



AGENDA MATERIAL

COMMITTEE OF THE WHOLE

MEETING DATE: MONDAY, JUNE 20, 2022

LOCATION: S. H. BLAKE MEMORIAL AUDITORIUM
(Council Chambers)

TIME: Immediately following City Council (Public Meeting)



MEETING: Committee of the Whole

DATE: Monday, June 20, 2022

Reference No. COW - 29/53

OPEN SESSION in S.H. Blake Memorial Auditorium immediately following City Council (Public Meeting)

Committee of the Whole - Planning Session
Vice-Chair: Councillor Andrew Foulds

DISCLOSURES OF INTEREST

CONFIRMATION OF AGENDA

Confirmation of Agenda - June 20, 2022 - Committee of the Whole **(Page 7)**

WITH RESPECT to the June 20, 2022 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

ITEMS ARISING FROM CLOSED SESSION

REPORTS OF COMMITTEES, BOARDS AND OUTSIDE AGENCIES

Anti-Racism & Respect Advisory Committee Minutes

Minutes of Meeting 04-2022 of the Anti-Racism & Respect Advisory Committee held on April 28, 2022, for information. **(Pages 8 – 12)**

Committee of Adjustment Minutes

Minutes of Meetings 04-2022 of Committee of Adjustment held on April 28, 2022, for information. **(Pages 13 – 27)**

Heritage Advisory Committee Minutes

Minutes of Meeting 05-2022 of the Heritage Advisory Committee held on April 28, 2022, for information. **(Pages 28 – 34)**

Parking Authority Board Minutes

Minutes of Meetings 03-2022 and 04-2022 of the Parking Authority Board held on March 8, 2022 and April 12, 2022, respectively, for information. **(Pages 35 – 41)**

REPORTS OF MUNICIPAL OFFICERS

Fire Services Strategic Plan – Implementation Plan Administrative Update

At the December 14, 2020 Committee of the Whole meeting, Report R 146/2020 was presented. A resolution was passed approving the plan and directing Administration to report back to Committee of the Whole with a comprehensive fire station location recommendation in Q2 of 2022 and that until such time as Administration can report back to Committee of the Whole with a comprehensive fire station location recommendation, Thunder Bay Fire Rescue (TBFR) will continue to deploy resources consistent with Option #17(1) as recommended in the Strategic Master Fire Plan.

Report R 105/2022 (Development & Emergency Services - Thunder Bay Fire Rescue) recommending that the status quo fire station location option as contained in the Thunder Bay Fire Rescue (TBFR) Strategic Master Fire Plan, be approved. **(Pages 42 – 123)**

WITH RESPECT to Report R 105/2022 (Development & Emergency Services – Thunder Bay Fire Rescue), we recommended that the status quo fire station location option as contained in the Thunder Bay Fire Rescue (TBFR) Strategic Master Fire Plan that was received by City Council in Report No. R 102/2020, be approved;

AND THAT the 2032 replacement for Station #1 be identified in the City of Thunder Bay long range capital forecast;

AND THAT an additional annual \$65K for facility capital renewal be included in the proposed 2023 Capital budget for Council consideration;

AND THAT the associated lease costs for the medium term accommodation of Fire Services administrative staff be included in the 2023 budget for Council consideration;

AND THAT consistent with the requirements of O. Reg. 378/18 Community Risk Assessment, under the Fire Protection and Prevention Act, 1997, City Council accept the Community Risk Assessment included as Attachment “A” to this report;

AND THAT the Outstanding List for Planning Services be updated to remove item #2020-052-DEV as this Report provides the Implementation Plan update;

AND THAT any necessary by-laws be presented to City Council for ratification.

Heritage Property Incentives Programs

At the October 25, 2021 Committee of the Whole meeting, a Memorandum from Chair – Heritage Advisory Committee Andrew Cotter was presented. A resolution was passed relative to a Heritage Tax Incentive Program recommending that Administration be directed to complete a report outlining the options available and costs associated with developing and implementing a Heritage Tax Incentive Program for heritage property owners and that Administration report back on or before April 25, 2022. At the January 10, 2022 Committee of the Whole meeting, a resolution was passed as contained in the memorandum from City Manager Norm Gale directing Administration to defer items on the Outstanding List for all Departments by up to two (2) months.

Report R 102/2022 (Development & Emergency Services – Planning) recommending that the Planning Services Division work in consultation with the Heritage Advisory Committee towards the development of a Heritage Grant Program for Council's approval. **(Pages 124 – 134)**

WITH RESPECT to Report R 102/2022 (Development & Emergency Services – Planning Services), we recommend:

THAT Planning Services work in consultation with the Heritage Advisory Committee to develop a Heritage Grant Program;

AND THAT \$50,000 be included in the proposed 2023 Budget to fund a Heritage Grant Program;

AND THAT Planning Services report back to Council with a Heritage Grant Program for its approval in December 2022;

ALL as contained in Report R 102/2022 (Development & Emergency Services - Planning Services), as submitted by the Development & Emergency Services Department.

Older Adults Centres – 2022 Capital Budget Amendment for Ministry Funding Awarded

Report R 93/2022 (Recreation & Culture - Community Services) recommending that Appropriation 20 to increase the existing 2022 capital budget in the amount of grants awarded by the Government of Ontario through the Ministry of Seniors and Accessibility's Seniors Active Living Centre Special Grant Program be approved. **(Pages 135 – 138)**

WITH RESPECT to Report R 93/2022 (Community Services - Recreation & Culture), we recommend that Appropriation 20 to increase the existing 2022 capital budget in the amount of grants awarded by the Government of Ontario through the Ministry of Seniors and Accessibility's Seniors Active Living Centre Special Grant Program be approved;

AND THAT the 2022 capital budget be amended through the necessary appropriation to reflect the

\$20,000 of received funding;

AND THAT the 2020 capital budget be amended through the necessary appropriation to reflect the \$20,000 of received funding;

AND THAT any necessary by-laws be presented to City Council for ratification.

Report R 65/2022 Contract 2, 2022 - Sidewalk & Pedestrian Crossover

At May 16, 2022 Committee of the Whole meeting the City Clerk advised that this item was withdrawn from the agenda and will be re-presented at a later date.

At June 6, 2022 Committee of the Whole meeting the Deputy City Clerk advised that this item was withdrawn from the agenda and will be re-presented at a later date.

Report R 65/2022 (Infrastructure & Operations - Engineering & Operations) containing a recommendation relative to the above noted, re-presented. **(Pages 139 – 143)**

WITH RESPECT to Report R 65/2022 (Infrastructure & Operations - Engineering & Operations), we recommend that Contract 2, 2022 – Sidewalk and Pedestrian Crossover Construction be awarded to Bay City Contractors who submitted the lowest compliant tender in the amount of \$1,230,010.65 [inclusive of HST]; it being noted that the amount shown is based on estimated quantities; final payment for this contract will be based on measured quantities for the completed work;

AND THAT the General Manager of Infrastructure and Operations report any circumstances to City Council should significant variation in the contract quantities occur;

AND THAT the Mayor and City Clerk be authorized to sign all documentation related to these matters;

AND THAT any necessary bylaws be presented to City Council for ratification.

Report R 56/2022 Contract 4, 2022 - Sewer & Watermain II

At May 16, 2022 Committee of the Whole meeting the City Clerk advised that this item was withdrawn from the agenda and will be re-presented at a later date.

At June 6, 2022 Committee of the Whole meeting the Deputy City Clerk advised that this item was withdrawn from the agenda and will be re-presented at a later date.

Report R 56/2022 (Infrastructure & Operations - Engineering & Operations) containing a recommendation relative to the above noted, re-presented. **(Pages 144 – 148)**

WITH RESPECT to Report R 56/2022 (Infrastructure & Operations – Engineering & Operations), we recommend that Contract 4, 2022 Sewer and Watermain II be awarded to Nadin Contracting Ltd, which submitted the lowest tender in the amount of \$2,982,581.89 (inclusive of HST); it being noted that the amount shown is based on estimated quantities; final payment for this Contract will be based on measured quantities for the complete work;

AND THAT the General Manager of Infrastructure and Operations report significant variations in the

Contract quantities to City Council;

AND THAT the Mayor and Clerk be authorized to sign all documentation related to this matter;

AND THAT any necessary by-laws be presented to City Council for ratification.

FIRST REPORTS

New Municipal Standards For Property, Clean & Clear Yards, Vacant Buildings Security and Minimum Heat By-laws

At the September 20, 2021 Committee of the Whole meeting, a resolution was passed recommending that Committee of the Whole approve the work plan and priorities for the review of enforcement bylaws as outlined in Report R 120/2021 (Development & Emergency Services/Licensing & Enforcement). At the December 13, 2021 Committee of the Whole meeting, a memorandum was presented by Administration requesting that the presentation date be rescheduled to April 11, 2022. At the January 10, 2022 Committee of the Whole meeting a resolution was passed as contained in a memorandum from City Manager Norm Gale directing Administration to defer items on the Outstanding List for all Departments by up to two (2) months.

Also, at the September 20, 2021 Committee of the Whole meeting, a referral resolution was passed recommending that the contents of the deputation by Kyla Moore entitled "Reimagining the Yard Maintenance Bylaw: An Opportunity to Contribute Towards Sustainability Goals" be referred to Administration as part of the Property Standards and Yard Maintenance By-law review, referenced in Report R 120/2021 - Review of Enforcement Bylaws. At the December 13, 2021 Committee of the Whole meeting, a memorandum was presented from Administration requesting that the presentation date be rescheduled to April 11, 2022. At the January 10, 2022 Committee of the Whole meeting, a resolution was passed as contained in a memorandum from City Manager Norm Gale directing Administration to defer items on the Outstanding List for all Departments by up to two (2) months.

This report is being introduced as a 'first report' to allow Committee of the Whole and the general public time to consider the implications of the report before the following recommendations are considered by Committee of the Whole on July 25, 2022.

Report R 106/2022 (Development & Emergency Services - Licensing & Enforcement) recommending that the draft Municipal Standards for Property By-law, as appended as Attachment D to this report, be approved. **(Pages 149 – 234)**

Correspondence from Dr. John Hodson requesting to appear before Committee to provide a deputation relative to the above noted. **(Page 235)**

Receive Report R 106/2022 as a First Report

Recommendation to receive R 106/2022 as a First Report:

WITH RESPECT to Report R 106/2022 (Development & Emergency Services – Licensing & Enforcement) we recommend that the Report be received;

AND THAT Report R 106/2022 (Development & Emergency Services – Licensing & Enforcement) be presented at the July 25, 2022 Committee of the Whole meeting for consideration.

PETITIONS AND COMMUNICATIONS

Outstanding Item - Amendment to Animal Control By-law 22-1995

At the September 20, 2021 Committee of the Whole meeting, a resolution was passed recommending that Committee of the Whole approve the work plan and priorities for the review of enforcement bylaws as outlined in Report R 120/2021 (Development & Emergency Services/Licensing & Enforcement). At the December 13, 2021 Committee of the Whole meeting, a memorandum was presented by Administration requesting that the presentation date be moved to April 11, 2022. At the January 10, 2022 Committee of the Whole meeting, a resolution was passed as contained in the memorandum from City Manager Norm Gale dated Friday, January 7, 2022 directing Administration to defer items on the Outstanding List for all Departments by up to two (2) months.

Memorandum from Manager - Licensing & Enforcement Doug Vincent relative to the above noted. **(Distributed Separately)**

City's Delegation at the 2022 Ontario Good Roads Association AGM and Conference

Memorandum from Chair - Inter-Governmental Affairs Committee Brian McKinnon, dated June 3, 2022 relative to the above noted, for information. **(Pages 238 – 239)**

OUTSTANDING ITEMS

Outstanding List for Planning Services as of June 7, 2022

Memorandum from City Clerk Krista Power, dated June 7, 2022 providing the Planning Services Outstanding Items List, for information. **(Pages 240 – 242)**

NEW BUSINESS

ADJOURNMENT



MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Confirmation of Agenda

SUMMARY

Confirmation of Agenda - June 20, 2022 - Committee of the Whole

RECOMMENDATION

WITH RESPECT to the June 20, 2022 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.



MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Anti-Racism & Respect Advisory Committee Minutes

SUMMARY

Minutes of Meeting 04-2022 of the Anti-Racism & Respect Advisory Committee held on April 28, 2022, for information.

ATTACHMENTS

1. Minutes - Anti-Racism & Respect Advisory Committee - April 28, 2022

DATE: APRIL 27, 2022**MEETING NO. 04-2022****TIME:** 12:10 P.M.**PLACE:** MCNAUGHTON ROOM & MS TEAMS**CHAIR:** JASON VELTRI**PRESENT:**

Ryan Scott, *Community Representative*
Jason Veltri, *Community Representative*
Inspector Derek West, *Thunder Bay Police Service*

OFFICIALS:

Cynthia Olsen, Manager – Community
Strategies
Katie Piché, Council & Committee Clerk

ELECTRONIC PARTICIPATION:

Carol Audet/Breanne Anderson, *Matawa First Nations*
Ronnie Kasana, *SUCCI Representative*
Chris Krumpholz, *Community Representative*
Moffat Makuto, *Reg. Multicultural Youth Council*
Michelle McGuire, *TB Urban Aboriginal Advisory Committee*

1.0 LAND ACKNOWLEDGMENT

The Chair acknowledged that we are meeting on the traditional territory of the Ojibwa Anishinaabe people of Fort William First Nation, signatory to the Robinson Superior Treaty of 1850, and acknowledged the history that many nations hold, and are committed to a relationship with First Nations, Métis, and Inuit peoples based on the principles of mutual trust, respect, reciprocity, and collaboration in the spirit of reconciliation.

2.0 WELCOME, DISCLOSURES OF INTEREST

The Chair welcomed those in attendance. There were no disclosures of interest declared at this time.

3.0 CONFIRMATION OF AGENDA

MOVED BY: Insp. Derek West
SECONDED BY: Michelle McGuire

WITH RESPECT to the April 27, 2022 meeting of the Anti-Racism & Respect Advisory Committee, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

4.0 MINUTES OF PREVIOUS MEETINGS

The minutes of Meeting 03-2022 of the Anti-Racism & Respect Advisory Committee held on March 28, 2022 to be confirmed.

MOVED BY: Ronnie Kasana
SECONDED BY: Insp. Derek West

THAT the Minutes of Meeting 04-2022 of the Anti-Racism & Respect Advisory Committee, held on March 28, 2022, be confirmed.

CARRIED

5.0 DEAR THUNDER BAY

The Partnership for the Seven Youth Inquest launched the “Dear Thunder Bay” campaign, as part of the implementation of Recommendation 116 from the Seven Youth Inquest.

Video relative to the above noted was shared, for information.

6.0 PRESENTATION – COMMUNITY SAFETY & WELLBEING AND RECOMMENDATION 112

Community Safety & Wellbeing Specialist Lee-Ann Chevette provided an update relative to the above noted and responded to questions. The following items were discussed:

- Recommendations Update
 - Recommendation 112 campaign overview
 - Launched last fall
 - Additional activations coming up for Recommendation 116 (bus shelter messaging, social media, promotional clothing/swag)
- Overview of CSWB
 - CSWB Planning Framework
 - CSWB Reports
 - Vision, Approach
 - Guiding Principles
 - Commitment and Priorities
 - Structure and Next Steps

Discussion was held relative to aligning CSWB with the Anti-Racism & Respect Advisory Committee.

The following items were also discussed:

- Anti-Racism & Respect Advisory Committee's Summit group and Diversity Thunder Bay working together
- How to support Summit in Committee's work plan
- Many different groups working to make change in our community
- How to increase membership of Thunder Bay's Anti-Racism Accord and how to bring community partners to the table
- Recent application submitted to Anti-Racism Directorate – department has been moved to Ministry of Citizenship and Immigration – awaiting response on application
- Onboarding workshops for existing and new signatories
- Newcomers to community – material, educational documents available
- Bystanders' intervention guide – situations of racism – how to intervene safely
- Solidarity Collective (youth) – hoping to expand their work further
- 10 partners that supported application for funding application

Insp. Derek West thanked Community Safety & Wellbeing for all of their work. Thunder Bay Police Service continues to work on reconciliation and noted that youth are vital to the conversation.

It was noted that Thunder Bay Police Service has created gang prevention videos with Dennis Franklin Cromarty and other high schools as a way to trying to engage youth.

7.0 Terms of Reference Update

The Chair advised that R 60/2022 Terms of Reference report to Council was unanimously approved and is scheduled to be ratified at the May 9, 2022 City Council meeting. It was noted that all Committee documentation will be updated with the new logo and terminology.

8.0 Community Work Plan

A discussion was held relative to the Committee's upcoming workplan, including the following:

- Working with Diversity Thunder Bay on a few items
- Former Roundtable event will now be a Summit
 - How often will the summit be hosted?
 - Every 2 – 3 years as it takes a lot of time to plan
 - Consider capacity of committee members (volunteers) - need to be aware of their time
 - Include Summit into 4 year work plan.
 - Can be formed based on entire work plan
 - 4 year action plan to Council
 - Work from Summit would create the following work plan
- Too many events with different organizations can be confusing for community – look at more collaboration with CSWB and .respect.

- Onboarding for new committee members in new term of Council
- Look at new expanded mandate - Are there key activities to provide new iteration?
- Would be beneficial to leave some ideas with the new committee
 - Responsibility of new Committee (in 2023) to create new work plan
 - Can build work plan off of former Committee's report

A discussion was held relative to approved work/projects that Administration can work on while the Committee is unable to meet (June – December 2022) due to municipal election in October 2022. A Budget memorandum was provided with an annual plan of ongoing work. (ie: Have you Experienced Racism Campaign, Report to Council on Incident Reporting (Dr. Amy Siciliano).

A discussion was held relative to the relaunch of the “Have you Experienced Racism” campaign in September. Generator will work with SUCCI and LUSU to get advertising into Confederation College and Lakehead University orientation booklets.

It was noted that campaign advertising and calendar of events will be further discussed at the next meeting.

9.0 ANNOUNCEMENTS

- ‘Sharing Call for Proposals Opportunity through Health Canada’ funding opportunity for organizations will be shared via email
- Community Youth & Cultural Funding application process has not opened yet but will open soon. The program has been aligned with the CSWB plan.
- Rainbow Collective Pride events were launched April 26. There will be 90% in-person events this year and partnered with Thunder Pride.

10.0 NEXT MEETING

The next hybrid meeting will be held on Tuesday, May 31, 2022 at 12:00 p.m. via MS Teams and the McNaughton Room, 3rd floor City Hall.

11.0 ADJOURNMENT

The meeting adjourned at 1:21 p.m.

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Committee of Adjustment Minutes

SUMMARY

Minutes of Meetings 04-2022 of Committee of Adjustment held on April 28, 2022, for information.

ATTACHMENTS

1. Minutes - Committee of Adjustment - April 28, 2022

April 28, 2022



COMMITTEE OF ADJUSTMENT

DATE April 28, 2022

MEETING NO. 04-22

TIME 2:00 p.m.

PLACE S.H. Blake Memorial Auditorium Electronic Participation using MS teams

CHAIR: K. DesRosiers, present

Chair Kevin DesRosiers did an introduction of Committee members and administration. The attendance was recorded.

Kevin DesRosiers, present
Joe Talarico, (**)
Norman Roy, (*)
Richard Togman, (*)
Andreas Petersen, (*)

Susan Henton, Acting Secretary-Treasurer, present
Darrik Smith, Mobility Coordinator (*)
Aaron Ward, Engineering & Operations (*)
Decio Lopes, Senior Planner (*)
Jamie Kirychuk, Planner II (*)
Devon McCloskey, Planning Supervisor (*)
Jillian Fazio, Planner II (*)

(*) indicates electronic participant

(**) indicates electronic participant that had connection issues and missed discussion and voting on certain files.

ABSENT: Matt Pascuzzo

Chair Kevin DesRosiers outlined the procedure which the Committee would follow in dealing with an application.

The Chair polled the Committee Members for Conflict of Interest.

DISCLOSURE OF INTEREST: None

APPLICATIONS

The Committee members received all written comments prior to the hearing.

1. Application A-11-2022, 551 10th Avenue, Agent: Shannon Dodd-Smith

The Secretary- Treasurer described the application, noting that the purpose of the application is to gain relief from the Zoning Bylaw, as described in the table below:

Table 27.2.1	Reduce the minimum required Rear Yard from 6 metres to 2.4 metres
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The effect of the approval of the application would be to allow the applicant to construct a new building closer to the rear yard. The building would accommodate a crane for moving large slabs of granite, quartz and other heavy material.

The lands are located in the Medium Industrial Zone and are designated as Industrial I in the Official Plan. The subject lands are not subject to any other application under the Planning Act at this time.

Owner Franco Crupi participated in the meeting and was available to answer questions regarding the application. The Chair asked if the required sign had been posted, and the owner confirmed that it was.

There were no concerns from Fire Services, Building Services, Synergy North, MTO, Bell Canada, Parks and Opens Spaces and Engineering and Operations. Realty Services commented that the applicant will need to enter into a license agreement for the retaining wall on City of Thunder Bay property and insure it.

There were no public comments received.

J. Fazio, Planner II, Planning Services Division, presented comments in support of the proposal and had no concerns or conditions to recommend.

There were no other comments received.

The Acting Secretary-Treasurer read out the condition that the applicant confirm that they will remove the improvements and restore the City owned lands or enter into an agreement with Realty Services to permit the encroachment on City property.

The Chair asked the applicant if they had any comments.

Owner Franco Crupi stated that he has contacted Realty Services and is working on getting the agreement in place.

There was no one to speak for or against the application.

The Chair polled the members for questions or comments.

The Chair asked the members for a vote as to the approval of the application. A recorded vote was taken. Chair K. DeRosiers and members, A. Petersen, J. Talarico, N. Roy, and Dr. Togman, were in favour.

The majority of members have supported the approval of application A-11-2022 and therefore the application is approved.

2. Application A-18-2022, 334 Munro Street, Applicant: Nicholas Pedri-Glass

The Acting Secretary-Treasurer read out the Notice of Hearing for application A-18-2022:

Although the notice of application referenced Section 5.3.3 a (i) it should have referenced Section 5.3.3 a (iii). This does not change the wall height or building height requested by the

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applicant and remains the same. Since this change is minor in nature, Planning feels that no further circulation is required.

Notice as circulated originally read as follows:
The purpose of the application is to gain relief from the Zoning By-law, as set forth in the application and described in the table below:

Section 5.3.3 a(i)	Increase the wall height from 3.5 metres to 3.658 metres
Section 5.3.3 a(i)	Increase the building height from 5.2 metres to 5.283 metres
The Notice & Sign should have read:	
Section 5.3.3 a(iii)	Increase the wall height from 3.2 metres to 3.658 metres
Section 5.3.3 a(iii)	Increase the building height from 4.6 metres to 5.283 metres

The effect of an approval of this application would be to allow the applicant to construct a new garage with a 2 post vehicle hoist. The lands are located in the Residential Zone Three and are designated as Residential in the Official Plan. The subject lands are not subject to any other application under the Planning Act at this time.

Applicant Nicholas Pedri-Glass participated in the meeting and was available to answer questions regarding the application. The Chair asked if the required sign had been posted, and the applicant confirmed that it was.

There were no concerns from Fire Services, Building Services, Synergy North, MTO, Bell Canada, Parks and Opens Spaces, Realty Services and Engineering and Operations.

There were no public comments received.

Jamie Kirychuk, Planner II, Planning Services Division, presented comments in support of the proposal and had no conditions to recommend.

There were no other comments received.

There was no one to speak for or against the application.

The Chair polled the members for questions or comments. There were no questions.

There were no conditions.

The Chair asked the members for a vote as to the approval of the application. A recorded vote was taken. Chair K. DeRosiers and members, J. Talarico, N. Roy, Dr. Togman and A. Petersen were in favour.

The majority of members have supported the approval of application A-18-2022 and therefore the application is approved.

3. Application A-21-2022, 131 Robertson Street, Applicant: Jim (James) Salo

The Secretary- Treasurer described the application, noting that the purpose of the application is to gain relief from the Zoning Bylaw, as set forth in the application and described in the table below:

Table 9.2.1	Reduce the minimum required Lot Frontage from 15 metres to 8 metres
Table 9.2.1	Reduce the minimum required Lot Area from 450 square metres to 280 square metres
Table 5.15.9	Reduce the minimum required Parking Spaces from 1.5 spaces per dwelling unit to 0.5 parking spaces per dwelling unit

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The effect of this application would be to allow the applicant to convert a single detached dwelling into a duplex by means of converting an unfinished basement into a two bedroom dwelling unit.

The lands are located in the Residential Zone Two and are designated as Residential in the Official Plan. The subject lands are not subject to any other application under the Planning Act at this time.

Applicant Jim Salo participated in the meeting and was available to answer questions regarding the application. The Chair asked if the required sign had been posted, and the applicant confirmed that it was.

The applicant said that a shed in the back will be removed creating two parking spaces instead of one.

There were no concerns from MTO, Bell Canada, Parks and Open Spaces, Realty Services and Engineering and Operations. Fire Services and Building Services commented that a building permit is required for the additional unit and Synergy North commented that the applicant should contact them regarding servicing options.

There were no public comments received.

Jamie Kirychuk, Planner II, Planning Services Division, presented comments in support of the proposal and had no conditions to recommend.

There was no one to speak for or against the application.

The Chair polled the members for questions or comments.

Committee member A. Petersen asked the applicant whether the parking space being added with the shed removal was over and above the requested Table 5.15.9 for the reduction of the parking space.

The applicant replied that it was over and above the requested variance. There will be a total of 2 parking spaces.

Committee member A. Petersen, was satisfied that the applicant has enough parking spaces, but the applicant will leave the variance in as requested.

There were no other questions from committee members.

There were no conditions recommended.

The Chair asked the members for a vote as to the approval of the application. A recorded vote was taken. Chair K. DeRosiers and members, N. Roy, Dr. Togman and A. Petersen were in favour.

The majority of members have supported the approval of application A-21-2022 and therefore the application is approved.

4. Application A-24-2022, 181 Fanshaw Street, Applicant: Nirbhaypal Singh (Harry Sahi)

The purpose of the application is to gain relief from the Zoning By-law, as described in the table below:

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Section 5.2.1 (b)	To reduce the minimum required lot frontage from 18 metres to 15.24 metres
Table 5.15.9	To reduce the minimum required Parking Spaces from 1.5 parking spaces per dwelling unit to 1 space per dwelling unit

The effect of an approval of this application would be to allow the applicant to build a two bedroom accessory apartment in the basement. The lands are located in the Residential Zone One and are designated as Residential in the Official Plan. The subject lands are not subject to any other application under the Planning Act at this time.

The Acting Secretary-Treasurer explained that there should have also been a variance using the same Section 5.2.1 (b) to reduce the minimum required lot area from 540 square metres to 470.9 square metres.

Applicant Nirbhaypal Singh (Harry Sahi) participated electronically in the meeting and was available to answer questions regarding the application. The Chair asked if the required sign had been posted, and the applicant confirmed that it was.

Notices were circulated and comments were received and provided directly to the committee members. There were no concerns from MTO, Bell Canada, Parks and Open Spaces and Realty Services. Fire Rescue and Building Services commented that a building permit would be required for the additional unit. Synergy North asked that they be contacted for servicing options.

There were 3 public comments received with the main issues being parking, snow removal and restricted traffic flow and safety concerns with potential for increased accidents.

Senior Planner, Decio Lopes, Planning Services Division, stated that the applicant is requesting relief from the current zoning by-law to reduce the minimum lot frontage to reduce the minimum required parking. These variances are not required under the newly approved Zoning Bylaw 1-2022. It was discovered after the notices were given, that the application did not include a request for a variance to the required lot area to permit the proposed accessory apartment. The correct section of the by-law 5.2.1 (b) was quoted but only for the minimum lot frontage, however the notice did properly reference the applicants' intent to construct an accessory apartment and since the same section was listed, it was Planning Services' opinion that no further notice is required. The Decision should be adjusted to refer to section 5.2.1 (b), and include the reduction of the lot area from 540 square metres to 470.9 square metres. Planning Services supports the application and had no conditions to recommend.

There were no other comments received.

Applicant N. Singh (H. Sahi) had no other comments to add.

There was no one to speak in support of the application.

Michael Bertone, a neighbour, spoke against the application. He was opposed to the application because of parking issues. The street has become a feeder street for the neighbourhood and that section has increased traffic, so this winter was a huge safety issue and experienced restrictions in the flow of traffic.

The Chair polled the members for questions or comments.

Member Roy asked Planning Services about the parking, and if they don't have parking for enough vehicles, what is the allotment for bikes.

Senior Planner D. Lopes, responded by saying that the exemptions in the zoning by-law doesn't account for substitutions of a parking space at this low level. It doesn't have the threshold to afford the bicycle parking space exemption as contained in today's by-law.

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Member Roy also questioned whether there was a traffic study for this subdivision.

Senior Planner, D. Lopes, said that Engineering could answer the question but he did confirm that Fanshaw Street connected directly to Golf Links Road on the east and the College Park neighbourhood to the east.

Committee member A. Petersen, asked the Acting Secretary-Treasurer about whether the objectors were three different possible objectors or one person because there were no names provided on the three sheets provide to committee members. The member observed that there was one objector who gave a presentation.

The Acting Secretary-Treasurer confirmed that it was three different people opposing the application and another objector was supposed to call in, but was not present.

The Acting Secretary-Treasurer, read out the first opposition letter. This objector had concerns about Fanshaw Street being an access road for the area and that it is quite busy and parking was the main concern. Reducing the parking spots to one per household would be insufficient. They also said that allowing the variance could lead to calendar parking and increased accidents. The second objectors' letter mentioned concerns about traffic and had safety concerns for young families in the neighbourhood. The objector also said that students living in rentals, all had cars and that most of the time they were living on a one way street.

Committee member A. Petersen, asked Planning Services about their comments regarding the reduction in parking.

Senior Planner, D. Lopes replied that the comment was in reference to the bicycle rack substitution. The current zoning by-law does include a substitution parking for bicycle racks of 20% to a maximum of five spaces can be substituted. However, since the parking rate is so low, this doesn't apply to this residential example.

Committee member A. Petersen, asked Planning Services about the comment about the new zoning by-law coming out in regards to parking density.

Senior Planner, D. Lopes, said that under the recently approved Zoning By-Law 1-2022, this neighbourhood is in the Urban Low-rise Zone in which case the proposed use that is subject to this variance would not be required to permit the frontage and area reductions to facilitate the extra unit, nor is it required to reduce the parking rate. The new by-law already accounts for this type of use without further approvals.

Committee member A. Petersen, asked Planning Services about the city getting rid of exclusionary zoning and was asking if that was part of the direction of the new zoning to deal with that particular issue.

Senior Planner, D. Lopes, responded that it was part of the new zoning by-law. In this Urban Low-rise Zone the number of units permitted is going to be four. Exclusionary zoning applies when, for example, an R-1 Zone is created and solely single detached dwelling are the only permitted use within urban areas – this is what is known as exclusionary zoning. He said that this is a step away from that route, and it is happening in zoning by-laws in many cities where R-1 Zones are exclusive to single unit zones, they are being swapped out for much denser and variable zoning fabric.

Committee member A. Petersen asked what Planning's idea was about the intensification in dealing with parking and allowing these streets to flow properly.

Senior Planner, D. Lopes, responded that many of these zoning changes are ingrained in Provincial Policy and through the Planning Act. The additional uses section of the Planning Act which specify that parking is one more space for that unit rather than what we currently have at one half space per unit, so the new by-law does account for that provision in the Planning Act. With vehicles, it shows how our cities have been built and the car has dominated neighbourhoods

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and sprawl and communities being built elsewhere at a rate detrimental to the more dense cores of our

cities as well as to the tax base. With such expansions and longer supply chains for the services, there is benefit to the broader public and to the taxpayer when the city does densify.

Senior Planner D. Lopes, went on to say that the population of Ontario has doubled since the 70's and but the number of cars has tripled according to research done a few years ago as part of background research to the by-law. Cars are something that have to be managed and Planning is taking the approach through by-laws as well as the Planning Act and Provincial Policy that we should be making by-laws friendlier to encourage the people that are living in our neighbourhoods rather than accommodating the vehicles.

Committee member A. Petersen asked if the long term thought on this was to intensify and hope that the areas will look at alternative processes of moving around such as public transit, walking or bicycling. He stated that he sees the streets as getting more congested with less traffic flowing through and questioning whether this is the vision of Planning.

Senior Planner, D. Lopes, responded that this is the vision. This neighbourhood is well connected to recreation trails, active transportation and is close to the college. The Edward Street - Golf Links Road is only a block or two to the east which is accessible by sidewalk, and is a well serviced transit corridor so as we move forward and densify our neighbourhoods those services that are there such as the trails and transit systems are expected to become more efficient and better utilized.

There were no other comments from committee members.

There were no conditions.

The Chair asked the members for a vote as to the approval of the application. A recorded vote was taken. Chair K. DeRosiers and members, N. Roy, Dr. Togman and A. Petersen were in favour.

The majority of members have supported the approval of application A-24-2022 and therefore the application is approved.

5. Application B-20-2022, 1194 Mountain Road, Applicant: Jamie Cameron & Noemie Kyrlyuk

The Acting Secretary-Treasurer read the Notice of Hearing for application B-20-2022 as circulated.

The purpose of the application is to create a lot addition from 1194 Mountain Road to 2120 Foothill Drive.

The effect of this application would be the severance and conveyance of a parcel of land for the purpose of a Lot Addition to 2120 Foothill Drive. Dimensions of the severed lands are 40.09 metres by 121.5 metres with an area of 4870.94 square metres. The retained lot would have a Lot Frontage of 40.09 metres, a Lot Depth of 577.5 metres and a Lot Area of 23,151.98 square metres, as set forth in the application.

Applicant Jamie Cameron participated electronically in the meeting and was available to answer questions regarding the application. The Chair asked if the required sign had been posted, and the applicant confirmed that it was.

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Notices were circulated and comments were received and provided directly to the committee members. There were no concerns from Fire Services, Building Services, Synergy North, MTO, Bell Canada, Parks and Open Spaces, Realty Services and Engineering and Operations.

There were two public comments in opposition to the proposal. They were concerned about invasion of privacy, loss of views and about water drainage issues.

J. Fazio, Planner II, Planning Services Division, recommended approval with two conditions of a proper legal description provided by an Ontario Land Surveyor and that the parcel to be severed be conveyed to the adjacent property.

There were no other comments.

The Chair asked the applicant if he understood the comments and was agreeable to the conditions.

Applicant, J. Cameron did understand and was agreeable to the conditions.

The Chair asked if there was anyone to speak in favour of the application.

Gabrielle Erickson and Nathan Kyryluk the owners of 2120 Foothill Drive were electronically available to comment about the proposal. They are also the recipient of the proposed lot addition and spoke for the application. They wanted to address any concerns about privacy and potential environmental impact. They are proposing to build a single family dwelling and share concerns about privacy. The purpose of the lot addition is so that they can have more privacy for themselves as well as in turn their neighbours as well. It is not their intention to clear cut down the trees. For clarification, would not be building behind Lot 10 and none of the trees would be cleared behind there either. She also stated that with regard to environment impacts, it is recommended and beneficial that the lot be sized larger than it is now for environmental purposes and also been approved by the Lakehead Region Conservation Authority.

The Chair asked if there was anyone else present in support of the application. There was no other supporters.

The Chair asked if there was anyone speaking in opposition to the application.

Katie Wright and Tucker Wright, owners of Lot 10 adjacent to the proposed application, participated electronically and were opposed to the proposal.

Neighbour, K. Wright, stated that their main concern was privacy because the severance would wrap around their lot and backyard and that they are not fully understanding of what the intentions are behind their lot. In terms of the house location, which they propose to build towards the back of the lot, which is also proposed the building of a concrete headwall at the edge of Lot 12, which would force all of the water drainage onto Lot 10, verses being shared between Lot 11 and Lot 12. The property is designated as a Natural Heritage System in the Official Plan, and the application goes against the objective to prevent or minimize the loss of fragmentation of natural heritage features in the area. The proposal also goes against the objective of maximizing the proportion of permeable surfaces to reduce flood risk and loads of storm water on the infrastructure, and goes against the objective to protect the provincially, regionally and locally significant natural heritage features in areas including wetlands, and where possible, improve their ecological integrity and functionality connectivity and resiliency. The proposed house location can possibly result in run off into Mosquito Creek and the proposal would result in the reduction of wildlife habitat. The proposal also goes against the Rural Area objective of the Official Plan. The proposal also does not provide for the protection, preservation and enhancement of the natural features of the area. The proposal will allow shadowing on their lot, due to the location of the proposed house. The Notice indicates that the area is subject to Environment Protection, development would be inappropriate and the proposed location of the house would not benefit the environment.

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The Chair asked if there was anyone present that had comments in opposition to the application.

Joris Stasiewicz, owner of Lot 12, and also in opposition to the proposal, questioned the natural habitat of the peregrine falcon in the area beyond the original study of the subdivision and whether it was proven that these endangered species won't be affected.

Senior Planner, D. Lopes, stated that the study was done for the subdivision in regards to this species and the measures did not need to be robust. Mitigation measures were done during the construction of the subdivision. His opinion was that moving the house back onto the lot addition would not be impactful to the species. When questioned his expertise in this field, by J. Stasiewicz the opponent of the application, D. Lopes admitted he wasn't a biologist and that he was stating the information and his experience from the planning act process of the subdivision.

The Chair asked if there was anyone else in opposition to this application. There was no one else present to oppose it.

The Chair polled the members for questions or comments.

Member Roy, requested Planning comment about the subdivision agreement that was put into place.

Senior Planner, D. Lopes, commented that he worked on this subdivision agreement during its process. There would be no further severances of the existing lots within that plan of subdivision as it was set at 25 lots. Lot additions are possible, whether between the existing lots or else by adding additional lands from properties outside the subdivision. There is no prohibition of the type of request before the committee.

Member Roy asked when applying for a building permit whether there would be a lot drainage plan required.

Senior Planner, D. Lopes, stated that is a lot drainage plan for the subdivision and each lot needed to conform to the set plan.

Aaron Ward, Project Engineer, Engineering and Operations Division, also added that as each new house gets constructed they have to provide a lot specific grading and drainage plan.

Member Togman wanted clarification about whether this was the appropriate forum to hear concerns about environmental impacts or endangered species for the severance and conveyance.

J. Fazio, Planner II, Planning Services Division, stated that there are policies in the Official Plan when it comes to severances that are concerned with Natural Heritage features. She said that the property is quite large and that the particular portion being severed in this case, was outside the protected feature. Planning Services, in this case is not concerned about the fragmentation of the property, and this is not an intensification of the area, but just increasing the size of an existing lot.

Member Togman followed up by asking if this application wasn't granted, would this prevent the owners from building on the existing lot, or was it dependant on this conveyance and severance.

J. Fazio, Planner II, said these are lots of record and are undersized and therefore they can build on the undersized because they were created prior to changes to the Official Plan, so they can still build on the lot.

Member Petersen, asked the opponents whether these were empty lots they bought to protect the environment, or are there actual houses there.

Neighbour, K. Wright responded by saying that Lot 10 is currently a vacant lot but they do plan to build on it in the future.

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Member Petersen, asked whether they had any concerns about their environmental impact on the area.

Neighbour, K. Wright said they would go through the building permit process, following all the bylaws properly. Their concerns were that they purchased the lot with the intended privacy and

the severance would affect the overall lot plan and drainage plan which is a considerable concern to them.

Neighbour, J. Stasiewicz, stated that he's had his house there since 2020, and in terms of the Endangered Species Act, his Purchase of Agreement and Sale covers this issue. He also stated that the property to the south towards the mountain, is unable to be completely zoned for residential or commercial based on location.

Member Petersen, asked what his opinion when he built knowing this.

Neighbour, J. Stasiewicz, said he felt that the developer did all the research that needed to be done for space, and they stayed within their space and didn't look to expand.

Member Petersen clarified with the opponent that the border of the property is where the heritage area is and he is on the good side of the area, and the other side of the line is the heritage area.

There were no other comments or questions from committee members.

The Acting Secretary-Treasurer read out the recommended conditions.

The Chair asked whether J. Cameron has understood the conditions and he replied that he did.

The Chair asked the members for a vote as to the approval of the application. A recorded vote was taken. Chair K. DeRosiers and members, N. Roy, Dr. Togman and A. Petersen were in favour.

The majority of members have supported the approval of application B-20-2022 and therefore the application is approved.

6. Application B-22-2022, 393 Grenville Avenue, Applicant: Miles Armitage & Lesley Armitage

The Acting Secretary-Treasurer read the Notice of Hearing for application B-22-2022 as circulated, explaining that the purpose of the application is to sever and convey lands for a lot addition from 393 Grenville Avenue to the abutting property located at 395 Grenville Avenue. An attached garage exists on the property, if approved it would be transferred to the abutting lot.

The effect of this application would be the severance and conveyance one parcel of land for the purpose of a lot addition to 395 Grenville Avenue. Dimensions of the severed lands for addition are 12.192 metres wide, by 30.48 metres in depth with an area 371.61 square metres. The retained lot will have a Lot Frontage of 9.144 metres, a Lot Depth of 30.48 metres and a Lot Area of 278.71 square metres as set forth in the application.

The lands are located in the Residential Zone Two and are designated as Residential in the Official Plan. The subject lands are not subject to any other application under the Planning Act at this time.

Applicant Miles Armitage participated at the meeting and was available to answer questions regarding the application. The Chair asked if the required sign had been posted, and the applicant confirmed that it was.

