 425 of The Municipal Act, 2001 provides the authority for a municipality to create an offence for failure to comply with a by-law. Section 429 provides the authority for the municipality to create a system of fines.
2. Pursuant to section 445 (1) of the Municipal Act, 2001, S.O 2001, C.25 if a municipality is satisfied that a contravention of a by-law of the municipality has occurred, the municipality may make an order requiring the person who contravened the by-law to do work to correct the contravention. Section 446 of the Municipal Act, 2001 provides the authority for a municipality to create a by-law that allows the municipality to enter and conduct work where the owner fails to do so, and to recover the costs in the same manner as property taxes.
3. Pursuant to section 11 of the Municipal Act, 2001, S.O 2001, C. 25, municipal council may pass by-laws respecting sanitary and storm sewage systems.
4. Municipalities are empowered under Section 87 of the Municipal Act, 2001, S.O 2001, C. 25 to regulate the discharge of any matter into a municipal sewer system.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2016-006.

Section 1.00: Definitions and Interpretation**1.01 Definitions:** In this by-law,

“agent” means a person authorized by the City to provide services on behalf of the City;

“appurtenance” means the apparatus or equipment that is an accessory to the Sewer Works System, including municipal laterals and their components; or an accessory to private laterals; or to private sewage collection systems; or to a private drainage or stormwater management system;

“backflow” means flow reversal from the intended normal direction of flow;

“backflow prevention device” means a valve or other apparatus, which allows flow in one direction, but prevents flow in the opposite or return direction;

“blank or blanking” means the temporary or permanent decommissioning of a pipe by means of plugging, capping or other method approved by the Director;

"Biochemical Oxygen Demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of matter as determined in accordance with Standard Methods;

"Bio solids" means stabilized municipal sewage sludge as recovered from the City's wastewater treatment plants;

“building” means any building or structure as defined in the Building Code Act;

“building drain” means the inside piping, including any vertical offset that conducts sewage to an external building sewer;

“catch basin” means a receptacle installed to collect surface water from an open area, for drainage into the drainage works;

“Chief Building Official” (CBO) means a Chief Building Official and such inspectors as are appointed by the City necessary for the enforcement of The Building Code Act and any other statutes referred to in this by-law, and all persons authorized at the direction of the Chief Building Official for the purposes of exercising the power and duties of the Chief Building Official under this by-law;

“City”, “City of Kawartha Lakes” or “Kawartha Lakes” means The Corporation of the City of Kawartha Lakes and includes its entire geographic area.

"City Clerk" means the person appointed by Council to carry out the duties of the clerk described in section 228 of the *Municipal Act, 2001*;

“City Standards” means all applicable design manuals, technical standards, drawings, specifications governing the construction, administration, operations, maintenance, repair, replacement and/or rehabilitation of the Sewer Works

“connect” (or “connected” or “connecting” or “connects” or “connection”) means to install a sewer service connection or a drainage service connection, including laterals and lateral appurtenances;

“contractor” means a person, partnership, or corporation who contracts to undertake the execution of work commissioned by the owner of the City;

"cooling water" means water that is used in a process for the purpose of removing heat and that has not, by design, come into contact with any raw material, intermediate product, waste product or finished product;

“Council” or “City Council” means the municipal council for the City;

“Director of Engineering and Assets” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“Director of Public Works” means the person who holds that position and his or her delegate(s) or, in the event of organizational changes, another person designated by Council;

“discharge” means to release or emit sewage or other waste liquid, or storm water or drainage water;

“discharger” means an individual, association, partnership, corporation, municipality, or an agent or employee thereof, who is depositing sewage into the Sewer Works System;

“ditch” (or “drainage ditch”) means a constructed open channel designed to direct storm water or drainage water; and where constructed as part of a roadway, designed to drain the road sub-base;

“domestic wastewater” means sanitary sewage generated from toilets, sinks, bathtubs, showers and other fixtures through the course of normal human residential activities;

“drain” means a ditch, swale, channel, water course, pipe, and/or storm sewer that collects and carries storm, ground, surface or subsurface water or any of them, or part thereof, either continuously or intermittently, and including appurtenances such as manholes, catch basins, culverts and interceptors;

“drainage works” means any and all storm sewers, equipment, and associated municipal appurtenances, and structures designed for the collection and transmission of storm or drainage water; and includes lands over which an easement or consent has been granted or lands appropriated for such purposes or use;

“extraneous flow” (or “inflow and infiltrations”) means the infiltration of groundwater and/or undesirable, uncontrolled inflow of drainage or storm water into the Sewer Works System.