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Chair DesRosier asked the applicant if he had any comments, to which M. Armitage commented about parking, and that even though one parking spot was being taken, there still would be one parking spot in the front as well back lane access to parking in the back

Notices were circulated and comments were received and provided directly to the committee members. There were no concerns from Fire Services, Building Services, Synergy North, MTO, Bell Canada, Parks and Open Spaces, Realty Services and Engineering and Operations.

One public comment was received and they were concerned about the loss of a parking space due to safety issues and being so close to the school.

J. Kirychuk, Planner II, Planning Services Division, supported the applications and recommended standard conditions including a proper legal description along with the survey and the parcel to be severed is conveyed to the adjacent property, known as 395 Grenville Avenue, and registered in the same name and interest.

Applicant M. Armitage understands and agrees to the conditions.

There was no one to speak for or against the application.

The Chairman polled the members for questions. There were none.

The Acting Secretary-Treasurer read out the recommended conditions.

The Chair asked the members for a vote as to the approval of the application. A recorded vote was taken. Chair K. DeRosiers and members, N. Roy, Dr. Togman and A. Petersen were in favour.

The majority of members have supported the approval of application B-22-2022 and therefore the application is approved.

7. Application B-23-2022, 724 MacDonell Street, Agent: Syl Menic - Menic Planning Services

The Acting Secretary-Treasurer read the Notice of Hearing for application B-23-2022 as circulated, with the purpose of the application being for a lot addition from 724 MacDonell Street to the abutting property located at 712 MacDonell Street for the purpose of a building addition.

The effect of this application would be the severance and conveyance of one parcel of land for the purpose of a Lot Addition from 724 MacDonell Street to 712 MacDonell Street. The severed lands would have dimensions of 30.48 metres, by 80.8 metres and an area of 2462.8 square metres. The retained lot would have a Lot Frontage of 60.8 metres, a Lot Depth of 80.8 metres and a Lot Area of 4914.3 square metres as set forth in the application.

The lands are located in the Medium Industrial Zone and are designated Light Industrial in the Official Plan. The subject lands are not subject to any other application under the Planning Act at this time.

Agent Syl Menic participated electronically in the meeting and was available to answer questions regarding the application. The Chair asked if the required sign had been posted, and the applicant confirmed that it was.

Agent Menic commented that the proposed consent for lot enlargement would still leave 724 MacDonnell Street with sufficient frontage and area to meet all the requirements of the Zoning

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By-law. The plan is to add this land to the neighbouring property, which is the brewery. They are looking to expand their building in the future so that they can increase their production capacity.

Notices were circulated and comments were received and provided directly to the committee members. There were no concerns from Fire Services, Building Services, MTO, Bell Canada and Realty Services. Parks and Open Spaces and Engineering and Operations are in support of Planning's condition for Site Plan Control.

There were no public comments received.

Senior Planner, Decio Lopes, Planning Services Division, recommended approval of the proposal and recommended conditions including a proper legal description with survey, that the severed parcel be conveyed to 712 MacDonnell Street in the same name and interest and that Section 50(3) of the Planning Act shall apply to all subsequent transactions, and that the property be designated for Site Plan Control.

Agent Menic understands and agrees to the conditions.

There was no one to speak for or against the application.

The Chairman polled the members for questions. There were none.

The Acting Secretary-Treasurer read out the recommended conditions.

The Chair asked the members for a vote as to the approval of the application. A recorded vote was taken. Chair K. DeRosiers and members, J. Talarico, N. Roy, Dr. Togman and A. Petersen were in favour.

The majority of members have supported the approval of application B-23-2022 and therefore the application is approved.

7. Application B-25-2022, 1914 Oliver Road, Agent: Jack Jamieson

The Acting Secretary-Treasurer read the Notice of Hearing for application B-25-2022 as circulated.

The purpose of the application is to create one (1) new parcel of land.

The effect of this application would be the severance and conveyance of one new parcel of land with the severed portion having a Lot Frontage of 67 metres, a Lot Depth of 150 metres and a Lot Area of 1 hectare. The retained portion, containing the existing dwelling, will have a Lot Frontage of 60.5 metres, a Lot Depth of 150 metres and a Lot Area of 1.51 hectares, as set forth in the application.

The lands are located in the Rural Residential Zone and are designated as Rural in the Official Plan. The subject lands are not subject to any other application under the Planning Act at this time.

Agent Jack Jamieson participated electronically in the meeting and was available to answer questions regarding the application. The Chair asked if the required sign had been posted, and the applicant confirmed that it was.

Agent J. Jamieson stated that it was a re-application. The owners applied for the severance back in 2016 and it was approved at the time. The conditions were allowed to expire and the owner would now like to proceed with the severance and sale of the lot and reapplying for the same severance that was approved in 2016.

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Notices were circulated and comments were received and provided directly to the committee members. There were no concerns from Fire Services, Synergy North, MTO, Bell Canada, and Realty Services. Building Services commented that a well water condition be required, and Parks and Open Spaces requested the 5% Parkland dedication.

Mobility Coordinator, Darrik Smith, Engineering and Operations advised that because this was the same as the application that has lapsed, the conditions would be the similar to previous comments and requested conditions. He advised that a lot grading and drainage plan will be required as well

as in home potable water system be installed based on a hydrological study done in 2007 that was done because of a previous multi-lot severance for the same property due to ground water conditions so a notification agreement will be needed to advise prospective purchasers of the conclusions of the recommendations of the study. For the applicants' information, he also advised that an entrance permit will be required for the driveway.

J. Fazio, Planner II, Planning Services Division, supported the application with conditions of proper legal description along with the survey, the payment of the Parkland fee, a preliminary approval from the Health Unit is received and that the municipalities well water quantity testing forms be completed and submitted to the satisfaction of the Building Services Division.

Agent Jamieson understands and agrees to the conditions.

There was no one to speak for or against the application.

Member Petersen asked Engineering about the notification agreement and how would all future purchasers know about this agreement.

Project Engineer, A. Ward, Engineering and Operations Division, replied that the notification agreement would go onto the properties title at the Land Registry Office.

Member Petersen asked Agent Jamieson if it was common process for legal counsel to check for things like this on purchase of a property.

Agent Jamieson responded that it was part of the process of legal counsel to check for notification, registrations, by-laws, easements, and any agreements registered title. This would be registered at the Registry Office.

There were no other questions from the members.

The Acting Secretary-Treasurer read out the recommended conditions; lot grading and drainage plan, a notification agreement be completed with the City for in-home potable water treatment system, a proper legal description with survey, payment of the Parkland fee, a preliminary approval from the Health Unit is received and that the municipalities well water quantity testing forms be completed and submitted to the satisfaction of the Building Services Division

The Chair asked the members for a vote as to the approval of application B-25-2022. A recorded vote was taken. Chair K. DeRosiers and members J. Talarico, N. Roy, Dr. Togman, and A. Petersen were in favour.

The majority of members have supported the approval of application B-25-2022 and therefore the application is approved.

SUPPLEMENTARY AGENDA

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Member J. Talarico advised that he was experiencing microphone issues throughout the hearing. He did not participate or vote on the following applications: A-21-2022; A-24-2022; B-20-2022; B-22-2022; He did participate and vote in the following applications: A-11-2022; A-18-2022; B-23-2022; and B-25-2022

Signing of March 31, 2022 meeting minutes

Moved by: J. Talarico

Seconded by: Dr. Togman

CARRIED

NEW BUSINESS:

Member Petersen asked about the paperwork that went out at one time with people's names on the comments - whether in support or opposition to the application. Full names are not currently provided, yet when they make presentations in front of Committee they are asked to give their name and he is wondering why they aren't provided with the names anymore. What is the rationale being used between the paper comments sent out and when they are making a presentation at the hearing?

The Acting Secretary-Treasurer will look into this.

ADJOURNMENT

The meeting adjourned at 3:40 p.m.

Moved by: N. Roy

Seconded by: J. Talarico

CARRIED

CHAIR

ACTING SECRETARY-TREASURER

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Heritage Advisory Committee Minutes

SUMMARY

Minutes of Meeting 05-2022 of the Heritage Advisory Committee held on April 28, 2022, for information.

ATTACHMENTS

1. Minutes - Heritage Advisory Committee - April 28, 2022

DATE: THURSDAY, APRIL 28, 2022 **MEETING NO. 05-2022****TIME:** 5:02 P.M.**PLACE:** VIA MS TEAMS**CHAIR:** ANDREW COTTER**MEMBERS – ELECTRONIC PARTICIPATION:**

Andrew Cotter, Chair
Jacob O'Neill
Kim Costa
Cody Raposo
Heidi Strobl
Douglas Yahn, Vice-Chair
Justine Waite

OFFICIALS – ELECTRONIC PARTICIPATION:

Matt Szybalski, Manager – Archives, Records & Privacy
Katie Piché, Council & Committee Clerk

RESOURCE PERSONS – ELECTRONIC PARTICIPATION:

Laurie Abthorpe, Heritage Researcher
Jean-Louis Charette, Ministry of Heritage, Sport, Tourism & Culture Industries
Jamie Kirychuk, Planner II

GUESTS – ELECTRONIC PARTICIPATION:

Alexis Rowlinson – Magnus Theatre
Thom Currie – Magnus Theatre

1.0 LAND ACKNOWLEDGEMENT

The Chair, Andrew Cotter, acknowledged that we are meeting on the traditional territory of the Ojibwa Anishnaabe people of Fort William First Nation, signatory to the Robinson Superior Treaty of 1850, and recognized the contributions made to our community by the Métis people.

2.0 DISCLOSURES OF INTEREST

None.

3.0 AGENDA APPROVAL

MOVED BY: Douglas Yahn
SECONDED BY: Jacob O'Neill

WITH RESPECT to the April 28, 2022 Heritage Advisory Committee meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed;

AND THAT Downtown Business Improvement Program, Finlandia Club and Heritage Tax Incentive Program be added to the agenda.

CARRIED

4.0 CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the Heritage Advisory Committee Meetings 04-2022 held on March 24, 2022, to be confirmed.

MOVED BY: Cody Raposo
SECONDED BY: Douglas Yahn

THAT the Minutes of Meeting 04-2022 held on March 24, 2022 be confirmed.

CARRIED

The Chair acknowledged that Douglas Yahn received the City of Thunder Bay Volunteer Spotlight during Volunteer Recognition Week (April 24 – 30, 2022). The spotlight is posted on the City's Facebook and Instagram pages. The Chair congratulated and thanked D. Yahn for receiving the award and for contributing as a volunteer in Thunder Bay.

5.0 PRESENTATION - MAGNUS THEATRE OUTDOOR PERFORMANCE PLANS

Alexis Rowlinson and Thom Currie from Magnus Theatre provided a PowerPoint presentation relative to Magnus in the Park 2.0 which will include a temporary/seasonal canopy-style tent and provided an overview of the design. The design is not permanent and will go up seasonally and can hold approximately 200 patrons. The structure will be placed parallel to the fly tower, and will have a full, professional stage, lighting and sound equipment.

MOVED BY: Douglas Yahn
SECONDED BY: Jacob O'Neill

WITH RESPECT to the presentation from Alexis Rowlinson and Thom Currie from Magnus Theatre at the April 28, 2022 Heritage Advisory Committee meeting, we recommend that Magnus Theatre proceed with the 2022 Outdoor Performance Plans and are aware that the temporary plans do not conflict with any heritage elements of the property.

CARRIED

It was noted that Kim Costa and Heidi Strobl abstained from voting as they participated via teleconference and were not able to review the plans during the presentation.

Thom Currie provided an overview of the Magnus Theatre Finial Renovation. As per request of the Chair, the following information was provided for the meeting minutes:

To say that the old Central School building has a history, would be something of an understatement. The historic schoolhouse, now home to Magnus Theatre (since the Autumn of 2001) has undergone many changes over its construction in 1884. The first permanent school in the Lakehead saw its first renovation in 1901, with the addition of 8 new classrooms. Further renovations added more classrooms and offices. The last addition was later removed to construct the new auditorium, fly tower, and carpentry shop of the new theatre space.

In 1937, the original roof on the cupola was replaced with a painted tin surface. A round ornamental finial was added to the tip of the roof to protect it from the elements. This past year, Magnus Theatre contracted Lakehead Roofing to replace the tin roof with a new surface that would protect the cupola, but also more closely resemble the original roof colour. The decision was made to resurface the finial and reattach it when the work was completed. Upon its removal, Lakehead Roofing discovered that the crew who had originally attached it in the 1930's had left behind their signatures on the inside. That alone was an exciting piece of history, but what makes the story even more interesting, is that the grandson of one of those workers helped with the construction of the new roofing and the restoration of the finial. He and the rest of the new crew signed and dated the finial to serve as another time capsule to find the next time we renovate the cupola!

6.0 ADMINISTRATIVE UPDATE

Manager – Archives, Records & Privacy Matt Szybalski provided an update relative to returning to in-person/hybrid Committee meetings.

As per Memorandum from City Clerk Krista Power, dated March 24, 2022, Committees of Council will now have the ability to meet in person and/or MS Teams using a hybrid model and can also meet fully in person in the McNaughton Room.

A discussion was held and the Committee was in agreement to using the Hybrid model going forward. It was noted that an email would be sent to the Committee prior to each meeting to receive confirmation from committee members if they will be participating via Teams or in person.

There was no update available regarding the new representative from the Thunder Bay Historical Museum.

The Chair opened the floor for volunteers to become the next Clean, Green & Beautiful representative following the resignation of Committee member Diana Pallen in March 2022. The following Heritage Advisory Committee member will now sit on the Clean, Green & Beautiful Committee:

- Heidi Strobl

Council & Committee Clerk Katie Piché will advise the Chair and Council & Committee Clerk of Clean, Green & Beautiful Committee.

7.0 VICKERS PARK DESIGNATION UPDATE

Manager – Archives, Records & Privacy Matt Szybalski provided an update relative to the above noted and advised that the finalized by-law will be presented to Council at the May 16, 2022 City Council meeting.

Final Draft By-law was distributed separately via email on Wednesday, April 27, 2022, for information.

8.0 HERITAGE REGISTER UPDATE

Manager – Archives, Records & Privacy Matt Szybalski provided an update relative to the above noted and advised the letter to the owners of 281 Ray Court was recently mailed to acknowledge their approval of the property being listed on the heritage register. An update will be provided at the next meeting.

9.0 CHIPPEWA PARK CAROUSEL

This item was deferred until the next meeting.

10.0 HERITAGE ADVISORY COMMITTEE BUDGET

Manager - Archives, Records & Privacy Matt Szybalski provided an update relative to the budget, and noted that Heritage Researcher Laurie Abthorpe will be attending an in-person Heritage conference this June in Brockville.

11.0 HERITAGE RESEARCHER UPDATE

Heritage Researcher Laurie Abthorpe provided an update relative to the following:

- Jennifer Bonazzo wrote article in the Walleye April issue on Drew Street Public School
- Historical Walking Tour brochure requests
- Heritage Property Anniversary:
 - Certificate presentations – opening day of Doors Open
 - Revised procedure document emailed to Committee for review. Input was provided and J. O'Neill will revise and send out to Committee with final edits for next meeting.
- Doors Open:
 - 3 confirmed sponsors for event, 1 more in progress,
 - 9 participating sites, plus more being worked on, including virtual site(s)
 - Copy of Save the Date for Doors Open 2022 'Our Roots in Agriculture' document shared on MS Teams. Document is now live on the Doors Open website.

A discussion was held relative to the Lakehead University Agricultural Research Centre on Little Norway Road. It was noted that L. Abthorpe will discuss with the Doors Open Planning Committee.

12.0 NEW BUSINESS

Downtown Business Improvement Program

Planner II Jamie Kirychuk provided an overview of the above noted grant program and responded to questions. The following items were discussed:

- More financial dollars in 2022 for grant program – awarding to businesses in specific areas (Funding increased to \$200,000 this year from \$100,000 last year)
- Areas in need of development have been identified: North and South core downtown and Westfort Business area
- Prescribed under Ontario Planning Act

Grants that are available this year are as follows:

- Planning and Building Grant
- Commercial Conversion Grant
- Office Conversion Grant
- Commercial Façade Improvement Grant

J. Kirychuk advised that if anyone knows a business owner in these areas, to let them know that they can apply. Four grants are available this year. Businesses can call Planning Services to see if they are eligible. Applications are available online on the Downtown Grants webpage (on the City's website).

It was noted by the Committee that they would like to see heritage features maintained, accentuated, and heritage value considered. A question was asked relative to adding a heritage component onto the grant application in the future.

Finlandia Club Update

The Chair and Manager - Archives, Records & Privacy Matt Szybalski provided information relative to recent media on the former Finlandia Club and the time capsule that was found during demolition. An event was held to unveil the contents of the time capsule with Lakehead University Archives.

It was noted that fundraising activities have been occurring as well, to raise funds for the rebuild.

Heritage Tax Incentive Program

Planner II Jamie Kirychuk provided an update relative to above noted and advised that the report to Council will be presented in June 2022 with options to revive the program. An update on the report will be provided at the next meeting.

A discussion was held relative to extending the program to all heritage properties of interest as the previous program was only for designated properties. J. Kirychuk will follow up.

13.0 NEXT MEETING DATE

The next meeting is scheduled for Thursday, May 26, 2022 at 5:00 p.m. in the McNaughton Room and MS Teams.

14.0 ADJOURNMENT

The meeting adjourned at 7:08 p.m.

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Parking Authority Board Minutes

SUMMARY

Minutes of Meetings 03-2022 and 04-2022 of the Parking Authority Board held on March 8, 2022 and April 12, 2022, respectively, for information.

ATTACHMENTS

1. Minutes - Parking Authority - March 8, 2022
2. Minutes - Parking Authority - April 12, 2022

Minutes of Meeting

Parking Authority Board

MEETING #: 03
DATE: March 8, 2022
TIME: 9:00 AM
PLACE: MS Teams
CHAIR: Chris Krumpholz, Member

ATTENDEES: Frances Larizza, Member
Brian Hamilton, Member
Jonathan Paske, Supervisor – Parking Authority
Karen Lewis, GM – Development & Emergency Services

REGRETS: Doug Vincent, Manager – Licensing & Enforcement
Kara Pratt – Waterfront BIA Representative

1. Confirmation of Agenda

Moved by Frances Larizza, seconded by Chris Krumpholz.

“With respect to the March 8, 2022 Parking Authority Board meeting, it is recommended that the agenda as printed, including any additional information and new business, be confirmed.”

CARRIED

2. Minutes of February 8, 2022 Meeting

Moved by Frances Larizza, seconded by Brian Hamilton.

“That the minutes of the Parking Authority Board meeting held February 8, 2022 be approved as amended.”

CARRIED

3. Outstanding Items

The RFP for Parking Management Solutions (mobile parking purchase, ticket management system, and online payments) is still expected to launch late spring. Members were informed that Corporate Communications is assisting with media promotion. There will be PSAs, media announcements, print ads in the newspaper and

The Source, and a social media campaign to help get the word out and build excitement. A local marketing firm will also be assisting.

There have been no major security incidents/concerns at either parkade since the last meeting. Security contractors will report loiterer removal instances. Will report back next meeting.

4. Financial Statement

Members were provided the 2021 year-end financial statement. Overall it shows a deficit of approximately \$876,000, compared to the budgeted deficit of \$445,700. Enforcement costs were higher compared to 2020 due to officers being off much of the time during lockdowns in 2020.

Members were provided the 2022 financial statement for information. Due to the budget not being uploaded into SAP by Finance yet there are only year-to-date actuals shown. The budget should be uploaded for next meeting.

5. New Business

Due to the increased amount of snow this season calendar parking has been a more vocal complaint from residents. Officers were extremely busy this season trying to keep up with all the complaints. Next season Parking Authority will add or redeploy an officer as extra assistance to enforce calendar parking. Preparation involves training and arranging for an additional mobile unit with the contractor above the requirement set out in the contract. Administration will be attending a virtual ward meeting tomorrow to provide information and answer questions from residents regarding calendar parking.

A complaint regarding parking around the Fort William Gardens has been received during events at the Gardens. Some of issues occurring outside Parking Authority's normal operating hours. Parking Authority will be working with the Gardens to communicate to organizers these parking concerns to help curb them. A parking information packet will be developed to provide to future organizers outlining proper and suggested parking during events. Additional officers will be scheduled when possible during events occurring outside normal hours for enforcement. Officers on-duty during normal hours will be asked to maintain an increased focus in this area.

For the past several years the Victoria Ave. BIA has not had a representative available to attend Board meetings. The Board would like Parking Authority to reach out again to see if now there is a representative available.

Minutes of March 8, 2022 Meeting

Members enquired what the Board's meeting schedule will look like for 2022 with there being an election this year. Parking Authority will report back next meeting.

6. **Next Meeting**

The next meeting will be April 12, 2022 at 10:00 AM.

Moved by Brian Hamilton, seconded by Frances Larizza.

“That the March 8, 2022 Parking Authority Board meeting be adjourned.”

CARRIED

Meeting adjourned at 9:50 AM.

Minutes of Meeting

Parking Authority Board

MEETING #: 04
DATE: April 12, 2022
TIME: 10:00 AM
PLACE: MS Teams
CHAIR: Chris Krumpholz, Member

ATTENDEES: Frances Larizza, Member
Brian Hamilton, Member
Jonathan Paske, Supervisor – Parking Authority
Karen Lewis, GM – Development & Emergency Services
Kara Pratt – Waterfront BIA Representative

REGRETS: Doug Vincent, Manager – Licensing & Enforcement

1. Confirmation of Agenda

Moved by Frances Larizza, seconded by Chris Krumpholz.

“With respect to the April 12, 2022 Parking Authority Board meeting, it is recommended that the agenda as printed, including any additional information and new business, be confirmed.”

CARRIED

2. Minutes of March 8, 2022 Meeting

Moved by Frances Larizza, seconded by Chris Krumpholz.

“That the minutes of the Parking Authority Board meeting held March 8, 2022 be approved.”

CARRIED

3. Outstanding Items

The RFP for Parking Management Solutions (mobile parking purchase, ticket management system, and online payments) will launch mid-April. Members were informed that promotional material is prepared and ready to be released. Ticket paper and signage is on its way. Training with officers and staff will be occurring soon.

4. Financial Statement

The financial statement indicates revenues are approximately 6% (\$124,000) below budget. Parking levels are still below pre-COVID times. Snow clearing/removal expenses have exceeded budget due to the amount of snow received this season.

5. Parkade Incident Report

A log has been created to track any security incidents at the two parkades. The report indicates mainly loiterers being escorted out. There was an instance of a broken window reported, an EMS call for an injured individual, and drug paraphernalia found. Members will determine the usefulness of this report in upcoming meetings. Any major security incidents would be communicated to members via email if they occur.

6. Machar Ave. Parking Lot

Realty Services has asked if the Board would support having the Machar Ave. lot declared surplus. Members were informed that the lot is underutilized and even in 2019 it likely operated at a loss. The Board would support declaring the lot surplus, however they suggest to Realty that the Bay/Algoma business association be consulted and wanted it know that Parking Authority does not operate any other lots in the area should there be an increase in parking demand in the future.

7. New Business

The Waterfront BIA representative has raised a concern that the 2 hour time limit at meters is not long enough and should be increased. This is a possibility if supported by merchants and other stakeholders across the city. It would require a change to the Parking by-law. It was suggested a formal request be submitted by the BIA to initiate the process and gather further information.

A concern was raised regarding the snow clearing at accessible spaces in the winter. This past season snow mounds have made using these spaces difficult. A meeting will be completed with the appropriate City departments and stakeholders prior to next season to see how this issue can be addressed.

8. Next Meeting

The next meeting will be May 10, 2022 at 10:00 AM.

Members are looking for clarification when the final meeting will be prior to the election this year. Parking Authority will enquire.

Moved by Brian Hamilton, seconded by Frances Larizza.

“That the April 12, 2022 Parking Authority Board meeting be adjourned.”

CARRIED

Meeting adjourned at 11:25 AM.

Corporate Report

DEPARTMENT/ DIVISION	Development & Emergency Services - Thunder Bay Fire Rescue	REPORT NO.	R 105/2022
DATE PREPARED	06/03/2022	FILE NO.	
MEETING DATE	06/20/2022 (mm/dd/yyyy)		
SUBJECT	Fire Services Strategic Plan – Implementation Plan Administrative Update		

RECOMMENDATION

WITH RESPECT to Report R 105/2022 (Development & Emergency Services – Thunder Bay Fire Rescue), we recommend that the status quo fire station location option as contained in the Thunder Bay Fire Rescue (TBFR) Strategic Master Fire Plan, be approved;

AND THAT the 2032 replacement for Station #1 be identified in the City of Thunder Bay long range capital forecast;

AND THAT an additional annual \$65,000 for facility capital renewal be included in the proposed 2023 Capital budget for Council consideration;

AND THAT the associated lease costs for the medium term accommodation of Fire Services administrative staff be included in the 2023 budget for Council consideration;

AND THAT consistent with the requirements of O. Reg. 378/18 Community Risk Assessment, under the Fire Protection and Prevention Act, 1997, we accept the Community Risk Assessment included as Attachment “A” to this report;

AND THAT the Outstanding List for Planning Services be updated to remove item #2020-052-DEV as this Report provides the Implementation Plan update;

AND THAT any necessary by-laws be presented to City Council for ratification.

EXECUTIVE SUMMARY

As recommended in Report No. R 102/2020, on August 24, 2020, City Council received the Thunder Bay Fire Rescue (TBFR) Master Fire Plan 2020. On December 14, 2020, City Council approved Report No. R 146/2020, TBFR Strategic Master Fire Plan (SMFP) Implementation Plan.

Contained in the Implementation Plan were operational savings of approximately \$3,112,055 between the years 2021 and 2024, and annual operating savings of approximately \$1,166,553 thereafter. With respect to the implementation of the operational savings as detailed above, TBFR is ahead of schedule, and it is anticipated that the full implementation of the associated savings will be reflected in the 2023 Operating Budget submission.

Additionally, the Implementation Plan as approved, directed Administration to report back to City Council with a comprehensive fire station location recommendation in Q2 of 2022.

DISCUSSION

The previous Strategic Plan for TBFR expired in 2016. Emergency Management & Training Inc. was retained to provide professional consulting services for the development of a new SMFP for TBFR, and the final version of the plan was presented to City Council on August 24, 2020.

With implementation targets ranging from one to ten years, the plan detailed fifteen operational recommendations, and six options for future staffing and station enhancements/efficiencies.

With respect to the fifteen operational recommendations, TBFR is at various stages of implementation, and when required, Administration is committed to reporting back to Council with recommendations for consideration.

The Strategic Master Fire Plan that was presented by Emergency Management & Training Inc. provided options for future staffing and station enhancements/efficiencies. The plan did not however consider the associated risk relating to each option, nor fully consider the financial impact on the Corporation.

This report provides further detail in addressing the associated risk and financial impact on the Corporation.

Ontario Regulation 378/18 Community Risk Assessment

A Community Risk Assessment is a systematic approach that identifies, assesses, categorizes, and classifies the probabilities and consequences of a community's fire and non-fire hazards and threats.

Required under Ontario Regulation 378/18, a Community Risk Assessment is the basis for organizing fire suppression resources in a manner that ensures the fire department's fire suppression capability encompasses deployment of personnel, equipment and resources for an initial arriving company, the initial full alarm assignment, and additional alarm assignments.

The City of Thunder Bay Community Risk Assessment identified some of the following relevant considerations for this report:

1. Conducting a community risk assessment (CRA) is the first step towards achieving compliance with the Fire Protection and Prevention Act requirements for a municipality to provide fire protection services as it determines may be necessary in accordance with its needs and circumstances. The CRA is intended to assist in the development and implementation of a community risk reduction (CRR) plan and programs to reduce, mitigate, or eliminate the community's risk. A CRR plan for Thunder Bay is currently being developed.
2. Thunder Bay is a medium sized city that is isolated from other similar sized municipalities. TBFR is an all hazards first response organization that is well diversified and strives to meet the needs of all customers including residential, commercial, industrial and institutional. TBFR is effectively addressing fire risk in the community using the accepted three lines of defense model.
 - Line one: Public fire safety education
 - Line two: Fire safety standards and enforcement
 - Line three: Emergency response
3. The community has a significant number of older multi-unit residential properties as well as commercial and industrial properties that are located in or directly adjacent to the downtown core areas. Many of the multi-unit residential properties have been converted from older single-family residential buildings in the downtown cores. These core areas have been identified as the areas of greatest risk with a history of high call volumes and large dollar loss fires. (Appendix B, Figure 1). A review of fires with losses greater than \$10,000 identifies that the greatest number of these large fires occur in the downtown cores. (Appendix B, Figure 2)
4. The CRA is the basis for the development of the fire prevention inspection and code enforcement program. The CRA has identified that current inspection staffing levels do not provide sufficient capacity to meet the relevant standards for minimum inspection frequency. Challenges are being experienced regarding capacity to deal with multi-unit residential properties, including student housing and the identification of unlicensed lodging houses. There are currently approximately 3,000 known multi-unit properties in the municipality. The work of ensuring that the fire and life safety standards are appropriately maintained is labour intensive and time consuming. Work is being done to develop collaborative programs with the both the Building and Municipal Enforcement divisions to ensure identified concerns are appropriately addressed.
5. Thunder Bay has a high number of F1 industrial occupancies (the highest risk industrial occupancy) such as grain elevators and bulk fuel plants. The working grain elevators pose obvious risks but the abandoned properties pose a fire risk to the public, fire fighters and

the environment as they are often not properly secured from unauthorized entry, are difficult to access, and have no working fire detection or protection systems. TBFR works with various stakeholders to ensure reasonable steps are taken to appropriately protect or demolish these properties.

NFPA 1710 Definitions

Alarm – A signal or message from a person or device indicating the existence of an emergency or other situation that requires action by an emergency response agency.

Community Risk Assessment – A systematic approach that identifies, assesses, categorizes, and classifies the probabilities and consequences of a community's fire and non-fire hazards and threats, taking into account pertinent facts that increase or decrease risks in each First-Due Response Zone.

Company – A group of firefighters under the direct supervision of an officer that are trained and equipped to perform assigned tasks that are usually organized and identified as engine companies, ladder companies, rescue companies, squad companies, or multifunctional companies, operating with one piece of fire apparatus (pumpers, aerial apparatus, quint, rescue). They continuously operate together, are managed by a single company officer and arrive at the incident scene on a fire apparatus.

First Due Response Zone – The geographic area surrounding a fire station in which a company from that station is projected to be the first to arrive on the scene of an incident

Geographic Isolation – A First-Due Response Zone or jurisdiction with staffed resources where over 80 percent of the response area is outside of a 10 minute travel time from the next closest staffed suppression apparatus.

Geographic Restriction – A defined condition, measure, or infrastructure design that limits response and/or results in predictable response delays to certain portions of the jurisdiction.

High-Hazard Occupancy – An occupancy that presents a high life hazard or large fire potential due to its construction configuration, or the presence of specific materials, processes or contents.

Incident Commander – The member responsible for all incident activities, including the development of strategies and tactics and the ordering and the release of resources.

Initial Full Alarm Assignment – Those personnel, equipment, and resources ordinarily dispatched upon notification of a structural fire.

Low-Hazard Alarm – A fire in a typical 2000 square foot, two-story single-family dwelling without a basement and with no exposures. Requires a total effective response force of 16 firefighters.

Medium-Hazard Alarm – A fire in a typical open-air strip shopping centre ranging from 13,000 square feet to 196,000 square feet. Requires a total effective response force of 27 firefighters.

High-Hazard Alarm – A fire in a building with the highest floor greater than 75 feet above the lowest level of fire department vehicle access. Requires a total effective response force of 43 firefighters.

Existing Response Capabilities

Included as a synopsis in Attachment “B”, The National Fire Protection Association (NFPA) 1710 Standard is the industry best practice for specifying the minimum criteria for addressing the effectiveness and efficiency of career public fire suppression operations, emergency medical service, and special operations delivery in protecting citizens of the jurisdiction and the occupational health and safety of fire department employees.

The NFPA 1710 standard applies to the deployment of resources by a fire department to emergency situations when operations can be implemented to save life and property.

Further, the standard is a benchmark for most common responses and a platform for developing the appropriate plan for deployment of resources for fires in higher hazard occupancies or more complex incidents.

Based on a formal community risk assessment, fire suppression operations shall be organized to ensure that the fire department’s fire suppression capability encompasses deployment of personnel, equipment and resources for an initial arriving company, the initial full alarm assignment, and additional alarm assignments.

For the purpose of analysis, this report compares TBFR’s existing response profile with the station location options as detailed in the TBFR SMFP. Points of consideration in this comparison are population coverage, first due company on the scene of an incident, effective response force on the scene of a low, medium and high hazard incident, high hazard areas within the municipality, and areas of high risk relative to occupancy type and historical incident data.

First Due Response Zone Coverage – An evidence based analysis indicates that TBFR can presently assemble four firefighters on the scene of an incident within four minutes of travel time on 50% of the municipality’s roadways. Due to Thunder Bay’s vast rural road network, and relatively low population density in these areas, GIS mapping data indicates that existing four minute travel time coverage is presently provided to approximately 87,000 people within the City.

From a response perspective, and of significant importance with respect to the fire growth curve, further statistical analysis indicates that TBFR’s present deployment model and existing fire station locations adequately permit for effectively providing a timely first due company response to the high density, high call volume, and high risk areas of the City. These specific areas of high risk, and associated higher call volumes areas are detailed in the Community Risk Assessment mapping for risk areas (Attachment “A”).

As further detailed in this report, anything other than the status quo option as supported by Emergency Management & Training Inc. would detract from TBFR's present ability to satisfy an effective First Due Company response.

Effective Response Force – Consistent with NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, an effective response force is the ability for a fire service to assemble sixteen firefighters on the scene of a low hazard incident within eight minutes of travel time. An evaluation of the existing station locations indicates that TBFR is only capable of assembling an effective response force of sixteen firefighters on the scene of a low-hazard incident on 3.0% of the roadways in Thunder Bay within eight minutes.

TBFR is not presently capable of assembling the minimum of twenty-seven firefighters on the scene within eight minutes of travel time to a Medium-Hazard Alarm. TBFR is also not presently capable of assembling the minimum of forty-three firefighters on the scene within eight minutes of travel time to a High-Hazard Alarm.

Similar to the First Due Response Zone coverage, anything other than the status quo option as supported by Emergency Management & Training Inc. would detract from TBFR's present ability to satisfactorily establish an effective response force on the scene of a structural fire.

Facility Assessments

The Facilities, Fleet & Energy Management Division (FFE) was engaged to review the recommendations, analyze space requirements, and validate capital costs and timelines based on the existing conditions of the Fire Services Facility Assets. The work would inform a Facility Strategy that aligns with the City of Thunder Bay asset management strategy and support current levels of service identified by TBFR. The final Facility Strategy would then be used to evaluate the recommendation in the 2020 TBFR SMFP,

The analysis was based on three primary levels of service. Firstly, Fire Service response times within the City of Thunder Bay would remain status-quo. Secondly, the level of investment into the Facility Assets would be equal to the value required to maintain the assets in a Fair condition. Thirdly, new construction would be based on the Facility Design Guidelines Policy. Changes to either of the first two levels of service would affect facility recommendations and timelines for replacement.

The 2020 TBFR Strategic Plan included a cursory review of the existing Fire Services Facility Assets, the Plan concluded the majority of the facilities required no additional enhancements or improvements. There was one anomaly, Station #1 (Vickers Street) is approaching the end of its functional life. These findings are consistent with FFE conditions assessments and condition ratings housed within the FFE asset management database.

As part of the FFE Asset Management Strategy, and in accordance with the provincially mandated O.Reg 588/17 Asset Management Planning for Municipal Infrastructure Facility

Condition Indices (FCI) are tracked and updated. FFE strives to maintain an average Fair condition on Municipal Facility assets within its current level of annual capital funding.

The FCI Risk Assessment Table below objectively describes the four condition indices that influence investment strategies.

FCI Risk Assessment Table

Measure	GOOD <5%	FAIR 5%-10 %	POOR 10% -30 %	CRITICAL >30%
Risk of Failure	Highly Unlikely	Unlikely	Likely	Sure to happen
Impact on Operations	O&M costs are predictable	O&M costs are variable	O&M costs high – lots of unplanned M&R	O&M costs high – lots of emergency M&R
Impact on Functionality	Clean & functional Asset	Meets most operational needs - minor complaints	Asset looks worn with serious signs of deterioration	Functionality of Asset is comprised

In addition to understanding the condition of specific assets, O.Reg 588/17 also requires a Municipality to quantify the funding required to manage the asset through its life cycle including both disposal and replacement. That work has now been completed and quantified for the Fire Services facility assets. For a facility asset there are two distinct funding streams, firstly annual capital renewal contributions to ensure life cycles are met, and secondly an annual contribution for the eventual disposal and replacement of a facility. In the case of Fire Services there is a deficit of \$65,000 annually spent on capital renewal to maintain the facilities in a Fair Condition. Currently there is no annual contribution for disposal and replacement, based on the replacement schedule and costs identified in Attachment “B” the annual contribution for fire services is estimated to be \$2,740,000.

The replacement costs identified in Attachment “C” are inclusive of soft costs, and reflect the current Facility Design Guideline Policy. The adoption of a net-zero design for replacement facilities would increase the costs shown by approximately 6-8%, the low incremental cost is

reflective of the facility type and size and the already high-energy performance required in the current Facility Design Guideline Policy. The incremental costs for net-zero design should not be considered similar for other facility types and sizes within the organization.

There is currently no funding strategy for the assets disposal and replacement events; that strategy will be included in the final Municipal Asset Management Plan.

To ensure the continued reliability of all Fire Service facility assets and to ensure they reach the anticipated replacement dates indicated Administration is recommending an increase of \$65K starting in 2023 to the Facility, Fleet, & Energy Management Divisions Capital Envelope.

Administration is also recommending that the cost for a new Station #1 be included in the City of Thunder Bay long range Capital Plan in the amount of \$16,700,000.

Options for Future Staffing and Station Enhancements/Efficiencies

In order to adequately report on the Options for Future Staffing and Station Enhancements/Efficiencies, a space planning exercise of Station #3 was conducted by FFE. Further, using GIS mapping, historical response data, and making reference to the hazards and threats identified in the Community Risk Assessment, a service level impact assessment was conducted by TBFR for each Option.

A space planning exercise of Station #3 by FFE has concluded that without a building addition the centralization of administrative staff at Station #3 is not physically feasible. The order of magnitude estimated capital costs for the building addition and interior renovation is \$4,160,000.

A second space planning exercise reviewed the potential to split administrative staff by functioning unit between both Station #1 and Station #3. This option proved feasible with an order of magnitude capital cost estimate of \$1,790,000. This estimate also includes for the installation of an elevator at both locations.

Although the above noted option proved to be feasible, consideration would have to be given to relocating the primary City of Thunder Bay Emergency Operation Centre, the existing concerns with respect to present functionality of the Administrative space at Station #1 would still have to be addressed leading up to the completion of the renovation, and finally the fact that Station #1 is recommended for replacement in 2032.

Finally, consideration was given to the utilization of leased space in a fully accessible location. While this option is physically feasible, it does however increase annual operating costs in the form of rent estimated to be from \$75,000 - \$160,000 per year depending on the required space, and may require capital fit-up cost estimated to be in the range of \$150,000-\$600,000, depending on a chosen location.

The replacement strategy for the Fire Services Facilities recommends replacement of Station #1 in 2032. Administration recommends that the Station #1 replacement be sized appropriately to accommodate a centralized administrative function and that the location be in the general

location of the current Station #1. The replacement cost indicated in Attachment 'B' includes the additional administrative space required.

Any consideration to advance the centralization or consolidation of administrative staff prior to the redevelopment of Station #1 will need to consider the cost benefit of doing so operationally and secondly the level of investment in an existing facility vs. its recommended replacement date. TBFR will work with Realty Services to investigate and consider leasing options, including space at the City owned Whalen Building.

Consultant Option #16 – The fifth person on each of the two pumper/rescues be utilized as floaters to help offset overtime costs.

Effective on April 1, 2021, TBFR implemented operational changes resulting in the elimination of the fifth person on each of the two in service pumper/rescues. Achieved through attrition, the intent of this operational change was to result in a reduction of eight FTE's with a resulting impact of \$2,550,393 in operating savings from 2021 to 2024. Annual operating savings of \$1,025,496 will be realized on a go forward basis.

There has been no identified reduction to the level of service as a result of this operational change, and there has been no negative impacts on firefighter safety or the safety of the public.

Concurrent with the elimination of the fifth person on each of two in service pumper/rescues, and in an effort to more closely satisfy the effective response force requirements as detailed in NFPA 1710 (sixteen firefighters on the scene of a low-hazard alarm within eight minutes), effective on April 1, 2021, TBFR increased the initial first alarm deployment to the report of a structural fire, or possible structural fire.

Since the implementation of these operational changes, there is no evidence to suggest a negative impact on firefighter safety or the safety of the public. Preliminary indications are that this change has in fact resulted in improved fire ground effectiveness, and safety during the initial stages of fire ground operations.

Consultant Option #17(1) Status Quo – Decommission the Vickers Street Headquarters and build a smaller two-bay station, close to the present HQ to ensure proper coverage in the area. Move the administration staff to the upper floor area of Station #3.

Response Analysis and Service Level Impact

Consistent with the GIS mapping that was conducted during the development of the TBFR 2012 – 2016 Strategic Master Fire Plan, and based on the present needs and circumstances of The City of Thunder Bay, the existing fire station locations satisfy the response coverage requirements for the City.

More importantly, based on the present location of Thunder Bay's fire stations, the ability of both Station 1 (Vickers St. Station) and Station 3 (Water St. Station) to provided adequate first due response coverage to the areas of the City that have been identified as having the highest risk

is achieved. First due response coverage to identified high risk areas of the City is imperative to fire fighter safety, public safety, and necessary to achieve a reduced level of property loss as the result of fire.