“foundation drain” means a drainage piping installed below the surface of the ground to collect and transmit water away from a building foundation.

“frontage” is defined as:

- i) where the property is zoned for agriculture, the length shall be the frontage of the residential usage portion only
- ii) where the property is not zoned for agricultural use, the length shall be the frontage along which the main runs

- iii) where a property is serviced on more than one side, the length shall be calculated for the side from which the property is being serviced.

"Hauled Sewage" means wastewater or septage removed from a wastewater system, septic tank system, a cesspool, a privy vault or privy pit, a chemical toilet, a portable toilet or a sewage holding tank that is transported to a sewer works for disposal;

"inspection tee" means a vertical pipe connection to ground level, placed on a private sewer lateral, at or near the property line, and provided with a removable cap at ground level, constructed for the purpose of inspecting and evaluating the sewage flow in the sewer service connection;

"interceptor" means a receptacle installed to collect and prevent oil, grease, petroleum products, grit, sand and/or other materials from passing to the Sewer Works;

"leachate" means water contaminated by dissolved or suspended materials as a result of percolation through contaminated ground, soil and/or solid waste or industrial waste;

"maintenance hole" or **"manhole"** means a junction chamber for mains and for service connections of the Sewer Works or of a private sewage collection system or private drainage system, designed to permit access for inspection and maintenance purposes;

"multiple residential dwelling" (or" multiple residence" or "multiple residential premises") means a building or premises having six (6) or more living units or suites, or apartments;

"municipal drain" means a constructed watercourse created by by-law of the City under the Drainage Act for the purposes of drainage of lands designated by the establishing this by-law;

"municipal drainage lateral" means the pipes and appurtenances of the Drainage Works located within the right-of-way and situated between the main and the property line' providing the connection of a private sewer lateral to the Drainage Works;

"Municipal Law Enforcement Officer" means an officer appointed by Council pursuant to section 15 of the Police Services Act, R.S.O 1990, c. P.15, for the purpose of enforcing municipal by-laws.

"municipal sewer lateral" means the pipes and appurtenances of the Sewer Works located within the right-of-way and situated between the main and the property line; or up to but not including the inspection tee;

"non-domestic wastes" means any liquid, solid or gaseous substance or combination thereof, other than sanitary sewage, resulting from any industrial, commercial or institutional process;

"outlet" (or "drainage outlet") means a location at which storm water or drainage water is discharged into a storm water management system, watercourse or natural stream or lake;

"owner" means any person or persons who, or any firm, business, corporation or institute that is a registered owner of land or a building or buildings or premises under consideration, or any Agent or Contractor or Builder thereof, or a person entitled to a limited estate in the property, a trustee in whom the property is invested, an executor, an administrator and a guardian, to whom the context applies;

"pathological waste" means pathological waste within the meaning of O.Reg.347, as amended from time to time, made under The Environmental Protection Act, R.S.O. 1990 c. E.19, as amended;

"PCB waste" means a PCB waste within the meaning of O. Reg.362, as amended, made under the Environmental Protection Act, R.S.O. 1990 c. E.19, as amended;

"person" means any individual, firm, corporation, partnership, Owner, lessee, customers, occupant or Operator.

"pesticide" means a pesticide or herbicide regulated under the Pesticides Act, R.S.O. 1990, c. P.11, as amended;

"private drainage lateral" means the drainage pipes and appurtenances providing a connection to the Drainage Works located between the property line and the outer face of the building foundation; or between the property line and a private drainage system.

"private drainage system" means a privately owned network of storm or drainage water ditches, swales, collection pipes, maintenance holes, interceptors and catch basins and appurtenances, discharging to the Drainage Works or other approved outlet.

"private sewer lateral" means the pipes and appurtenances, including the inspection tee, providing a connection to the Sewer Works located between the property line, or the inspection tee, and one (1.0) metre from the outer face of the building foundation; or between the property line and a private sewage collection system.

"right-of-way" means lands acquired for or devoted to a public highway, lane or easement in which a main is located or proposed.

“sanitary sewer” means a system of pipes, mains and appurtenances of the Sewer Works for the collection and transmission of sewage; and into which storm, surface and ground waters are not intentionally discharged or admitted.

“septage” means partially treated sludge stored in a septic tank, cesspool or other treatment facility.

“service connections” means municipal service laterals and the connected private service laterals and required appurtenances forming discharge connections to either the Sanitary Sewer Works or the Drainage Works.

“sewage” (or “wastewater”) means any one of or a combination of domestic sanitary sewage and/or water borne waste, and/or non-domestic sanitary sewage and/or water borne waste, discharged from residences, businesses, recreational facilities, institutions or industry’ including the unintentional and/or unauthorized inflow or infiltration of storm water or drainage water.