As stated above, evidence based GIS mapping clearly indicates that from a first due response zone perspective, Station 1 is presently in a desirable location. Additionally, the station provides good initial response coverage to the south downtown core, which, as detailed in the Community Risk Assessment, has been clearly identified as a high-risk/high response area. Finally, the existing station location is adequately located to support effective response force requirements in those areas outside of its first due response zone. It should also be noted that Station 1 presently serves as a satellite station for Superior North EMS.

It is the opinion of Administration that Station 1 will continue to adequately function as an operational fire station until its recommended replacement prior to the end of 2032.

Recommendation – Administration is recommending the status quo option be approved by City Council and that the 2032 replacement for Station #1 be identified in the City of Thunder Bay long range capital forecast. Further, Administration is recommending against relocating TBFR's Administration staff to Station #3, but is however recommending that the associated lease costs for the medium term accommodation of Fire Services administrative staff be included in the 2023 budget for Council consideration;

Consultant Option #17(2) Station Realignment Option 1 – Consolidate stations #1 and #3 into one fire station and place the staff in the new location, in the vicinity of Central Avenue and Balmoral Street. Station #4 would be relocated in the area of Victoria Avenue East and Tarbutt St. North.

Response Analysis and Service Level Impact – A GIS analysis indicates that by implementing Option #17(2), TBFR would be capable of assembling four firefighters on the scene of an incident within four minutes of travel time on 47.3% of the roadways in Thunder Bay. This realignment option would result in a 5.4% decrease in existing response capabilities. Further GIS analysis indicates that the implementation of Option #17(2) would result in the following service level changes:

1. A first due response zone **reduction** in the level of service to 3,088 people, occupying 895 structures in the north downtown core and into the Shuniah Street area.
2. A first due response zone **reduction** in the level of service to 1,874 people occupying 699 structures in the East End.
3. A first due response zone **reduction** in the level of service to 2,584 people occupying 839 structures in Northwood.
4. A first due response zone **improvement** in the level of service to 1,059 people occupying 369 structures in Westfort.
5. A first due response zone **improvement** in the level of service to 756 people occupying 114 structures in the Intercity area.

With respect to Medium-Hazard and High-Hazard alarms, based on Station Realignment Option 1, no improvements would result in terms of assembling the recommended staffing levels within the suggested travel time to these types of incidents.

An analysis of historical response data indicates that by moving Station 3 away from its present and effective downtown core location, and leaving Station 2 in its existing location would result in a 10% reduction in the four minute on scene travel time objective to the high risk areas of the north downtown core.

Implementing Station Realignment Option 1 would result in an immediate service level reduction to 5731 people occupying 1950 structures and reduce TBFR's ability to respond to low-hazard alarms by 5.4% when compared to existing capabilities.

Recommendation – Administration is not in support of Consultant Option #17(2) Station Realignment Option 1.

Consultant Option #17(3) Station Realignment Option 2 – Consolidate stations #1 and #3 into one fire station and place the staff in the new location, in the vicinity of Central Avenue and Balmoral Street.

Response Analysis and Service Level Impact – A GIS analysis indicates that by implementing Option #17(3), TBFR would be capable of assembling four firefighters on the scene of an incident within four minutes of travel time on 44.4% of the roadways in Thunder Bay. This realignment option would result in an 11.1% decrease in existing response capabilities.

Further analysis indicates that the implementation of Station Realignment Option 2 would result in a 1% decrease in TBFR's ability to achieve an effective response force on the scene of a Low-Hazard Alarm when compared to existing capabilities.

Further GIS analysis indicates that the implementation of Station Realignment Option 2 would result in the following service level reduction:

1. A first due response zone reduction in the level of service to 14 129 people, occupying 4729 structures in the south downtown core, north downtown core, the East End, Current River east of Shuniah St., and sections of Westfort.

An analysis of historical response data indicates that implementing Station Realignment Option 2 would result in a 20% reduction in the four minute on scene travel time objective to the areas of the City as detailed above.

The reduction in the level of service to the south downtown core that would occur as a result of implementing Station Realignment Option 2 is of significant concern. Supported by the evidence as detailed in the Community Risk Assessment, it is the opinion of Administration that there will be increased risk to both the safety of the public and the safety of firefighters as a result of implementing this option.

Recommendation – Administration is not in support of Consultant Option #17(3) Station Realignment Option 2.

Consultant Option #17(4) Station Realignment Option 3 – Close fire operations at Station #4, continuing use as an EMS station. Firefighters from Station #4 to be assigned to medical responses for the fire department.

Response Analysis and Service Level Impact – Utilizing GIS mapping, a preliminary analysis indicates that the closure of Station 4 will result in an immediate reduction in the level of service to 10,208 people occupying 3,198 structures. That is to say that 10,280 people that presently receive a 4 minute first due response would no longer receive it. Should Station 4 be closed, the initial response zone coverage to the geographic area that is presently serviced by Station 4 would have to be covered by Station 1 (Vickers St) and Station 6 (Neebing Ave). Station 1 utilization data indicates that as a result of closing Station 4, the service level decrease would expand to 30,792 people occupying 10,044 structures 8.5% of the time during a calendar year. Similarly, an analysis of Station 6 utilization data indicates that the service level decrease would expand to 19,849 people occupying 6,418 structures 5.8% of the time during the calendar year.

In order to qualify this analysis, GIS mapping further indicates that the closure of Station 4 would reduce TBFR's ability to assemble four firefighters on the scene of an incident within four minutes of travel time on 50% of municipal roadways to that of 43.9% of the time. This equates to a 12.1% reduction in response capabilities and is mathematically consistent with the population coverage data as detailed above.

With respect to TBFR establishing Community Response Vehicles (CRV), the effectiveness and cost benefit of such an option will require more research, and discussion with senior levels of Administration. At this time, Administration is recommending against the implementation of CRV's.

Based on the preliminary analysis, the resulting reduction to the level of service, and the potential negative impact on public safety and firefighter safety, Administration is strongly recommending against the implementation of Station Realignment Option 3.

The implementation of Station Realignment Option 3 would result in a significant reduction in the level of service to a large and generalized segment of the City. Based on this scenario, and when utilization data is considered for Station 1 and Station 6, the risk to both public safety and firefighter safety increases significantly.

Recommendation – Administration is not in support of Consultant Option #17(4) Station Realignment Option 3.

FINANCIAL IMPLICATION

Administration is recommending that an additional annual \$65,000 for facility capital renewal be included in the proposed 2023 Capital budget for Council consideration, that the 2032 replacement for Station #1 be identified in the City of Thunder Bay long range capital forecast, and that the associated lease costs for the medium term accommodation of Fire Services administrative staff be included in the 2023 budget for Council consideration.

CONCLUSION

In conclusion, it is recommended that the status quo fire station location option as contained in the TBFR Strategic Master Fire Plan be approved, and that the 2032 replacement for Station #1 be identified in the City of Thunder Bay long range capital forecast. It is further concluded that an additional annual \$65,000 for facility capital renewal be included in the proposed 2023 Capital budget for Council consideration, and that the associated lease costs for the medium term accommodation of Fire Services administrative staff be included in the 2023 budget for Council consideration.

Lastly, it is concluded that consistent with the requirements of O. Reg. 378/18 Community Risk Assessment, under the Fire Protection and Prevention Act, 1997, City Council accept the Community Risk Assessment included as Appendix A to this report.

REFERENCE MATERIAL ATTACHED:

Attachment A – 2022 Community Risk Assessment
Attachment B – Synopsis NFPA
Attachment C – Fire Services Facilities

PREPARED BY: GREG HANKKIO, FIRE CHIEF

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)	DATE:
Karen M. Lewis, General Manager – Development & Emergency Services	June 9, 2022

Thunder Bay Fire Rescue



2022 Community Risk Assessment

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Introduction

The purpose of the community risk assessment (CRA) is to evaluate a community's risks prior to the development and implementation of a community risk reduction (CRR) plan and programs to reduce, mitigate, or eliminate the community's risks. The community risk assessment helps a municipality and fire department to make informed decisions about the types and levels of fire protection services they will provide based on identified risks.

Community risk assessments conducted in accordance with NFPA 1300 (2020) *Standard on Community Risk Assessment and Community Risk Reduction Plan Development* allow municipalities and fire departments to ensure their levels of service, programs and activities for public fire safety education, fire code inspections and enforcement, and emergency response directly address the identified risks and are most effective at preventing and mitigating them. This assessment allows the municipality and fire department to evaluate the community risks

prior to the development and implementation of a community risk reduction (CRR) plan and programs to reduce, mitigate or eliminate the community's risks.

The next step in the community risk reduction process is the development, coordination, implementation and updating of a community risk reduction (CRR) plan.

It is important to note that the definition of risk is as a measure of the probability and consequence of an adverse effect to health, property, organization, environment, or community because of an event, activity or operation.

Background

In 2018 *Ontario Regulation 378/18: Community Risk Assessments* (O. Reg. 378/18) was implemented which requires that every municipality complete a community risk assessment to inform decisions on the provision of fire protection services. Prior to this, Thunder Bay Fire Rescue performed a Simplified Risk Assessment in accordance the requirement of the *Fire Protection and Prevention Act, 1997 (FPPA)*.

This Community Risk Assessment has been conducted to ensure due diligence while contemplating a potential reduction in the level of service to the community as a result of options provided in a strategic plan report. This CRA will be continue to be reviewed and evaluated prior to July 1, 2024 at which time it must be in a form approved the Fire Marshal.

Regarding the provision of fire protection services, the *Fire Protection and Prevention Act, 1997 (FPPA)* mandates that every municipality in Ontario establish a program that must include public education with respect to fire safety and certain components of fire prevention, and provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances. The elements of the program are commonly referred to as the *Three Lines of Defence*:

1. Public Fire Safety Education
2. Fire Safety Standards and Enforcement
3. Emergency Response

In order for the municipality to meet these obligations, a process to ensure informed decisions are made with respect to the types fire protection services and levels of response provided. This decision making process requires an understanding of the risks facing the community best informed through the community risk assessment process. The prioritization of risks, once identified, will assist in making informed decisions about risk treatment options and the provision of fire protection services in the community.

The Community Risk Assessment is an in-depth and comprehensive assessment to inform on determining fire protection service levels; it requires the identification, analysis, evaluation and prioritizing of risk, based on nine mandatory profiles.

The regulation outlines a standard set of information profiles that must be considered when conducting a community risk assessment. The information and data gathered to address each of

the profiles will assist in determining and prioritizing the risks to public safety in the community, and determining the fire protection services to be provided by municipalities and fire departments in territories without municipal organization to address those risks.

Thunder Bay Fire Rescue (TBFR) is an all-hazards emergency response organization, which responds to very diverse and varied types of emergency calls of service. TBFR calls for service include:

- Fire Suppression
- Auto Extrication
- Hazardous Materials Response
- Industrial Rescue and Response
- High/Low Rope Rescue
- Confined Space Rescue
- Water Rescue
- Urban Search and Rescue
- Emergency Medical Response

Executive Summary

The City of Thunder Bay, with an identified consistent population of approximately 108,000 for the City proper and more than 120,000 for the CMA is located on the northern shores of Lake Superior. It is located far from any communities of similar size it acts as a regional hub servicing the needs of much of the population of northwestern Ontario.

The Thunder Bay Community Economic Development Commission had this to say about the local economy on its website in July of 2019:

Thunder Bay's economy is evolving, becoming increasingly more diverse, sustainable and competitive. Employment is growing steadily.

This is an exciting time in Thunder Bay as historically strong sectors in resource industries and manufacturing successfully blend with new, evolving and innovative businesses in knowledge, education and healthcare.

The city is preparing for exponential growth due to new mining opportunities associated with the Ring of Fire which is expected to bring thousands of new jobs and extensive development to Thunder Bay.

Thunder Bay is not considered to be a widely culturally diverse community with the exception of the indigenous community which makes up more than 10% of the local population.

As a regional hub, many residents of other northern Ontario communities come to Thunder Bay for medical appointments or for educational or employment opportunities.

The economy is in transition from one that was focused on the natural resources sector. This transition has left the City with many legacy industrial sites with facilities that now must be mothballed and demolished.

The emergency response capabilities of Thunder Bay Fire Rescue (TBFR) are adequate. This all hazards response capacity has traditionally been well supported by a municipal council that respects the size and composition of the community as well as the remote geographic location of the city and the necessity of being self-sufficient.

The community has a significant number of older multi-unit residential properties as well as industrial properties that are located in or directly adjacent to the downtown core areas. These core areas have been identified as areas of high risk with a history of large dollar loss fires.

There are a significant number of major industrial properties located on the shores of Lake Superior and the Kaministiquia River adjacent to the downtown cores. Many of these are now brownfield properties that require specific risk management techniques.

Thunder Bay Fire Rescue employs the traditional three lines of defense of *Public Education*, *Standards and Enforcement* and *Emergency Response*. The public education, and standards and enforcement programs are deemed acceptably effective, showing improvements to the fire death data yearly (with the exception of 2018).

The Fire Prevention and Investigation Division has identified challenges with regard to sufficient inspection capacity. These challenges were first confirmed in 2017 by the Fire Underwriters Survey as part of the assessment of the City of Thunder Bay's fire defenses. The assessment resulted in a Public Fire Protection Classification (PFCG) grade for the city. This numerical grade has an influence on the insurance rates charged to municipal property owners. The Fire Safety Control component evaluates Fire Prevention and Public Education. At the time of the assessment, areas that could be improved included the frequency of inspections and the code enforcement areas.

Specific areas of focus for the Fire Prevention Division currently include multi-unit residential properties, including student housing and the identification of unlicensed lodging houses. There are currently approximately 3000 known multi-unit properties in the municipality; more are discovered on a regular basis. The work of ensuring fire and life safety standards are appropriately maintained is labour intensive and time consuming. Work is being done to develop collaborative programs with the both the Building and Municipal Enforcement divisions to ensure identified concerns are appropriately addressed. A review of the capacity of the Fire Prevention Division to inspect these properties is underway.

The ability to assign staff for the investigation of fires and ensure the origin, cause and circumstances of fires in the community is investigated is challenged due to competing work assignments. Each time a Fire Prevention Officer is required to be reassigned from their scheduled work it inconveniences the public due to cancelled appointments. The practice of training and qualifying all Fire Prevention Officers as fire investigators is being assessed. A review is being conducted regarding an improved system of ensuring fires are inspected in accordance with the requirements of the Fire Protection and Prevention Act. Planning is in place to have Fire Suppression officers are being trained and qualified to conduct preliminary fire investigations in accordance with NFPA 1021, *Standard for Fire Officer Professional Qualifications*, 2020 and the Fire Protection and Prevention Act.

Summary of Recommendations

Table 1: Summary of Recommendations

Geographic Profile	1	Response capabilities be maintained as currently implemented
Building Stock Profile	2	The inspection program for municipal licensing should continue with minor modifications and be expanded to include annual inspections of larger assembly occupancies bars, theatres, stadia and arenas.
	3	The care facility inspection and reporting process be continued.
	4	An inexpensive but mandatory rental property registry be created for the City of Thunder Bay to ensure fire code compliance and improved fire and life safety.
	5	Collaboration the City Solicitors Office, Chief Building Official and the Manager of Licensing and Enforcement regarding student housing safety continue.
	6	A self-inspection and reporting program along with a program using fire suppression crews for D and E Occupancy inspection be considered.
	7	An industrial occupancy inspection process continue to be developed.
Critical Infrastructure Profile	8	Properties identified as critical infrastructure be inspected for fire code compliance on a regular basis and be visited by fire suppression crews regularly for pre-incident planning purposes.
	9	The City of Thunder Bay assess its needs for disaster and emergency planning and management.
Community Demographic Profile	10	The Fire Prevention Division establishes routine collaboration with the Manager – Indigenous Relations.
Hazard Profile	11	The City of Thunder Bay assess its needs for disaster and emergency planning and management.
Public Safety Profile	12	TBFR continue to collaborate on a regular basis with all other public safety organizations in the municipality.
Community Services Profile	13	TBFR continue to collaborate on a regular basis with other relevant community service organizations in the municipality.
Economic Profile	14	That properties identified as having a “Moderate” risk level assigned or higher, be inspected for fire code compliance on a regular basis and be visited by fire suppression crews regularly for pre-incident planning purposes.
Past Loss & Event History Profile	15	That TBFR continue to employ a zero tolerance policy regarding the installation of working smoke alarms.
	16	That TBFR continue to improve the public education program for fire safety.
	17	That TBFR explore the use of a data analyst in accordance with NFPA 1022 <i>Standard for Fire and Emergency Services Analyst Professional Qualifications</i> .
	18	That TBFR work with the insurance industry to improve the accuracy of data relating to fire loss.

	19	That TBFR improve the processes and resources required to ensure fire origin and cause investigations are conducted in accordance with NFPA 921 <i>Guide for Fire and Explosion Investigations</i> for all fires meeting the established criteria.
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Conducting a Community Risk Assessment

Identification of Risks

The completion of a community risk assessment is required to identify the various fire and life safety risks in the community. The process gathers data about the make-up and activities of the community.

O. Reg. 378/18 requires fire departments to consider the following profiles when completing their community risk assessment to ensure the risk assessment best considers all potential risks in the community:

1. Geographic Profile
2. Building Stock Profile
3. Critical Infrastructure Profile
4. Demographic Profile
5. Hazard Profile
6. Public Safety Response Profile
7. Community Services Profile
8. Economic Profile
9. Past Loss and Event History Profile.

To identify the fire and life safety risks that could affect the community, it is necessary to gather and review data and information about each of these profiles.

The Emergency Management and Civil Protection Act (EMCPA) requires every municipality to conduct an all-hazards risk assessment, this informs continuous improvement of emergency management programs and improves public safety.

The HIRA and the Community Risk Assessment are separate processes but both inform on risk in the community. A completed Hazard Identification Risk Assessment (HIRA) may provide some of the information helpful for the completion of a Community Risk Assessment under O. Reg. 378/18. The Community Risk Assessment will inform the HIRA regarding the fire risk generally in the community and will identify fire risks and the risk treatment options used to address them.

Prioritization of Risks

The mandatory profiles allow fire departments to identify the features and characteristics of their community that may affect fire and life safety risks. Once risks have been identified, they should be prioritized. This section discusses how risks can be prioritized based on the probability of the risk happening and the consequence if the risk occurs. **Table 1: Probability Levels** and **Table 2: Consequence Levels** can be used to help determine the probability and consequence of each risk identified on the worksheets. The probability and consequence of each risk can then be noted in the appropriate columns on the relevant worksheets in Appendix A.

As noted in the introduction, risk is defined as a measure of the probability and consequence of an adverse effect to health, property, organization, environment, or community as a result of an event, activity or operation.

Probability

The probability or likelihood of a fire or emergency within a community is often estimated based on the frequency of previous experiences. A review of past events involves considering relevant historical fire loss data, learning from the experiences of other communities, and consulting members of the community with extensive historical knowledge. Professional judgment based on experience should also be exercised in combination with historical information to estimate probability levels. The probability of an event can be categorized into five levels of likelihood:

Table 2: Probability Levels

Description	Specifics
Rare	may occur in exceptional circumstances no incidents in the past 15 years
Unlikely	could occur at some time, especially if circumstances change 5 to 15 years since the last incident
Possible	might occur under current circumstances 1 incident in the past 5 years
Likely	will probably occur at some time under current circumstances multiple or recurring incidents in the past 5 years

Almost Certain	expected to occur in most circumstances unless circumstances change multiple or recurring incidents in the past year
-----------------------	--

Assign a probability level to each identified risk or hazard on the relevant worksheets in Appendix A.

Consequence

The consequence of a fire or emergency is the potential losses or negative outcomes associated with the event. The application of professional judgment and reviews of past occurrences are important methods used for determining consequence levels. Estimating the consequence level of an incident or event should involve an evaluation of four components:

- a. **Life Safety:** Injuries or loss of life due to occupant and firefighter exposure to life threatening fire or other situations.
- b. **Property Loss:** Monetary losses relating to private and public buildings, property content, irreplaceable assets, significant historic/symbolic landmarks and critical infrastructure.
- c. **Economic Impact:** Monetary losses associated with property income, business closures, a downturn in tourism and/or tax assessment value, and employment layoffs.
- d. **Environmental Impact:** Harm to human and non-human (i.e. wildlife, fish and vegetation) species of life and a general decline in quality of life within the community due to air/water/soil contamination as a result of the incident and response activities.

The consequence of an event can be categorized into five levels based on severity:

Table 3: Consequence Levels

Description	Specifics
Insignificant	<ul style="list-style-type: none"> • no life safety issue • limited valued or no property loss • no impact to local economy, and/or • no effect on general living conditions
Minor	<ul style="list-style-type: none"> • potential risk to life safety of occupants • minor property loss • minimal disruption to business activity, and/or • minimal impact on general living conditions
Moderate	<ul style="list-style-type: none"> • threat to life safety of occupants • moderate property loss • poses threat to small local businesses, and/or • could pose a threat to the quality of the environment
Major	<ul style="list-style-type: none"> • potential for a large loss of life • would result in significant property damage • significant threat to large businesses, local economy and tourism, and/or • impact to the environment would result in a short term, partial evacuation of local residents and businesses
Catastrophic	<ul style="list-style-type: none"> • significant loss of life • multiple property damage to a significant portion of the municipality • long-term disruption of businesses, local employment, and tourism, and/or

	<ul style="list-style-type: none"> • environmental damage that would result in long-term evacuation of local residents and businesses
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Assign a consequence level to each identified risk or hazard on the relevant worksheets in Appendix A.

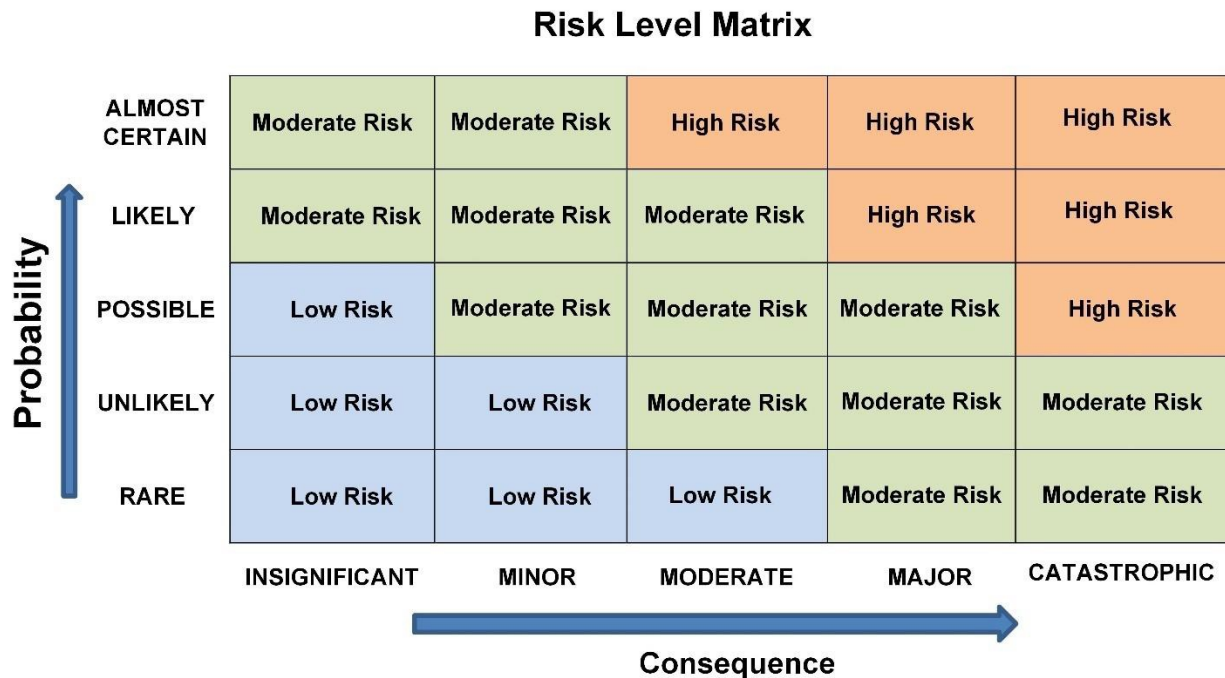
Assigning Risk Levels

Assigning a risk level assists fire departments in prioritizing risks, which helps to determine how to address or treat each risk. The **Risk Level Matrix** in this section can assist fire departments to determine risk levels based on the probability and consequence levels of each identified risk.

Risks can be assigned as low risk, moderate risk or high risk. The risk levels for each risk can be noted in the **Assigned Risk Level** column on the relevant worksheets in Appendix A.

The matrix below can be used to determine the assigned risk level.¹ Plot the assigned probability and consequence levels on the relevant worksheets in Appendix A to assign a risk level for each identified risk.

Figure 1: Risk Level Matrix



Risk Treatment Options

Once risk levels have been assigned, fire departments can determine how best to treat each risk and the resources required to do so.

Options for treating risks include the following:

1. Avoid the Risk
2. Mitigate the Risk
3. Accept the Risk
4. Transfer the Risk

1. Avoid the Risk

Avoiding the risk means implementing programs and initiatives to prevent a fire or emergency from happening.

For example, public fire safety education initiatives aim to change people's behaviours so that fires may be prevented and people react appropriately when fires do occur. Fire Code inspections and enforcement help to ensure that buildings are in compliance with the Ontario Fire Code.

2. Mitigate the Risk

Mitigating the risk means implementing programs and initiatives to reduce the probability and/or consequence of a fire or emergency.

For example, a routine Fire Code inspection and enforcement program to ensure Fire Code compliance helps to reduce the probability and consequence of a fire.

A pre-planning program involving fire suppression crews allows the fire department to gain knowledge about specific buildings in the community and their contents, fuel load, fire protection systems, etc. This information can be provided to the fire inspection staff who can ensure the building is compliant with the Fire Code. Also, it can assist suppression crews to plan fire suppression operations should a fire occur in a building. These activities can reduce the probability and consequence of a fire.

3. Accept the Risk

Accepting the risk means that after identifying and prioritizing a risk, the fire department determines that no specific programs or initiatives will be implemented to address this risk. In this treatment option, the fire department accepts that the potential risk might happen and will respond if it occurs.

For example, typically fire departments do not implement programs to prevent motor vehicle collisions. Yet it is generally accepted that collisions will happen and that the fire department will respond when they do. Similarly, environmental hazards (e.g. ice storms) and medical calls cannot be prevented by a fire department program or initiative, yet fire departments typically respond when these emergencies occur.

When accepting risks, fire departments should consider their capacity (i.e. equipment, personnel, training, etc.) to respond.

4. Transfer the Risk

Transferring the risk means the fire department transfers the impact and/or management of the risk to another organization or body. Contracting public fire safety education, Fire Code inspection and enforcement, or emergency response services to a neighbouring municipality or another organization are examples of transferring the management of risks to another body.

For example, a community may enter into a fire protection agreement with a neighbouring community with respect to any or all of the three lines of defence.

Setting Level of Service

When setting the type and level of fire protection services, all Three Lines of Defence should be considered in terms of the impact each will have on the probability or consequence of identified risks. Once fire departments have determined the preferred treatment option for each risk, they can plan and implement activities that address those risks. Things to consider include the fire department's current resources, staffing levels, training, equipment and authority versus those that may be required to implement the preferred treatment options.

After considering these issues, the preferred treatment option (e.g. avoid the risk, mitigate the risk, accept the risk, or transfer the risk) can be noted in the **Preferred Treatment Option** column of worksheet 10 in Appendix A.

Fire departments should also ensure that operational policies and standard operating guidelines address the levels of service and activities required to address each risk. This includes setting goals and objectives, and determining resources, training, equipment, activities, and programs required across each of the Three Lines of Defence.

The process of making informed decisions about the provision of fire protection services should include careful consideration of the following:

- Implementation of public fire safety education, Fire Code inspections and enforcement, and emergency response activities that are appropriate to address the causes, behaviours or issues associated with identified risks.
- Capabilities and capacity of the fire department (e.g. financial and staffing resources, training, equipment, authority, etc.) that may be required to implement preferred treatment options.
- Strategic partners with common interests, available resources, or skill sets that could assist in addressing risks using the applicable risk assessment profiles.
- Establishing and Regulating By-laws, operational policies and standard operating guidelines that reflect the fire protection services to be provided to address the identified risks.
- Establishment of goals and objectives, strategies, timelines, and evaluation for the proposed fire protection services to be provided.
- Communication with municipal council and the public to outline the types and levels of fire protection services that will be provided.

Risk Assessment Review

O. Reg. 378/18 requires fire departments to complete a new community risk assessment at least every five years. The regulation also requires that fire departments review their community risk assessment at least once every 12 months to ensure it continues to accurately reflect the community and its fire and emergency risks. The purpose of this review is to identify any changes in the mandatory profiles that may result in a change in risk level, or a change in the type or level of fire protection services the fire department determines necessary to address the risks. This review is intended to ensure that the fire protection services provided continue to be evidence-based and linked to the identified risks.

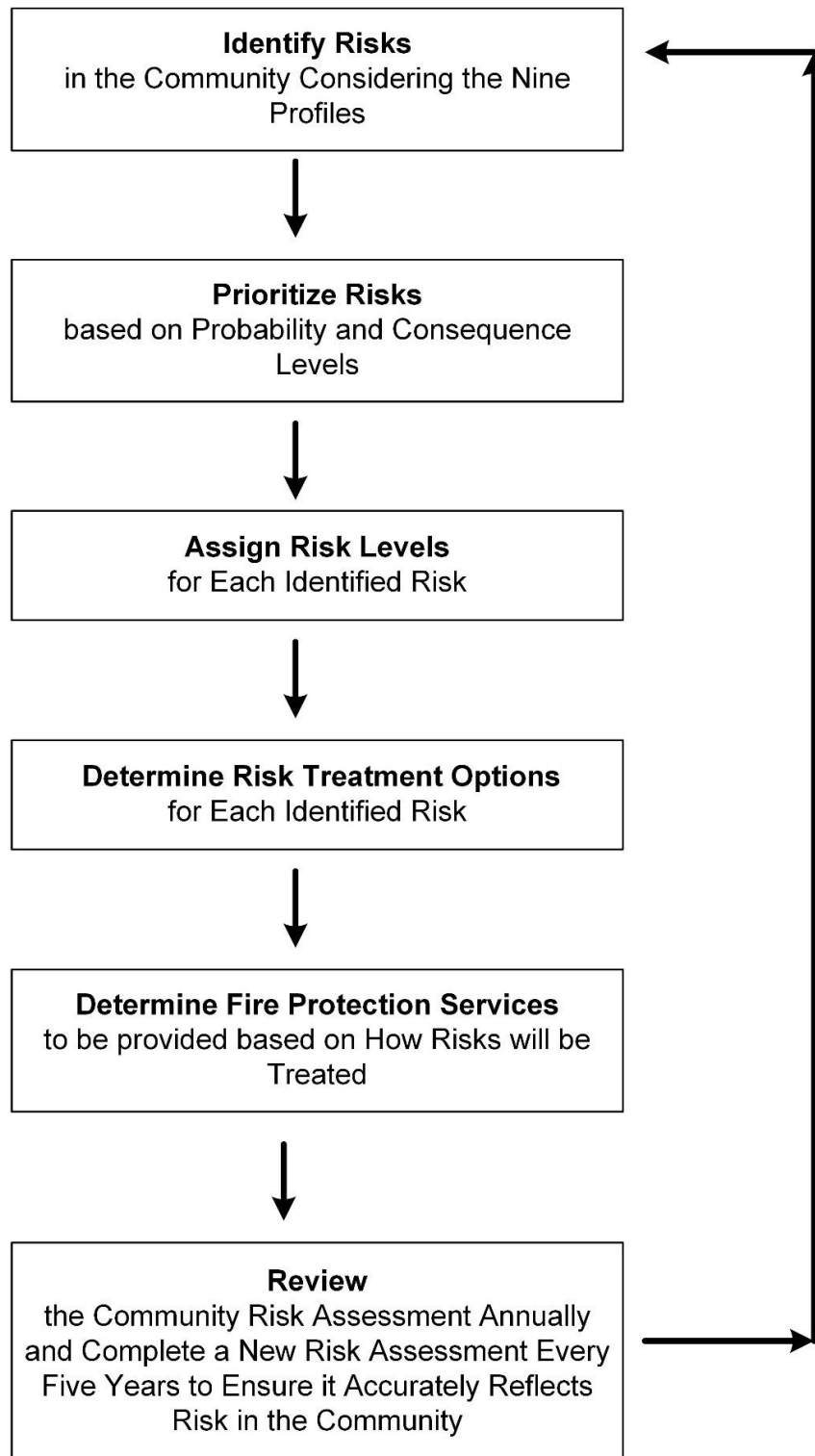
This review process may or may not involve a close examination of all of the nine community profiles, depending on whether any changes related to the profiles have occurred since the completion of the risk assessment or the last review. For example, changing demographic profiles (e.g. an aging population or an increase in the number of immigrants) or changing geographic profiles (e.g. the planned construction of a new highway) may impact the risks identified in the community risk assessment and the fire department activities and resources required to address them. A review may or may not result in any changes to the assigned risk levels or fire protection services. However, a review can provide evidence-based justification for decisions that may impact the delivery of fire protection services.

Fire departments should maintain documentation that the reviews required by O. Reg. 378/18 have been conducted. This documentation should include:

- Any changes to any of the mandatory profiles;
- Any changes to assigned risk levels or fire protection services that occur as a result of the review, and
- Any other information the fire department deems appropriate to the review or any resultant changes to fire protection services.

If no significant changes occur in the community within a 12 month period, and no changes are required to the profiles or fire protection services, then a review could simply consist of documentation to that effect.

Community Risk Assessment: Flow Chart



Assessment Components and Risk Considerations

Geographic Profile

Overview

Thunder Bay is a city in Northwestern Ontario with a population of approximately 108,000 residents. Thunder Bay is geographically isolated from any other major urban centres. It is located more than 700 kilometres from either of its two closest Canadian neighbouring cities of Sault Ste. Marie Ontario and Winnipeg Manitoba.

Observations

Thunder Bay is the 15th largest city in Ontario by area and serves as the geographical and transportation hub for the entire northwestern region. Thunder Bay is located in close proximity to the U.S. border and serves as the largest outbound port on the St Lawrence Seaway System. The Port of Thunder Bay has the largest grain storage capacity in North America. Thunder Bay International Airport is the fourth busiest airport in Ontario and is located in the southwestern portion of the municipality.

Due to its geographical isolation from other major urban centres, Thunder Bay Fire Rescue cannot rely on any other jurisdiction for support during an emergency response in the municipality and therefore must ensure that it is operationally self-sufficient with the necessary equipment, skills and human resources to address any emergency that could reasonably be

expected. Striving to meet NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments* (Appendix A) is appropriate in this consideration.

Thunder Bay Fire Rescue provides support to the Province of Ontario under contract for Hazardous Materials Response and Urban Search and Rescue. As such, technician level teams can be deployed anywhere in the province in support of a provincial emergency.

Transportation Corridors

The City of Thunder Bay is situated on an important transportation corridor for the TransCanada Highway; the only east-west roadway goes through the city. In addition, Thunder Bay is on the mainline of the CP rail system. Being located on Lake Superior with a deep-water port, means Thunder Bay plays an important role in marine shipping through the great lakes and was, at one time, the busiest grain shipping port in the world. The shipping and rail infrastructure is located directly adjacent to the downtown cores creating additional risk in the event of any significant event.

Recommendations

- It is recommended that response capabilities be maintained as currently implemented.

Building Stock Profile

Overview

The City of Thunder Bay was created in 1970 with the amalgamation of the two former cities of Port Arthur and Fort William. This amalgamation then resulted in two well-established downtown cores. The two distinct downtown areas have many older multistory buildings located in close proximity to each other created an increased risk of loss in the event of a fire. Both of the downtown core areas are protected by centrally located fire stations for rapid response and fire control.

The urban areas of the community saw their initial significant growth in the first half of the 20th century. The building stock is representative of this. Industry and commercial buildings situated in its two distinct downtown cores surrounded by old wood frame residential building stock constructed prior to the 1930s.

The commercial infrastructure in the downtown cores struggles to retain tenants due to big box store shopping areas and the popularity of online shopping. Much of the industrial property infrastructure has been abandoned or demolished following changes to the lumber and papermaking industry in Canada and the reductions in grain shipments through the port.

Observations

Due to both former cities, having evolved in support of the natural resources based economy, considerable industrial infrastructure is located on the shores of Lake Superior and the Kaministiquia River in close proximity to these downtown cores. This old infrastructure has largely been abandoned adding emergency response risk to the city as demonstrated by a 2015 structural fire at the property of a mothballed former sawmill complex. This fire challenged equipment, tactics and personnel and resulted in the total devastation of a large sawmill.

An analysis of building stock in the city shows a comparatively high number of multi-unit residential buildings and industrial occupancies relative to similar sized jurisdictions. Additionally, after an analysis of group homes, the city identified a high number of Vulnerable Occupancies requiring annual inspection in accordance with the Fire Protection and Prevention Act.

Table 4: Occupancy Class

Occupancy by Building Code Classification

Occupancy Classification		# of Occupancies
Group A	Church	119
	Day Care	72
	Eating and Drinking Establishment	162
	Sports and Recreation Facility	169
	Schools, Colleges and Universities	103
	Performing Arts/Gallery	34
	Miscellaneous Assembly	138
Group B	Detention	8
	Care and Treatment	22
	Care	122

Group C	Single/Semi or other detached dwelling	36,207
	Boarding/Rooming/Lodging	39
	Multi-unit building	3,197
	Hotel/Motel	42
Group D	Business and Personal Service	1,714
	Small Restaurants	233
Group E	Mercantile	1,326
Group F	Industrial	602

Table 4. Occupancy type

Group A - Assembly Occupancies

The city has more than 700 assembly occupancies. Assembly occupancies in the municipality have no prescribed inspection program based on risk. The current program has a fire prevention officer inspect some properties as part of a municipal licensing process. This inspection process has actually paid significant dividends by identifying shortcomings in the servicing and inspection of commercial cooking equipment. Those concerns continue to be addressed by TBFR.

The current program to inspect these properties is based on a municipal food license inspection requirement. This rationale is not risk based and is being reassessed to ensure an assembly occupancy program which is based on mitigating risk to the public.

Group B – Detention, Care, Care and Treatment

The vulnerable occupancy inspection program currently in place in Thunder Bay has one fire prevention officer assigned to manage the needs and concerns of all B occupancy concerns. This includes all request and complaint inspections in these properties in addition to the annual inspections and witnessed fire evacuation drills required by the Fire Protection and Prevention Act. The program in Thunder Bay includes several detention facilities including maximum, medium, and youth security facilities.

The assigned fire prevention officer inspects Thunder Bay Regional Health Sciences Centre that is a 375 bed regional hospital that services the more than 250,000 people who live in northwestern Ontario. This teaching hospital is a large facility with almost 3000 staff and is a critical piece of infrastructure in the area that has no replacement or alternative location.

Additionally, the following scope of work exists for this fire prevention officer:

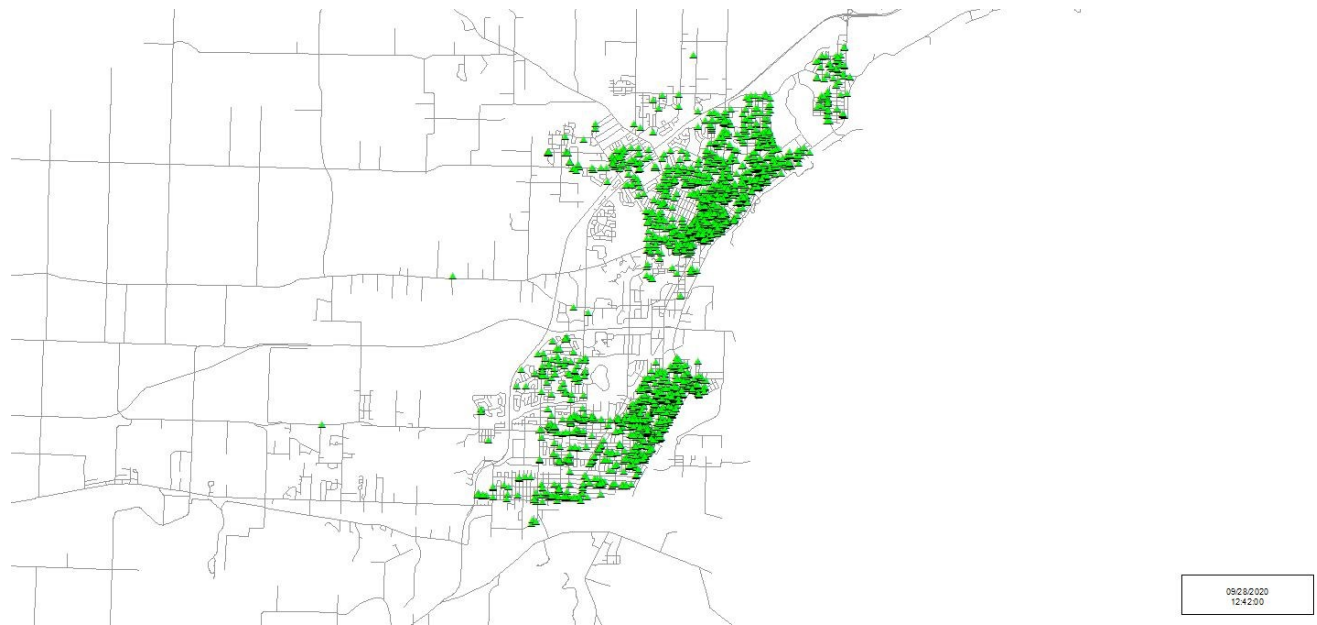
- Annual inspection of Group B Div. 2 facilities including:
 - TBRHSC
 - Long term care Facilities
 - Nursing homes
- Annual Observed Fire Drill at all Group B Div. 2 facilities
- Annual Inspection of Group B Div. 3 facilities including:
 - Assisted and supportive living facilities
 - Group Homes for people with developmental disabilities
 - Residential care facilities
- Annual Observed Fire Drill at all Group B Div.3
- Update and amend Registry of Vulnerable Occupancy
- Required or requested inspections of:
 - Group homes
 - Youth detention facilities
 - Respite homes
- Review and Approval of Fire Safety Plans for Vulnerable Care Facilities

These care facilities in the city are inspected and reported on in accordance with the provincial regulations. The implementation of this process in Thunder Bay identified many group homes built as residential occupancies but when reviewed against how they were being used have now been reclassified as B occupancies.

Group C – Residential

The residential inspection program currently in place is being reviewed to ensure the appropriate resources are being employed to best protect the public. There are more than 3000 known multi-unit residential buildings in the city. Many of these buildings are considered retrofit, having been originally built as single family dwellings and then later converted to multi-unit buildings, in many cases with no permit or inspection oversight. Thunder Bay Fire Rescue continues to discover unapproved multi-unit residential buildings that have been modified to increase the number of residential units without the appropriate approval. Often, these buildings do not meet the minimum acceptable fire and life safety standards for containment, means of egress, fire protection and fire alarm and detection. A review of the known location of these properties shows high density in the two downtown core areas. Fig. 2

Fig.2 Known retrofit multi-unit residential with 3 or more units



In addition to unapproved multi-unit with three or more units, Thunder Bay Fire Rescue is identifying more single-family dwellings where a secondary apartment has been added without the appropriate approval, inspection of fire and life safety inspection. Single-family dwellings are also increasingly being occupied in a manner that could be characterized as a rooming house. This creates fire and life safety risks that have not been properly accounted for.

There is a large and growing student population in the city. Many property owners have converted single-family dwellings into “student housing” or have added a secondary apartment, in some cases, without the necessary approvals. TBFR has implemented a process for dealing

with the identification and legalization of student housing properties which, if they have more than four unrelated occupants should be classified as Boarding/Rooming/Lodging properties or may require other fire and life safety features ordered if the living arrangements present more risk than a traditional single family dwelling.

Group D & E – Business/Personal Services/Mercantile

With the exception of complaint inspections, or to pursue the submission of a Fire Safety Plan, these occupancies are not regularly inspected. A self-inspection and reporting program for some of these properties is being considered along with a program using fire suppression crews.

Group F – Industrial

Industrial properties are further classified into three sub categories based on risk. A review of the location of the size and type of industrial properties shows that the majority of high-risk properties are located adjacent to the downtown core areas and located along the shores of Lake Superior and the Kaministiquia River. A higher number of lower risk commercial/industrial properties are located in the central part of the city. With the exception of complaint inspections, or to pursue the submission of a Fire Safety Plan, these occupancies have historically not been regularly inspected. As these properties are considered high risk, a Fire Prevention Officer has been recently assigned to this occupancy type and a program is being developed with the aid of the ongoing risk assessment process.

Thunder Bay has a high number of F1 industrial occupancies (the highest risk industrial occupancy) such as grain elevators and bulk fuel plants. The working grain elevators pose obvious risks but the abandoned properties pose a fire risk to the public, fire fighters and the environment as they are often not properly secured from unauthorized entry, have difficult access, and have no working fire detection or protection systems. TBFR works with various internal and external stakeholders to ensure reasonable steps are taken to appropriately mothball or demolish these properties.

While once an important wood industry community with the local economy based on the lumber and pulp and paper industry, this has changed and left the city with several properties that need to be appropriately mothballed and demolished. While the local economy is changing, the natural resource industry still plays an important part. Resolute Forest Products operates a large facility on the south side of the city on the shores of Kaministiquia River.

Large industrial occupancies are important to the economy and tax base and employ thousands of residents. The largest industrial occupancy in the municipality is the Bombardier Transportation facility that builds rail vehicles and normally employs approximately 1100 people. None of these industrial occupancies is currently inspected by TBFR staff on a regular basis, although a fire prevention officer has been recently reassigned for this purpose.

Recommendations

- It is recommended that the inspection program for municipal licensing should continue with minor modifications and be expanded to include annual inspections of larger assembly occupancies bars, theatres, stadia and arenas.
- It is recommended that the care facility inspection and reporting process be continued.
- It is recommended that an inexpensive but mandatory rental property registry be created for the City of Thunder Bay to ensure fire code compliance and improved fire and life safety.
- It is recommended that collaboration the City Solicitors Office, Chief Building Official and the Manager of Licensing and Enforcement regarding student housing safety continue.
- It is recommended that a self-inspection and reporting program along with a program using fire suppression crews for D and E Occupancy inspection be considered.
- It is recommended that an industrial occupancy inspection process continue to be developed.

Critical Infrastructure Profile

Overview

Critical Infrastructure Profile refers the facilities or services that contribute to the interconnected networks, services, and systems that meet vital human needs, sustain the economy, and protect public safety and security (i.e. Electricity distribution, water distribution, telecommunications, hospitals, and airports).

Observations

A Hazard Identification and Risk Assessment (HIRA) for the City of Thunder Bay has been conducted as part of emergency planning responsibilities. One of the components of the HIRA is the identification of critical infrastructure.

Priority 1 items include the most important infrastructure in the City. Examples of this include components of the water treatment and distribution system, the electrical transmission and distribution system, the telecommunications infrastructure, components of the transportation network, City Hall, public safety facilities, and key care and detention facilities.

Large Employers

An analysis of the largest employers in the municipality provides context to both the local economy and assists to identify those organizations that are important to both the tax base and the ability of the community to meet its day-to-day needs. From a risk perspective, any incident that interrupted operations in any of these organizations or facilities would have a tremendous negative impact on the municipality. One such property is the Thunder Bay Regional Health Sciences Centre, an acute care hospital, the effect of any significant event here would be

devastating, as no practical alternative exists which could be used in support of any interruption of services.

List of the largest employers in the municipality:

- Thunder Bay Regional Health Sciences Centre - Acute Care Hospital - 2,824
- Lakehead District School Board - Elementary & Secondary Education - 2,200
- St. Joseph's Care Group - Complex Care, Rehabilitation, Mental Health & Addiction Services, Long Term Care - 2,200
- Lakehead University - Education - 2,100
- City of Thunder Bay - Municipal Government - *1,855
- Government of Ontario - Provincial Government - 1,849
- Thunder Bay Catholic District School Board - Elementary & Secondary Education - 1,500
- Bombardier Transportation - Mass Transportation Equipment Manufacturing - 1,100
- Confederation College - Education - 785

Recommendations

- It is recommended that properties identified as critical infrastructure be inspected for fire code compliance on a regular basis and be visited by fire suppression crews regularly for pre-incident planning purposes.
- It is recommended that the City of Thunder Bay assess its needs for disaster and emergency planning and management.

Community Demographic Profile

Overview

Thunder Bay is a medium sized city that is isolated from other medium or larger cities. TBFR is an all hazards first response organization that is well diversified and strives to meet the needs of all customers including residential, commercial, industrial and institutional. TBFR is effectively addressing fire risk in the community using the accepted *three lines of defense* model.

- Line one: Public fire safety education
- Line two: Fire safety standards and enforcement
- Line three: Emergency response.

The economy in the City is stable. Government or government funding organizations make up nine of the top ten employers in the city. These jobs are secure and have good pay with reliable pensions.

The indigenous community in Thunder Bay is a growing one. TBFR needs to ensure that it continues to monitor the specific needs that may be required by the indigenous community and work to meet those needs.

Observations

The updated 2021 Census data was released without sufficient time to include in this review of the Community Risk Assessment. Updated demographic information and recommendations will be included in the next review of the CRA. Of note is that the overall population of the City of Thunder Bay is now reported to be growing slightly.

The following information is from the 2016 Census data and will be updated in 2023.

Population

The total population of Thunder Bay has officially decreased by 0.4% between 2011 and 2016. Unofficially, there exists a population living in the city who is difficult to account for. The Aboriginal Liaison for the City of Thunder Bay estimates that about an additional 15,000 to 20,000 members of the Indigenous community call the city home while not being accounted for in census data.

In 2016, the largest 5-year age demographic for both males and females was those aged 55-59, with the next two largest age groups being those 5 years younger and older, respectively. The average age of the population in 2016 was 43.3 years of age.

Table 5: Population by Age

Population by Age Groups					
	2016	2011	change	% change	% total
Total	107,909	108,360	-451	-0.4%	100
0-14	15,575	15,985	410	-2%	14.40%
15-64	70,730	74,300	-3,570	-4.8%	65.50%
65 and over	21,600	19,075	2,525	13.2%	20%

An analysis of the changing age demographics show that the age 65 and over demographic has shown a marked rise relative to other demographics. This is a data point of relevance regarding ensuring appropriately targeted programs to address risk for this demographic.

Language

An analysis of language spoken in the municipality, shows that more than 99% speak English, demonstrating that language is not a barrier to communicating fire safety messaging in the community.

Household Income

An analysis of income shows broad diversity in household income. The breakdown of the 47,180 identified households shows that approximately 30% earn annual income greater than \$100,000.00, with the largest cohort being those earning \$100,000.00 to \$124,999.99 annually.

Table 6: Household income

Household Income Breakdown	
Total number of Households	47180
Under \$5;000	490
\$5;000 to \$9;999	740
\$10;000 to \$14;999	1755
\$15;000 to \$19;999	1980
\$20;000 to \$24;999	2285
\$25;000 to \$29;999	1890
\$30;000 to \$34;999	2070
\$35;000 to \$39;999	2245
\$40;000 to \$44;999	2080
\$45;000 to \$49;999	2035
\$50;000 to \$59;999	3880
\$60;000 to \$69;999	3450
\$70;000 to \$79;999	3100
\$80;000 to \$89;999	2820
\$90;000 to \$99;999	2475
\$100;000 and over	13880
\$100;000 to \$124;999	5005
\$125;000 to \$149;999	3240

\$150;000 to \$199;999	3465
\$200;000 and over	2175

Regarding low income, 14% of the population aged 18-64 in the municipality is considered to have low income in addition to approximately 11% of those 65 and over. Low income can have a negative effect on fire code compliance.

TBFR has established a program to provide free smoke and CO alarms to any person who identifies as having genuine need. The “*Smoke/CO Alarm for Everyone*” (SAFE) program has a goal to provide and/or install combination smoke/CO alarms for persons who live in a home they own and who have legitimate physical, financial or cognitive function limitations.

The program has operated in collaboration with Union Gas. Community members who feel they may qualify can contact any fire station; additionally, fire crews who notice smoke or CO alarm concerns while on any type of call will immediately take steps to address the concern. Actions may include contacting the property owner to order the installation of smoke/co alarms or providing a smoke/co alarm to a property owner who may otherwise have difficulty in providing it themselves.

Household Make-up

While there are more than 47,000 private dwelling in the municipality, there are 30,035 identified private households reported by Statistics Canada in the 2016 Census data. The breakdown of the household make-up is shown in the following table.

Table 7: Household type

Household type	number	%
Total Private Households	30,035	100%
Total Couple Families	23,960	79.70%
Total Lone Parent Families	6,070	20.20%
Couples with Children	12,835	42.70%
Couple without Children	11,130	37%

Vulnerable Individuals and Occupancies

The municipality attracts relatively few new Canadian immigrants with census data identifying only 645 persons living in the municipality who have immigrated to Canada between 2011 and 2016. Municipal programs are in place to ensure that these new Canadians are provided with some awareness regarding fire safety concerns.

Thunder Bay is poised to be receiving many more new Canadian immigrants as part of a new Government of Canada pilot program in eleven rural and northern communities across the country. The goal of the program is to invite and support new Canadian immigrants in these communities in the hope that they make them their long-term homes.

Thunder Bay is a regional hub for many northern indigenous communities that can only be reached by air. Members of the indigenous community who have moved to Thunder Bay have

normally done so for job opportunities, education or to be closer to medical treatment. Thunder Bay has a large indigenous community that makes up approximately 20% of the total population.

In many cases the indigenous community will have moved to the city from their home reserve without the financial where-with-all to afford the purchase of a home in Thunder Bay, necessitating they rent an apartment in the city.

One of the two largest property owners in the city is Native People of Thunder Bay Development Corporation that owns more than 200 properties in the city including single family and multi-unit residential properties. The largest property owner is Thunder Bay District Social Services Administration Board that owns about 300 properties with many of them being large apartment buildings.

While some of these multi-unit residential properties get periodic fire inspections, TBFR meets with these particular property owners annually to reinforce the importance of regular inspections of the single-family dwellings to ensure continued compliance with fire code regulations for smoke and CO alarms. TBFR also works with these property owners to distribute public education materials directly to their tenants.

Student/Transient/Travelling Public

The City of Thunder Bay is a residential catch basin for many other northern communities. Thunder Bay has the largest percentage of indigenous residents of any major city in Canada.

Thunder Bay is home to Lakehead University that has a student population of more than 8000 students, and Confederation College that has a student population of more than 7000 students. Most of the student and indigenous population reside in multi-unit residential rental properties. 2016 Statistics Canada data indicates that more than 37% of the dwelling units in the city are in a form other than a single-family dwelling.

Much of the above noted demographic reside in the city in one of two distinct areas of the city and in two different types of building stock. The majority of the student population is located in geographic proximity to the College and University that is located on the west side of the urban area of Thunder Bay. This building stock is largely single family dwellings constructed in the 1960's and 1970's. Few were purpose built as multi-unit residential buildings. These properties are characterized as typically suburban, generally with large open lots.

The majority of the transient indigenous community resides in the downtown cores of the former cities of Port Arthur and Fort William that amalgamated to incorporate the City of Thunder Bay in 1970. These former downtown areas contain residential properties that are between 50-100 years of age. A small number of these apartment buildings were originally purpose built as multi-unit residential buildings. The majority are single-family dwellings located on narrow lots.

Various codes, standards and by-laws apply to these properties. Zoning is addressed in the City of Thunder Bay Zoning By-law 100-2010. This by-law requires that multi-unit properties be located only in approved areas. Individual lots may allow for two units or three or more units depending on approval. Every multi-unit property is required to either comply with the Ontario

Fire Code Part 9 retro-fit requirements or be built in accordance with a building permit to Ontario Building Code requirements.

A review of existing records of the retro-fit relevant properties reveals that in many cases, properties were accepted as being compliant fire code in a manner not consistent with current practices. In some cases, a review of records shows instances where approvals were given to properties after accepting alternative considerations to compliance with the code. The appropriate documentation relating to the details and the acceptance of these alternatives has not been recorded in the contemporary electronic database. Thunder Bay Fire Rescue Fire Prevention Officers have been collaborating with the Ontario Office of the Fire Marshal to better define and address these deficiencies. Where discovered and appropriate, orders are being issued to make changes to the properties to ensure fire and life safety standards are met in accordance with the latest interpretation of the code and acceptable solutions to compliance.

There is no reliable database of known multi-unit residential properties in the City. For example, municipal records indicate 1,364 properties of 2-6 units; fire department records identify 1,951 leaving a significant gap. In addition to this, an assessment by the Fire Prevention Division has identified that unapproved multi-unit residential suites are discovered on a weekly basis. Being unapproved would mean that a residential suite has been added to a building without the appropriate zoning, building or fire department approvals. In most cases, in addition to being illegal and not paying appropriate taxes, the properties may not comply with building code standards and have fire code violations.

The current Thunder Bay Fire Rescue multi-unit residential inspection program has two fire prevention officers assigned exclusively to multi-unit residential properties. Acknowledging that there are approximately 3200 known multi-unit properties, this leaves each inspector approximately 1600 properties to assess and maintain fire code compliance. The National Fire Protection Association Standard 1730 “Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation, and Public Education Operations” identifies a minimum inspection frequency of inspections for these types of properties as “annual”. The current staffing model is obviously not sufficient to meet the requirements of the NFPA standard regarding the frequency of inspection.

One means to address monitoring of fire and life safety in the residential properties that have a secondary apartment is to implement a self-reporting system for fire code compliance. This type of system, in addition to the application of an aggressive enforcement process would improve TBFR’s ability to maintain or improve code compliance in this type of property. These steps are currently being explored.

A fire prevention officer is now assigned to manage all provincial offences activity. This is currently just part of their role. This work assignment has resulting in increased and more efficient enforcement capacity. It has resulted in freeing up the time fire prevention officers spent in the past on the administration required with prosecuting offences under the Provincial Offences Act. In addition, it has improved the objectivity to the application of the fire code and the pursuit of charges where appropriate.

Cultural Barriers to Public Education

A review of the demographic profile of Thunder Bay shows that, with the exception of the indigenous community, the community is not very diverse. This does appear to be changing rapidly. A recent, serious fire in a student housing property that sent an international student to hospital, has demonstrated that there exists a previously unrecognized student population from Southeast Asia. This community group is living in the city while they attend college or university. When interviewed, many report the intention to stay in Canada and specifically Thunder Bay if they can find work. Being recent immigrants to Canada, they have little familiarity with the local building construction or fire safety concerns, risk or features in North American homes. TBFR is currently enhancing the public education outreach to this community and intends to work with the educational facilities and student groups to better share our fire safety message.

Recommendations

- It is recommended that the Fire Prevention Division establish routine collaboration with the Manager – Indigenous Relations.

Hazard Profile

Overview

The hazard profile refers to the hazards in the community, including natural hazards, hazard caused by humans, and technological hazards. This may include but not be limited to hazardous materials spills, floods, freezing rain/ice storms, forest fires, hurricanes, tornadoes, transportation emergencies (i.e. air, rail or road), snow storms, windstorms, extreme temperature, cyber-attacks, human health emergencies, and energy supply (i.e. pipelines, storage and terminal facilities, electricity natural gas and oil facilities, etc.).

Observations

A Hazard Identification and Risk Assessment (HIRA) was conducted in 2021. The HIRA contains definitions, a Risk Register and Scoring for the Risks. TBFR generally utilizes this data for fire prevention and public education activities as well as to support planning for emergency events that have been assigned a risk level of “moderate”.

The City of Thunder Bay assigns the responsibility of Community Emergency Management Coordinator (CEMC) to the Division Chief of Administration. The most recent Strategic Master Fire Plan report from Emergency Management & Training Inc. identified the recommendation that a review/evaluation be conducted of the Division Chief of Administration position to identify time spent on responsibilities. (CEMC vs TBFR administration) Based on the results of the review, a decision can be made on what duties the Division Chief should be assigned, and what duties can be reassigned to other staff. This review is underway. The preliminary results of this review identify a significant amount of time spent on emergency management responsibilities.

Brownfield/Vacated Industrial

The Fire Prevention Officer assigned to industrial occupancies works with other City divisions to address concerns at a multitude of vacated industrial properties in the City. Many of these properties are located along the shores of Lake Superior and the Kaministiquia River. The properties have not been properly secured from unauthorized entry, have no working fire protection systems and limited firefighting water supply and are generally hazardous to the public, fire fighters and the environment should a fire occur.

Environmentally Sensitive

No system is currently in place to identify in an effective and meaningful way, properties which are environmentally sensitive. This would include properties that, because of a fire could have significant impact on the environment and may need specific or special firefighting tactics to be employed or consideration taken.

Recommendations

- It is recommended that the City of Thunder Bay assess its needs for disaster and emergency planning and management.

Public Safety Response Profile

Overview

The City of Thunder Bay enjoys a collaborative relationship between its three principal public safety organizations. This relationship has existed for many years and is currently being reassessed for increased effectiveness.

Some area of collaboration include a tiered medical response agreement between the organizations ensuring the most timely lifesaving response is employed. In addition, Thunder Bay Police, TBFR and the Office of the Fire Marshal have an agreement in place regarding the investigation of fires in the municipality.

More recently, discussions have taken place regarding support to Thunder Bay Police for active shooter situations.

Observations

Table 8: Public Safety Response Profile Risks

Identified Public Safety Response Agency	Types of Incidents They Respond To	What is Their Role at the Incident	Issues/Concerns
Thunder Bay Police	<ul style="list-style-type: none"> MVC's Fire Scenes Fire Investigation Support 	<ul style="list-style-type: none"> Scene control, traffic control, Criminal Investigation and forensic sample taking component of Fire Investigation 	None
SNEMS	<ul style="list-style-type: none"> Medical Calls 	SNEMS take control upon arrival as higher medical authority	None
Ontario Fire Marshal	<ul style="list-style-type: none"> Fire Investigation 	Fire investigation for	None

Fire Investigation Services		fires meeting specific criteria	
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Recommendations

- It is recommended that TBFR continue to collaborate on a regular basis with all other public safety organizations in the municipality.

Community Services Profile

Overview

TBFR collaborates with several community service organizations to address public safety needs within the community. The most significant corporate partner in the community is Enbridge who provides TBFR with combination smoke/carbon monoxide alarms which are distributed and installed as part of a “Smoke Alarms for Everyone” (SAFE). These alarms are provided and installed for those residents who cannot otherwise provide and/or install the life saving devices.

Various other collaborations with local social support organizations address public safety needs by assessing and addressing mental health issues in the community which may have a negative effect on fire safety as well as accessing shelter for those in need, either after a fire or other emergency situation.

Observations

Table 9: Community Services Profile Risks

Community Services Profile Risks		
Community Services Agencies	Types of Assistance They Provide	Issues/Concerns
Canadian Red Cross	<ul style="list-style-type: none"> Temporary shelter, clothing, food following an incident 	None
Canadian Mental Health Association	<ul style="list-style-type: none"> Getting Appropriate Personal and Professional Support (GAPPS) Program 	None
Shelter House Thunder Bay	<ul style="list-style-type: none"> Short-term relief to those in need of shelter, food or clothing 	None
Enbridge	<ul style="list-style-type: none"> Safe Community Project Zero 	None

Recommendations

- It is recommended that TBFR continue to collaborate on a regular basis with other relevant community service organizations in the municipality.

Economic Profile

Overview

The economic profile refers to the economic sectors affecting the community that are critical to its financial sustainability

Observations

Table 10: Economic Profile Risks

Economic Profile Risks				
Identified Occupancy	Key Risks	Probability	Consequence	Assigned Risk Level
Thunder Bay Regional Health Sciences Centre	Fire	Rare	Major	Moderate
Resolute Paper Mill	Fire	Almost Certain	Moderate	Moderate
Resolute Saw Mill	Fire	Almost Certain	Moderate	Moderate
Alstom Plant	Fire	Possible	Moderate	Moderate
Lakehead University	Fire	Possible	Moderate	Moderate
St. Joseph's Care Group	Fire	Rare	Major	Moderate
Provincial Court Building	Fire	Unlikely	Moderate	Moderate
Confederation College	Fire	Possible	Moderate	Moderate

Recommendations

- It is recommended that properties identified as having a “Moderate” risk level assigned or higher, be inspected for fire code compliance on a regular basis and be visited by fire suppression crews regularly for pre-incident planning purposes.

Past Loss and Event History Profile

Overview

The past loss and event history profile refers to the communities past emergency response experience and looks at the number and types of emergency responses injuries, deaths and dollar losses, as well as a comparison with provincial loss statistics.

A review and comparison of the data shows that on average over the preceding 5 years the community has a dollar loss approximately 10% greater than provincial values. The number of fire deaths is more difficult to compare to due to limited occurrence in the municipality. The fire death statistics are estimated to be slightly under the provincial statistics.

A review of where fires of significance are occurring in the municipality indicate a significantly greater number of serious fires occurring in the downtown cores as illustrated in Fig. 3.

Observations

Civilian and Fire Fighter Injuries/Fatalities

Fire fighter and civilian injury and fatality statistics have not been separated for the purposes of this report. The injury numbers reported in 2021 are consistent with the average number of injuries reported over the previous 5 years.

After a long period with no civilian deaths due to fire, 2018 saw a jump to four deaths as a result of fire with a fire death occurring each year since 2018. The details can be identified below in the Fire Cause Analysis section. A comparison to provincial fire loss numbers indicates that while Thunder Bay has more fires the fire fatality rate is consistent with provincial numbers.

Municipal Fire Loss Statistics

A review of Fire Loss Data 2017 – 2021 (Table 11) shows an increasing dollar loss value due to fire. The 2017 total fire loss was \$3,144,849 with a 5-year average of \$5,530,552. The 2021 total fire loss was \$12,595,255 with a 2021 5-year average of \$7,785,141. This is a 41% increase over 5 years.

The total number of fires over the same period has remained reasonable consistent with an average of 171 fires per year. This stable number of fire incidents indicates that the increasing dollar loss values identified require further scrutiny. Several large residential fires in the downtown north core are likely to have influenced the 2020 and 2021 data. Recent improvements in the dollar estimation process will also be reviewed.

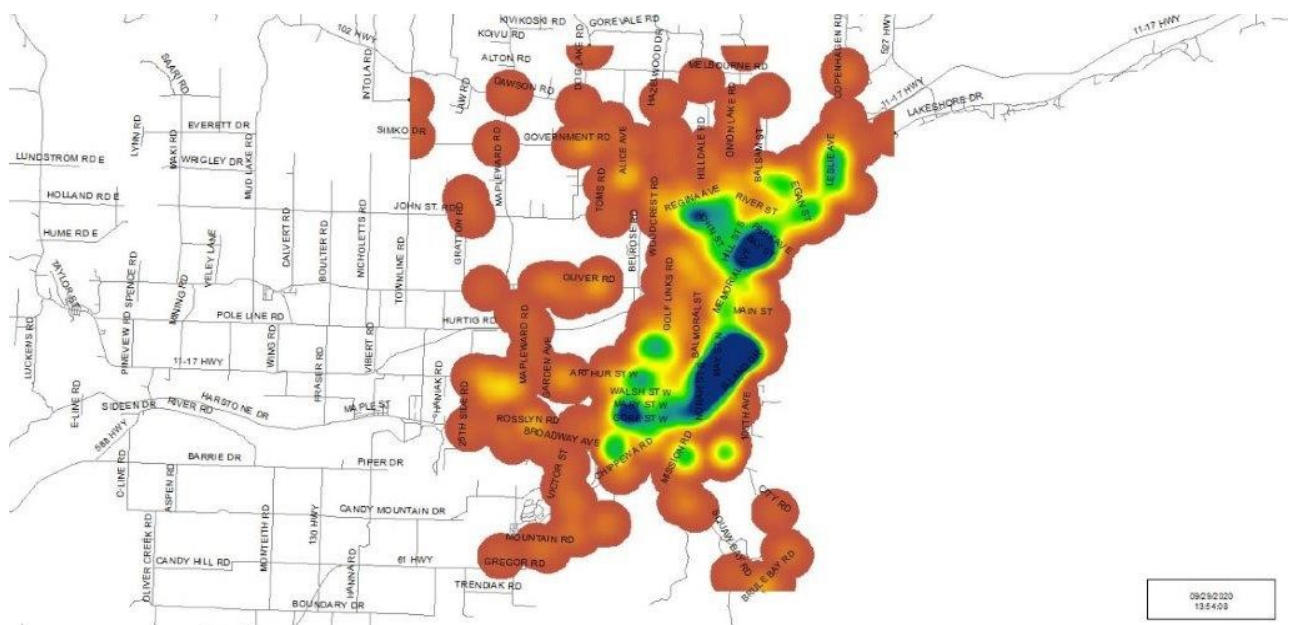
Table 11: Summary of Fires by Possible Cause

Summary of Fires By Possible Cause						
		2017	2018	2019	2020	2021
Intentional						
<i>Suspected Arson</i>	# of Fires	25	17	28	23	28
	Injuries	2	0	0	1	0
	Fatalities	0	0	0	0	1
	est \$\$ loss	\$236,700	\$388,550	\$920,860	\$647,900	\$3,254,110
<i>Suspected Vandalism</i>	# of Fires	19	11	21	7	6
	Injuries	0	0	0	0	0
	Fatalities	0	0	0	0	0
	est \$\$ loss	\$242,611	\$4,900	\$3,800	\$120,000	\$5,020
Unintentional						
<i>Children Playing / Vehicle Collision</i>	# of Fires	0	3	0	4	5
	Injuries	0	0	0	0	0
	Fatalities	0	0	0	0	0
	est \$\$ loss	\$0	\$31,000	\$0	\$107,000	\$190,000
<i>Design / Construction / Maintenance Deficiency</i>	# of Fires	6	8	9	5	10
	Injuries	0	0	0	0	0
	Fatalities	0	0	0	0	0
	est \$\$ loss	\$69,500	\$449,100	\$175,586	\$435,300	\$1,243,001
<i>Misuse of Ignition Source / Material First Ignited</i>	# of Fires	31	30	30	25	30
	Injuries	5	5	2	5	6
	Fatalities	0	1	0	0	0
	est \$\$ loss	\$669,439	\$1,379,100	\$405,320	\$658,800	\$1,894,320
<i>Mechanical / Electrical Failure</i>	# of Fires	25	31	31	27	26
	Injuries	0	0	6	1	0
	Fatalities	0	0	0	0	0
	est \$\$ loss	\$248,600	\$391,000	\$1,683,400	\$3,586,000	\$1,331,900
<i>Other Unintentional</i>	# of Fires	17	21	16	11	24
	Injuries	1	3	0	0	2
	Fatalities	0	0	0	0	0
	est \$\$ loss	\$502,800	\$490,820	\$921,500	\$130,900	\$315,500
<i>Other</i>	# of Fires	11	16	20	18	11
	Injuries	0	0	0	0	0
	Fatalities	0	0	0	0	0
	est \$\$ loss	\$275,700	\$368,500	\$638,750	\$231,250	\$414,500
Undetermined						
<i>Undetermined</i>	# of Fires	26	33	30	38	42
	Injuries	1	4	3	3	3
	Fatalities	0	3	1	1	0
	est \$\$ loss	\$899,499	\$1,601,000	\$4,451,160	\$3,214,107	\$3,946,904
Totals						
	Total # of Fires	160	170	185	158	182
	Injuries	9	12	11	10	11
	Fatalities	0	4	1	1	1
	Total \$\$ loss	\$3,144,849	\$5,103,970	\$9,200,376	\$9,131,257	\$12,595,255

Location of Fire Risk

An assessment of where fire risk based on fire loss in the municipality reveals that the downtown core areas show the greatest risk. A review of fires with losses greater than \$10 000.00 demonstrates the greatest number of these large fires occur in the downtown cores. See fig 2.

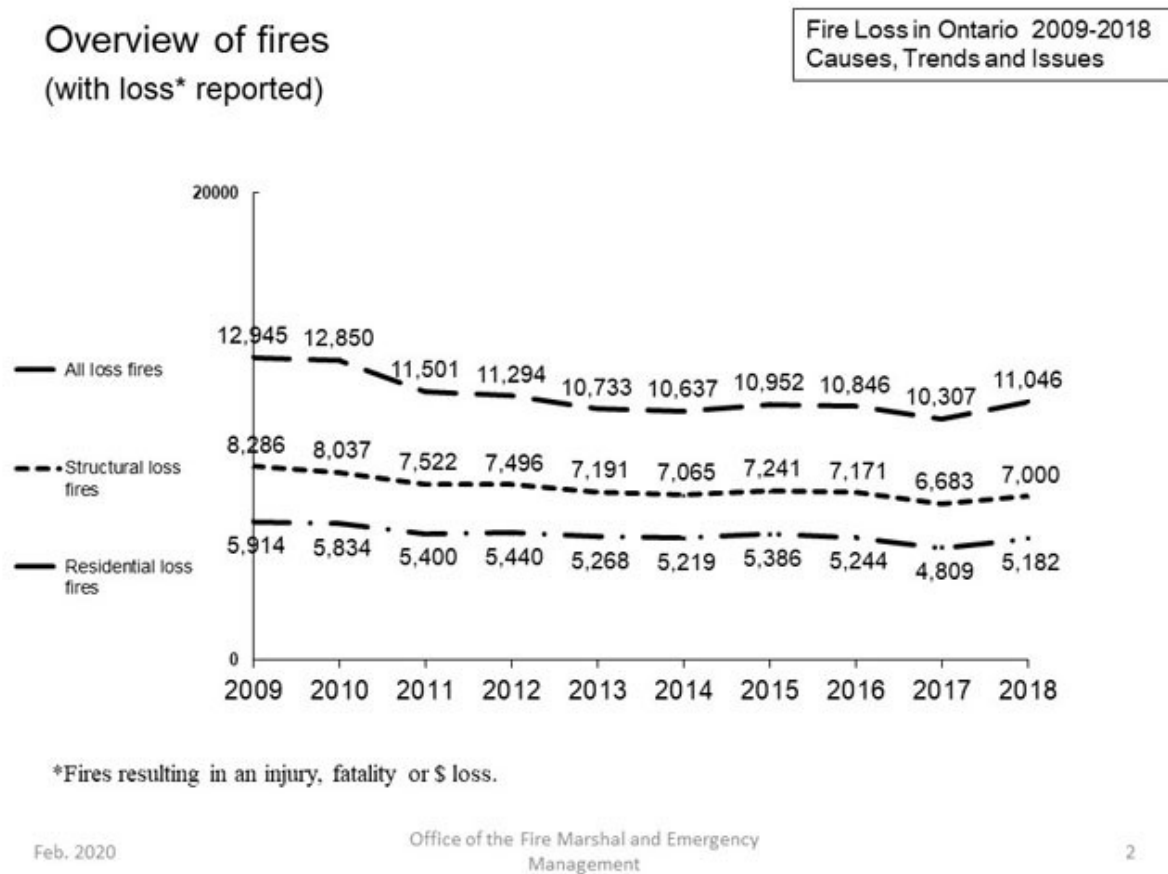
Fig: 3 Fires with losses greater than \$10 000.00 since 2010



Provincial Fire Loss Profile

A summary of the available provincial fire loss data is located at Figures 4 and 5. It demonstrates that the total fires reported in general have been decreasing slightly, even as the number of population and structures have been increasing. This does not reflect decreased reporting. From 2009 to 2018 the number of total calls reported – fire and non-fire calls has increased from 484,625 incidents reported in 2009 to 546,083 in 2018.

Fig. 4: Provincial Fire Loss Data



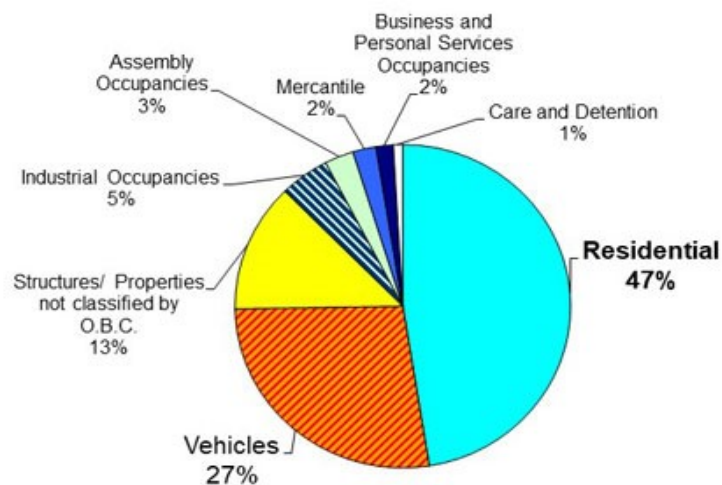
The data provided in the 2019 OFM “Fire Loss Causes, Trends and Issues” document indicates the following:

From 2009 to 2018, there were 73,692 Structure fires with loss reported to the OFMEM.

- Fires in residential occupancies account for 73% of structure loss fires.
- Properties not classified by the Ontario Building code – 8%
- Industrial occupancies – 7%
- Assembly occupancies – 4%
- Mercantile – 4%
- Business and Personal Services – 3%
- Care and Detention Occupancies – 1%

Fig. 5: Loss by Property Class

Loss fires by Property class



Number of loss fires 2009 to 2018: 113,111

Feb. 2020

Office of the Fire Marshal and Emergency Management

3

Fig. 6: Comparison of Fire Death Rate per 100k population

	2016		2017		2018		2019		2020		death per 100k
	fatalities	Injuries	fatalities	Injuries	fatalities	Injuries	fatalities	Injuries	fatalities	Injuries	
Th. Bay	0	14	0	14	4	12	1	13	1	14	1.2
Ontario	89	722	79	691	91	784	67	795	115	664	0.3

A comparison of fire deaths per 100,000 population between Thunder Bay and the Province of Ontario show Thunder Bay having an occurrence rate approximately four (4) times the provincial numbers.

Fire Cause Analysis

A review of fire investigation data shows consistent data with no anomalies. Discussions have taken place with the Office of the Fire Marshal and the Thunder Bay Police service regarding improving collaboration with regard to the investigation of fires. Thunder Bay Fire Rescue is responsible to begin the investigation on all fires. TBFR is responsible to notify the Office of the Fire Marshal of all incidents that meet or appear to meet the following criteria:

- Fires or explosions resulting in either a fatality or serious injury requiring person(s) to be admitted as in-patient(s) to a hospital (it is the responsibility of the fire department to make every reasonable effort to confirm the status of injured persons transported to hospital prior to the release of the fire scene).
- Explosions (where the explosion is the primary event).
- Fires or explosions suspected of being incendiary (criminal). Discretion may be used when there is no impact to a building(s) or in circumstances where there is no clear threat to life. These types of fires include dumpster fires, car fires, and wild land fires. All incendiary fires and explosions must also be reported to the Police authority having jurisdiction.
- Fires or explosions where the loss is significant to the community.
- Fires resulting in unusual fire/smoke spread.
- Fires or explosions involving circumstances that may result in widespread public concern (e.g. environmental hazard).

- Fires or explosions in multi-unit residential occupancies where fire spread or explosion impact is beyond unit of origin, or where suspected Fire Code violations have impacted on the circumstances of the event.
- Fire or explosions involving clandestine drug operations or marijuana grow operations.

The Office of the Fire Marshal will take over the investigation of fires in some of the above circumstances, in all others Thunder Bay Fire Rescue remains the Authority having Jurisdiction.

Recommendations

- It is recommended that TBFR continue to employ a zero tolerance policy regarding the installation of working smoke alarms.
- It is recommended that TBFR continue to improve the public education program for fire safety.
- It is recommended that TBFR explore the use of a data analyst in accordance with NFPA 1022 *Standard for Fire and Emergency Services Analyst Professional Qualifications*.
- It is recommended that TBFR work with the insurance industry to improve the accuracy of data relating to fire loss.

- It is recommended that TBFR improve the processes and resources required to ensure fire origin and cause investigations are conducted in accordance with NFPA 921 *Guide for Fire and Explosion Investigations* for all fires meeting the established criteria.

Preferred Risk Treatment Options

Table 12: Preferred Risk Treatment Options

Identifying Risk Treatment Options for the Top Risks in the Community		
Profile	Top Risk or Issues of Concern	Preferred Treatment Option
Geographic Profile	Geographic isolation from other similar municipal fire services (for assistance).	Mitigate the Risk - maintain all hazard response capability
	Significant bodies of water adjacent to the community.	Accept the Risk – Implement water safety public education programs
	Railway intersects the city impacting response	Accept the Risk – Implement appropriate response protocols and procedures.
Building Stock Profile	Two downtown core areas with many older buildings of combustible construction, constructed in close proximity to one another.	Mitigate the Risk - Strive to meet NFPA 1710 Standard for Organization and deployment of Fire Suppression Operations
	Significant number of Industrial properties	Mitigate the Risk - implement an inspection program
	Significant number of older single-family homes retrofitted into multi-unit residential properties.	Mitigate the Risk - implement an inspection program

	Significant number of single-family homes used for student accommodation.	Mitigate the Risk - implement an inspection program
	Assembly occupancies with/without commercial cooking equipment.	Mitigate the Risk - implement an inspection program.
	Care facilities requiring compliance Building Code/Fire Code retrofit and evacuation capability.	Mitigate the Risk - implement an inspection program
Critical Infrastructure Profile	Several high priority properties identified as Critical Infrastructure are not inspected on a regular basis or have a current pre-incident plan in place.	Mitigate the Risk - implement an inspection program and pre-incident program.
	No disaster or emergency planner for the municipality	Mitigate the Risk - Assess the current need and address.
Community Demographic Profile	Cultural barriers to public education - Significant indigenous community living in municipality	Accept the Risk – Establish collaboration with Manager – Indigenous Relations
	Cultural barriers to public education – International Students	Accept the Risk – Establish public education program
Hazard Profile	Variety of Moderate level risks have been identified in the municipality.	Accept the Risk - Assess the need for an Emergency Planner and address as appropriate.
Public Safety Profile	Fire Investigation management	Accept the Risk – Collaborate with Thunder Bay Police and OFM.
	Medical Tiered Response management	Accept the Risk – Collaborate with SNEMS as appropriate.
Community Services Profile	Hoarding habits creating fire and life safety risk	Accept the Risk – Collaborate with Canadian Mental Health Association

Economic Profile	Several high priority properties identified as economically critical are not inspected on a regular basis or have a current pre-incident plan in place.	Mitigate the Risk - implement an inspection program and pre-incident program.
Past Loss & Event History Profile	Recent increasing dollar loss due to fire	Accept the Risk – Implement appropriate response protocols and procedures.
	Fire deaths	Accept the Risk – continue zero tolerance smoke alarm enforcement and public education programs
	High number of significant fire losses in downtown core areas.	Mitigate the Risk - Strive to meet NFPA Standard for initial alarm deployment for medium hazard response. Continue fire code inspection and enforcement program.
	Challenges ensuring comprehensive fire origin and cause investigations in accordance with NFPA standard	Mitigate the Risk - institute revised policy and procedures. Collaborate with the OFM.