“sewage hauler” means a company with a valid Certificate of Approval (C of A) for a Waste Management System issued under Part V of the Environmental Protection Act, R.S.O. 1990, c. E.19, as amended, from the Ontario Ministry of the Environment;

“sewer” means a sanitary sewer or pipe or main of the Sanitary Sewer Works; or a storm sewer or a pipe or main of the Drainage Works for the collection of transmitted of sewage;

“sewer service connection” means the municipal sewer lateral and the connected private sewer lateral; or pipe connection from a private sewage collection system to the Sewer Works;

“Sewer Works” means any works from buildings, structures, equipment, appurtenances, devices, conduits, underground pipelines, municipal sewer laterals, outlets, and related installations and other works of the City, designed for the collection and transmission of sewage, and includes lands over which an easement or consent has been granted or lands appropriated for such purposes and use. Includes both sanitary sewers and drainage works (storm sewers);

“sludge” means sewage of high concentration; a heavy, thick deposit, sediment or mass’ the precipitate from a sewage or septic tank.

“spill” means a direct or indirect discharge or deposit to the sewer works or the natural environment which is abnormal in quality or quantity in light of all the circumstances of the discharge;

“storm sewer” means a storm water and/or drainage water collection and transmittal main, pipe, ditch and/or watercourse or combination thereof, including appurtenances, forming part of the Drainage Works.

“storm water” (or “stormwater”) means surface or ground water from rainfall or snowfall or other natural precipitation or from the melting of snow or ice; naturally occurring water collected and carried to the Drainage Works.

“storm water leader” (or “downspout”) means a pipe or system of pipes inside or outside a building that conveys storm water from a roof of a building or structure to an approved place of discharge.

“swale” means a vegetated open channel designed to control the transport, treatment and storage of storm water or drainage water.

1.02 Interpretation Rules:

- (a) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
- (b) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.

1.03 Statutes: References to laws in this by-law are meant to refer to the statutes, as amended from time to time that are applicable within the Province of Ontario.

1.04 Severability: If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

Section 2.00: Sewer Use Works Restrictions and Limits

2.01 Sanitary Sewer Use Works Restrictions and Limits

- 2.02** No person shall or permit another person to conceal, interfere with, or construct anything that has the effect of concealing or interfering with access to a municipal or private maintenance hole, interceptors, catch basins or a sewer lateral inspection tee, cover, grate, cap or any other opening into the Sanitary Sewer Works, without previous approval of the Director of Public Works.
- 2.03** No person except an employee of, or Agent of, or contractor engaged by the City shall uncover, enter, or make any connection to or opening into, use, alter or disturb the Sanitary Sewer Works without first obtaining the approval of the Director of Public Works.
- 2.04** No person shall add or cause or permit the addition of water or any other material from any source to sewage for the sole purposes of dilution to achieve compliance with this by-law.
- 2.05** Unless previously approved by the Director of Public Works, no person shall discharge or deposit or cause or permit the discharge or deposit into any sanitary

sewer, any matter or quantity of matter which may be harmful or may become harmful to the Sanitary Sewer Works.

The following are not permitted:

- i. Sewage containing pesticides, herbicides and fungicides;
- ii. Sewage containing dyes or colouring materials which pass through a sewer works and discolour the sewer works effluent;
- iii. Sewage at a temperature in excess of 60 degrees Celsius;
- iv. Flammable, combustible, ignitable or explosive matter including but not limited to, gasoline, benzene, naphtha, fuel, oil, acetone or other solvents;
- v. Any quantity of matter capable of obstructing the flow, interfering with the proper operation of any part of the sanitary sewer works including but not limited to: ashes, cinders, sand, straw, mud, shavings, metal, glass, rags, feathers, plastic, wood or cellulose;
- vi. Sewage containing pathological waste, except that which is de-contaminated prior to discharge or is otherwise approved by the Director of Public Works;
- vii. Sewage having a pH less than 6 or greater than 11 or which due to its nature or content becomes less than 6 or greater than 11 within a sanitary sewer works;
- viii. Sewage containing animal waste and/or animal parts;
- ix. Radioactive waste;
- x. Storm water, ground water or water from the following, including but not limited to: cooling water, roof drainage or water from building foundations, storm water leaders, downspouts sump pumps, watercourses or dewatering;
- xi. Sewage containing any of the following matter in excess of the concentrations indicated in the following Table 1:

Table 1 – Limits for Sanitary Sewer Works

Parameters	Limits mg/L
Biochemical oxygen demand	300
Suspended Solids, Total	350
Cyanide, Total	1.0
Fluoride	10
Phenolic, 4AAP	1.0
Phosphorus, Total	10
Keldahl Nitrogen, Total	50
Oil & Grease – Animal & Vegetable	150
Oil & Grease – Mineral & Synthetic	15
Aluminium, Total	50
Antimony, Total	5
Arsenic, Total	1.0
Cadmium, Total	0.7
Chromium, Total	2.8
Cobalt, Total	5
Copper, Total	2
Lead, Total	1
Manganese, Total	5
Mercury, Total	0.01
Molybdenum, Total	5
Nickel, Total	2
Selenium, Total	1
Silver, Total	0.4
Tin, Total	5
Titanium, Total	5
Zinc, Total	2
Chloroform	0.04
1,4 Dichlorobenzene	0.08
Cis-1,2-dichloroethylene	0.05
Trans-1,3-dichloropropylene	0.14
3,3'-dichlorobenzidine	0.002
Methylene chloride	0.09
1,1,2,2-Tetrachloroethane	0.06
Tetrachloroethylene	0.05
Trichloroethylene	0.05
Benzene	0.01
Toluene	0.02
Ethylbenzene	0.06
Xylene Total	0.3
PCBs	0.004

2.06 Drainage Works Use and Restrictions

2.07 Unless previously approved by the Director of Engineering and Assets, no person shall discharge storm water or drainage water into the Drainage Works with the following exceptions:

- i. The discharge is uncontaminated cooling water or storm water or uncontaminated water;
- ii. The discharge does not interfere with the proper operation of the Drainage Works;
- iii. The discharge does not obstruct or restrict a storm sewer or the flow therein;
- iv. The discharge does not result in any hazard or other adverse impact, to any person, animal, property, or vegetation;
- v. The discharge does not impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water;

2.08 All storm water or drainage water of any kind, including roof water, surface water, ground water and water from sump pumps or foundation drainage systems must either:

- i. be discharged into the Drainage Works of the City,
- ii. be allowed to disburse only upon lands of the Owner of the building or lands from which such storm water or drainage water exists,
- iii. be discharged to a private drainage system or to a private stormwater management system,
- iv. be discharged to a watercourse,
- v. be discharged to an approved drainage outlet, or such other place as the City may direct.

2.09 Items with any of the following are not permitted:

- i. visible film, sheen or discolouration;
- ii. two or more separate layers;
- iii. floating debris;
- iv. a pH less than 6.0 or greater than 9.5;
- v. a temperature greater than 40 degrees Celsius: and/or;

- vi. blowdown water;
 - vii. combustible liquids;
 - viii. human waste;
 - ix. sewage;
 - x. hauled sewage;
 - xi. hauled waste;
 - xii. hazardous waste
- 2.10 No person shall add or cause or permit the addition of water or any other material from any source to sewage for the sole purposes of dilution to achieve compliance with this by-law.
- 2.11 Storm Water containing any of the following matter in excess of the concentrations indicated in the following Table are not allowed:

Table 2 - Limits for Drainage Works (Storm Sewers)

Parameter	Limit (mg/L)
Biochemical oxygen demand	15
Suspended Solids, Total	15
Cyanide, Total	0.02
Phenolic (4AAP)	0.008
Phosphorus, Total	0.4
Arsenic, Total	0.02
Cadmium Total	0.008
Chromium Total	0.08
Chromium (hexavalent)	0.04
Copper, Total	0.04
Lead, Total	0.12
Manganese, Total	0.05
Mercury, Total	0.0004
Nickel, Total	0.08
Selenium, Total	0.02
Silver, Total	0.12
Zinc, Total	0.04
1,2-dichlorobenzene	0.0056
1,4 Dichlorobenzene	0.0068
Cis-1,2-dichloroethylene	0.0056
Trans-1,3-dichloropropylene	0.0056
Methylene chloride	0.0052
1,1,2,2-Tetrachloroethane	0.017
Tetrachloroethylene	0.0044
Trichloroethylene	0.0076
Chloroform	0.002

Benzene	0.002
Ethylbenzene	0.002
Toluene	0.002
Xylene, Total	0.0044
Di-n-butyl phthalate	0.015
Bis (2-ethylhexyl) phthalate	0.0088
Nonylphenols	0.001
Nonylphenol ethoxylates	0.01
Aldrin/dieldrin	0.00008
Chlordane	0.04
DDT	0.00004
Hexachlorobenzene	0.00004
Mirex	0.04
PCBs	0.0004
3,3'-dichlorobenzidine	0.0008
Hexachlorocyclohexane	0.04
Pentachlorophenol	0.002
Total PAHs	0.002

Section 3.00: Pollution Control

- 3.01 The responsible Director may, by notice in writing, require an ICI (Industrial, Commercial, Institutional), discharger to pre-treat its storm water and/or sanitary sewage prior to discharge to the Sewer Works, so as to ensure compliance with this by-law;
- 3.02 Any person responsible for a spill to or who caused or permitted a spill to any Sewer Works which may be considered hazardous, detrimental to the natural environment or the efficient operation, or safety of City treatment systems or personnel shall immediately notify the City with the following information:
- i. date and time of spill, location where spill occurred;
 - ii. name and phone number of person who reported the spill and where they can be contacted;
 - iii. materials spilled; characteristics of materials spilled;

- iv. work completed and/or still in progress in the mitigation of the spill;
 - v. preventive actions being taken to ensure the spill does not occur again;
and
 - vi. when the time and date of the spill was reported to the Ontario Ministry of the Environment and Climate Change
- 3.03 All costs, including legal costs incurred by the City as a result of such a spill including cleanup and all other related costs shall be borne by the responsible person.
- 3.04 Every owner or operator in charge of a facility such as:
- i. a restaurant or other industrial, institutional or commercial (ICI) building where food is cooked, processed or prepared;
 - ii. motor vehicle/mechanical shop which generates oil and grease;
 - iii. other facilities which generate sediment and/or have a ramp drain or area drain;

shall install and maintain, at the owners expense, appropriate interceptors and other appurtenances, as approved by the appropriate Director to prevent such sediment from entering the Sanitary Sewer Works.

Section 4.00: Hauled Sewage

- 4.01 Sewage Haulers shall not deposit any hauled septage to a City facility that contains any substance or material that exceeds the limits specified in this by-law except in respect of BOD, Suspended Solids and Phosphorus.
- 4.02 Hauled Septage is exempt from Discharge Agreements.
- 4.03 A copy of the Sewage Hauler's currently applicable approval, must be provided to the City. Haulers shall only discharge sewage to City facilities in compliance with the Sewer Works Environmental Compliance Approval.
- 4.04 Prior to depositing any hauled sewage to a City facility, the sewage hauler, or its respective employee or agent, shall complete, in a legible manner, a "Septage Manifest" for septage waste and/or a "Vac Truck Form" for non septage-type waste as provided by the Director of Public Works.
- 4.05 The Director of Public Works may refuse to accept any hauled sewage if, in his/her opinion, the City facility does not at that time have the capacity to treat that sewage or if any provisions of this section are not met and may revoke immediately any approvals if the requirements of this by-law, or any policies or procedures implementing this by-law are not met.

- 4.06 The Director of Public Works may require sampling and testing of hauled sewage at the expense of the sewage hauler or sewage generator, as he/she deems necessary.

Section 5.00: Discharge Agreements

- 5.01 A person may cause or permit the discharge of the following types of matter into the Sewer Works, under the conditions prescribed in this section provided that the person enters into an agreement with the City.
- 5.02 Types of matter that include the following treatable parameters in sewage found in Table 1:
- i. suspended solids;
 - ii. biochemical oxygen demand;
 - iii. phenolics (4AAP);
 - iv. total oil and grease;
 - v. total phosphorous;
 - vi. total kjeldahl nitrogen
- 5.03 The Agreement referred to in Section 5.01 must be written and approved by the Director of Public Works prior to any discharge. The agreement may include an additional surcharge fee where sewage exceeds the specific parameters set out in this by-law. The surcharge fee is to compensate for additional cost of operation, repair and maintenance of the Sewer Works and treatment of sanitary sewage.
- 5.04 The Director of Public Works may terminate, by written notice at any time, any agreement where:
- i. The discharger fails to comply with any terms and conditions of the agreement or contravenes other provisions of this by-law
 - ii. The Director of Public Works has determined there is an emergency situation of immediate threat or danger to any person, property, plant or animal life or waters; or
 - iii. The Director of Public Works believes the discharge may affect the proper operation of the receiving sewage system.
 - iv. The Director of Public Works believes the discharge may affect the proper operation of the receiving sewage system.