Appendices

Appendix A - Synopsis NFPA 1710

References

Government of Ontario, Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4,
<https://www.ontario.ca/laws/statute/97f04>

Government of Ontario, Ontario Regulation 378/18: Community Risk Assessments, July 2019
<https://www.ontario.ca/laws/regulation/180378>

NFPA 1300 (2020) *Standard on Community Risk Assessment and Community Risk Reduction Plan Development*, 2020 edition

NFPA 1730, *Standard on Organization and Deployment of Fire Prevention Inspection and Code Enforcement, Plan Review, Investigation, and Public Education Operations*, 2019 edition.

NFPA 1710, *Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments*, 2020 edition

NFPA 1021, *Standard for Fire Officer Professional Qualifications*, 2020

OFMEM-TG-02-2019 Community Risk Assessment Guideline

Fire Underwriters Report to the City of Thunder Bay, June 5, 2017

CTB - Critical Infrastructure Inventory

CTB - Hazard Identification and Risk Assessment

Census Profile, 2021 Census of Population
<https://www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm?Lang=E>

NFPA Standard 1710

Organization and Deployment of Fire Suppression Operations, EMS and Special Operations in Career Fire Departments

History and Purpose

- The 1710 Standard was originally released in 2001. Following, there have been three revisions (2004, 2010, 2016) with the most recent released in September 2016.
- The standard is applicable to substantially all CAREER fire departments and provides the MINIMUM requirements for resource deployment for fire suppression, EMS and Special Operations while also addressing fire fighter occupational health and safety.
- The 1710 Standard addresses structure fire in three hazard levels. These included low hazard (residential single-family dwellings), medium hazard (three story garden apartments or strip malls), and high hazard structures (high-rise buildings).
- The Standard addresses fire suppression, EMS, Aircraft Rescue and Firefighting, Marine Rescue and Firefighting, Wildland Firefighting, and Mutual and Auto Aid.

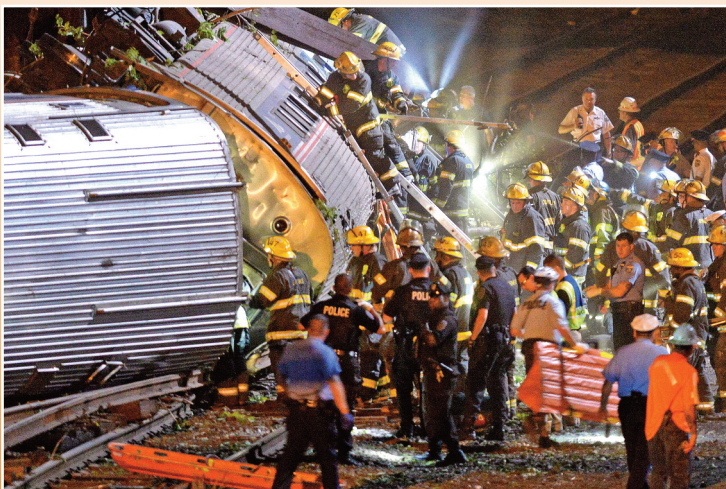
Fire Suppression and Special Operations Provisions

- "Company" is defined as:
 - Group of members under direct supervision
 - Trained and equipped to perform assigned tasks
 - Organized and identified as engine, ladder, rescue, squad or multi-functional companies
 - Group of members who arrive at scene and operate with one apparatus
- EXCEPTION to company arriving on one apparatus:
 - Multiple apparatuses are assigned, dispatched and arrive together
 - Continuously operate together
 - Managed by a single officer

- An Initial Alarm is personnel, equipment and resources originally dispatched upon notification of a structure fire.

■ Performance Objectives

- Alarm Answering Time
 - 15 sec 95%
 - 40 sec 99%
 - Alarm Processing Time
 - 64 sec 90%
 - 106 sec 95%
 - Turnout Time =
 - 60 sec EMS
 - 80 sec Fire
 - First Engine Arrive on Scene Time
 - 240 sec (4 min)
 - Initial Full Alarm (Low and Medium Hazard) Time
 - 480 sec (8 min)
 - Initial Full Alarm – High Hazard/ High-Rise Time
 - 610 sec (10 min 10 sec)
- Fire departments shall set forth criteria for various types of incidents to which they are required/expected to respond. These types of incidents should include but not be limited to the following:
 - Natural disaster
 - Acts of terrorism
 - WMD
 - Large-scale mass casualty



- Given expected firefighting conditions, the number of on-duty members shall be determined through task analysis considering the following criteria:

- Life hazard protected population
- Safe and effective performance
- Potential property loss
- Hazard levels of properties
- Fireground tactics employed

- Company Staffing (Crew Size)

- Engine = minimum 4 on duty
 - High volume/geographic restrictions = 5 minimum on duty
 - Tactical hazards dense urban area = 6 minimum on duty
- Truck = minimum 4 on duty
 - High volume/geographic restrictions = 5 minimum on duty
 - Tactical hazards dense urban area = 6 minimum on duty

- Initial Alarm Deployment (*number of fire fighters including officers)

- Low hazard = 15 Fire fighters
- Medium hazard = 28 Fire fighters
- High hazard = 43 Fire fighters

EMS Provisions

- The fire department shall clearly document its role, responsibilities, functions and objectives for the delivery of EMS. EMS operations shall be organized to ensure the fire department's capability and includes members, equipment and resources to deploy the initial arriving company and additional alarm assignments.

- EMS Treatment Levels include:

- First Responder
- Basic Life Support (BLS)
- Advanced Life Support (ALS)

- MINIMUM EMS Provision = First responder/AED

- Authority-Having Jurisdiction (AHJ) should determine if Fire Department provides BLS, ALS services, and/or transport. Patient treatment associated with each level of EMS should be determined by the AHJ based on requirements and licensing within each state/province.

- On-duty EMS units shall be staffed with the minimum members necessary for emergency medical care relative to the level of EMS provided by the fire department.

- Personnel deployed to ALS emergency responses shall include:

- A minimum of two members trained at the emergency medical technician–paramedic level
- AND two members trained at the BLS level arriving on scene within the established travel time.

- All fire departments with ALS services shall have a named **medical director** with the responsibility to oversee and ensure quality medical care in accordance with state or provincial laws or regulations and must have a mechanism for immediate communication with EMS supervision and medical oversight.



Fire Services Facilities - Condition & Replacement Summary - Attachment C

	Year Built	Useful Life 50 yrs.	FCI (2022)	Additional Life (yrs.) Based on FCI	Proposed Disposal Year	Anticipated Age at Disposal	Redevelopment Value (2022 \$) Includes Disposal	
Arenas								
Station #1- Vickers St.	1963	2013	15.24	10	2032	69	\$16,696,000	New HQ with centralized Administrative Area and Emergency Management.
Station #2 -Junot Ave.	1973	2023	9.0	15	2038	65	\$1,946,000	Similar Facility Same general location
Station #3- Water St.	1985	2035	4.29	20	2055	70	\$14,120,000	Similar Facility Site Validation prior to replacement.
Station #4 - James St.	1975	2025	4.28	20	2045	70	\$3,028,000	Similar Facility Same general location
Station #5 - Hodder Ave	1954	2004	10.07	15	2037	83	\$2,325,000	Similar Facility Same general location
Station #6 - Frederica St	2014	2064	0	20	2084	70	\$2,784,000	Similar Facility Same general location
Station #7- 20th Side Road	2014	2064	0	20	2084	70	\$2,784,000	Similar Facility Same general location
Station #8-Mapleward Rd.	1983	2033	6.3	15	2048	65	\$2,230,000	Similar Facility Same general location
Training Centre - Hammond Avenue	2009	2059	0	20	2079	70	\$4,673,000	Similar Facility Same general location
Training Tower - Hammond Avenue	2009	2059	0	20	2079	70	\$1,205,000	Similar Facility Same general location
							\$51,791,000	Total Replacement Value Fire Services
							\$2,739,550	Total Annual Replacement deficit for Fire Services
						70.2	Average replacement age(yrs.) with FCI maintained at <=10% (Fair)	

Corporate Report

DEPARTMENT/ DIVISION	Development & Emergency Services - Planning Services	REPORT NO.	R 102/2022
DATE PREPARED	06/07/2022	FILE NO.	
MEETING DATE	06/20/2022 (mm/dd/yyyy)		
SUBJECT	Heritage Property Incentive Programs		

RECOMMENDATION

WITH RESPECT to Report R 102/2022 (Development & Emergency Services – Planning Services), we recommend:

THAT Planning Services work in consultation with the Heritage Advisory Committee to develop a Heritage Grant Program;

AND THAT \$50,000 be included in the proposed 2023 Budget to fund a Heritage Grant Program;

AND THAT Planning Services report back to Council with a Heritage Grant Program for its approval in December 2022;

ALL as contained in Report R 102/2022 (Development & Emergency Services - Planning Services), as submitted by the Development & Emergency Services Department.

EXECUTIVE SUMMARY

The preservation of the City's built heritage has been a longstanding objective of City Council. Since the establishment of the Heritage Advisory Committee in 1976 (then known as the Local Architectural Conservation Advisory Committee), Council has recognized that everyone benefits from the character and quality that heritage properties contribute to our community.

On October 25th, 2021, Council passed a motion directing Administration to complete a report outlining the options and costs associated with developing and implementing a heritage tax relief program for heritage property owners.

This report provides an overview of a possible heritage tax relief program and heritage grant program, which are available under the *Ontario Heritage Act* to provide financial assistance regarding heritage properties. Administration is recommending that support be given to the development of a heritage grant program in consultation with the Heritage Advisory Committee.

DISCUSSION

Heritage properties contribute to a City's identity. The lived-in architecture, the strategic locations, and the uses of these buildings reveal unique stories that tell how our City came to be. The preservation of Thunder Bay's built heritage has been a longstanding objective of City Council, recognizing that everyone benefits from the character and quality that heritage properties contribute to our community.

The *Ontario Heritage Act* requires that municipalities preserve their built heritage through a municipal register. Thunder Bay's Heritage Register includes 26 formally designated heritage properties, forty-nine listed heritage properties and one Heritage Conservation District, all of which have been deemed valuable to the community due to their architectural, historical, or cultural significance.

Owners of properties on the Register are encouraged to maintain their heritage properties in order to conserve the rich cultural and architectural history of Thunder Bay. Upkeep of these properties, however, can often be more costly than owning a newer building due to more intensive care, custom work, and restoration. Many municipalities in Ontario have created programs to offer financial support for heritage property owners.

On October 25th, 2021, Council passed a motion directing Administration to complete a report outlining the options and costs associated with developing and implementing a heritage tax relief program for heritage property owners. This report provides an overview of the programs available to provide financial assistance to heritage properties.

Tax Relief Program

Under the *Ontario Heritage Act*, municipalities have the ability to introduce a tax relief program to give heritage property owners a 10% to 40% reduction on the municipal and school portion of their property taxes. The province shares in the cost of the program by funding the education portion. Properties must be designated under Part IV or Part V of the *Ontario Heritage Act* and subject to a heritage easement, or an equivalent preservation agreement, whereby the owner agrees to carry out regular conservation work on the property to nationally accepted standards.

Relief can be delivered either in the form of credits on the tax account or an actual payment to the property owner once an annual inspection has been completed, and it has been confirmed that the terms of the preservation agreement have been met.

While tax relief programs are an effective tool to provide financial assistance to heritage property owners, the program requires drafting and registering easements or agreements, undertaking annual site inspections, and on-going monitoring. Budgeting for the program can pose challenges as the relief amount is based on changing assessment values and taxation rates. It is important to note that six of the City's designated church properties would not benefit from this program as they are tax-exempt.

Heritage Grant Program

An alternative program provided for under the *Ontario Heritage Act* allows municipal councils to pass a by-law authorizing grants to owners of designated heritage properties to assist them to cover the costs of repair and restoration. This program is intended to assist designated property owners with small to mid-size conservation projects that focus on the maintenance and rehabilitation of existing heritage attributes or the restoration of heritage attributes that would contribute to the cultural heritage value of the property.

Similar to the tax relief program, properties must be designated under Part IV or Part V of the *Ontario Heritage Act*. Properties that are listed on the Heritage Register but not designated would not be eligible.

Several municipalities in Ontario offer a heritage grant program and each have their own defined eligibility requirements. To establish a program in Thunder Bay, the criteria for eligible projects would be developed in consultation with the Heritage Advisory Committee.

Municipality	Percentage of Funding	Maximum contribution per project	Annual Budget
City of Kingston	Up to 50% (matching)	5,000	50,000
Town of Oakville	Up to 50% (matching)	15,000	120,000
City of Sault Ste. Marie	Up to 50% (matching)	3,000	12,000

Examples of eligible projects could include any conservation work which directly and appropriately preserves, restores and/or enhances specific heritage attributes. Ineligible projects would generally include works that focus on non-heritage attributes, additions, spaces, features and finishes, or any works that might diminish the cultural heritage value of the property.

Administration of a Heritage Grant Programs would be similar to grants provided through the City's Strategic Core Areas Community Improvement Plan (CIP), in that eligible projects would see funding to support rehabilitation. Grant programs provide Owners who invest in their property or building immediate assistance to offset the cost of their project. In return, citizens of the City benefit from the investment by having an improved heritage building that will last and improve the quality and character of the neighbourhood.

Heritage grant programs do not require a heritage preservation agreement and funds would be allocated on a first-come, first-served basis from the budget established by Council. All properties that are designated or fall within the Waverley Park Heritage Conservation District would be eligible including churches. Applications would be reviewed by the Heritage Advisory Committee and Planning Services.

FINANCIAL IMPLICATION

Administration recommending that up to \$50,000 be included in the proposed 2023 budget for the heritage grant program for Council consideration. This amount represents a mid point based on the funding being provided by other municipalities with heritage grant programs including the City of Kingston, City of Sault Ste. Marie and the Town of Oakville. Administrative resources allocated towards this program would be managed within existing budgets and staff complements.

BACKGROUND

The City of Thunder Bay previously offered a heritage tax relief program between 2006 and 2008 (Corporate Report 2005.219). Uptake was poor and the program was discontinued and removed from the budget. The lack of participation may have been due to the requirement for a heritage preservation agreement registered on title and a commitment from the owner to undertake on-going maintenance. It has also been suggested that the program was not well promoted.

In the spring of 2021, the owner of a heritage property contacted the Heritage Advisory Committee asking if financial assistance programs were available to support the replacement of an aging roof on a designated building. At that time, no such programs were available. The inquiry prompted a discussion at the June 24th, 2021 Heritage Advisory Committee meeting, which resulted in a motion seeking City Council support for the development of a heritage incentive program.

The City of Thunder Bay currently offers four grants under the Strategic Core Areas Community Improvement Plan (CIP). To be eligible for these grants, properties must fall within the defined project areas and meet the applicable criteria for the work being undertaken. While more than half of the City's designated heritage buildings or structures fall within these project areas, the repair or maintenance of heritage features would not qualify as an eligible project.

CONCLUSION

Heritage properties are irreplaceable. Proper maintenance of heritage properties is essential to ensure the City does not lose these valuable, historical pieces of our city's history.

A heritage grant program would offer a greater degree of flexibility than a tax relief program as it would not require a heritage preservation agreement, and Council would have the ability to determine appropriate grant amounts based on annual budgets.

It is concluded that the introduction of a heritage grant program would be an appropriate means of providing financial support to heritage property owners who undertake restoration or preservation projects that contribute to protecting the character and quality of the City's heritage resources.

REFERENCE MATERIAL ATTACHED:

Attachment A – List of designated properties

PREPARED BY: *Jamie Kirychuk, Planner II*

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER) Joel DePeuter – Acting GM Development and Emergency Services	DATE: June 10, 2022
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Attachment "A" - List of Designated Properties



City of Thunder Bay Municipal Heritage Register - www.thunderbay.ca/en/city-hall/heritage-properties

Building/Name	Address #	Street	Cira	Status on Register	Year Added	By-Law/Report	Ownership
Arlington Apartments	230	Brodie Street North	1913	Designated	1988	230	Private
Bank of Commerce	409	Victoria Avenue East	1911	Designated	1994	106	Private
Black Bay Bridge	-	Arundel & Lyon Blvd.	1912	Designated	1989	263	City of Thunder Bay
Blake's Funeral Chapel	200	May Street South	1935	Designated	1992	257	Private
Brodie Resource Library	216	Brodie Street South	1912	Designated	1981	76	City of Thunder Bay (board-run)
Central School (Magnus Theatre)	10	Algoma Street South	1884	Designated	1983	105	City of Thunder Bay (board-run)
Chippewa Park Carousel	-	Chippewa Park	1915	Designated	1991	129	City of Thunder Bay
CN Station	2212	Sleeping Giant Parkway	1905	Designated	1979	258	City of Thunder Bay
Coo House	135	Archibald Street North	1898	Designated	1981	317	Private
Finnish Labour Temple	314	Bay Street	1910	Designated	1991	74	Public Agency
Fort William Collegiate Institute	512	Marks Street South	1907	Designated	1983	104	Private
James Murphy Residence (Murphy Mansion)	431	Selkirk Street South	1919	Designated	1985	147	Private

Lornehurst (Minore House)	294	Court Street North	1906	Designated	1991	75	Private
McKibbin House	131	Court Street North	1906	Designated	1992	258	Private
Ottawa House	38-40	Cumberland Street South	1888	Designated	1987	35	Private
Pagoda	170	Red River Road	1909	Designated	1979	90	City of Thunder Bay
Polish Hall	818	Spring Street	1913	Designated	2004	28	Public Agency
Port Arthur Collegiate Institute	401	Red River Road	1909	Designated	1983	106	Public Agency
Royal Edward Arms	114	May Street South	1929	Designated	1988	176	Private
St. Andrew's Presbyterian Church	211	Brodie Street South	1909	Designated	1984	197	Public Agency
Thunder Bay Multicultural Centre	17	Court Street North	1906	Designated	1994	105	Public Agency
Thunder Bay Museum	425	Donald Street East	1912	Designated	1995	204	City of Thunder Bay (board-run)
Trinity United Church	30	Algoma Street South	1905	Designated	1979	362	Public Agency
Vickers Park	1700	Arthur Street East	1902	Designated	2022	47	City of Thunder Bay
Virgil School of Music	337	Van Norman Street	1905	Designated	1989	109	Private
Whalen Building	34	Cumberland Street North	1913	Designated	2004	29	City of Thunder Bay
1920s "cottage style" house	482	St. Patrick's Square	1925	Designated - Waverley Park	1988	65	Private
3-storey apartment building	350	Red River Road	1980	Designated - Waverley Park	1988	65	Private
8-storey apartment building	9	Regent Street	1975	Designated - Waverley Park	1988	65	Private

Apartment building	466	St. Patrick's Square	1965	Designated - Waverley Park	1988	65	Private
Bungalow	396	Red River Road	1920	Designated - Waverley Park	1988	65	Private
Colonial Revival style house	334	Red River Road	1905	Designated - Waverley Park	1988	65	Private
Colonial Revival style house	491	Red River Road	1905	Designated - Waverley Park	1988	65	Private
Connaught Square	-	Red River Rd, Algoma St, Waverley St.	1903	Designated - Waverley Park	1988	65	City of Thunder Bay
Contemporary house	410	Red River Road	1965	Designated - Waverley Park	1988	65	Private
Contemporary house	432	St. Patrick's Square	1970	Designated - Waverley Park	1988	65	Private
Contemporary house	467	St. Patrick's Square	1970	Designated - Waverley Park	1988	65	Private
Cottage style house	402	Red River Road	1925	Designated - Waverley Park	1988	65	Private
Edwardian house	445	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Edwardian house	486	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
English cottage style house	328	Red River Road	1925	Designated - Waverley Park	1988	65	Private
English cottage style house	380	Herbert Street	1925	Designated - Waverley Park	1988	65	Private
English cottage style house	457	St. Patrick's Square	1925	Designated - Waverley Park	1988	65	Private
Everest Funeral Home	299	Waverley Street	1940	Designated - Waverley Park	1988	65	Private
First Baptist Church	308	Red River Road	1907	Designated - Waverley Park	1988	65	Public Agency
Hillcrest Towers apartment building	9	High Street South	1950	Designated - Waverley Park	1988	65	Private

Hogarth Fountain (feature within Waverley Park)	-	Waverley Park	1790 (placed 1964)	Designated - Waverley Park	1988	65	City of Thunder Bay
House (former public school - moved to this site in 1901)	312-314	Red River Road	1874	Designated - Waverley Park	1988	65	Private
Late Victorian house	388	Red River Road	1905	Designated - Waverley Park	1988	65	Private
Late Victorian house	392	Red River Road	1900	Designated - Waverley Park	1988	65	Private
Late Victorian house	400	Red River Road	1915	Designated - Waverley Park	1988	65	Private
Masonic Lodge	262-270	Red River Road	1910	Designated - Waverley Park	1988	65	Private
Office building	385	Herbert Street	1960	Designated - Waverley Park	1988	65	Private
Pentacostal Church	326	Red River Road	1950	Designated - Waverley Park	1988	65	Public Agency
Period Revival style house	477	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Post-war bungalow	369	Waverley Street	1960	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	329	Waverley Street	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	332	Red River Road	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	338	Red River Road	1885	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	363	Waverley Street	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	372	Red River Road	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	373	Waverley Street	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	375	Waverley Street	1905	Designated - Waverley Park	1988	65	Private

Queen Anne Revival style house	416	Red River Road	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	430	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	436	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	439	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	450	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	454	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	463	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	471	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	472	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style house	488	Red River Road	1905	Designated - Waverley Park	1988	65	Private
Queen Anne Revival style semi-detached house	459-461	St. Patrick's Square	1905	Designated - Waverley Park	1988	65	Private
St. Andrew's Roman Catholic (original - now parish hall)	292	Red River Road	1900	Designated - Waverley Park	1988	65	Public Agency
St. Andrew's Roman Catholic Church	292	Red River Road	1924	Designated - Waverley Park	1988	65	Public Agency
St. Andrew's Roman Catholic rectory	292	Red River Road	1950	Designated - Waverley Park	1988	65	Public Agency
St. Patrick's Square	-	St. Patrick's Square	1903	Designated - Waverley Park	1988	65	City of Thunder Bay
St. Paul's United Church	349	Waverley Street	1913	Designated - Waverley Park	1988	65	Public Agency
St. Paul's United Church Hall	349	Waverley Street	1950	Designated - Waverley Park	1988	65	Public Agency

St. Paul's United Church Manse	349	Waverley Street	1950	Designated - Waverley Park	1988	65	Public Agency
Stucco house	330	Red River Road	1920	Designated - Waverley Park	1988	65	Private
Waverley Park	-	Waverley Street & Red River Rd	1871	Designated - Waverley Park	1988	65	City of Thunder Bay
Waverley Park Cenotaph	-	Waverley Park	1925	Designated - Waverley Park	1988	65	City of Thunder Bay
Waverley Park Lookout	-	Waverley St. & Red River Road	1911	Designated - Waverley Park	1988	65	City of Thunder Bay
Waverley Resource Library	285	Waverley Street	1951	Designated - Waverley Park	1988	65	City of Thunder Bay (board-run)
O'Kelly Armoury	317	Park Avenue	1913	Designated - Waverley Park / Listed	1988 / Listed 2009	65 / listed Report No. 2009.110	Federal Government

Corporate Report

DEPARTMENT/ DIVISION	Community Services - Recreation & Culture	REPORT NO.	R 93/2022
DATE PREPARED	05/16/2022	FILE NO.	
MEETING DATE	06/20/2022 (mm/dd/yyyy)		
SUBJECT	Older Adults Centres – 2022 Capital Budget Amendment for Ministry Funding Awarded		

RECOMMENDATION

WITH RESPECT to Report R 93/2022 (Community Services - Recreation & Culture), we recommend that Appropriation 20 to increase the existing 2022 capital budget in the amount of grants awarded by the Government of Ontario through the Ministry of Seniors and Accessibility's Seniors Active Living Centre Special Grant Program be approved;

AND THAT the 2022 capital budget be amended through the necessary appropriation to reflect the \$20,000 of received funding;

AND THAT the 2020 capital budget be amended through the necessary appropriation to reflect the \$20,000 of received funding;

AND THAT any necessary by-laws be presented to City Council for ratification.

EXECUTIVE SUMMARY

This report seeks Council approval to increase the 2020 and 2022 55 Plus Centre Infrastructure and Equipment and Renewal capital budgets by \$40,000. This amount reflects the value of funding awarded by the Government of Ontario Ministry of Seniors and Accessibility's Special Grant Program.

DISCUSSION

Two grant applications requesting a total of \$40,000 were submitted to the Ministry of Seniors and Accessibility in September, 2021. The applications were approved in December, 2021.

The \$40,000 Special Grant Program was awarded in two separate grant envelopes.

Grant Envelope 1 - \$20,000: This grant is towards the upgrade of the 55 Plus Centre's outdoor digital sign. This project was included in the capital budget at \$25,000 gross, \$0 net, to be funded by the 55 Plus Centre Reserve Fund.

Grant Envelope 2 - \$20,000: This grant is for the purchase of iPads and computers to activate West Arthur Community Centre's digital literacy program. This project was not included in the 2022 capital budget.

These projects will position the Older Adult Centres to:

1. initiate and deliver a computer literacy program at West Arthur Community Centre
2. have the ability to loan computers for at-home use
3. improve facility recognition and better promote events and programs through the 55 Plus Centre digital sign.

FINANCIAL IMPLICATION

There are no additional financial implications associated with this corporate report.

Quotes for the two capital projects were received within the approved funding and budgeted amounts. The grant funding reduces the need to draw from the 55 Plus Centre Reserve Fund for the digital sign project to the extent that was included in the 2022 budget. The total anticipated cost for both projects is \$48,000, with the balance over \$40,000 to be funded from the Reserve as planned in the 2022 capital budget.

Administration is recommending the approval of Appropriation 20 to increase the approved 2022 capital budget by \$20,000 gross, \$0 net and the 2020 capital budget by \$20,000 gross, \$0 net in order to correspond with the amount of funding awarded.

CONCLUSION

It is concluded that the funding received from the Ministry of Seniors and Accessibility's Special Grant Program was not included in the approved capital budget submission and therefore that the 2022 and 2020 capital budgets should be amended to reflect the awarded funding.

Therefore, it is concluded that Appropriation 20 should be approved to increase the approved gross 2022 and 2020 capital budgets in the amount of the funding awarded.

BACKGROUND

The Ministry of Seniors and Accessibility's Special Grant Program application was submitted on September 10, 2021. Notification of the grant approval totaling \$40,000 was received on December 17, 2021.

REFERENCE MATERIAL ATTACHED:

Attachment A - Appropriation No. 20

PREPARED BY: Kevin Penny, Supervisor Community Programs – Older Adults

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)	DATE:
Kelly Robertson, General Manager, Community Services	June 9, 2022

The City of Thunder Bay		DATE: May 31, 2022				
DEPARTMENT: Community Services		REQUEST FOR APPROPRIATION CHANGE	<div></div>	<div>20</div> APPROP NO.		
DIVISION: Rec & Culture		REQUEST FOR ADDITIONAL APPROPRIATION	<div>X</div>			
WBS ELEMENT	DESCRIPTION	BUDGET AVAILABLE	INCREASE	DECREASE	ADMIN USE	
					IM Position	Fund Code
COM-REC-220001-3-N-1-2 (NEW)	55+ Digital Sign Upgrade		20,000		2.5	75
COM-REC-200001-3-N-5-1 (NEW)	55+ Digital Literacy Program Equipment		20,000		2.5	75
	Ministry of Seniors and Accessibility			40,000	2.5	75
			40,000	40,000		
EXPLANATIONS/REASONS: Please refer to Corporate Report R95/2022			EFFECT ON LEVEL OF SERVICE:			
			DECREASE INCREASE MAINTAINED			
			<div></div> <div></div> <div>X</div>			
			DATE: June 1, 2022			
			RECOMMENDED/APPROVED			
			<div>Linda Evans</div> <div>Linda Evans</div> <div>CITY TREASURER</div>			
			<div>Norm Gale</div> <div>Norm Gale</div> <div>CITY MANAGER</div>			
PREPARED BY: Grant Eklund		VERIFIED BY		COMMITTEE OF THE WHOLE		
REVIEWED BY: Kelly Robertson		FINANCE: M GALLAGHER		APPROVED NOT APPROVED		
Committee of the Whole - Monday, June 20, 2022		Moirra Gallagher, CPA, CMA		<div></div> <div></div>		
General Manager, Community Services Dept.		Budget & Planning Accountant		DATE: _____		
		Corporate Services & Long Term Care Department		Page 138 of 242		

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Report R 65/2022 Contract 2, 2022 - Sidewalk & Pedestrian Crossover

SUMMARY

At May 16, 2022 Committee of the Whole meeting the City Clerk advised that this item was withdrawn from the agenda and will be re-presented at a later date.

At June 6, 2022 Committee of the Whole meeting the Deputy City Clerk advised that this item was withdrawn from the agenda and will be re-presented at a later date.

Report R 65/2022 (Infrastructure & Operations - Engineering & Operations) containing a recommendation relative to the above noted, re-presented.

RECOMMENDATION

WITH RESPECT to Report R 65/2022 (Infrastructure & Operations - Engineering & Operations), we recommend that Contract 2, 2022 – Sidewalk and Pedestrian Crossover Construction be awarded to Bay City Contractors who submitted the lowest compliant tender in the amount of \$1,230,010.65 [inclusive of HST]; it being noted that the amount shown is based on estimated quantities; final payment for this contract will be based on measured quantities for the completed work;

AND THAT the General Manager of Infrastructure and Operations report any circumstances to City Council should significant variation in the contract quantities occur;

AND THAT the Mayor and City Clerk be authorized to sign all documentation related to these matters;

AND THAT any necessary bylaws be presented to City Council for ratification.

ATTACHMENTS

1. Report R 65/2022 Contract 2, 2022 – Sidewalk and Pedestrian Crossover Construction

Corporate Report

DEPARTMENT/ DIVISION	Infrastructure & Operations - Engineering & Operations	REPORT	R 65/2022
DATE PREPARED	3/31/2022	FILE	
MEETING DATE	5/16/2022 (mm/dd/yyyy)		
SUBJECT	Contract 2, 2022 - Sidewalk & Pedestrian Crossover Construction		

RECOMMENDATION

WITH RESPECT to Report R 65/2022 (Infrastructure & Operations - Engineering & Operations), we recommend that Contract 2, 2022 – Sidewalk and Pedestrian Crossover Construction be awarded to Bay City Contractors who submitted the lowest compliant tender in the amount of \$1,230,010.65 [inclusive of HST]; it being noted that the amount shown is based on estimated quantities; final payment for this contract will be based on measured quantities for the completed work;

AND THAT the General Manager of Infrastructure and Operations report any circumstances to City Council should significant variation in the contract quantities occur;

AND THAT the Mayor and City Clerk be authorized to sign all documentation related to these matters;

AND THAT any necessary bylaws be presented to City Council for ratification.

LINK TO STRATEGIC PLAN

This report directly supports the ‘Renew’ strategy of the 2019-2022 Corporate Strategic Plan: focus on essential infrastructure, revitalize our cores and enhance our Image Routes.

EXECUTIVE SUMMARY

The 2022 capital budget includes funds for new sidewalk, sidewalk replacement, and three additional pedestrian crossover installations at various locations in the City. There were two (2) compliant tenders received for the work, with the lowest being from Bay City Contractors. They have completed previous sidewalk and municipal work for the City on past contracts. Administration recommends them as capable of doing the work. The project as tendered is over the available budget allocation and Administration is recommending the deletion in scope of one of the sidewalk replacement locations in order for the remainder of the contract to proceed.

DISCUSSION

As a result of the call for tenders, two (2) compliant responses as listed below were received for the construction of sidewalks and pedestrian crossover installations.

The tender costs include the applicable HST. An irregularity on bid form submission has resulted in another bidder response being deemed non-compliant by Supply Management and is not shown.

Contractor	Tender Opening Bid
Bay City Contracting	\$1,294,878.38
P.N.I. Contracting Ltd	\$1,445,594.88

The pre-tender estimate for the work on this contract was \$1,031,000.00.

The contract includes sidewalk replacement on sections of the following streets: John Street Road, Red River Road, Brescia Court, Centre Street, Yonge Street, and Hyde Park Avenue.

The Hyde Park Avenue location also includes replacement of street lighting and wiring as well as removal of a one block deteriorated section of non-continuous sidewalk on the east side.

Condition surveys of all City sidewalks provides Administration with information to prioritize sidewalk replacements in the capital program including hollow sidewalk replacement.

The contract also includes a number of segments of new sidewalk links that have been identified in the City's Active Transportation Plan and include improved connections to public transit. This includes new sidewalk segments on sections of John Street, Inchiquin Street and Frederica Street. The work on John Street and Frederica Street is part of a staged program to complete sidewalks on both sides of a transit route street. These new sidewalk links improve access to Transit stops and are eligible for funding under the Investing in Canada Infrastructure Program – Public Transit stream.

Also included in this contract is the necessary underground civil work, concrete sidewalk/trail connections, pavement markings, poles, signage and equipment to install new pedestrian crossover (PXO) signals at three (3) locations.

Locations of crossings are East Avenue at Market Street, William Street at Ford Street and Madeline Street at McVicars Creek. These intersection locations have been reviewed in accordance with the traffic and pedestrian crossover matrix in accordance with the Ontario Traffic Manual. All crossings will also remain consistent with the Level 2 Type B PXO construction standard that the City has adopted for these installations. These pedestrian crossovers are eligible for funding under the Investing in Canada Infrastructure Program – Public Transit stream.

Two of the above crossings involve safety crossing enhancements at locations of active transportation multi-use trails. The William Street crossing includes a realignment of the trail on Confederation College and the College is supportive of this improvement.

The low tenderer on this contract is Bay City Contractors. They completed similar work previously for the City in past years. Administration is recommending this company as the low compliant tenderer and capable of carrying out the work on this contract. Some reduction in original scope is being recommended to align with the available budget.

LINK TO EARTHCARE SUSTAINABILITY PLAN

The work approved under this report supports the Mobility goal of the Earthcare Sustainability Plan. New and rehabilitated sidewalks and new pedestrian crossovers encourage residents to use active transportation especially for short duration trips, improving health of residents and reducing GHG emissions.

FINANCIAL IMPLICATION

The 2022 capital budget includes funds for this work. A number of the new sidewalk projects and pedestrian crossovers are eligible for the Investing in Canada Infrastructure Program (ICIP) Public Transit stream financing that has expanded the extent of work under this year's sidewalk contract.

The work in this contract falls beyond the available budget allocation. Administration is recommending that one of the sidewalk replacement projects on Yonge Street should be removed from the contract to bring it within available budget and all other work proceed. The contractor involved is agreeable to this. Yonge Street sidewalk replacement will be re-budgeted in the Capital Budget submission next year.

Based on the recommendation, the breakdown of pricing is as follows:

Original Contract Tendered Price	\$1,294,878.30
Less Yonge Street scope of work	(\$64,867.65)
Revised Contract Tender price	\$1,230,010.65
HST Rebate	(\$122,347.96)
Subtotal	\$1,107,662.69
Engineering	\$154,000.00
Other City labour & material	\$61,000.00
TOTAL	\$1,322,662.69

This contract includes a contingency allowance for work that is unforeseen and can only be expended with the approval of the General Manager of Infrastructure and Operations.

CONCLUSION

It is concluded that City Council should award Contract 2, 2022 for Sidewalk and Pedestrian Crossover Construction to Bay City Contractors as the lowest compliant tender. It is recommended that sidewalk replacement work on Yonge Street should be deleted in order to allow for sufficient budget availability to complete the remainder of the contract.

BACKGROUND

A condition survey of all City sidewalks provides Administration with information to prioritize sidewalk replacements in the capital program including hollow sidewalk replacement

A number of new sidewalk connections or linkages have been included within the 2022 Capital program as these locations were identified in the City's Active Transportation Plan (ATP) as missing gaps. The majority of these projects are financially supported through the City's participation in the Investing in Canada Program (ICIP) as they improve access to Transit.

Report 59/2016 and Report 110/2016 provide background on the legislation and implementation of Pedestrian Crossovers in the Province and in the City. New locations for pedestrian crossovers (PXO) are reviewed annually by City Administration in accordance with guidelines established by the Ontario Traffic Manual involving criteria for road type, traffic volumes and pedestrian counts. Locations on Pedestrian Priority corridors identified in the ATP are prioritized. Three (3) new locations are included this year as part of this contract and with financial support from the ICIP Federal funding program as they link to improved accessibility for Transit.

REFERENCE MATERIAL ATTACHED: None

PREPARED BY: *Rick Harms, P. Eng., Project Engineer*

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)	DATE:
Kerri Marshall, General Manager – Infrastructure & Operations	May 11, 2022

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Report R 56/2022 Contract 4, 2022 - Sewer & Watermain II

SUMMARY

At May 16, 2022 Committee of the Whole meeting the City Clerk advised that this item was withdrawn from the agenda and will be re-presented at a later date.

At June 6, 2022 Committee of the Whole meeting the Deputy City Clerk advised that this item was withdrawn from the agenda and will be re-presented at a later date.

Report R 56/2022 (Infrastructure & Operations - Engineering & Operations) containing a recommendation relative to the above noted, re-presented.

RECOMMENDATION

WITH RESPECT to Report R 56/2022 (Infrastructure & Operations – Engineering & Operations), we recommend that Contract 4, 2022 Sewer and Watermain II be awarded to Nadin Contracting Ltd, which submitted the lowest tender in the amount of \$2,982,581.89 (inclusive of HST); it being noted that the amount shown is based on estimated quantities; final payment for this Contract will be based on measured quantities for the complete work;

AND THAT the General Manager of Infrastructure and Operations report significant variations in the Contract quantities to City Council;

AND THAT the Mayor and Clerk be authorized to sign all documentation related to this matter;

AND THAT any necessary by-laws be presented to City Council for ratification.

ATTACHMENTS

1. Report R 56/2022 Contract 4, 2022 Sewer and Watermain II

Corporate Report

DEPARTMENT/ DIVISION	Infrastructure & Operations - Engineering & Operations	REPORT	R 56/2022
DATE PREPARED	3/22/2022	FILE	
MEETING DATE	5/16/2022 (mm/dd/yyyy)		
SUBJECT	Contract 4, 2022 - Sewer & Watermain II		

RECOMMENDATION

WITH RESPECT to Report No. R 56/2022 (Infrastructure & Operations – Engineering & Operations), we recommend that Contract 4, 2022 Sewer and Watermain II be awarded to Nadin Contracting Ltd, which submitted the lowest tender in the amount of \$2,982,581.89 (inclusive of HST); it being noted that the amount shown is based on estimated quantities; final payment for this Contract will be based on measured quantities for the complete work;

AND THAT the General Manager of Infrastructure and Operations report significant variations in the Contract quantities to City Council;

AND THAT the Mayor and Clerk be authorized to sign all documentation related to this matter;

AND THAT any necessary by-laws be presented to City Council for ratification.

LINK TO STRATEGIC PLAN

This report directly supports ‘Our Priorities’ of the 2019-2022 Corporate Strategic Plan, through renewal of City infrastructure. This project includes the replacement of sewer and water infrastructure based on Engineering Division’s asset management plan.

EXECUTIVE SUMMARY

The 2022 Capital Budget provides funds for rehabilitation of roads, watermains, sanitary sewers, new sidewalks and a pedestrian crossover on High Street, Crown Street and Lillian Street. There were four (4) tenders received for this work. The low tender for this Contract is Nadin Contracting Ltd. Administration is recommending award of this Contract to this company.

DISCUSSION

As a result of a call for Tender, four (4) responses as listed below were received for Contract 4, 2022 – Sewer and Water.

The tendered costs include the applicable HST. Bids have been checked for mathematical errors and the corrections noted.

CONTRACTOR	TENDERED COSTS	CORRECTED BID
Nadin Contracting Ltd	\$2,982,581.89	
Makkinga Contractors	\$3,294,719.25	
Bay City Contractors	\$3,567,586.28	
PNI Contracting	\$3,804,650.39	

The pre-tender estimate for the work in this Contract was \$2,861,051 (inclusive of HST).

This Contract includes road and watermain replacement on High Street between Lisgar Street and Oliver Road. It also includes sewer and watermain replacement, new sidewalk, curb and gutter and road resurfacing on Crown Street between Bay Street and Cornwall Street. The last part of the contract is a new watermain along the Lillian Street right of way that will provide a loop in the distribution system to address flow and water quality issues.

The 2022 Capital Budget includes funds to replace the existing aged infrastructure on High Street between Lisgar Street and Oliver Road. The work includes replacing the watermain and all its associated service connections and resurfacing of the road. Curb and gutter will be added as well as replacement sidewalks for most of the limits and new sidewalks between Lisgar Street and Hester Street on the east side. A new pedestrian crossover will be added at Inchiquin St. Some new sidewalk will be added on Inchiquin Street running westerly to better service the Canada Games Complex area.

There has been a focus on infrastructure replacement in the area around Bay/Algoma district over the last 10 years. Most of the projects have been completed, Crown Street is one that remains and is proposed to be completed over the next two years. This year all of the underground sanitary sewer and watermains will be replaced between Bay Street and Cornwall Street. Curb/gutter and sidewalks will be replaced and the road will be resurfaced. The remaining block to the South will be included in the 2023 capital budget for consideration.

The last part of this contract is a new watermain loop on Lillian Street between Grenville Avenue and the existing trunk watermain along the Dewe Street corridor. This loop will significantly help water quality and flow in the area.

The lowest tender received for this Contract was from Nadin Contracting Ltd. They have completed numerous sewer, water and road projects for the City. Administration is recommending this company as being capable of carrying out all the work within this Contract. The work is expected to start in June and continue until scheduled completion at the end of October 2022.