Section 6.00: Sanitary Sewer and Drainage Service Connections

- 6.01 All persons who require a collection of wastewater or a change or alteration to the existing sewer service connection in relation to a property shall submit a Serviceability Application to the City in a minimum of ten (10) business days to determine if subject property is serviceable. The Serviceability Application shall be accompanied by any and all plans as may be required.
- 6.02 Drainage service connections shall be made to a storm sewer where provided or to a drainage ditch or storm water management system of the Drainage Works, at a location and in a manner approved by the Director of Engineering and Assets.
- 6.03 Sump pumps shall connect to and discharge to the Drainage Works at a location and in a manner approved by the Director of Engineering and Assets.
- 6.04 If no drainage works are available to which to discharge, sump pumps shall discharge to the lands of the building from which the sump pump discharge emanates, as specified to the satisfaction of the Director of Engineering and Assets.
- 6.05 The installation of sanitary sewer service connections and drainage service connections and appurtenances shall be inspected and approved by the City before backfilling commences.
- 6.06 Drainage service connections shall consist of an approved connection to the Drainage Works compatible with both the storm sewermain and the municipal drainage lateral pipe, a municipal drainage lateral to the property line, and a private drainage lateral to the building foundation and associated appurtenances.
- 6.07 Where discharge of storm drainage is made to a watercourse, the Owner shall construct the outlet to ensure that erosion or the blockage of the watercourse shall not occur. The invert elevation of the storm drainage outlet shall be established to eliminate submerging of the outlet during high water flows within the watercourse.
- 6.08 The discharge of storm water leaders, downspouts, sump pumps, and foundation drainage water from any building shall be in accordance with the latest version of the City's Site Grading Procedure.
- 6.09 Before the approval of the construction of a drain or modification to a drain, or before approval of a connection to a drain or in anticipation of possible adverse consequences from potential future flooding of the subject or surrounding lands, or potential adverse drainage water quality; the City may require the Owner to complete one or more of the following matters, upon receipt of notice from the Director of Engineering and Assets:

- i. a study on storm water quality and/ or quantity;
 - ii. modification and/or construction of storm water facilities;
 - iii. adoption and implementation of pollution prevention techniques and measures;
 - iv. adoption of a storm water management plan; or
 - v. any other requirement as specified by the appropriate Director or Council.
- 6.10 An approved back water valve device shall be installed in the sanitary sewage discharge plumbing, in advance of the private sewer lateral, in all new buildings with basements or below grade crawl spaces unless otherwise specified by the Chief Building Official.
- 6.11 Back water valve prevention devices shall be of a design approved by the City and installed as prescribed by the Ontario Building Code and in a manner specified by the Chief Building Officer.
- 6.12 Back water valve prevention devices shall be installed and maintained by the Owner at his/her expense and shall be readily accessible for inspection and maintenance.

Section 7.00: Maintenance, Repair and Alteration of Private Drains

- 7.01 All private sewer service pipes and appurtenances shall be installed by the owner, at the owner's expense in accordance with all applicable law including, but not limited to, the Building Code Act, 1992. S.O 1992, c.23 and this By-law.
- 7.02 Every Owner, Lessee, Operator or Occupant of land shall keep in repair any private drain on land owned or occupied by them.
- 7.03 The Director of Engineering and Assets may send to, or serve on, the Owner, Lessee, Operator or Occupant of any land a notice requiring the Owner, Lessee, Operator or Occupant, or any of them to maintain, repair, alter, relocate, or relay any private drain, within a specified number of calendar days, as may be required.
- 7.04 If an Owner, Lessee, Operator or Occupant of any land fails to comply with the notice sent or served by the Director of Engineering and Assets, said Director may cause the required work to be done and the cost of such work shall be paid by the said Owner, Lessee, Operator or Occupant; and if not paid may be added to the municipal tax roll of the property of which the work was done and collected in like manner and with the same priority as municipal taxes.
- 7.05 **Thawing of Frozen Services**

- 7.06 No person shall undertake the thawing of any main or service connection of the Sewer Works, except with the prior approval and under the direction of the appropriate Director. City Standards and procedures in effect at the time of the occurrence shall be followed.
- 7.07 Thawing of private sewer lateral or private drainage laterals shall only be carried out at the request of the Owner and at the Owner's risk and at the fee prescribed by Council through the by-law.
- 7.08 **Responsibility of Owner**
- 7.09 The entire cost of providing, installing, operating, maintaining, and repairing and replacing, relocating or renewing, any private sewer lateral or private sewer collection system, and any private drainage lateral or private drainage or storm water management system, and appurtenances connected thereto including inspection tees, and maintenance access points, shall be the responsibility of and paid for by the Owner.
- 7.10 An Owner shall maintain their private sewer lateral or private sewage collection system and private drainage lateral or private drainage or storm water management systems, including appurtenances connected thereto, in good working order and condition, and adequately protected from blockage and freezing. Private sewer laterals and private sewage collection systems shall be maintained free from drainage and storm water inflow and infiltration.
- 7.11 An Owner whose property abuts or includes a drainage ditch of the Drainage Works shall maintain the drainage ditch free of debris, and obstructions or blockages to drainage flow.
- 7.12 Maintenance access holes shall be installed in all private sewer laterals at the expense of the Owner and shall be maintained in good order and accessible at all times, and free from drainage water inflow and ground water infiltration.
- 7.13 Where the Owner or Operator of a multiple residential dwelling, commercial, recreational, institutional or industrial premises fails to install or maintain any maintenance hole, interceptor, catch basin, or alternative device required under this by-law, such installation or maintenance may be done by the City, at the direction of the appropriate Director, at the expense of the Owner or Operator; and if not paid the costs incurred may be added to the tax roll for the property and collected in like manner and with the same priority as municipal taxes.
- 7.14 Should a leakage occur from a private sewer lateral or private sewage collection system, or from a sewage holding tank, or from a septic tank system or any other private sewage treatment system, the Owner shall be bound to take corrective action and to complete repairs of the said leakage, at the Owner's expense, within ten (10) calendar days after such leak has been detected.

- 7.15 The Owner shall indemnify the City for any loss or damage to the City, or to any person, that may occur in or as a result of any work carried out or actions by the Owner, or an Agent of the Owner, as required under this by-law.
- 7.16 **Commencement or Discontinuance of Service**
- 7.17 The termination of service connection or connections to private sewage collection systems or private drainage systems requires these systems to be capped, plugged or completely disconnected from the sewer main to the satisfaction of the Director of Public Works.
- 7.18 Once a sanitary sewer service connection or a drainage service connection has been installed and put into service, such connections shall not be disconnected from the Sewer Works unless approved by the City.
- 7.19 Where a new or replacement service connection is installed, or where the City has blocked off or capped the discharge from an existing service connection; no person other than an Employee or an Agent of the City, so authorized by the appropriate Director or Chief Building Official, shall remove the blockage or capping so as to recommence or reinstate the service connection.
- 7.20 Where an existing service connection is approved and operating, a duly qualified and licensed plumber, when making repairs, may temporarily block off the collection of discharge, and upon completion of the repairs, shall immediately reinstate the collection of discharge.
- 7.21 If first authorized by the responsible Director a duly qualified and licensed plumber may, temporarily initiate the collection of sewage or drainage water to test and correct any service connection installation and upon completion of the test and collection, immediately reinstate the blockage of discharge.
- 7.22 The Owner of any building or premises which has a drain, storm water leaders, downspouts, foundation drains and/or sump pumps connected into the Sewer Works of the City shall at their expense disconnect such appurtenances from the City's Sewer Works within ninety (90) calendar days after the City has sent notice to the Owner by registered mail, to the Owner's last known address, to make such disconnection.
- 7.23 Where in the opinion of the appropriate Director a person is contravening the provisions of this By-law, the Director may, upon written notice to the person or the owner or occupant of the lands from which the discharge is occurring, order the land drainage works, sewer connection or City Sewer connection to any Sewer Works carrying the prohibited discharge to be stopped up or disconnected.
- 7.24 No land drainage works, sewer connection or City sewer connection so disconnected shall be reconnected until such time as measures to eliminate the prohibited charge are undertaken and deemed satisfactory by the appropriate

Director. All expenses incurred by the City for these actions shall be reimbursed to the City by these persons, owners or occupants at the time of re-connection or unstopping of the sewer connections.

- 7.25 All costs incurred by the City as a result of a hazardous or non-complying discharge shall be borne by the responsible Owner or person; if not paid, the costs may be added to the property tax roll of that Owner and collected in the same manner and with the same priority as municipal taxes.

Section 8.00: Compliance Inspections and Corrective Actions

- 8.01 Any costs incurred by the City in conducting inspections and subsequent reporting or in effecting any corrective action, shall be payable to the City by such Owner, Operator or Customer; and if not paid, the costs shall be added to the tax roll for the property and collected in the same manner and with the same priority as municipal taxes.
- 8.02 Should any Owner or Operator or Customer of a service connection refuse entry to any authorized officer, inspector, employee or Agent of the City for the purposes of any compliance inspection, maintenance, repair, disconnection or reinstallation and/or other corrective action, the City may, at its sole discretion exercised by the appropriate Director(s) administer a fine for non-compliance.
- 8.03 The Owner or Operator of commercial, institutional, or industrial premises, with one or more connections to a sewer works shall install and maintain in good repair in each connection, a suitable maintenance access point (manhole) to allow observation, sampling and flow measurement of the sewage therein. Unless approved by the appropriate Director, access will be located on the property of the Owner or Operator of the premises and as close to the property line as possible. Where installation of an access point is not possible, an alternative device or facility may be substituted with the approval of the appropriate Director.
- 8.04 Unless specifically authorized by the appropriate Director, no person shall enter into any chamber, structure, building or property associated with the municipal Sewer Works.