FINANCIAL IMPLICATION

Sidewalk and pedestrian crossover construction included in this project is partially funded by the Provincial and Federal ICIP Transit Stream and will improve access to transit stops. There are sufficient funds within the 2022 Capital Budget along with carry forward accounts for the rehabilitation of streets listed in this contract. As per the memorandum from K. Dixon, Changes to the 2022 Capital Program, dated April 21, 2022, the original scope of the Crown Street project has been reduced to fund the project within the existing capital budget envelopes. It is recommended that all work included in the contract proceed.

The following table breaks down the project costs:

Contract Amount	\$2,982,581.89
HST Rebate	(\$296,674.52)
Sub-Total	\$2,685,907.37
Engineering	\$200,000.00
TOTAL	<u>\$2,885,907.37</u>

This Contract includes a contingency allowance for work that is unforeseen and can only be expended with the approval of the General Manager of Infrastructure and Operations.

CONCLUSION

It is concluded that Contract 4, 2022 – Sewer and Watermain II be awarded to the low tender Nadin Contracting Ltd. and that all work should proceed.

BACKGROUND

Report No.1/2022, (Corporate Services and Long Term Care – Financial Services) proposed 2022 Operations and Capital Budget includes funding to carry out road, storm, sanitary sewer and watermain reconstruction projects.

The 2022 Capital Budget includes rate based funding to carry out watermain and sanitary sewer reconstruction for aging infrastructure within the City of Thunder Bay. It also contains tax supported funding for resurfacing and storm sewer works. The replacement work within this Contract is the result of old age, material type failures and fire protection requirements and improvements.

REFERENCE MATERIAL ATTACHED: None

PREPARED BY: Brian Newman, P.Eng., Project Engineer

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER)	DATE:
Kerri Marshall, General Manager – Infrastructure & Operations	May 10, 2022

Corporate Report

DEPARTMENT/ DIVISION	Development & Emergency Services - Licensing & Enforcement	REPORT NO.	R 106/2022
DATE PREPARED	06/08/2022	FILE NO.	
MEETING DATE	06/20/2022 (mm/dd/yyyy)		
SUBJECT	New Municipal Standards For Property, Clean & Clear Yards, Vacant Buildings Security and Minimum Heat By-laws – First Report		

RECOMMENDATION

WITH RESPECT to Report R 106/2022 (Development & Emergency Services – Licensing & Enforcement) we recommend that the draft Municipal Standards for Property By-law, as appended as Attachment D to this report, be approved;

AND THAT the draft Clean & Clear Yards By-law, as appended as Attachment B to this report, be approved;

AND THAT the draft Vacant Building Security By-law, as appended as Attachment F to this report, be approved;

AND THAT the draft Minimum Heat By-law, as appended as Attachment H to this report, be approved;

AND THAT the current Property Standards By-law No. 66-2008, be repealed;

AND THAT the current Yard Maintenance By-law No. 68-2008 as amended, be repealed;

AND THAT the current Heat Rented Dwelling By-law No. 210-1974 and associated Municipal Code Chapter 831 be repealed;

AND THAT that the following Outstanding Items be removed from the Planning Outstanding List:

- 2021-107-DEV Reimagining the Yard Maintenance By-law
- 2021-117-DEV Vacant Buildings By-law
- 2021-118-DEV Property Standards & Yard Maintenance Bylaw

AND THAT the Outstanding Item No 2021-115-DEV Boulevard /Obstruction Bylaw be deferred from August 22, 2022 to May 30, 2023;

AND THAT all By-laws outlined in this report be presented to City Council on August 22, 2022 for ratification.

LINK TO STRATEGIC PLAN

The priorities for the current strategic plan include providing “cost-effective and quality services to citizens,” and “environmental stewardship”.

The proposed new By-laws will provide better and cost-effective service to citizens and quicker resolutions to issues involving Licensing and Enforcement.

The draft Clean and Clear By-law promotes environmental stewardship by recognizing and defining natural garden areas on private property, as an acceptable alternative to traditional mowed lawns. It also encourages habitat creation for pollinators and supports other species needs. It will allow property owners to make their own decisions when it comes to creating an environmentally sustainable yard, with less watering and chemicals required for maintenance.

The proposed changes align with the “Serve” and “Lead” pillars of the strategic plan, specifically by advancing service excellence through a citizen focus.

EXECUTIVE SUMMARY

This report recommends that Council approve the following draft By-laws.

1. Municipal Standards For Property By-law, being a By-law to prescribe municipal standards for the maintenance and occupancy of property and to prohibit occupancy, in the City of Thunder Bay
2. Clean & Clear Yards By-law, being a By-law to require Owners and Occupants of Land to clean and clear Land and to authorize work to be undertaken by the City on the Land in certain circumstances
3. Vacant Building Security By-law, being a By-law to require Owners of Vacant Buildings to register such buildings and to ensure they are secured against unauthorized entry and to provide authority to enter and authorize work to be undertaken in certain circumstances
4. Minimum Heat By-law, being a By-law to require Owners of Residential rental Dwellings to ensure such dwellings are provided with Adequate and Suitable Heat in residential accommodations

These recommended By-laws assist to support Council’s December 14, 2020 direction to restructure the Licensing & Enforcement Division (Report R 149/2020 Dec 14/20) and that, “policies, procedures and by-laws be reviewed and amended so as to streamline enforcement efforts and improve overall efficiency and effectiveness” and any necessary by-laws be presented to City Council for ratification.

Additionally this report provides an update on Outstanding Item No 2021-115-DEV Boulevard /Obstruction Bylaw and recommends an extension to the report back date.

This report is being presented as a First Report and will be re-presented on July 25, 2022.

DISCUSSION

In December 2020, Council directed that the Licensing & Enforcement Division continue to review and amend, as considered appropriate, the organizational structure of the Licensing & Enforcement Division, including that by-laws should be reviewed and amended so as to streamline enforcement efforts and improve overall efficiency and effectiveness. The By-laws addressed in this Report were identified as top priorities to support restructuring as set out in the Development & Emergency Services September 2021 Corporate Report (R 120/2021 (Licencing and Enforcement)). The recommended By-laws (attached) are intended to achieve the intended goals of the above noted report. A summary of substantive changes is outlined below and additional comparator charts, that reflect amendments to the earlier ones posted on the City website, are included as attachments for the three larger By-laws.

The recommended By-laws are being presented to Council as a package and the changes will contribute to operational effectiveness. Four stand-alone by-laws have been created to replace the original two “named bylaws” (Yard Maintenance & Property Standards). These new by-laws will allow for more timely and effective compliance approaches to be employed in resolving issues, thereby providing enhanced service levels to the City residents. These four new by-laws interact collectively with one another to work towards common community benefit objectives.

The current Yard Maintenance By-law No. 68-2008 is recommended to be replaced by the Clean & Clear Yards By-law, the current Property Standards By-law No. 66-2008 is recommended to be divided into three separate By-laws; the Municipal Standards For Property By-law the Vacant Building Security By-law and the Minimum Heat By-law

To achieve Council’s direction set out in R 120/2021 (Licencing and Enforcement), Administration had retained an external consultant to assist in research and initial By-law drafting. Advice on municipal best-practices and drafting options to address compliance approaches was also received for consideration. Additionally, the Department’s new Communications Officer, created a public engagement and consultation process to inform on potential changes to the By-laws and receive feedback, this included an online survey utilizing the City’s Get Involved platform and a live open house process. A public engagement Report was prepared (attached) and used to summarize public input respecting all of the By-laws. It has been used to guide changes to the original drafts, into the recommended final By-law versions (attached).

Council also directed that the contents of a public deputation entitled “Reimagining The Yard Maintenance By-law” (outstanding Item 2021-107 DEV) be considered when reviewing the Yard Maintenance By-law; this has been done by addressing a specific inclusion of the concept of “naturalized garden areas” on private property areas which has now been incorporated into to

the new Clean & Clear Yards By-law draft (attached). Additional requests within the deputant's presentation concerning citizen's ability to create "naturalized garden areas" on adjacent City-owned boulevard properties is separate from the By-laws recommended in this report. It will be addressed in a future report to address Outstanding Item 2021-115 DEV Boulevard /Obstruction By-law. At this time Administration can advise that a working group has been formed and has been meeting toward addressing this item, will be reviewing the associated proposals and requests a revised report back date of May 23, 2023.

Public Engagement

The By-law drafting and pre-report process for this large review of multiple by-laws included a public engagement process, which is summarized in the attached Engagement Report (Attachment A). The single most common "theme" emerging from the process was surrounding the concepts of permitting property owners to create and manage "naturalized garden areas" throughout their entire properties, in support of environmental stewardship values. The existing By-laws did not specifically prohibit such activities but were not clear in stating whether it was allowed or to what degree. The recommended Clean & Clear Yards By-law (attached) now embraces the concept and looks only to manage "turf-grass" and restrict local prohibited plants.

The Engagement Report also highlights significant comments about other proposed changes including concerns with the administration of the new Minimum Heat By-law, the ability to store automotive parts in yards (after the proposed 2025 ban on derelict vehicle storage) and that some of the changes do not go far enough to deal with vacant building issues. These specific comments have also been considered in drafting the recommended By-laws. Administration sought to ensure there is a balance between addressing concerns expressed and operational effectiveness relative to Council's direction.

The public engagement for the proposed By-law changes involved posting drafts of the By-laws on the City website and Get Involved page, and seeking comments through an online survey, and at an Open House.

278 comments submitted by the public were received, analyzed and then sent back to the manager of Licencing and Enforcement for review.

Additional verbal comments were received at the public Open House held on May 16.

The chart below summarizes changes to the By-laws after public consultation:

<i>What We Heard</i>	<i>Change after Consultation</i>
Naturalization Concerns	<ul style="list-style-type: none"> -Eliminate 50 per cent naturalization limit, so entire property can now be naturalized -Eliminate need for buffer between properties -Remove term “weeds” -Modify definition of “waste” to allow for trees/logs in natural gardens -Additional prohibited plants added to schedule
Inoperative Vehicle Storage Elimination	<ul style="list-style-type: none"> -Phase-in timing for vehicle covers to be required -Vehicle storage permits not required until 2025
Concerns over data collection for Minimum Heat By-law	<ul style="list-style-type: none"> -Eliminated onerous testing requirements for temperature of room to be taken numerous times in succession -Onus on owner/landlord to prove an exemption that tenant is responsible for heat -Tenant does not need to produce lease for By-law to be enforceable
Inclusion of vital services in Minimum Heat By-law	<ul style="list-style-type: none"> -Further research and consultation required. Staff will report back as required.

Comments were also received for other issues not directly related to the current or proposed By-laws. One such request was received for “Vital Services” protections (utility services guarantees) to be included in the new proposed Minimum Heat By-law. Those are not currently proposed in the recommended by-law. Administration recommends, only the transfer of the Minimum Heat provisions from the existing Property Standards By-law to a stand-alone Minimum Heat By-law, at this time. Administration will engage with stakeholders to explore the viability of such additional requests and Report back to Council as may be required.

The proposed By-laws will be posted on the Get Involved site for further public review until Wednesday, July 13, 2022.

Clean and Clear Yards By-law
(Replacing Yard Maintenance by-law 68-2008)

The recommended Clean and Clear Yards By-law, is intended to replace the current Yard Maintenance By-law No. 68-2008 (and amendments thereto) and is attached (Attachment “B”), with a comparator chart as Attachment “C”.

This By-law is intended to deal largely with minor yard-storage and yard-maintenance issues on properties, including storage of unused/waste materials including organics/household garbage

and the routine maintenance of vegetation growth or associated hazards or nuisances created by it. The recommended By-law, in addition to improving abilities to deal with issues, would accomplish five main objectives and to improve overall efficiency and effectiveness of compliance efforts, as follows:

1. Removing multiple Notice requirements (and appeal provisions) for minor issues to allow greater flexibility and fairness in addressing minor yard issues, including being able to deal immediately with uncontained “household waste” issues.
2. Formally recognizing and defining “naturalized garden areas” to encourage and support alternative “urban yard-scapes” that supports environmental stewardship concepts.
3. Continuing to regulate traditional “lawns” through turf-grass height/length restrictions, remove the concept of “weeds” (ie. Unwanted plants) and require control of “prohibited local plants” that are named in the By-law.
4. Creates a “sunset” clause for storage of derelict vehicles on residential properties (to be prohibited in 2025), and to be replaced with a permit-system to limit and regulate for legitimate purposes.
5. Clearly strengthen the compliance incentives through the introduction of a modernized and escalating system of fines for repeat offenders as a general deterrence to indifferent or intentional non-compliance behaviours.

Comments from the Public Engagement have been largely adopted in the recommended By-laws concerning “naturalized garden areas” as well as delaying the use of “designed vehicle covers” with a phase-in period of one year for covering derelict vehicles.

Municipal Standards For Property By-law (Replacing Property Standards By-law 66-2008)

The recommended Municipal Standards for Property By-law is intended to partially replace the current Property Standards By-law, while extracting the Vacant Building and Minimum Heat sections into stand-alone By-laws, and is attached (Attachment “D”), with a comparator chart as Attachment “E”.

This By-law is intended to deal largely with significant defects or issues concerning buildings or properties areas that could require substantial repairs, restorations or even demolitions, with significant costs. This By-law, unlike other By-laws referred to in this report, operates under the authority and rules set out the Ontario Building Code Act which governs both the operational authorities and the cost recovery methods. The relocation of the Vacant Building and Minimum Heat provisions of the current By-law is intended to expedite dealing with issues that do not require the mandatory Property Standards appeal process, provided in the Building Code Act. The recommended By-law, in addition to improving current abilities to deal with issues, would accomplish five main objectives, to improve overall efficiency and effectiveness of compliance efforts, as follows:

1. Remove multiple Notice requirements, in keeping with the Building Code Act, while providing greater flexibility in achieving compliance in a shorter timeframe.

2. Addressing “neighbourhood community standards” concerning the general appearance of lands, that is reasonable within the characteristics of the surrounding community.
3. Expanding the overall By-law capacity to deal with safety-related concerns, across multiple regulatory “codes”, including new provisions to address elevating device concerns.
4. Moving Vacant Building rules to a stand-alone by-law that creates a new regulatory framework, including the creation of new offences, to better manage vacant building security by owners.
5. Moving Minimum Heat requirements to quickly and more effectively deal with day-to-day issues, without lengthy appeal processes and by establishing a new system of fines to address repetitive issues.

Vacant Building Security By-law

(formerly a section in the Property Standards By-law #66-2008). The recommended By-law is attached (Attachment “F”) and associated comparison chart is Attachment “G”)

The recommended Vacant Building Security By-law is intended to address the “security” issues that often surround vacant buildings (largely being unlawful entry and use) and to require the City is made aware when a building may become vacant. These provisions also require that owner contact information is kept up to date through establishment of a mandatory registry and creation of a non-compliance offence regime. The recommended By-law, in addition to improving current abilities to deal with issues, would accomplish five main objectives, to improve overall efficiency and effectiveness of compliance efforts, as follows:

1. Require registration after 90 days.
2. Require annual renewals (and inspections if requested) to ensure owner contact information remains current.
3. Provide for increased security requirements when minimum standards are not effective.
4. Create system of offences for non-compliance.
5. Require that the Municipal Standards For Property By-law, including requirement for demolition of derelict/fire damaged properties, continue to apply.

Minimum Heat By-law

(formerly a section of the Property Standards By-law #66-2008). The recommended By-law is attached (Attachment “H”).

The purpose of a stand-alone Minimum Heat By-law is to ensure that issues surrounding the provisions of adequate and suitable heat in a rented residential dwelling, can be dealt with expeditiously, without the cumbersome Building Code Act, Property Standards appeal process. It also allows for landlords, who repeatedly violate the provisions, to be subject to a system of escalating fines to discourage non-compliant behaviour.

The Public Engagement process did “flag” that, in addition to the Minimum Heat provisions being relocated to a stand-alone By-law (which was recognized as a better concept), a request

was made to expand this By-law to include the concept of protection all “Vital Services”. Administration has not had opportunity to fully explore this additional concept within the recommended By-law and will conduct further stakeholder consultations and consider the merits and report back to Council as required.

The recommended By-law, in addition to improving abilities to deal with issues, would accomplish four main objectives, to improve overall efficiency and effectiveness of compliance efforts, as follows:

1. Establish a stand-alone By-law without requiring the lengthy “Property Standards appeal” process used in the Building Code Act.
2. Establish a requirement of Landlords to prove an exemption operates in their favour, to claim exemption to the By-law.
3. Establish a basic measuring parameter and record-keeping, to submit a complaint for investigation.
4. Establish a system of escalating fines for repetitive non-compliance with the by-law, to discourage such practices.

Boulevard /Obstruction Bylaw

The deputant, of the ‘Reimagining The Yard Maintenance By-law’, requested that Administration explore the concept of citizens, in addition to private lands, being allowed to create “naturalized garden areas” on adjacent City lands (Boulevards). This Report addresses the concepts of “naturalized garden areas” as they pertain to private lands through the recommended Clean & Clear Yards By-law.

Administration has already met with a large number of internal City department representatives to discuss the concepts. While the overall response was generally supportive of the concept, it is also very clear that the impacts of such a concept would cross many operational areas and substantial work will be need to be done before a thorough and thoughtful report could come forward. It is intended that Administration will move forward to fully explore the concepts, including future public engagement work, in exploring options in this regard.

This report recommends an extension to the report back date to May 30, 2023.

FINANCIAL IMPLICATIONS

Administration does not project any significant annual expenditures or additional revenues, as a result of passing these By-laws.

CONCLUSION

It is concluded that Council should approve this report and that the following By-laws be presented to Council:

- -Municipal Standards For Property By-law

- -Clean & Clear Yards By-law
- -Vacant Building Security By-law
- -Minimum Heat By-law

It is further concluded that existing By-laws noted in this report should be repealed.

Additionally this report provides an update on Outstanding Item No 2021-115-DEV Boulevard /Obstruction Bylaw and recommends an extension to the report back date to May 30, 2023.

REFERENCE MATERIAL ATTACHED:

Attachment A - Engagement Report
Attachment B - Clean and Clear Yards Bylaw Draft
Attachment C - 2022 Clean Clear Yards Comparator Chart
Attachment D - Municipal Standards for Property By-law
Attachment E Municipal Standards for Property Bylaw Comparator Chart
Attachment F - Vacant Building Security By-law
Attachment G - Vacant Building Security By-law Comparator Chart
Attachment H - Minimum Heat By-law

PREPARED BY: DOUG VINCENT, MANAGER – LICENSING & ENFORCEMENT

THIS REPORT SIGNED AND VERIFIED BY: (NAME OF GENERAL MANAGER) Joel DePeuter – Acting GM Development and Emergency Services	DATE: June 10, 2022
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Community Engagement Report on Proposed By-Law Changes

Yard Maintenance By-law, Property Standards By-law,
Minimum Heat By-law, Vacant Buildings By-law



June 20, 2022

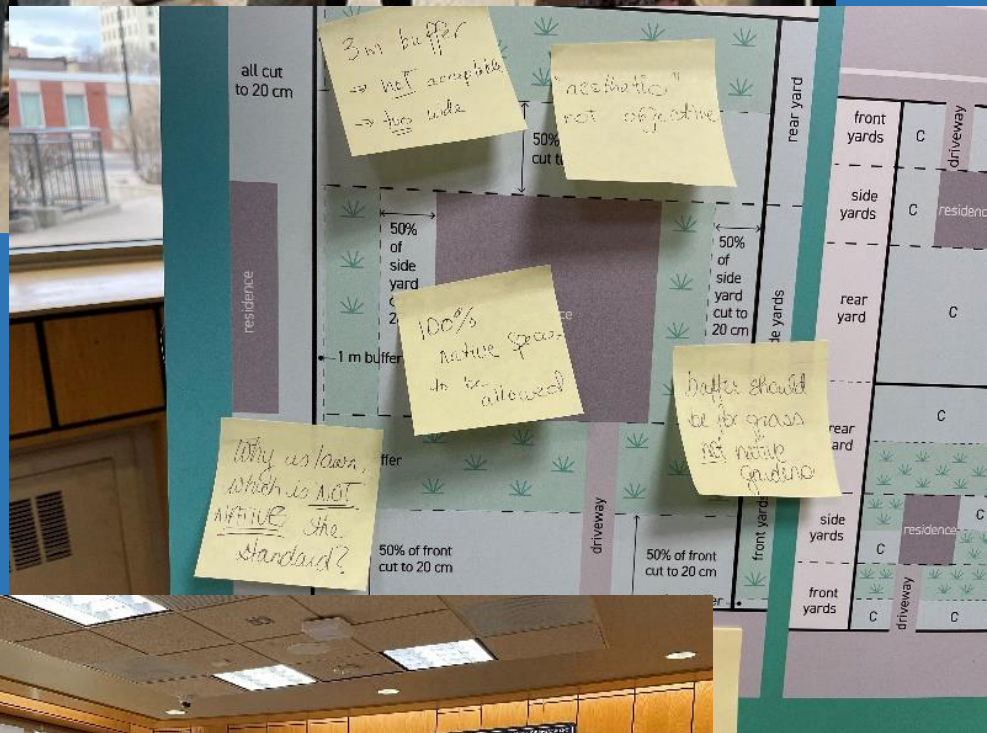


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Methodology

Citizens were invited to provide their comments on the proposed changes to the Property Standards and Yard Maintenance By-laws, as well as the new Vacant Buildings and Minimum Heat By-laws through Thunder Bay's Get Involved site from May 16 – May 30, 2022. A total of 278 surveys were completed, and 1,883 citizens visited the webpage to gain more information. Approximately 20 people also took part in an Open House at City Hall on May 16, 2022, from 3:30 – 6:30 pm where information was exchanged between citizens and City officials.

Based on a thorough review of all comments, the following themes have emerged.

Emerging Themes

Primary Theme: Yard Naturalization

The majority of comments received at the Open House and through the Get Involved platform revolved around the concept of yard naturalization. Additional comments were emailed from some respondents to the Communications Officer working on this file, along with the Manager of Licensing and Enforcement. Those comments also centered on the theme of naturalization. Based on feedback received from the public and internal review, amendments have been made to all By-laws. The amendments should largely alleviate the concerns many respondents had regarding the city's original proposed rules on naturalization in the Clean and Clear Yards By-law.

Of the 278 surveys completed, 141 (50.7%) specifically mentioned naturalization. A number of other surveys also alluded to concepts of naturalization, such as ensuring wildflower gardens or gardens for food could be planted, or discussing the types of flora that could be planted in a yard. Those surveys are in addition to the 141 specific mentions.

Many of the comments submitted in the survey have now been addressed by Licensing and Enforcement in a revised draft of the By-law. This includes the proposed rules around naturalization, buffer rules, and the percentage of yard naturalization. The proposed Clean and Clear Yards By-law has been modified specifically to address these naturalization comments.

Each survey was analyzed, and the following themes emerged:

(*) indicates the number of times referenced within the survey responses.

- Naturalization (141)
- Types of plants allowed/ability to grow food (78)
- Pollinators (54)
- 50 per cent naturalization limit (52)
- Boulevard Gardens (49)
- Biodiversity (31)
- Climate Change (24)
- Buffer Zone Requirements (22)
- Yard Waste Rules (logs, branches) (20)
- Disappointed with By-law direction (15)

Additional Themes:

Six respondents had specific concerns over the Minimum Heat By-law, which included the 21 C temperature standard, or in some cases, the technical ability to produce information for By-law officers, to ensure any complaints could be resolved.

The concept of boulevard gardens was not addressed in the proposed By-laws, but are slated to be dealt with at a later time.

The following themes also emerged in the surveys:

(*) indicates the number of times referenced.

- Residential yard storage, including derelict vehicles (42)
- Concerns over availability/response from By-law officers (34)
- Vacant Buildings (30)
- Other (41)

Other topics brought forward through the survey included concerns over vermin, back lane maintenance, litter in public places and City maintenance of parks and open spaces. Many other concerns were also raised that were not related to this public consultation, such as waterfront issues, parking and south core development.

Many of the concerns raised by the public regarding residential yard storage and derelict vehicles will be addressed by the new By-laws. The issue of availability and response from By-law officers will also be addressed in the coming months, as By-law undergoes a reorganization, expanding hours of officer availability as well as an enhanced ability to respond to public complaints.

Survey Questions

A total of 278 surveys were completed, along with six letters submitted via email to the Communications Officer assigned to this file. The surveys were available through the online engagement page at www.thunderbay.ca/Getinvolved and at the Open House on May 16.

The survey was created to be open-ended, soliciting feedback from participants. It is important to note that not all responses were mandatory, so some questions had fewer responses.

Questions from the online Survey:

1. Are you satisfied with the proposed changes to Thunder Bay's Property Standards By-law?
 - a. (if no) What changes would you make to the Property Standards By-law?
2. Are you satisfied with changes to Thunder Bay's Yard Maintenance By-law, now known as the Clean and Clear Yards By-law?

- a. (if no) What changes would you make to the Clean and Clear Yards By-law?
3. What do you want to see included in the Vacant Building By-law?
4. What issues would you like to see addressed by the Property Standards, Clean and Clear Yards or Vacant Buildings By-law?
5. If you have any specific concerns related to the Property Standards By-law, please tell us your concerns:
6. If you have any specific concerns related to the Clean and Clear Yards By-law, please tell us your concerns:
7. If you have any specific concerns related to the Vacant Buildings By-law, please tell us your concerns:
8. Have you had an experience with Licencing and Enforcement Officers:
 - a. (if yes) Please Explain:
9. Is there anything else you would like to tell us:

Participant Demographics

The following demographics represent the 278 online survey participants.

- 25-34 years (22%)
- 35-44 years (26%)
- 45-54 years (14%)
- 55-64 years (23%)
- 65+ years (14%)

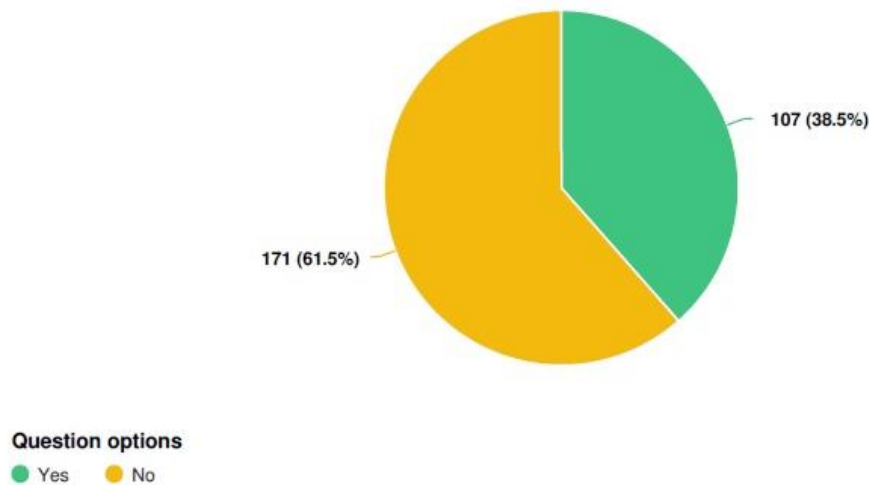
People who identified as female made up 64 per cent of respondents, 29 per cent identified as male, while six per cent did not specify their gender, and another one per cent preferring not to say.

Participants identified from 186 unique postal codes in Thunder Bay. One respondent identified they were outside of the city.

Survey Results

Of the detailed survey results, which were analyzed by the Communications Officer assigned to the file, the following questions best showcase the emerging findings:

Q1. Are you satisfied with the proposed changes to Thunder Bay's Property Standards By-law?

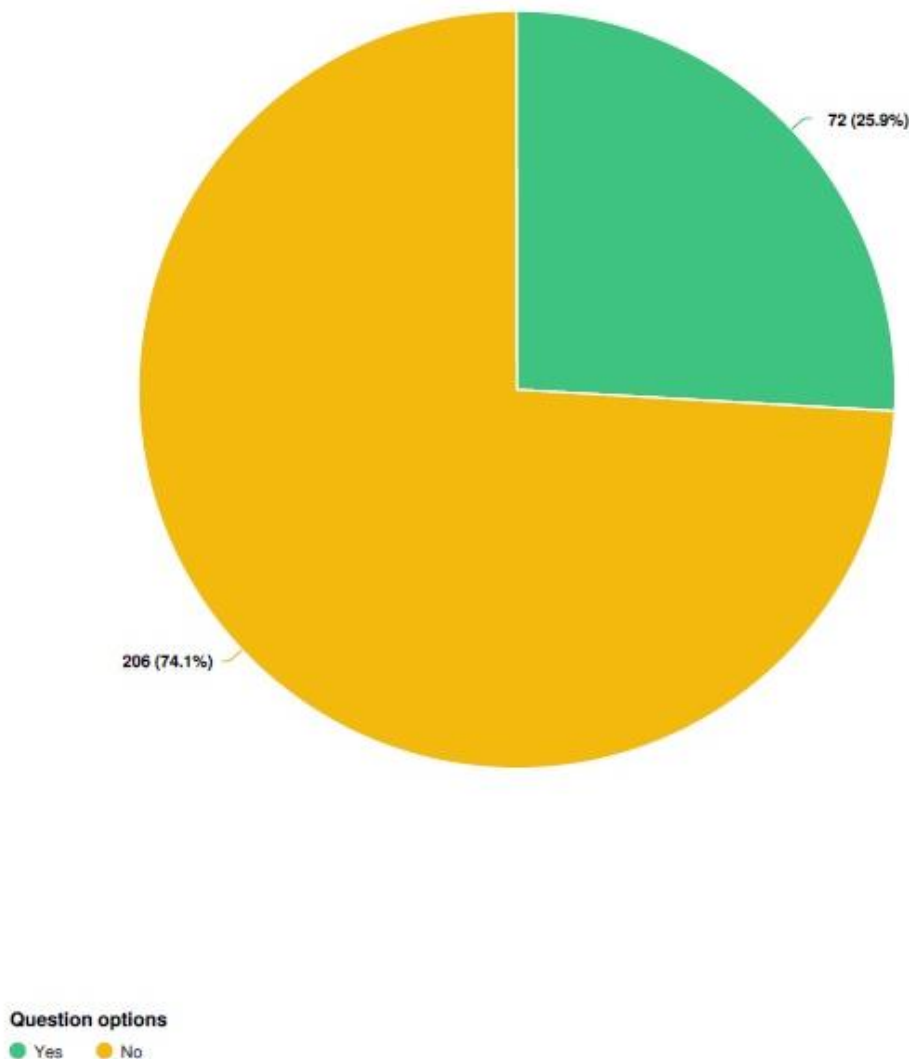


Nearly two-thirds of respondents were not satisfied with the changes to the Property Standards By-law. The major changes proposed for this particular By-law include separating components dealing with Vacant Buildings and Minimum Heat. Many respondents also used this question as an opportunity to copy their response to the Clean and Clear Yards question.

When specifically dealing with Minimum Heat, one comment submitted summarizes the concerns of those who made specific comments on this By-law.

“The protections for tenants with respect to minimum heat are overly onerous or lack clarity. Of great concern is that the City is requiring any tenant who wants to allege that the owner is responsible for heat, to produce an original copy of the lease agreement proving such allegation... There needs to be flexibility built in and a reverse onus on the landlord to prove they are not responsible for heat...Clarity is needed as to who will be doing this measuring or if that falls onto the tenant. Again, with the vulnerable population, expecting tenants to have the equipment and ability to meet these onerous requirements is a non-starter and leaves this vulnerable population without immediate help during the coldest months.”

Q2. Are you satisfied with the proposed changes to Thunder Bay’s Yard Maintenance By-law, now known as the Clean and Clear Yards By-law?



Respondents had the most comments to this question, which addressed the topic of yard naturalization, along with the creation of buffer zones, and a limit of 50 per cent yard naturalization. This satisfaction rate could be different based on the now revised Clean and Clear Yards By-law.

Some of the comments submitted after answering “no” to the above question, include:

“Do not limit the amount of naturalized areas to 50%. These areas are important for promoting biodiversity and reducing the amount of manicured lawn which takes significant water, mowing and pesticides to maintain. Limiting the size of naturalized areas undermines the goal of promoting and maintaining biodiversity.”

“I disagree with the imposition of minimum cut areas. I think the more naturalized growth the better.”

“We should be encouraging natural/native gardens, biodiversity, and supporting pollinators not trying to restrict them. This seems in contrast to all the hard work that EcoSuperior is doing. Ornamental grass is not native to our land.”

“A garden to grow food should not be limited in size. As long as it is being maintained it helps a family reduce food costs. Also if I want to remove my lawn and plant a natural flower garden in its place I should be allowed to do so. As long as it is maintained.”

Q3. What do you want to see included in the Vacant Building By-law?

Most respondents to this particular question also addressed this topic in question four. A summary of findings can be found under that heading.

Q4. What issues would you like to see addressed by the Property Standards, Clean and Clear Yards or Vacant Buildings By-law?

Many respondents to this question applauded the City for including derelict vehicles in its new Clean and Clear Yards By-law. Many were supportive of the move to have vehicles removed from properties. There was some concern from respondents who wanted the ability to store some parts in their yards, or to continue to use a tarp-like material instead of a designed vehicle cover.

Many respondents also supported the City taking action on vacant buildings, with some respondents noting building owners should be forced to rent or lease out properties that are vacant. However, others mentioned that the City should not deal with this issue, and leave landlords alone. There were few specifics provided in these comments on how any of these actions could be handled.

Questions 5 – 9

Questions five through nine generally did not yield new information beyond what has already been outlined in this report.

The majority of respondents noted they did not have any interaction with By-law officers, while those who did had generally made a complaint which resulted in the interaction.

Memorandum

Corporate By-law Number BL XX/2022

TO: Office of the City Clerk **FILE: XXXX-2022**

FROM: Doug Vincent
Development & Emergency Services - Licensing & Enforcement

DATE: xx/xx/2022

SUBJECT: BL XX/2022 – CLEAN & CLEAR YARDS

MEETING DATE: City Council – xx/xx/2022 (mm/dd/yyyy)

By-law Description: A By-law to require Owners and Occupants of Land to clean and clear the Land

Authorization: Committee of the Whole - xxxxx, xx, 2022

By-law Explanation: The purpose of this By-law is to xxxxxxxxxxxxx

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER **BL XXX/2022**

A By-law authorizing the City of Thunder Bay to require Owners and Occupants of Land to clean and clear the Land, and to provide authority to authorize work to be undertaken by the City on the Land in certain circumstances.

WHEREAS, Section 10 (1) of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS, Section 127 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may require the owner or occupant of property to clean and clear the property, not including buildings, or to clear refuse or debris from the property, not including buildings;

AND WHEREAS, Section 128 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

AND WHEREAS, Section 131 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that a local municipality may prohibit and regulate the use of any property for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts from them for sale or other disposition;

AND WHEREAS, Section 446 of the *Municipal Act*, 2001, S.O. 2001, c.25, as amended, provides that, where a municipality has the authority to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. SHORT TITLE

That this By-law may be cited as the "Clean & Clear Yards By-law".

2. SCOPE OF THIS BY-LAW

That this By-law shall apply to all land within the geographic boundaries of the Corporation of the City of Thunder Bay, including residential, non-residential and vacant land, except those lands owned or controlled by the City that are not otherwise then leased or under control of another person(s) or party.

3. DEFINITIONS

In this By-law,

- a) "City" means the Corporation of the City of Thunder Bay;

- b) “hazard” A hazard is a source or a situation with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire or a combination of these and includes unsafe containers with a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance.
- c) “Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle under the jurisdiction of the City, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof;
- d) “Inoperative vehicle” means any vehicle, vessel, trailer or camping trailer which, that appears by reason of its appearance, mechanical, functional or structural condition not to be operative and can include those vehicles that require a valid license plate be displayed to operate on a highway, pursuant to the provisions of the Highway Traffic Act and amendments thereto, regardless, whether it is required at the time of inspection, and includes all vehicles or vessels that are wrecked, discarded, dismantled or abandoned, or a vehicle/vessel which has had part or all of its superstructure or motor power removed;
- e) “Land” includes a yard or vacant lot;
- f) “Motor vehicle” includes an automobile, motorcycle, snowmobile, and any other vehicle or equipment propelled or driven otherwise than by muscular power;
- g) “Municipal Act 2001” means the Municipal Act, 2001 S.O. 2001, c25, as amended.
- h) “Manager” means the Manager of Licensing and Enforcement, includes designated persons.
- i) “Natural Garden Area” means a yard, or any portion thereof, containing vegetative growth deliberately implemented to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native consistent with a managed and natural landscape, other than Turfgrass;
- j) “Nuisance Litter” means any condition, including waste material that is found or stored upon lands, that is likely to create an immediate hazard or nuisance to other persons or lands by entrapment, odour or by attracting animal/vermin; including natural or intentional accumulations of fruit, vegetables and other discarded materials, including compost, not kept in accordance with this by-law, or other waste materials that migrate from the owners’ lands onto other surrounding lands including public lands, by any reason including wind or other environmental factors;
- k) “Officer” means a Municipal Law Enforcement Officer for the City or a police officer;
- l) “Owner” means any person, firm, or corporation having control over all or any portion of the property under consideration and includes the persons present at the property;
- m) “Public land” means any land under the ownership, management or jurisdiction of the City or a provincial or federal government authority;
- n) “Turfgrass” – means ground cover of various perennial grasses grown for lawns, of a type that forms a dense, uniform turf if mown
- o) “Vacant land” means a lot that does not have a structure situated on it and/or does not contain an established principal use;

- p) "Waste material" includes refuse, garbage, debris, litter, domestic waste, industrial waste of any kind whatsoever and, without limiting the generality of the foregoing, includes:
- (i) weighty or bulky items such as appliances or furniture;
 - (ii) vehicles, vessels, other motor-powered equipment and any parts thereof which, in its present state, appears discarded, inoperative, wrecked, partially or wholly dismantled, or not immediately available for the use it was originally manufactured for;
 - (iii) broken concrete, patio stones, bricks or pallets;
 - (iv) unused building material or material resulting from construction or demolition;
 - (v) yard waste, brush, fallen trees or tree limbs and branches except where integrated into a planned Naturalized Garden Area that does not otherwise create a nuisance litter or other hazard condition;
 - (vi) animal and human feces;
 - (vii) unused tire or accumulations of unused tires;
 - (viii) unused or derelict lawnmowers, lawn tractors or similar mechanical devices and mechanical or electrical parts
 - (ix) any discarded item that is not specifically designed for outdoor use or storage.
- q) "Yard" means any open space on the same lot with a main building or structure, unoccupied and unobstructed from the ground to the sky.

4. MAINTENANCE OF LAND

- 4.1 Every owner of land shall keep the land clean and cleared of waste material at all time.
- 4.2 Subsection 4.1 does not apply to lands where construction or demolition work is actively proceeding under a building permit issued by the City and the waste materials are a direct result of those approved works, provided the waste material is contained to those portions of land reasonably necessary to support the active work currently being undertaken.
- 4.3 No person or Owner shall place or store, or permit to be placed or stored, any objects or material of any kind whatsoever, on vacant land within areas of the City that are zoned for residential purposes, except where expressly permitted, pursuant to City's applicable Zoning By-law and in accordance with any other applicable legislation.
- 4.4 Outdoor storage, when authorized by subsection 4.3 above, shall only be permitted in twenty-five (25%) of the rear-yard and/or side-yard(s) and must be neatly arranged or stored and in a manner that contains litter, does not attract vermin and is not degraded by exposure to the elements that could affect future use of the stored item, for its' original purpose.
- 4.5 No Owner shall fail to keep land clean and clear of waste material or store items contrary to this by-law.
- 4.6 No Owner shall cause or permit any nuisance litter to arise from the use of land.

- 4.7 Notwithstanding subsection 4.3 and 4.4 above, composting may occur when it is neatly contained in a purpose built or manufactured container and screened from view of adjoining lands, does not create offensive odours, attract vermin or other animals.

5. LITTERING AND DUMPING

- 5.1 No person shall throw, place, deposit or dump or permit or cause to be permitted, the throwing, placing, depositing or dumping of waste material on private land or public land.
- 5.2 Notwithstanding the above, nothing in this by-law shall be deemed to interfere with the filling or raising of land with earth or rock fill or with the disposal of waste on any lands which have been designated for that purpose by By-law of the City, and in compliance with any other applicable legislation.

6. MAXIMUM GROWTH

- 6.1 No Owner shall permit the growth of Turfgrass on private land to exceed twenty (20) centimeters in height and shall cut the Turfgrass on their land whenever the growth of Turfgrass exceeds 20 centimeters in height or length.
- 6.2 Subsection 6.1 of this by-law does not apply to Land exceeding two and three-sevenths (2.43 hectares) or six (6 a) acres in size..

7. MAINTENANCE OF VEGETATIVE GROWTH

7.1 The Owner of private land shall maintain all vegetative growth on their land according to the following requirements:

- a) Private land shall be kept free of any prohibited local plant listed in Schedule A;
- b) Vegetative growth on private land shall not obstruct sidewalks or roadways;
- c) Vegetative growth on private land shall not restrict driver and pedestrian sight lines at intersections, driveways, sidewalks, walkways, or visibility to all traffic control devices; and
- d) Vegetative growth, which is not cultivated and maintained as part of a natural garden area, shall be controlled so as to prevent a nuisance or hazard to develop or be created;
- e) Any other conditions respecting health and safety as the Manager considers advisable.

8. INOPERATIVE MOTOR VEHICLE STORAGE/END DATE JULY 1, 2025

- 8.1 No person or Owner shall permit the outdoor storage of more than one (1) inoperative motor vehicle on private land that is zoned and used for residential purposes.
- 8.2 It is a condition of storage of an inoperative vehicle permitted in subsection 8.1, that it be fully and completely covered with a weather-resistant canvas or similar opaque cover, specifically designed for vehicles or vessels, and that the cover is maintained from deterioration and secured from flapping in a windy environment, that creates a noise nuisance.
- 8.3 Notwithstanding the above, subsection 8.1 shall not apply to the storage of motor vehicles and parts which are reasonably necessary for the conduct of a bona fide business, lawfully conducted on the property.
- 8.4 Notwithstanding the above, subsection 8.2 and the requirements to completely cover an inoperative vehicle or vessel with a cover that is “specifically designed for vehicles or vessels”, such requirement for a specifically designed cover, shall come into effect at a date one year after the date of passing of this by-law.
- 8.5 Notwithstanding subsection 8.1 above, no Owner shall permit the outdoor storage of any inoperative vehicle on any private land that is zoned for residential purposes, after July 1, 2025, except under the authority of a short-term storage permit that will be enabled at that time.

9. GRADING AND FILLING OF LAND, HAZARDS

- 9.1 All lands shall be graded, filled up or otherwise drained so as to prevent recurrent pooling of storm water.
- 9.2 No Owner shall permit or allow any holes, pits, excavations, or trenches constituting a health, fire or safety hazard upon such land.
- 9.3 Every Owner of property shall prevent, correct, or remedy any conditions found thereon that could reasonably create a health, safety, or fire hazard to any persons who may enter that land or any users of adjacent City lands or highways.
- 9.4 Notwithstanding the above subsection 9.1, this requirement does not relieve the owner from first obtaining any other regulatory approvals or complying with any other government legislation, in fulfilling the section’s requirements.

10. WORK ORDER

- 10.1 Where the officer has reasonable grounds to believe that a contravention of this by-law has occurred, the officer may make an order requiring the person who contravened this by-law to do work to correct the contravention.
- 10.2 An order under subsection 10.1 of this by-law shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
 - b) the work or remedial action required to be done and the date by which the work or remedial action must be done.
- 10.3 An order under subsection 10.1 of this by-law may require work or remedial action to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
- 10.4 Any person who fails to comply with an order issued under subsection 10.1 of this by-law, is guilty of an offence.

11. STOP WORK ORDER

- 11.1 Where the officer has reasonable grounds to believe that a contravention of this by-law has occurred, the officer may make an order requiring the person who contravened this by-law to do work to discontinue the contravening activity.
- 11.2 An order under subsection 11.1 of this by-law shall set out:
 - c) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
 - d) the date by which there must be compliance with the order.
- 11.3 Any person who fails to comply with a stop work order issued under subsection 11.1 of this by-law, is guilty of an offence.

12. SERVICE OF ORDER

- 12.1 An order may be delivered in person to an Owner, at the address of lands that are subject of the order or left with an inmate therein that is over that apparent age of eighteen years, or
- 12.2 An order may be sent via e-mail or text to an e-mail address or phone number, that has been supplied for a communication purpose and will be deemed served, only when such e-mail or text is acknowledged as being received and is not an auto-reply, or
- 12.3 An order may be sent via registered mail to the last known address supplied to the corporation's tax office and shall be deemed to be delivered on the fifth (5th) day after the date mailed, or
- 12.4 An order may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited.
- 12.5 It is an offence for any person other than the Owner to remove, tear down, or interfere with any Notice or Order posted on the property.

13. WHERE ORDER TO FOLLOW COMPLIANCE ACTION

- 13.1 Where the condition of Land is such that it does, or is likely to, constitute a safety hazard to the public and/or a health hazard from nuisance litter or waste materials, the Officer may institute remedial actions, without first giving an order, and may pursue cost recovery in the same manner as if an order been issued in advance and not complied with.
- 13.2 Where remedial actions are carried out prior to an order being issued; the Officer shall at the earliest reasonable opportunity, issue and serve the order to the owner of property.

14. INSPECTIONS / ENTRY POWER

- 14.1 An Officer, in accordance with the powers of entry set out in subsection 435(1) and 436(1) of the Municipal Act 2001, may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether or not compliance exists for:
- a) any requirements of this by-law and/or the conditions of any permit issued thereunder.
 - b) any direction or order issued by the municipality, under this by-law.
 - c) any court order, issued pursuant to subsection 431 of the Municipal Act 2001
- 14.2 An Officer conducting an inspection authorized in subsection 14.1, for the purposes of that inspection may do the following:
- a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purposes of making copies or extracts;
 - c) require information from any person concerning a matter related to the inspection; and
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples, or photographs necessary for the purposes of the inspection.

15. OBSTRUCTION PROHIBITED

- 15.1 No person, including the Owner, shall impede, interfere, or obstruct an Officer in the execution of their duties and the inspection of property required under subsection 14, by doing any act or refusing an Officer direction, including any request for access to enter and inspect any property or structure thereon, except those actual areas used as a dwelling unit.
- 15.2 No person, including the Owner, shall obstruct an Officer by providing any false or misleading information.
- 15.3 It is an Offence for any person to obstruct an Officer in the discharge of their duties

16. PENALTIES

- 16.1 Any person who fails to comply with any requirement of this By-law is guilty of an offence, and shall upon conviction be liable to a penalty as set out in section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.

- 16.2 Any person who contravenes a provision of this By-law is also subject to a system of fines set out in section 429 of the Municipal Act, 2001, and all contraventions of this by-law are designated as continuing offences for each day they continue.
- 16.3 Every person, who is convicted of an offence is liable to a minimum fine of three hundred dollars (\$300.00) and a maximum fine of five thousand dollars (\$5,000.00) for the first offence and a maximum fine of ten thousand dollars (\$10,000.00) for any subsequent conviction under the By-law, to the maximum prescribed in the Municipal Act 2001.
- 16.4 In addition to the fine amounts set out in subsection 16.1 and 16.3, for each day or part of a day that an offence continues, the minimum fine shall be three hundred dollars (\$300) per day or part day for the first conviction, but the total of all daily fines, shall not exceed five thousand dollars (\$5,000) for the first conviction, where the convictions are registered to a person, that is not a corporation.
- 16.5 Where a corporation is convicted of a second and subsequent conviction, the minimum fine shall not be less than five thousand dollars (\$5,000) for each subsequent conviction to a maximum fine of one hundred thousand dollars (\$100,000).
- 16.6 In addition to any monetary penalty any court of competent jurisdiction may, pursuant to section 431 of the Municipal Act, issue an order prohibiting the continuation or repetition of the offence by the person convicted.

17. REMEDIAL ACTION

- 18.1 If a person fails to do a matter or thing as directed or required by this By-law, including to comply with an order under this By-law, the City may, in default of it being done by the person directed or required to do it, do the matter or thing at the person(s) expense. The City may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll for the property and collecting them in the same manner as property taxes.
- 18.2 The costs outlined in subsection 18.1 of this By-law shall include any fees and charges imposed by the City in accordance with this By-law, in relation to the matters identified in subsection 18.1.
- 18.3 The amount of the costs, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien. The lien is in respect of all costs that are payable at the time the notice is registered plus interest accrued to the date the payment is made. Upon receiving payment of all costs payable plus interest accrued to the date of payment, the City shall register a discharge of the lien in the proper land registry office.

18. EXEMPTIONS

- 18.1 Nothing in this by-law shall affect:
- a) Any right or duty of the City with respect to any highway right of way; or
 - b) The application and enforcement of the Weed Control Act with respect to noxious weeds growing on land, including within a natural garden.

19. GENERAL PROVISIONS

- 19.1 In the event of any conflict between this By-law and any other by-law of the City, the more restrictive shall prevail unless the context requires otherwise
- 19.2 Should any provision of this By-law be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part which was declared to be invalid.
- 19.3 By-law 068-2008, and any amendments thereto, is hereby repealed.
- 19.4 Despite subsections 19.3 and 19.5 of this By-law, after the passage of this By-law, By-law 068-2008 shall remain in effect for the purposes of concluding any legal and/or court processes that commenced under its provisions that had not been concluded upon enactment of this By-law.
- 19.5 This By-law shall come into force and take effect upon final passing thereof.

Enacted and passed this xxx day of XXX, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Mayor

City Clerk

CLEAN & CLEAR YARDS BY-LAW

Schedule “A” Prohibited Local Plants

Canada thistle (*Cirsium arvense*)
Common buckthorn; Glossy buckthorn (*Rhamnus cathartica*; *Frangula alnus*)
Dog-strangling vine (*Cynanchum rossicum*; *Cynanchum louiseae*)
Garlic mustard (*Alliaria petiolata*)
Giant hogweed (*Heracleum mantegazzianum*)
Himalayan Balsam (*Impatiens glandiflora*)
Japanese knotweed (*Reynoutria japonica* var. *japonica*)
Phragmites (*Phragmites australis* subsp. *australis*)
Poison ivy (*Toxicodendron radicans*)
Purple loosestrife (*Lythrum salicaria*)
Ragweed (*Ambrosia artemisiifolia*)

Attachment C – Comparator Chart for Clean & Clear Yards By-law

Major Changes	Why the Change	How We Will Achieve This	Specific Changes	By-Law Section
Increased Tools for Enforcement	-Shorten time to achieve compliance for routine matters	-Remove standardized time frames; make compliance reasonable to each circumstance -Require immediate compliance for nuisances, litter and hazards	-New System of Issuing Orders -Now have discretionary timeframes -One (1) notice only -Authorization to act immediately for nuisances and hazards	Old By-law: Sec 7.0 -Sec 7.07 -Sec 6.02 – 6.07 -Sec. 7.04 (d) New By-Law: Sec 10-13
Revise Maintenance Standards	-Consistent and more equitable application across all property types and sizes -Incorporate Naturalized Areas - Reduce greenhouse gases from maintenance on larger properties and vacant lands	-Continue same height standard, when cutting turf-grass is required -Reduce cutting on vacant lands -Standardize maintenance requirement for non-residential properties that are not vacant -Require specific “prohibited local plants” to be managed	-Removing requirement to cut all vacant land entirely -Remove exemption for larger land owners to be exempt from any lawn maintenance -Remove generic term “weeds” and define specific “prohibited plants” within vegetative growth	Old By-law: -Sec. 4.01 -Sec 4.02 New By-law: Sec 6.1 Sec 6.2-6.8 Sec 7.1-7.3
Introducing Naturalized Garden Areas	-Support urban environmental stewardship, bio-diversity and support for native species -Help improve storm water management	-Allow naturalized garden areas on all private land areas -recognize and address any public safety or hazard is not created -permit the use of natural objects (ex. tree log) when intentionally incorporated in naturalized garden areas	-Remove requirement to cut all open-yard area, including vacant land -permit undergrowth maintenance as it applies to naturalized areas, where it does not create a hazard or contain prohibited plants Remove requirements to remove limbs/trees where they are intentionally incorporated in naturalized garden areas and do not create a hazard	Old By-Law: -Sec 4.01 -Sec 4.02 -Sec 4.03 New By-Law: Sec 7.1 – 7.3
Inoperative Vehicle Rules – Prohibition starting in 2025	-Remove visual and environment pollution (fluids, corrosion) -Reduce noise complaints (flapping tarps) -Stop outdoor storage on residential	-Require proper opaque vehicle covers, to be maintained and secured within one (1) year of passing of By-law -Ending vehicle storage on residential lots in 2025	-Remove ability to store vehicles or parts in yards, on residential property. -Remove permission to use a canvas or other tarps, not designed to fit vehicles, to cover vehicles -New Permit system for exemptions in 2025	Old By-law: -Sec 2.02 -Sec 2.03 (c) New By-law:

Attachment C – Comparator Chart for Clean & Clear Yards By-law

	properties in 2025			Sec 8.1-8.4
Major Changes	Why the Change	How We Will Achieve This	Specific Changes	By-Law Section
New Compliance Orders	<ul style="list-style-type: none"> -Simple one-notice system issued to property owner -Hazards and Nuisance Orders issued without first notice 	<ul style="list-style-type: none"> -Issue Work Order or Stop Work Order, as required -Issue Order post-city clean-up if hazard/nuisance continues 	<ul style="list-style-type: none"> -Remove two-notice Order requirement -Remove option of dealing with By-law Manager and work directly with Property Standards Appeal process 	<p>Old By-law: -Sec 7.04 -Sec 7.07 -Sec 6.02 – 6.07 -Sec 7.04, 7.05 (d)</p> <p>New By-law: Sec 10-13</p>
Entry Powers & Officer Protection is now Clearly Defined	<ul style="list-style-type: none"> -Some believe Municipal Law Enforcement Officers cannot enter private lands without permission -Officers cannot be prevented from entering property to conduct inspection 	<ul style="list-style-type: none"> -Ensure public aware of existing powers of entry -Add new obstruction offence to assist Officers from completing their duties 	<ul style="list-style-type: none"> -Include Rights of Entry authorities from Section 435 and 436 of the Municipal Act into By-law -Include the offence of Obstruction authorized under Sec 426 of the Municipal Act in By-Law 	<p>Old By-law: -Sec 7.02</p> <p>New By-law: Sec 14 Sec 15</p>
Increasing deterrence for By-law infractions	<ul style="list-style-type: none"> -Fines need to serve as deterrent -Repeat offenders drain staff resources -Courts need authorization to impose prohibition Orders -Corporate owners of rental properties need greater deterrence to continually drive By-law complaints 	<ul style="list-style-type: none"> -Activate new system of fines, in addition to old POA limits -Set minimum fine for first offence (\$300) -Set minimum fines for repeat offenders (individuals up to \$10,000 and corporations between \$5,000 and \$100,000) -Establish a system of fines that escalate daily for non-compliance 	<ul style="list-style-type: none"> -Add new system of fines from Sec 429 of the Municipal Act -Add enabling section from Municipal Act -Designate what constitutes a continuing offence -Set out minimum fines -Set out repeat offences for individuals and corporations -Remove existing penalty section (POA only) 	<p>Old By-law: -Sec 7.08</p> <p>New By-law: Sec 16.1-16.5 Sec 17.1</p>



Memorandum

Corporate By-law Number BL XX/2022

TO: Office of the City Clerk **FILE:** XXXX-2022

FROM: Doug Vincent
Development & Emergency Services - Licensing & Enforcement

DATE: xx/xx/2022 **(draft as of June 9/22)**

SUBJECT: BL XX/2022 – MUNICIPAL STANDARDS FOR PROPERTY BY-LAW

MEETING DATE: City Council – xx/xx/2022 (mm/dd/yyyy)

By-law Description: A By-law to xxxxxxxx

Authorization: Committee of the Whole - xxxxx, xx, 2022

By-law Explanation: The purpose of this By-law is to provide for the minimum standards of maintenance and occupancy.....

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER
BAY
BY-LAW NUMBER BL XX/2022

A By-law to prescribe standards for the maintenance and occupancy of property and to prohibit occupancy, in the City of Thunder Bay.

**BEING A BY-LAW TO PRESCRIBE STANDARDS FOR THE MAINTENANCE
AND OCCUPANCY OF PROPERTY IN THE CITY OF THUNDER BAY**

WHEREAS under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*, a Bylaw may be passed by the Council of a municipality prescribing the standards for the maintenance and occupancy of property within the municipality provided the official plan for the municipality includes provisions relating to property conditions;

AND WHEREAS the Official Plan for the City of Thunder Bay includes provisions relating to property conditions;

AND WHEREAS the Council of The City of Thunder Bay is desirous of passing a Bylaw under Section 15.1(3) of the *Building Code Act, S.O. 1992, c.23*;

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

AND WHEREAS, Section 10 (1) of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended, provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

NOW THEREFORE the Council of The City of Thunder Bay hereby enacts the following:

1. SHORT TITLE

This By-law may be cited as the “Municipal Standards For Property By-law”.

2. SCOPE OF THIS BY-LAW

This By-law shall apply to all land within the geographic boundaries of the Corporation of the City of Thunder Bay, including residential, non-residential, and vacant land, except those lands owned or controlled by the City that are not otherwise then leased or under control of another person(s) or party.

3. DEFINITIONS

- a) **“Accessory Building”**- means a detached building or structure, not used for human habitation, that is subordinate to the primary use of the same property;
- b) **“Act”** -means an enactment or statute of the Province of Ontario;
- c) **“Approved”**- means acceptance by the Property Standards Officer;
- d) **“Basement”** - shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;
- e) **“Building”** – means a type of structure having a roof supported by columns or walls designed for use for the accommodation or storage of persons, animals, goods, materials, or equipment.;
- f) **“Building Code”** - means the Building Code Act, S.O. 1992, c.23, as amended, and any regulations made thereunder;
- g) **“Chief Building Official”** – means the Chief Building Official appointed under Section 3 of the Building Code Act, 1992, c. 23 and having jurisdiction for the enforcement thereof;
- h) **“City”** – means the Corporation of the City of Thunder Bay; “the Corporation” shall have the same meaning
- i) **“Code”** - means a regulation of the Province of Ontario known,
 - j) with respect to matters relating to building, as the Building Code;
 - k) with respect to matters relating to electricity, as the Electrical Safety Code;
 - l) with respect to matters relating to fire, as the Fire Code; and
 - m) with respect to matters relating to plumbing, as the Building Code;
 - n) with respect to matters relating to elevating devices, as the Technical Standards and Safety Act, 2000.
- j) **“Committee”** - means a Property Standards Appeal Committee established under this By-law;
- k) **“Council”** - shall mean the Council of the Corporation of the City of Thunder Bay;
- l) **“C.S.A. B-365 Standard”** – mean the Canadian Standards Association’s approved Standard for solid wood burning fuel appliances and includes any amendments or replacement legislation to regulate solid fuel burning

appliances .

- m) **“Defect Notice”** – means a notice issued by an Officer that notifies the owner of property of defects therein, that do not comply with the provisions of this by-law and require an acknowledgement.
- n) **“Dwelling”** - means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;
 - o) **“Dwelling unit”** – means a room or suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions usually including cooking, eating, sleeping and sanitary facilities. Dwelling unit is two or more rooms used or designed to be used by one or more individuals as an independent or self-contained domestic unit or housekeeping establishment;
- p) **“Exterior property area”** - means the building lot excluding buildings;
- q) **“Fence”** –means any structure, wall or barrier, other than a building, erected at grade for the purpose of defining boundaries of property, separating open space, restricting ingress to or egress from property, providing security or protection to property or acting as a visual or acoustic screen;
- r) **“First Storey”** - means that part of a building having a floor area closest to grade with a ceiling height of more than 1.8 metres (6 ft.) above grade;
- s) **“Ground cover”** - means organic or non-organic material applied to prevent soil erosion such as concrete, flagstone, gravel, asphalt, grass or other landscaping
- t) **“Guard”** - means a balustrade or protective barrier installed around openings in floor areas or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them;
- u) **“Habitable Room”** - means any room in a Dwelling Unit lawfully used or designed to be used for the purposes of living, sleeping, eating, cooking or preparation of food and, without limiting the foregoing, shall include a den, library, sunroom, recreational room, or any combination thereof;

- v) **“Hazard”**- means Lands, Buildings, Structures, or materials that are in an Unsafe Condition, or is a source or a situation, with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire, or a combination of these and includes unsafe containers which have a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance.
 - w) **“Land”** - means property, whether or not it contains Buildings or Structures, and whether it is vacant or occupied. Reference to “Land” includes all Buildings and Structures, including fences, on the Land.
 - x) **“Non-habitable space”** – means a bathroom, toilet room, water closet compartment, laundry, pantry, foyer, lobby, hall, corridor, stairway, passageway, closet, storage room, boiler room, furnace room, accessory space for service, maintenance or access within a Building, or a room or space which does not comply with the minimum standards for residential occupancy;
 - y) **“MLEO”** – means any person appointed as a Municipal Law Enforcement Officer for the City, or a police officer.
 - z) **“Non-Residential Property”** - means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant, and all of the outbuildings, fences, or erections thereon or therein;
- “Natural Garden Area”** means a yard, or any portion thereof, containing vegetative growth deliberately implemented to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them, whether native or non-native consistent with a managed and natural landscape, other than Turfgrass;
- “Nuisance”** – means any condition or use of Land which unreasonably interferes with the use and enjoyment of another person’s Land. Examples include, but are not limited to:
- (a) emissions of smoke, gas, fumes, dust, or sawdust;
 - (b) objectionable odours; or
 - (c) the unsightly storage of goods, wares, merchandise, debris or other material.
- aa) **“Officer (Property Standards)”** – means a Municipal Law Enforcement Officer who has been appointed by the City as a Property Standards Officer and been assigned the responsibility of administering and enforcing a by-law passed under section 15.1 of the Building Code

- bb) **“Order”** – means an order, issued by a property standards officer, pursuant to section 15.2 of the Building Code Act to remedy defects in standards for maintenance and occupancy; an Order-To-Comply has the same meaning.
- cc) **“Owner”** shall include the registered property owner or agent thereof: a person having or appearing to have beneficial ownership or care and control of the property, and an owner as defined by the Building Code Act, 1992;
- dd) **“Potable Water”** – means water meeting all the provincial standards for drinking.
- ee) **“Person”** – means and includes any person, firm, partnership, corporation, company, association, or organization of any kind;
- ff) **“Safe condition”**- means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb, or health of any person on or about the property, and includes a structurally sound condition;
- gg) **“Sewage system”** – means the City of Thunder Bay’s system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official for the City;
- hh) **“Sign”** - means any device or notice, including its structure and other component parts, which is used or capable of being used to identify, describe, illustrate, advertise, or direct attention to any person, business, service, commodity or use;
- “Swimming Pool”** means an outdoor pool of water for swimming, bathing, wading, or reflecting, which is capable of retaining a water depth equal to or greater than sixty (60 cm) centimeters or twenty-four (24 in) inches at any point. The term does not include facilities for the purposes of providing water to livestock or for irrigation of crops which are associated with, and located on, Land devoted to the practice of farming.
- ii) **“Unsafe Condition”**- is a descriptive phrase for Land, Buildings, Structures, or material, that are in a condition or state of repair that causes a hazard to life, limb, or health of any person authorized or expected to be on or near the Land in question.
- jj) **“Unightly Condition”** - means, in relation to land, having an appearance that, because of the way in which the land is used, does not conform with the general

appearance of other land in the locality or neighbourhood and could be described as inconsistent with the reasonable characteristics of the surrounding community

kk) **“Vacant Building”** – means a building that is partially or entirely vacant and includes a building that is partially or entirely vacant and occupied by unauthorized persons;

ll) **“Vehicle”** – includes a motor vehicle, trailer, boat, motorized snow vehicle, or other mechanical power driven equipment;

mm) **“Vermin”**- means: mammals, birds, or insects injurious to humans, physical property, game, livestock, or crops. Examples include but are not limited to: skunks, rats, termites, poisonous insects or reptiles, moths, and mice.

nn) **“Visual barrier”** – shall mean a continuous, uninterrupted structure and/or fence which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal, or other similarly solid material approved by the Chief Property Standards Officer or Chief Building Official;

oo) **“Waste”**- means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property and/or from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather;

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

4. GENERAL

- a) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with the standards set out in this By-law.
- b) No person, being the owner or occupant of a property, shall fail to repair and maintain the property in conformity with any safety standards required by a code, when such provision(s) provide for the protection of persons in relation to

the use of the property, regardless whether that standard is specifically set out in the By-law, or not.

- c) The owner of any property which does not conform to the standards in this Bylaw shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, garbage, rubbish, waste, or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard, and shall leave the property in a graded and leveled condition.
- d) The owner of any property that has not complied with a confirmed order that seeks to remedy any Unsafe Condition shall not occupy or permit the occupancy of the property until such time as the order has been complied with or the property is cleared of all structures and left in a graded and level condition.
- e) All repairs and maintenance of property required by this by-law shall be carried out in a manner and with materials that are accepted as good workmanship in the trades concerned.
- f) For the purposes of subsection e) and without limiting subsection e), “carried out in a manner and with materials that are accepted as good workmanship in the trades concerned” includes:
 - i) carried out with materials suitable and sufficient for that purpose and free from defects;
 - ii) carried out in a manner consistent with the recognized national and international industry best practices; and
 - iii) where required by law, or in accordance with recognized industry best practices, carried out by a duly qualified and/or licenced person in the trade concerned.
- g) All new construction or extensive repairs shall conform to the *Ontario Building Code*, where applicable.
- h) This by-law does not apply so as to prevent a farm, meeting the definition of “agricultural operation” under the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.
- i) Nothing in this By-law, including the doing of any required works to comply with the By-law or an Order or Notice hereunder, shall be construed or interpreted as relieving any person of other legislative requirements that must be complied with.
- j) All lands and structures thereon, including fences, that are subject to deterioration due to the exposure of surfaces to the elements, including weather, sun, and other

environmental factors, that may cause degradation, shall, where appropriate and required, be maintained through the proper application of preservative coating such as paints, stains, or through other specific treatments designed to protect and maintain those surface areas requiring treatment.

- k) All lands and structures thereon, including fences, shall be kept clear and free from graffiti, unauthorized signs, objectionable defacements, or similiar markings.

5. UNSAFE CONDITIONS

Without limiting any other provisions of this By-law, any condition on or within a property which may pose or constitute an undue or unreasonable danger, hazard, or risk to the health or safety of any person, place, or thing shall be abated or immediately removed by the owner or occupant thereof.

EXTERIOR LANDS

6. EXTERIOR PROPERTY

- a) All exterior areas of a property shall be kept clean and free of litter, rubbish, waste, salvage, refuse, dead, decaying, or damaged trees, branches and limbs, or any other objects or conditions that might create a health, fire, accident hazard, , or Unsafe condition.
- b) Every property shall be kept free from garbage, rubbish, waste, or accumulations of any materials that prevent access to or exit from the property
- c) Without restricting the generality of this Section, the maintenance of Land includes the removal of:
 - i) rubbish, garbage, waste, litter and waste;
 - ii) injurious insects, termites, rodents, vermin and other pests; and any condition which may promote an infestation;
 - iii) wrecked, dismantled, inoperative, discarded or unlicensed vehicles, trailers, machinery or parts thereof, except in an establishment licensed or authorized to conduct a salvage, wrecking or repair business and then only if such establishment conforms with any relevant Bylaws, Chapters or statutes; and
 - iv) dilapidated or collapsed buildings, structures or erections, and the filling in or protecting of any unprotected well.

7. GARBAGE RECEPTACLES

Every building shall be provided with sufficient proper receptacles to contain all

garbage, ashes, or waste, which accumulates on the property and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and not allowed to accumulate for longer than fourteen (14) days.

- a) Receptacles for garbage shall be:
 - i) made of watertight construction;
 - ii) provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
 - iii) maintained in good condition without holes or spillage; and
 - iv) closed, or emptied, rinsed, and cleaned when not in use to prevent the escape of offensive odour or waste.
- b) Plastic bags shall be considered acceptable receptacles provided they are:
 - i) adequately secured so as to prevent spillage;
 - ii) not stored outdoors unless protected from access by animals or vermin and screened from public view;
 - iii) maintained in good condition without holes; and
 - iv) does not create a Nuisance, Hazard or Unsafe Condition.
 - v)
- c) Paper receptacles are not acceptable, except where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection Bylaws.
- d) Where commercial, industrial, or residential on site garbage containers are visible from a public street, land, or residential properties, the area where the receptacles are stored shall be screened from public view.

8. LANDSCAPING AND TREES

- a) Grass, trees, bushes, hedges, and other landscaping shall be maintained to prevent a Nuisance, Hazard or Unsafe Condition.
- b) Non-organic ground cover, and site facilities shall be maintained in a safe condition, free from Hazard.

9. UNENCLOSED PORCHES AND CARPORTS

Every unenclosed porch, balcony, or carport, and every exterior and common area shall be kept free of garbage or waste material.

10. LOT GRADING AND DRAINAGE

- a) All yards shall be provided and maintained with adequate surface water drainage, including suitable provisions for its disposal without causing erosion, so as to prevent ponding or the entrance of water into a basement or

crawlspace.

- b) All roof, driveways, sump pump, or other surface drainage, and the drainage of water from swimming pools, shall not be discharged directly or indirectly on to an entranceway, walkway, sidewalk, stair, steps, adjacent property, sidewalk, highway, public lands, or in such a manner that it will create a safety hazard, penetrate, or damage a building, structure, or property.
- c) Every roof drainage system and sump pump shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, providing that it does not adversely affect adjacent properties, or cause erosion. Lot drainage shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to an approved swale or ditch.
- d) No person shall connect any roof drainage system, or part thereof, or any sump-pit discharges directly or indirectly into the City's sanitary sewer system, or permit a discharge into a sanitary sewer system.
- e) No fill shall be allowed to remain in an unlevelled state on any property for longer than fourteen (14) days, unless the property is a construction site for which a building permit is in effect.
- f) No fill shall be left in an uncovered state (not covered by sod, seed or agricultural crop) on any property for longer than thirty (30) days unless the property is:
 - i) a construction site for which a building permit is in effect and at which construction is being actively undertaken;
 - ii) a property being subdivided under subdivision agreement with the City; or
 - iii) property being actively farmed.

11. WALKWAYS AND DRIVEWAYS

Surface conditions of walkways and driveways, shall be installed and maintained in a Safe Condition with non-organic ground cover so as to:

- a) prevent ponding of storm water;
- b) not exhibit an Unsightly Condition;
- c) be kept free of garbage and waste;
- d) be kept free of deep ruts and holes;
- e) provide for safe passage under normal use and weather conditions, day or night; and
- f) not to create a Nuisance to other properties including adjoining public lands and highways.

12. PARKING LOTS

- a) Parking lots, driveways, and other similar public access areas of a Yard shall be maintained so as to afford safe passage under normal use and weather conditions and be free from health and other hazards.
- b) Parking lots, driveways, and other similar public access areas of a Yard shall be kept clean and free of litter, rubbish, waste, salvage, refuse, decaying or damaged trees, branches and limbs, objects, or conditions that create a Hazard, or Unsightly Condition
- c) Notwithstanding the requirements set out in subsection 12(b), any portion of a public access area of a yard, may contain trees or limbs in a Natural Garden Area, to the extent it does not create a Hazard.

13. EXTERIOR LIGHTING

- a) Every stairway, exterior exit and entrance doorway, cellar, basement entrance, or building entrance shall have a permanently installed lighting fixture that shall be maintained in good working order.
- b) Facilities for lighting shall be maintained in a good state of repair.
- c) Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained, so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have shades, drapes, or other interior window coverings.
- d) Outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained, so as to prevent the actual source of light (fixture) from being viewed directly from an adjacent property's auxiliary use areas including pools, hot tubs, decks, and patios, but does not include indirect illumination of areas by the light source spillage or reflected light.

14. RETAINING WALLS

All retaining walls, screen walls, and ornamental walls shall be constructed of durable material and shall be maintained in a structurally sound condition and free from Hazard.

15. WELLS AND CISTERNS

A well, cistern, cesspool, privy vault, pit, or excavation shall be permanently sealed, or secured by a fence, cover, or netting that is likely to prevent a hazard or unwanted

entry, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.

16. ACCESSORY BUILDINGS

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

- a) constructed with suitable materials;
- b) maintained in good repair;
- c) protected from deterioration by the application of paint or other suitable protective material; and
- d) free from graffiti, unauthorized signs, or similar defacements and markings.

17. FENCES

A fence erected on a property or separating adjoining properties shall be maintained:

- a) in good repair free from loose or insufficiently secured, rotten, warped or broken materials;
- b) in a safe and structurally sound condition so as to be capable of sustaining safely its own weight together with any load to which it might reasonably be subject to;
- c) shall be free of dangerous objects;
- d) reasonably plumb, unless specifically designed to be other than vertical;
- e) each length of fence along any adjoining property boundary shall be repaired and maintained so as to be reasonably homogeneous in colour, finish, materials, construction industry standards, pattern, or design unless originally designed to be otherwise; and
- f) shall conform to any other requirements of applicable law.

18. TOWERS, MASTS AND ANTENNAES

Towers, gantries, masts, antennae, and structures of similar character and any attachment thereto shall be maintained:

- a) reasonably plumb, unless specifically designed to be other than vertical;
- b) in good repair; and
- c) in a safe and structurally sound condition.

19. SIGNS

A sign and any structure connected therewith shall be installed and maintained:

- a) in good repair without any visible deterioration when viewed from any

- property other than the property on which the sign is situated;
- b) in a safe and structurally sound condition;
- c) in a reasonably vertical plane unless otherwise approved by the City; and
- d) shall conform to any other requirements of any applicable law

An unused or discarded sign shall be removed from the property or shall be stored within a building.

EXTERIOR OF BUILDINGS - STRUCTURES

20. STRUCTURAL CAPACITY OF BUILDINGS

- a) All repairs and maintenance of property required by the standards prescribed in this Bylaw shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
- b) Every part of a property shall be maintained in good repair and in a structurally sound condition so as:
 - i) to be capable of sustaining safely its own weight and any additional load to which it may normally be subjected;
 - ii) to be capable of safely accommodating all normal structural movements without damage, decay, or deterioration;
 - iii) to prevent the entry of moisture that could contribute to damage, fungus growth, decay, or deterioration; and
 - iv) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

21. FOUNDATIONS WALLS AND BASEMENTS

- a) All foundation walls and the basement, cellar, or crawl space floors shall be maintained in good repair and structurally sound.
- b) Every basement, cellar, and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

22. EXTERIOR WALLS, SURFACES, CLADDING AND MASONRY

All exterior walls and surfaces of every building or structure shall be sound, plumb, weathertight, free from holes, loose or unsecured objects, maintained in good repair and:

- a) free from missing, cracked, or broken masonry units, missing, defective, or deteriorated wood, metal siding, or trim, missing, cracked, broken, or loose stucco, loose or unsecured objects;

- b) shall be so maintained by the painting, restoring, or repairing of the walls, coping, or flashing, by the waterproofing of joints and the walls themselves, by the installation of, or repairing of, weathertight finishing, or the installation of termite shields, if required;
- c) all exterior surfaces that have previously been covered with paint or other protective or decorative materials shall be maintained in good repair and the covering renewed when it becomes damaged or deteriorated; and
- d) Every part of a building including the exterior shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use.

23. DOORS – WINDOWS – CELLARS – HATCHWAYS

- a) Windows, skylights, exterior doors and frames, basement or cellar hatchways, attic access doors including storm and screen doors, and storm windows shall be maintained in good working order, good repair, in a Safe Condition and shall be of such construction so as to prevent the entrance of wind, snow, or rain into the building and to minimize heat loss through infiltration.
- b) At least one entrance door in every Dwelling Unit shall have hardware so as to be capable of being locked from inside and outside the Dwelling Unit.
- c) All windows capable of being opened and all exterior doors shall have hardware so as to be capable of being locked or otherwise secured from inside the building.
- d) All windows capable of being opened shall be equipped with a screen to prevent the passage of insects and the screen shall be maintained in a good condition.

24. WINDOW SCREENS

When an exterior opening is used or required for ventilation or illumination and is not required to be protected by a door, window, or similar closure, it shall be protected with:

- a) mesh screening, metal grills, or other equivalent durable rust proof material; or
- b) other protection so as to effectively prevent the entry of rodents, large insects, or vermin.

25. CANOPIES AND AWNINGS

All canopies, marquees, and awnings shall be properly anchored so as to be kept in safe and sound condition and shall be protected from decay or rust by a

periodic repair, replacement of materials, or the application of weather-coating material.

26. ROOF STRUCTURES

- a) Every roof, and all of its components and accessory structures, shall be maintained in good repair and in a safe and structurally sound condition.
- b) Without restricting the generality of this Section, such maintenance includes:
 - (i) removal of loose, unsecured, or rusted objects or materials;
 - (ii) removal of dangerous accumulations of snow or ice;
 - (iii) maintaining roofs and chimneys in water-tight condition so as to prevent leakage of water into the building; and
 - (iv) maintaining all roof-related structures plumb unless specifically designed to be other than vertical.

27. EAVESTROUGH – METAL DUCTS - FLASHING

- a) Eaves trough, roof gutter, rainwater pipe, downspouts, flashing, and all exterior ducts shall be properly secured and free from loose or unsecured objects, free from obstructions and health hazards, weather-tight, free of holes, and maintained in good repair.
- b) Metal eaves troughs, rainwater pipes, flashing, and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when necessary.
- c) Every roof drainage shall be discharged onto the ground at least 1 metre (39 inches) from the building or structure, when it is physically possible to do so, providing that it does not discharge directly onto or adversely affect adjacent properties, or cause erosion.

28. CHIMNEY FLUES

- a) Chimney, vent pipes, smoke stacks, flues, ducts, and other similar equipment shall be constructed and installed to the Building Code and C.S.A. B-365 standards, shall be maintained free from obstruction, and shall prevent:
 - i) the entrance of smoke or gases into a building;
 - ii) the heating of adjacent combustible materials, walls, and structural members to unsafe temperatures; and
 - iii) fire, health, or other hazards.

- b) Any fuel burning heating equipment used in a building shall be properly vented to the exterior by means of an approved smoke pipe, vent pipe, or chimney.

29. GARAGES – CARPORTS

- a) The construction between an attached or built-in garage or carport and a Dwelling Unit shall provide an effective barrier to gas and exhaust fumes.
- b) A door between an attached or built-in garage and a Dwelling Unit shall be tight-fitting and weather-stripped to provide an effective barrier against the passage of gases and exhaust fumes and shall be fitted with a self-closing device.
- c) Garages and carports, including floors, shall be maintained in good repair and free from Hazards.

30. FIRE OR STORM DAMAGE

- a) In the event of fire or explosion, damaged, or partially burned, material shall be removed from the premises, except that such material may be temporarily stored within the barricaded damaged building or structure, provided that such storage does not exceed ninety (90) days.
- a) Buildings, or portions thereof, that have been damaged by fire, flood, storms, or other circumstance, shall be repaired to their original condition in conformity with the Code and the standards set out in this By-law, or shall be demolished accordingly.

31. DEMOLITION OF STRUCTURES

- a) Where a building, accessory building, fence, or other structure is demolished, the property shall be cleared of all rubbish, waste, refuse, masonry, lumber, wood, and other materials and left in a graded and leveled condition.
- b) Where a building, accessory building, fence, or other structure is being demolished every precaution shall be taken to protect the adjoining property and members of the public. The precautions to be taken include the erection of fences, barricades, covered walkways for pedestrians, and any other means of protection necessary for the protection of the adjoining property and members of the public.
- c) Demolition activities shall be controlled with appropriate measures to protect the surrounding neighbourhood lands, including City lands and highways, from nuisance or hazardous dust, vibrations, and litter.

INTERIOR OF BUILDINGS AND STRUCTURES

32. INTERIOR STRUCTURAL COMPONENTS

In every building or structure, all structural components, including but not limited to all joists, beams, studding, trusses, and roof rafters, shall be comprised of sound material, in good repair, and adequate to sustain the loads to which they are intended and subjected to.

33. WALLS – CEILINGS

- a) Every interior surfaces and finishes of walls and ceilings shall be maintained:
 - i) in good repair, with a surface which is reasonably smooth, clean, tight, and easily cleaned;
 - ii) free of holes, cracks, loose plaster, or other material;
 - iii) in a safe condition; and
 - iv) so as to possess the fire resistant properties required by the Codes.
- b) In any bathroom, the walls to a height of forty-two (42) inches above a bathtub equipped with a shower or six (6) feet above the floor of a shower stall, shall be maintained as to be water resistant and readily cleaned.

34. FLOORS

- a) Every floor shall be smooth, level, and maintained so as to be free of all loose, warped, protruding, broken, or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
- c) Where a floor covering has become worn or torn so that it retains dirt or may create an Unsafe Condition, the floor covering shall be repaired or replaced.
- d) Every bathroom, kitchen, laundry, and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
- e) Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Code, to ensure water drainage and to guard against the entry of vermin.

35. STAIRS – HANDRAILS – GUARDS

- a) Every inside or outside stair and every porch or landing appurtenant to it shall be maintained so as to be free of holes, cracks, and other defects which constitute Hazards.

- b) All handrails and balustrades, stairways, fire escapes, balconies, landings, porches, and similar appurtenances shall be maintained in good repair so as to be free of holes and other defects which constitute Hazards, shall be properly anchored so as to be kept in a safe and secured condition, shall be structurally sound for the loads imposed through their normal use and, if metal, shall be protected from rust or similar decay by a periodic application of paint.
- b) Handrails shall be installed in accordance with the Code and shall be maintained in good repair on all exterior stairs that have more than 3 risers and on all interior stairs within Dwelling Units that have more than 2 risers.

36. MEANS OF EGRESS

- a) Every Building, structure, or Dwelling Unit shall have a safe, continuous, and unobstructed passage from the interior to an exit or the outside of the building at street or grade level.
- b) Exterior stairs and fire escapes shall be maintained in a safe state of repair and kept free of ice and snow.
- c) The passage required as egress from one Dwelling Unit shall not pass through any other Dwelling Unit.
- c) In every multi-residential dwelling where a security locking-and-release system has been provided in the front or rear lobby for the entrance into the multi-residential dwelling, and that system is controlled from each Dwelling Unit, such system shall be maintained in good repair and in an operating condition.
- d) Where a non-residential building contains Dwelling Units located at other than grade level, there shall be a secondary means of continuous and unobstructed egress from such Dwelling Units.
- e) All means of egress within a non-residential property shall be maintained free from all obstructions or impediments and shall be;
 - i) provided with clear, unobstructed, and readily visible exit signs, for every required exit; and
 - ii) provided with lighting facilities capable of illuminating the means of egress to ensure the safe passage of persons exiting the building at all times.