Section 9.00: Sampling and Analytical Requirements

- 9.01 The appropriate Director may require the owner or occupant of commercial, institutional, or industrial premises to:
- i. Collect and analyze samples of sewage discharges;
 - ii. Install devices to monitor sewage discharges;
 - iii. Submit regular reports regarding the discharges.

- 9.02 All measurements, tests, and analysis of the characteristics of the sewage and wastes to which reference is made in this by-law, shall be carried out at the maintenance access point, or approved alternate device or facility, required pursuant to this by-law or upon suitable samples taken there from.
- 9.03 All sampling and analyses required by this by-law shall be in accordance with methods as approved by the appropriate Director.
- 9.04 Non-compliance may be determined by the analysis of any sample. The City must be notified of any non-compliant sampling result.

Section 10.00: Prohibitions, Enforcement and Penalties

- 10.01 Every person other than a corporation who contravenes any provision of this by-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs and continues to a fine, exclusive of costs, to the use of the City, of not more than \$5,000.00 for a first offence and \$10,000.00 for any subsequent conviction.
- 10.02 Every corporation which contravenes any provision of this by-law is guilty of an offence and on conviction is liable for every day or part thereof upon which such offence occurs or continues to a fine, exclusive of costs, to the use of the City, of not more than \$25,000.00 for a first offence and \$50,000.00 for any subsequent conviction.
- 10.03 The conviction of a person for the contravention or breach of any provision of this by-law shall not block prosecution against the same person for any subsequent or continued contravention of any provision of this by-law. Each day that the offence continues shall be deemed a separate and distinct offence.
- 10.04 Any person found to be in contravention of any applicable provision of this by-law, may be issued a notice of such violation. Every such person may within seventy-two (72) hours of the time when such notice was issued, pay the set fine or fines for, and in full satisfaction of, such violation, at the City Municipal Service Centre.
- 10.05 The failure of such person to pay the said set fine or fines, subjects him or her to the penalties hereinbefore provided for the violation of the provisions of this Schedule; and at the sole discretion of the City, on the provision of seven (7) calendar days notice.
- 10.06 Unpaid set fines may, following a thirty (30) calendar day period, at the sole discretion of the City, be added to the person's municipal taxes, and shall be collected in like manner and with the same priority as fees or charges for sewer services.

10.07 The set fines shall come into force and effect upon receipt of the Judge's Order, under the Provincial Offences Act, R.S.O. 1990, from the Ministry of the Attorney General.

10.08 Enforcement

10.09 This by-law may be enforced by every municipal law enforcement officer, the Chief Building Official and every Building Inspector.

10.10 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted, in accordance with the provisions of the Municipal Act, 2001, S.O 2001,c.25 and the Provincial Offences Act, R.S.O, 1990, both as amended.

10.11 Every person who, by act, offence, default, neglect or omission; occasions any, cost, damage or injury to the Sewer Works, or any part or appurtenance thereof, is liable to the City for any and all financial losses and costs incurred as a result.

10.12 Unpaid charges for financial losses and costs invoiced and unpaid costs invoiced for work carried out under this by-law, shall following a ninety (90) calendar day period, at the sole discretion of the City charge for sewer services; or alternatively, at the sole discretion of the City, such charges and costs may be added to the municipal tax roll of the property upon which or from which the financial losses and costs occurred, and collected in like manner and with the same priority as municipal taxes.

10.13 No action or proceeding under the provisions of this by-law shall preclude the City from the right and power to exercise any other right or remedy available to the City.

Section 11.00: Administration and Effective Date

11.01 Administration of the Bylaw

11.02 The Director of Public Works is responsible for the operation of the City's Sanitary Sewer Works and all aspects related to the enforcement of the Sanitary Sewer Works.

11.03 The Director of Engineering and Assets is responsible for the City's Drainage Works and all aspects related to the enforcement of the Drainage Works System.

11.04 The Director of Public Works and the Director of Engineering and Assets are responsible for the administration of this by-law.

11.05 This By-law shall come into force on the date it is passed.

By-law read a first, second and third time, and finally passed this 12th day of January, 2016.

Andy Letham, Mayor



2016-006 Set
Fines.pdf

Judy Currins, City Clerk