37. HEATING SYSTEMS

- a) It is the responsibility of the owner that all heating and mechanical systems, and their components, be installed, operational, and maintained in good working order.
- b) Only heating equipment approved for use by a recognized standards and testing Code authority shall be provided in a room used or intended for use for sleeping purposes.
- c) The installation, maintenance and use of a solid fuel burning appliances shall conform to the standards as set out in the applicable Code(s) and the C.S.A. B-365 Standard and fireplaces, stoves and similar construction used, or capable of being used, for burning fuels shall be connected to approved chimneys, smoke pipe or flues and shall be installed so as not to create a fire hazard to nearby or adjacent combustible materials and structural members.
- d) If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a Safe Condition.
- e) Fuel-burning equipment shall be vented to an appropriate chimney, smoke pipe or flue, as required, by means of rigid connections leading to a chimney or a vent or flue. All chimney, smoke pipes or flues shall be kept clear of obstructions
- f) Every chimney, smoke pipe, and flue shall be maintained so as to prevent gas from leaking into the Building.

38. AIR CONDITIONING

- a) Air conditioners, where provided, shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks, or pathways and shall be maintained in a safe mechanical, electrical, and functioning condition.
- b) Cooling water from water-cooled equipment shall not be discharged on driveways, walkways, or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations, or other parts of a Building.
- c) The discharge of cooling water from all water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable laws.
- d) Central air conditioning units, where provided, shall be maintained in good working order.

39. ELECTRICAL

- a) Every Dwelling and Dwelling Unit shall be wired for electricity and shall be connected to an approved electrical supply system. An adequate supply of electrical power shall be available in all occupied parts of every Dwelling, suite, and building.
- b) The connection to the Building and the system of circuits and outlets distributing the electrical supply within the Building shall provide adequate capacity for the use of the Building and such connections, circuits, wiring, and outlets along with any fuses, circuit breakers, and other appurtenances thereto shall be installed and maintained in good working order and Safe Condition.
- c) Extension cords shall not be used on a permanent basis.

40. VENTILATION

- a) Ventilation shall be provided to and maintained and operated in all rooms and spaces within a Building so as to prevent accumulations of heat, dust, fumes, gases including carbon monoxide, vapours, and other contaminants which may create a hazard.
- b) Every ventilation system shall be cleaned regularly and maintained in good working condition and good repair.
- c) When an exterior opening is used or required for ventilation and is not required to be protected by a door, window, or similar closure, it shall be protected with screens in accordance with this Bylaw.
- d) An opening for natural ventilation may be omitted from a bathroom or toilet room where a system of mechanical ventilation has been provided.
- e) Every basement, cellar, unheated crawl space, and attic shall be vented and such vents shall be designed and maintained to prevent entry of snow, rain, rodents, and insects.

41. NATURAL LIGHTING

- a) Every owner of a Building containing at least one Dwelling Unit must provide every Habitable Room (with the exception of kitchens and bathrooms) with a window, skylight, or translucent panel facing directly or indirectly to an outside space and admitting natural light to the standards set out in this Section.

- b) For living and dining rooms, the amount of natural light must be equal to, or greater than, ten (10%) percent of the floor area.
- c) For bedrooms and other Habitable Rooms, the amount of natural light must be equal to, or greater than, five (5%) percent of the floor area.
- d) The glass area of a door may be considered as a portion of the required window area.

42. LIGHTING

- b) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room, and every other habitable and non-habitable work room in a suite, Dwelling Unit, or Building shall have a permanently installed lighting fixture that shall be maintained in a Safe Condition and in good working order.
- c) Lighting equipment shall be installed and maintained throughout every property to provide adequate illumination for the use of each space so as to provide safe passage.

43. PLUMBING SYSTEMS

- a) All plumbing, drain pipes, water pipes, and plumbing fixtures in every Building and every connecting line to the sewage system shall be maintained in good working order and free from leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- b) Plumbing systems on a property shall be provided, installed and maintained:
 - i) in compliance with the respective requirements of any applicable Act, Code, or Bylaw;
 - ii) in good working order and good repair; and
 - iii) in a Safe Condition.
- c) All plumbing fixtures shall be connected to the sewage system through water seal traps.

44. WATER SUPPLY

Every Dwelling and every Building to which water is available under pressure through piping shall be provided with:

- (a) An adequate supply of hot water with a temperature range from 60 to 73.8 Celsius or 140 to 165 degrees Fahrenheit in all Dwelling Units; and
- (b) piping for hot and cold water connected to every kitchen fixture, washbasin, bathtub, shower, sink, and laundry area; and
- (c) piping for cold water connected to every toilet and hose bib.

45. ELEVATING DEVICES

- a) An Elevator or other approved elevating device supplied to employees, tenants, and/or the public, shall comply with the Technical Standards and Safety Act, 2000 as amended, and its regulations as enforced by the Technical Standards and Safety Authority.
- b) An elevator, where provided and when in operation, shall:
 - i) be kept clean and free of dirt and defacements; and
 - ii) have working lights, elevator buttons, floor indicators, and ventilation

46. SEWAGE SYSTEMS

- a) Every plumbing fixture in every building shall discharge the water, liquids, or sewage into drainage piping, which shall be connected to a municipal sewage system, or a system approved by the authority having jurisdiction and in accordance with all applicable law.
- b) Sewage or organic waste shall not be discharged to the surface of the ground, but into a sewage system where such system exists. Where a sewage system does not exist, sewage or organic waste shall be disposed of in a manner according to the Ontario Building Code.
- c) The land in the vicinity of a sewage system shall be maintained in a condition that will not cause damage to, or impair the functioning of the sewage system.

47. NUISANCES THROUGH USE

- a) It is an offence for an owner or occupant of Land to use the Land in a manner which creates a Nuisance.
- b) It is an offence for the owner or occupant of Land to allow a condition to develop and remain on the land in a manner which creates a Nuisance.

48. SWIMMING POOLS/HOT TUBS

- a) Every owner of Lands upon which a Swimming Pool exists shall maintain that Swimming Pool:
 - (i) in a clean and safe condition;

- (ii) free from leaks and faulty components and equipment; and
- (iii) in conformity with all other applicable laws.
- b) Every owner of Lands upon which a hot tub fixture exists shall maintain that hot tub fixture:
 - (iv) in a clean and safe condition;
 - (v) free from leaks and faulty components and equipment; and
 - (vi) covered or protected with appropriate device to secure from unwated or accidental entry.

49. PEST CONTROL

Every property shall be maintained so as to be free from vermin and conditions that may promote an infestation at all times.

ADDITIONAL REQUIREMENTS FOR DWELLING UNITS

- a) occupant is considered to have consented to the disconnection.

50. ELECTRICAL SYSTEMS

- a) The owner of rented Dwelling Units must install, and maintain in good working order, the electrical wiring, fixtures, switches, and receptacles within those rented Dwelling Units and within any Accessory Buildings provided for the occupants of the rented Dwelling Units.
- b) The electrical system in the rented Dwelling Unit, and in Accessory Buildings provided for the occupants of the rented Dwelling Unit must accommodate normal residential use so as to avoid the necessity of creating an Unsafe Condition because of the use of extension cords or temporary electrical wiring systems.

51. OCCUPANCY STANDARDS

A non-habitable room shall not be used as a Habitable Room

52. TOILET AND BATHROOM FACILITIES

- a) Every Dwelling Unit shall contain plumbing fixtures in good repair and in an operative condition, consisting of a minimum of one toilet, one sink, and one bathtub or shower.
- b) All bathrooms and toilet rooms shall be located within and accessible from within the Dwelling Unit.
- c) All bathrooms and toilet rooms shall be fully enclosed and maintained so as to provide privacy for the occupant.
- d) No toilet or urinal shall be located within a bedroom or a room that is used for the preparation, cooking, storing, or consumption of food.

53. Every owner of a residential rental Dwelling shall ensure that:

- a) All heating and mechanical systems, including equipment related to fuel sources for such systems, shall be installed and maintained at all times to ensure compliance with the City's Minimum Heat By-law, as enacted by Council and amended from time to time.
- b) No rental residential Dwelling Unit shall be equipped with portable heating equipment as the primary source of heat.

54. Every owner of a residential rental Dwelling shall ensure that:

- a) That the Dwelling Unit is provided with an adequate and suitable supply of Potable Water to at least one tap within the Dwelling Unit.
- b) That where the owner supplies the occupant appliances, as part of the rental contract/lease, those appliances must be maintained in good working order by the owner.

GENERAL PROVISIONS RELATING TO VACANT BUILDINGS

55. The owner of a vacant Building, in addition to any requirements of any other by-law of the City, shall:

- a) keep all Buildings on the land clear of debris;
- b) disconnect or have disconnected or discontinued, all water, electrical, and gas services to the Building except where required for the security and maintenance of the Building;
- c) maintain the Building to prevent against unsafe conditions or risk of fire or accidents;
- d) keep the windows, doors, or any other openings to the Building secured to prevent unauthorized entry;

- e) maintain any entrances to the Building in good repair so as to provide for safe access for any authorized person attending the property; and
- f) barricade all openings on any floor or between floors to prevent the risk of accident or injury to a person.

GENERAL ADMINISTRATION PROVISIONS

56. MLEO– POWER ENTRY FOR INSPECTION

- a) An Municipal Law Enforcement Officer (MLEO), in accordance with the powers of entry set out in section 435(1) and 436(1) of the Municipal Act 2001, may enter onto land at any reasonable time for the purpose of carrying out an inspection to determine whether or not compliance exists for:
 - (i) any requirements of this by-law and/or the conditions of any permit issued thereunder.
 - ii) any direction or order issued by the municipality, under this by-law.
 - iii) any court order, issued pursuant to section 431 of the Municipal Act 2001

57. MLEO – ISSUE DEFECT NOTICE

- a) An Municipal Law Enforcement Officer (MLEO), who becomes aware of a property that does not conform to this by-law, may issue a defect notice to the owner advising of the defect(s) that are in contravention of the By-law.
- b) A defect notice shall request the owner respond to the notice within seven (7) days of receipt, advising of either i) the intent to repair defect(s) and the time frame required or ii) disagreement with the defect(s) set out therein. If the owner fails to respond to the defect notice within seven (7) days of receipt it shall be forwarded to an Officer to open an inspection file concerning the defect(s), to achieve compliance.
- c) Any owner of property that receives a defect notice who responds in the required time frame and in the manner set out in the notice may be able to discuss the particulars of the defect with an Officer and the appropriate remedies and timeframes.
- d) A defect notice is issued at the sole discretion on an MLEO and is not a precondition for any Property Standards Order to be issued in respect of a defect on any property.
- e) For greater certainty, the failure of an Owner to respond a Defect Notice only, does not constitute an Offence pursuant to section 60 of the By-law.

58. SERVICE OF DEFECT NOTICE - BY MLEO/OFFICER

- a) An defect notice may be delivered in person to an owner or occupant at the address of lands that are subject of the notice, or left with an inmate therein that is over that apparent age of eighteen years, or
- b) An order may be sent via e-mail or text to an e-mail address or phone number, that has been supplied for a communication purpose and will be deemed served, only when such e-mail or text is acknowledged as being received and is not an auto-reply, or
- c) An defect notice may be sent registered mail to the last known address supplied to the corporation's tax office and shall be deemed to be delivered on the fifth (5th) day after the date mailed, or
- d) An defect notice may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited.
- e) No person, other than the owner of the subject property, shall cause or remove, tear down, or otherwise interfere with any Notice or Order posted on the property.

59. OBSRUCT MLEO – PROHIBITED

- a) No person, including the owner, shall impede, interfere, or obstruct an Municipal Law Enforcement Officer (MLEO) in the execution of their duties and in the inspection of property required under the by-law, by doing any act, or refusing any direction of an MLEO, including a request for access to enter and inspect any property or structure thereon, except those actual areas used as a Dwelling Unit.
- b) No person shall obstruct an Officer by providing false or misleading information.
- c) It is an offence for any person to obstruct an Municipal Law Enforcement Officer (MLEO) in the discharge of their duties.

60. PENALTY

Any person who fails to comply with any of the requirements y-law of this By-law is guilty of an offence, and shall upon conviction be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof

61. ENFORCEMENT BY MLEO's / OFFICERS (PROPERTY STANDARDS)

- a) A Municipal Law Enforcement Officer (MLEO) may enter and inspect, or re-inspect property to ensure compliance with the requirements of this by-law and may issue a defect notice under section 58 of the By-law, at their discretion.
- b) An Officer (Property Standards) may enter and inspect, or re-inspect property to ensure compliance with the by-law, including to determine whether an Order has been complied with.
- c) An Officer (Property Standards) may issue a defect notice under section 58 of the by-law or an Order under section 15.2 of the Building Code Act.

62. ISSUE ORDER – PROPERTY STANDARDS OFFICER

- a) Where an Officer (Property Standards) issues an order regarding a property, it is issued under the authority of the Building Code Act.
- b) Where a Municipal Law Enforcement Officer or an Officer (Property Standards) issues a section 58 defect notice, it shall be deemed to be issued under the authority of the Municipal Act, while also operating as a Municipal Law Enforcement Officer (MLEO).

63. APPLICATION OF BUILDING CODE PROVISIONS – ORDER PROCESSES

Where an Order is issued in respect of non-conformance with the provisions of this by-law, the processes set out in the Building Code Act, including the appeals process for an Order, shall apply.

64. PROPERTY STANDARDS APPEAL PROCEEDURES

- a) Any person who receives an Order issued under section 15.2 of the Building Code Act from an Officer (Property Standards) is entitled to request an appeal by following the directions set out in the Order within the timeframes and in the manner stated in the Order, being issued pursuant to Section 15.1 of the Building Code Act.
- b) A defect notice issued under section 58 of this by-law is not subject to an appeal process under the Building Code Act or this by-law.

65. PROPERTY STANDARDS APPEAL COMMITTEE ESTABLISHED

- a) The Property Standards Appeal Committee previously established by the Corporation is continued.

- b) The Committee shall be composed of three (3) persons appointed in accordance with the Corporation's approved procedure for the appointment to boards, committees, and authorities. Members of the Corporation's council and employees of the Corporation or one of its local boards are not eligible to be members of the Committee.
- c) The term of office for the members of the Committee is four (4) years, however all members shall serve beyond their terms of office, as required, until re-appointed or replaced.
- d) Any vacancy on the Committee shall be filled forthwith.
- e) Once established, the Committee shall elect, from among its members, a chairperson. The role of the chairperson is to preside over, and maintain order at all hearings of the Committee. Two (2) members of the Committee constitutes a quorum for conducting hearings. Where the elected chairperson is unable to attend any given hearing, the remaining members shall elect one of themselves to preside in that instance.
- f) The Corporation may establish an honorarium to be paid to members of the Committee.
- g) The Corporation shall provide for a secretary for the Committee. This will be a person employed or contracted by the Corporation who is not a Municipal Law Enforcement Officer. The secretary shall keep on file the records of all official business of the Committee, including records of all applications and minutes of all decisions respecting those applications, and section 253 of the Municipal Act, 2001, applies to the minutes and records.
- h) The Committee may, subject to subsection (i), adopt its own rules of procedure and any member may administer oaths.
- i) The Committee shall give notice or direct that notice be given of the hearing of an appeal to such persons as the committee considers advisable.
- j) The Committee shall have the powers as set out in section 15.3 of the Building Code Act, S.O. 1992, c.23.

66. PENALTY – ORDERS

An owner who fails to comply with an order that is final and binding or a directive issued pursuant to the *Building Code Act, S.O. 1992, c.23*, is guilty of an offence under Section 36(1) of the *Building Code Act, S.O. 1992, c.23*, and is liable to a penalty or penalties as set out in Section 36 of that Act.

67. SEVERABILITY

If any provision or article of this Bylaw is for any reason found to be invalid by a court of competent jurisdiction, the provision or article found to be invalid shall be severed from the Bylaw and the remaining provisions or articles shall remain in effect until repealed.

68. CONFLICTS

Where a provision of this Chapter conflicts with the provisions of another Bylaw, Act, or Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety, and welfare of the occupants and the general public or where it gives greater effect to the purpose of this by-law, it shall prevail.

69. TRANSITIONAL RULES

After the date of the passing this Bylaw, Bylaw #066-2008, as amended, shall apply only to those properties in which an Order to Comply has been issued prior to the date of passing of this Bylaw, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings with respect to such Order, including any demolition, clearance, or repair carried out by the municipality shall have been concluded.

70. **EFFECT**

71. This by-law shall come into force and effect on the date of its final passing.

72. Enacted and passed this xxx day of XXX, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Mayor

Clerk

Attachment E – Comparator Chart: Municipal Standards for Property By-law

Major Changes	Why the Change	How We Will Achieve This	Specific Changes	By-Law Section
Speeding up time frame to comply with By-laws	-Looking to decrease time from when Municipal Law Enforcement Officer identifies issue to when corrective action takes place	-Changing from a mandatory 2-step process, to 1-step: issuing an Order to Remedy (with exceptions).	-Removal of First Notice requirement -Creating an optional seven day Defect Notice, requiring response, to ascertain owners intentions to repair -Option to go directly to issuing Orders	Old By-Law: Sec 8.04-8.16 New By-Law: Sec 58-64
Addressing unsightliness of properties	-Ensuring that properties conform to community standards in their appearance	-Including a definition of unsightliness in Property Standards By-law	-Including requirements that properties not be unsightly, keeping in the theme of the urban neighbourhood and community	New By-law: Definitions Sec 6 Sec 8 Sec 11 Sec 12
Expanding By-law to capture all Code deficiencies for safety, without listing each separately	-Ensure that all safety issues can be addressed by Municipal Law Enforcement Officials -Include operation of elevators so issues can now be addressed by Municipal Officers	-New addition to By-law for Elevating Devices and all safety related code deficiencies	-Language includes a provision to ensure that all safety related sections of codes can be enforced by Municipal Law Enforcement Officers -By-Law includes section specifically dealing with elevator maintenance and continued functional operation	New By-law: Sec 4(b) Sec 45
Relocation of vacant buildings components from the Property Standards By-law	-Creating new By-Law for vacant buildings, to ensure issues can be dealt with more expeditiously -Ensure the City immediately becomes aware of all vacant buildings to monitor for issues -Deal with security issues quickly, act as a tool to ensure property owners monitor and maintain vacant buildings	-Creation of a new Vacant Buildings By-Law	- New mandatory obligation to register vacant buildings -Require that any buildings vacant for more than 90 days must be registered (some exceptions) -Annual renewals for buildings remaining vacant to up to date information	New By-Law: Sec 56 New Vacant Buildings By-law
Relocation of minimum heat requirements from the Property Standards	-Make it faster for Officers to address issues for tenants who can't get proper heat, when temperatures are throttled	-Creation of a new Minimum Heat By-Law	- Creation of a specific Minimum Heat By-Law requiring heat to be provided at a temperature of 21 C	Old By-Law: Sec 4.07

Attachment E – Comparator Chart: Municipal Standards for Property By-law

By-law	by a landlord		-creates offence, imposed daily fines and system of increasing fines for repeat behaviours	New By-law: Minimum Heat By-Law
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Memorandum

Corporate By-law Number BL XX/2022

TO: Office of the City Clerk **FILE:** XXXX-2022

FROM: Doug Vincent
Development & Emergency Services - Licensing & Enforcement

DATE: xx/xx/2022 (*draft dated May 10/22*)

SUBJECT: BL XX/2022 – VACANT BUILDING SECURITY

MEETING DATE: City Council – xx/xx/2022 (mm/dd/yyyy)

By-law Description: A By-law to Monitor Vacant Building Security

Authorization: Committee of the Whole - xxxxx, xx, 2022

By-law Explanation: The purpose of this By-law is to ensure that vacant buildings are secured against unauthorized entry...

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL XXX/2022

A By-law to authorize the City of Thunder Bay to require Owners of Vacant Buildings to register such buildings and to ensure they are secured against unauthorized entry and to provide authority to enter and authorize work to be undertaken in certain circumstances.

WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, s. 8, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, s. 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the *Municipal Act*, 2001, S.O. 2001, c. 25, s. 10, gives the municipality broad authority to pass by-laws respecting the health, safety, and well-being of persons;

AND WHEREAS, the *Municipal Act*, 2001, S.O. c. 25, s. 128, provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS, Council of The Corporation of the City of Thunder Bay is of the opinion that vacant buildings that are not secured against unauthorized entry constitute public nuisances by attracting vandals and creating various safety hazards.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. SHORT TITLE

That this By-law may be cited as the "Vacant Building Security By-law".

2. DEFINITIONS

"Building Damaged by Fire" shall include a building partially or completely damaged by fire to the extent that it will not be inhabited until it has undergone repairs;

"City" shall mean The Corporation of the City of Thunder Bay and, where the context allows, shall include its agents and employees;

"Fire Chief" shall mean the Chief of the Thunder Bay Fire Department and shall include a delegate or delegates thereof;

"Fire Department" shall mean the City of Thunder Bay Fire Department;
"Manager" means the Manager of Licensing & Enforcement, or their designate.

"Hazard"- means Lands, Buildings, Structures, or materials that are in an Unsafe Condition, or is a source or a situation, with the potential for harm in terms of human injury or ill-health, damage to property, damage to the environment, risk of fire, or a combination of these and includes unsafe containers which have a closing or locking mechanism such that something or someone inside could be trapped and unable to be released without external assistance.

"Land" - means property, whether or not it contains Buildings or Structures, and whether it is vacant or occupied. Reference to "Land" includes all Buildings and Structures, including fences, on the Land.

"Officer" shall mean the Fire Chief, a fire prevention officer, or a municipal law enforcement officer of the City;

"Order" means a Work Order under this By-law.

"Owner(s)" shall include the registered property owner or agent thereof, a person having or appearing to have beneficial ownership or care and control of the property, and an owner as defined by the Building Code Act, 1992;

"Property Entry By-law" means City of Thunder Bay By-law No. 075- 2011 and amendments thereto or successor thereof.

"Secure(d) Against Unauthorized Entry" may, at the discretion of the City, include boarding of a building;

"Municipal Standards By-law" means By-law of the City that prescribes the standards for maintenance and occupancy of property and to prohibit occupancy and includes any amendments thereto and any successor by-laws.

"Nuisance" – means any condition or use of Land which unreasonably interferes with the use and enjoyment of another person's Land. Examples include, but are not limited to:

- (a) emissions of smoke, gas, fumes, dust, or sawdust;

- (b) objectionable odours; or
- (c) the unsightly storage of goods, wares, merchandise, debris or other material.

“Registry” means a list of all properties in the City on which a vacant building is situated, together with the following information with respect to those properties:

- (a) property address, or legal description if there is no municipal address;
- (b) the name of the owner(s);
- (c) current mailing address and telephone number of the owner(s);
- (d) the name of a secondary contact person, should the owner be unreachable;
- (e) current mailing address and telephone number of the secondary contact person;
- (f) immediate past use of the property;
- (g) any relevant known risks or information for emergency service providers; and
- (h) whether or not a fire safety plan exists for the property in accordance with the Fire Protection and Prevention Act, 1997, and the location of that plan if it exists

“Safe condition”- means a condition that does not pose or constitute an undue or unreasonable hazard or risk to life, limb, or health of any person on or about the property, and includes a structurally sound condition;

“Unoccupied Building” means, for the purposes of this By-law, any building that is not occupied by the owner or tenant under a tenancy agreement, that has been accessed by unwanted persons. but does not meet the definition of a vacant building and may include a newly or partially constructed building that is or appears to be actively used for a legitimate purpose or appears dormant or abandoned.

“Unsafe Condition”- is a descriptive phrase for Land, Buildings, Structures, or material, that are in a condition or state of repair that causes a hazard to life, limb, or health of any person authorized or expected to be on or near the Land in question.

"Vacant Building" means a building that is neither owner-occupied or tenant-occupied through an agreement for a period of ninety (90) days or more and shall include a partially vacant building and a vacant or partially vacant building that is occupied by unauthorized persons but does not include a new building that has not yet obtained an occupancy permit.

“Vermin” means mammals, birds, or insects injurious to humans or physical property. Examples includes but are not limited to: skunks, rats, termites, raccoons, bird infestations, poisonous insects, reptiles, mice, squirrels and other rodents.

3 REQUIREMENT TO REGISTER

- (1) Every Owner of a Vacant Building shall register the building(s), in writing, on the appropriate form, with the Manager as soon as it becomes vacant; and
 - (a) Provide access for a registration inspection, as requested, to document existing conditions and ensure any required Fire Department and Property Standards concerns are addressed; and
 - (b) Ensure any recommendations following the inspections are implemented and maintained thereafter; and
 - (c) Renew such registration(s) annually and pay annual inspection fee(s); and
 - (d) Keep the City advised of changes in the current mailing address and phone/e-mail contacts and update alternate contacts, within 30 days of such change, to ensure contact is possible in urgent situations and that the registry is maintained accurately; and.
 - (e) Notify the Manager, in writing, when the property is sold, by amending the registry to reflect such change; or
 - (f) Notify the Manager, in writing, when the building is no longer requiring registration because it is either reoccupied for use or demolished.

4. OWNER(S) RESPONSIBILITY

- (1) Every Owner shall ensure that any Vacant Building is secured against unauthorized entry by persons, birds, rodents, and other vermin that may create a nuisance within the building, surrounding lands, or neighborhood where the building is situated.
- (2) Every Owner shall ensure that any Unoccupied Building is secured against unauthorized entry by persons, birds, rodents, and other vermin that may create a nuisance within the building, surrounding lands, or neighborhood where the building is situated.
- (3) Every Owner shall ensure that any Vacant or Unoccupied Building shall be maintained it in a safe condition and not allow an Unsafe Condition or Hazard to develop.

- (4) Every Owner of a Vacant or Unoccupied Building, that where Unsafe Condition or a Hazard is detected or reported, shall immediately take all measures required to abate the Unsafe Condition or Hazard with the building and surrounding Land
- (5) Every Owner of any Unoccupied Building or Vacant Building, including vacant property appurtenant thereto, shall protect the building or property against the risk of fire, accident, or other danger including effectively preventing the entrance to it of all unauthorized persons.
- (6) The requirements set out in Section 4, does not apply to a building, or portion thereof, that is under construction within an active development or redevelopment site, and under the authority of a building permit, where on-site work is actively progressing under an approved plan.
- (7) Every Owner shall, when required by the Fire Chief, shall remove and/or relocated all stored materials, as directed.

5 SECURING A VACANT OR UNOCCUPIED BUILDING

For the purposes of section 4 of this By-law, the Owner of a Vacant Building or Unoccupied Building shall:

- a) keep all exterior doors to the building operational, so as to fit tightly within their frames when closed;
- b) keep all exterior doors to the building locked so as to prevent unauthorized entry;
- c) keep all windows on the building properly glazed and in good repair;
- d) keep all windows on the building either permanently sealed or locked so as to prevent unauthorized entry;
- e) keep all windows, doors, basement and attic hatchways and their frames maintained to completely exclude rain or snow, and to substantially exclude wind, from entering the building;
- f) render all floors above the first floor inaccessible to unauthorized entry by raising fire escapes to a height of at least four (4 m) metres or one hundred fifty-six (156 in) inches, or guarding them in some other manner, that has been submitted in writing and approved by an Officer;

- g) maintain the building in compliance with the City's Municipal Standards By-law, except where the Owner expressly declares in writing, that the state of the building is such that it cannot economically be repaired to the required standards and should be demolished,
- h) ensure that all utilities serving the building which are not required for safety or security are properly disconnected or otherwise secured;
- i) ensure that the property is kept free of infestations of rodents, vermin, birds, and other harmful pests and not permit any conditions to arise or continue, that would allow such pests to harbour in or about the building;
- j) Where the circumstances cannot reasonably allow the Owner to immediately secure the building forthwith, and a Hazard or Unsafe Condition exists or likely to develop, the Owner shall ensure that the property is monitored by a responsible person at all times until the building is adequately secured.

6 BOARDING/COVERING A VACANT OR UNOCCUPIED BUILDING

- 1.) If the normal locking of and other security measures for a building do not prevent entry, entry shall be prevented as follows:
 - a) ensure all doors, windows, or other openings are covered with a solid piece of plywood, or an equivalent material, that shall be securely fastened and tight fitting, watertight, and shall be of a thickness of not less than 12 millimetres; and
 - b) be fixed, if covering a wooden door or window frame, by steel wire nails of not less than 50 millimetres in length and, if covering a metallic door or window frame, by self-tapping screws not less than 38 millimetres in length and the nails or screws shall be spaced at intervals of not more than 150 millimetres over the entire length of each vertical and horizontal portion of each door or window frame; or
 - c) By blocking up all window, doors, and other openings in the building that provide a means of entry with bricks or masonry units held in place by mortar.
- 2.) All materials used for securing unoccupied and vacant buildings shall be covered and maintained with a preservative that is reasonably compatible in colour with the exterior finish of the building in a manner so as to minimize detracting from the value of other properties in the immediate vicinity.

7 BUILDINGS DAMAGED BY FIRE

(1) Every Owner shall ensure that a Building Damaged by Fire, or relevant portion of a building that was damaged by fire, is secured against unauthorized entry forthwith, after the release of the relevant property by the authority having jurisdiction.

(2) Where an Owner has:

- (a) expressed an intention not to comply with the requirements of this By-law; or
- (b) does not comply with the requirements of this By-law, or
- (c) fails to secure a Building Damaged by Fire when directed to do so,
- (d) is unresponsive to messages or uncontactable to the City's attempts to notify,

the City may cause the Building Damaged by Fire, or portions thereof, to be secured against unauthorized entry.

(3) Where a Vacant Building, Unoccupied Building or a Building Damaged by Fire is boarded, or required to be boarded, the boarding materials shall be installed and maintained in good repair and, unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or equivalent weather-resistant material.

8 INSPECTION AND ENFORCEMENT POWERS

(1) Every Officer shall be authorized to enforce the provisions of this By-law.

(2) Every Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether the provisions of this By-law are being complied with.

(3) Every Officer may require information from any person concerning a matter related to the inspection.

(4) Every Officer may, in writing, extend any of the time frames for compliance in this By-law where it is reasonable in the circumstances to do so.

(5) Officers may also rely on the authorities, if required, of the City's Property Entry By-law and any other authorizing by-law or statute.

9 ANNUAL INTERIOR INSPECTIONS

In addition to any other inspections of a Vacant Building as required or permitted under this By-law or any applicable legislation, a Municipal Law Enforcement Officer may, at least once each calendar year, conduct an interior inspection of a building on a vacated property after providing reasonable notice to the Owner.

10. FEE FOR REGISTRATION, RENEWALS, ANNUAL INSPECTIONS

The City may charge a fees for registration of a Vacant Building and any subsequent inspections of Vacant Buildings or Unoccupied Building and such fees shall be in accordance with the City's User Fee By-law, as amended from time to time and any successor by-laws.

11. ORDERS/ENFORCEMENT

- (1) An Officer who believes a building to be a Vacant Building, may make an Order requiring the building to be secured against unauthorized entry.
- (2) An Officer who believes a building to be an Unoccupied Building that requires securing may make an Order requiring the building to be secured against unauthorized entry.
- (3) An Officer who believes a building to be a Vacant Building may make an Order to the Owner requiring them to make application and register the Vacant Building, or provide proof of active occupancy at all times relevant.
- (4) An Officer may specify in an Order, prescribe a method of securing a Vacant Building different than the methods set out in this By-Law where a previous attempt to effectively secure the building was unsuccessful.
- (5) An Officer, in an Order, may require the Owner to conduct routine and regular inspections of the property to ensure the property is secure and to maintain a record of those inspections in a manner set out in the Order.
- (6) Where a specific method of securing the property, such as boarding in part or in whole, is required to ensure that the vacant property remains secured against unauthorized entry, the Order shall state this requirement.

(7) Except where an Unsafe Condition or Hazard exists, an Order shall set out the deadline by which the Vacant Building or Unoccupied Building must be secured. The Owner shall have a minimum of two business days to secure the Vacant Building or Unoccupied Building, if the Order is hand delivered or electronically communicated to the Owner. The Owner shall have a minimum of five business days to secure the Vacant Building or Unoccupied Building, if the Order is only posted.

(8) Where an Owner:

- (a) indicates an intention not to comply with the Order; or
- (b) does not comply with the requirements of this By-law or the Order, or
- (c) is unresponsive to messages or uncontactable to the City's attempts to notify

- (d) fails to secure the building to the satisfaction of the City by the deadline set out in the Order;

the City may cause the Vacant Building or Unoccupied Building to be secured against unauthorized entry, at the expense of the Owner.

(9) Where, in the opinion of the Officer an unsafe Condition or Hazard exists at a Vacant Building or Unoccupied Building, the Officer may cause the building to be secured against unauthorized entry without prior to a notice or Order being issued. Notice of the action taken in these circumstances shall be posted at the subject property and then sent to the Owner at the address provided, and shall include an invoice for the amount owing for the City's actions. .

(10) Notwithstanding a building may meet the definitions of a Vacant Building or Unoccupied Building under this By-Law, nothing in this By-Law prevents an Order to repair or demolish the Vacant Building or Unoccupied Building being issued under the City's Municipal Standards For Property By-law for the same Vacant Building or Unoccupied Building, and any such Order issued, shall have paramountcy over the provisions in this By-Law, to the extent of any conflict between them.

12. OBSTRUCTION PROHIBITED

(1) No person, including the Owner, shall impede, interfere with, or obstruct an Officer in the execution of their duties and the inspection of property required under the By-law, by doing any act or refusing any Officer direction, including request for access to enter and inspect any property or structure thereon, except those actual areas used as a dwelling unit.

(2) No person shall obstruct an Officer by providing false or misleading information.

(3) It is an Offence to obstruct an Officer in the discharge of their duties.

13. WORK ORDER

(1) Where the Officer has reasonable grounds to believe that a contravention of this By-Law has occurred, the Officer may make an Order requiring the person who contravened this By-Law to do work to correct the contravention.

(2) An Order shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
- b) the work or remedial action required to be done and the date by which the work or remedial action must be done.

(4) An Order may require work or remedial action to be done even though the facts which constitute the contravention of this By-Law were present before this By-Law came into force.

(5) Any person who fails to comply with an Order issued under this By-Law, is guilty of an offence.

14. SERVICE OF NOTICES/ORDERS

(1) An Order to secure a Vacant Building against unauthorized entry may be hand delivered to the Owner or posted at the site of the Vacant Building;

(2) An Order may be delivered in person to an Owner or occupant, at the address of lands that are subject of the Order or left with an inmate therein that is over the apparent age of eighteen years; or

(3) An order may be sent via e-mail or text to an e-mail address or phone number, that has been supplied for a communication purpose and will be deemed served, only when such e-mail or text is acknowledged as being received and is not an auto-reply, or

(4) An Order may be sent registered mail to the last known address supplied to the City's tax office and shall be deemed to be delivered on the fifth (5th) day after the date mailed; or

(5) An Order may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited.

15. REMEDIAL ACTION

(1) If a person fails to do any matter or thing as directed or required by this By-law, including to comply with an Order under this By-law, the City may, in default of it being

done by the person directed or required to do it, do the matter or thing at the person(s) expense. The City will invoice the Owner of all costs owing for actions taken by the City, but in default of receiving full payment of the invoice, the City may recover the costs of doing a matter or thing from the person directed or required to do it by instituting legal action or by adding the costs to the tax roll for the property and collecting them in the same manner as property taxes.

(2) The costs incurred by the City to take corrective actions on behalf of the Owner, as authorized by this By-law, shall include any fees and charges authorized by the City in accordance with the User Fee By-law, in relation to the matters identified in the By-law.

16. GENERAL PROVISIONS

(1) Where an Officer finds that measures taken pursuant to an Order have been insufficient to keep a Vacant Building or Unoccupied Building secured against unauthorized entry, subsequent Orders may be issued requiring additional measures to be taken by the Owner.

(2) It is an offence for any person other than the Owner to remove, tear down, or interfere with any notice or Order posted on the property.

(3) Every Owner shall comply with an Order to secure a Vacant Building or Unoccupied Building, against unauthorized entry.

(4) It is an offence for an Owner to fail to apply to register every Vacant Building or renew a registration, as required under this By-law;

(5) It is an offence to provide false, inaccurate, or misleading contact information, as required for initial registration, changes in registration, or at renewal of same;

(6) It is an offence to fail to update the Registry to reflect a change in ownership of a registered property;

(7) It is an offence to fail to properly secure a building that is Vacant Building or Unoccupied Building, so as to prevent unauthorized entry to anyone other than the Owner or authorized persons.;

17. OFFENCE

Any person who fails to comply with any of the requirements of this By-law is guilty of an offence, and shall upon conviction be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof

18. PENALTIES

(1) Any person who contravenes a provision of this By-law is also subject to a system of fines set out in section 429 of the Municipal Act, 2001, and all contraventions of this By-Law are designated as continuing offences for each day they continue.

(2) Every person, who is convicted of an offence is liable to a minimum fine of three hundred dollars (\$300.00) and a maximum fine of five thousand dollars (\$5,000.00) for the first offence and a maximum fine of ten thousand dollars (\$10,000.00) for any subsequent conviction under the By-law, to the maximum prescribed in the Municipal Act 2001.

(3) In addition to the fine amounts set out in section 17(2), for each day or part of a day that an offence continues, the minimum fine shall be three hundred dollars (\$300) per day or part day for the first conviction, but the total of all daily fines, shall not exceed five thousand dollars (\$5,000) for the first conviction, where the convictions are registered to a person, that is not a corporation.

(4) Where a corporation is convicted of a second and subsequent conviction, the minimum fine shall not be less than five thousand dollars (\$5,000) for each subsequent conviction to a maximum fine of one hundred thousand dollars (\$100,000).

(5) In addition to any monetary penalty any court of competent jurisdiction may, pursuant to section 431 of the Municipal Act, issue an order prohibiting the continuation or repetition of the offence by the person convicted.

19. SEVERABILITY

Each and every of the provisions of this By-law is severable and if any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this

Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

20.CONFLICTS

Where a provision of this Chapter conflicts with the provisions of another Bylaw, Act, or Regulation in force within the municipality, the provision, which establishes the higher standards to protect the health, safety, and welfare of the occupants and the general public or where it gives greater effect to the purpose of this by-law, it shall prevail.

21. EFFECT

This by-law shall come into force and effect on the date of its final passing.

Enacted and passed this xxx day of XXX, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Mayor

Clerk

Attachment G – Comparator Chart: Vacant Building Security By-law

Major Changes	Why the Change	How We Will Achieve This	Specific Changes	By-Law Section
Vacant Buildings will have its own stand alone By-law	<ul style="list-style-type: none"> -Changes allow the city of deal with security issues, and keep track of vacant buildings in the City of Thunder Bay -Encourages building owners to monitor and maintain their properties, even if buildings are vacant -maintain current owner contact information regularly 	<ul style="list-style-type: none"> -New mandatory requirement to register vacant buildings with the city -Increased security requirements where original provisions of minimum prescribed standards in not effective -Create offences to deal with non-compliance immediately 	<ul style="list-style-type: none"> -Applies to buildings vacated for over 90 days -Mandatory requirement to register building with City -Update required annually of building information on registry -Officer may increase protections where previous methods haven't been successful 	<p>Old By-law: 6.01-6.07</p> <p>New By-law: Vacant Buildings By-law</p>

Memorandum

Corporate By-law Number BL XX/2022

TO: Office of the City Clerk **FILE: XXXX-2022**

FROM: Doug Vincent
Development & Emergency Services - Licensing & Enforcement

DATE: xx/xx/2022 (*draft dated May 10/22*)

SUBJECT: BL XX/2022 – Minimum Heat By-law

MEETING DATE: City Council – xx/xx/2022 (mm/dd/yyyy)

By-law Description: A By-law to xxxxxxxx

Authorization: Committee of the Whole - xxxxx, xx, 2022

By-law Explanation: The purpose of this By-law is to regulate adequate heat

Schedules and Attachments:

Amended/Repealed By-law Number(s):



THE CORPORATION OF THE CITY OF THUNDER BAY
BY-LAW NUMBER BL XXX/2022

A By-law to authorize the City of Thunder Bay to require Owners of Residential Rental Dwellings to ensure such dwellings are provided with Adequate and Suitable Heat in residential accommodations.

WHEREAS the *Municipal Act*, 2001, S. O. 2001, c. 25, s. 8, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS the *Municipal Act*, 2001, S. O. 2001, c. 25, s. 9, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the *Municipal Act*, 2001, S. O. 2001 c. 25, s. 10, gives the municipality broad authority to pass by-laws respecting the health, safety, and well-being of persons;

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. SHORT TITLE

That this By-law may be cited as the "Minimum Heat By-law."

2 DEFINITIONS

"Adequate and Suitable Heat" means that the minimum temperature of the air in the dwelling unit shall be 21 degrees Celsius (21 C), when measured as prescribed.

"City" means the Corporation of the City of Thunder Bay and, where the context allows, shall include its agents and employees.

"Dwelling Unit" means one or more habitable rooms designed and intended for human habitation.

"order" means a Work Order under Section 6, of this By-law.

"Landlord" includes persons as defined under the Residential Tenancies Act

"Order" means a work order issued pursuant to Section 6 of the By-law

“Owner” means any person, firm, or corporation having control over all or any portion of the property under consideration and includes registered owner(s) of land and a Landlord, but does not include a Tenant.

“Property Entry By-law” means City of Thunder Bay By-law No. 75-2011 and includes any amendment thereto or successor by-law that may be enacted.

“Residential Tenancies Act” means the Residential Tenancies Act, 2006, S.O. 2006 c17, as amended and any regulations thereunder.

“Tenant” includes a person as defined under the Residential Tenancies Act

3. OWNER(S) RESPONSIBILITY

- (1) Every owner of a Dwelling Unit which is rented or leased and which is to be heated by or at the expense of the Owner, shall provide the dwelling unit with Adequate and Suitable Heat at the Owner’s expense.
- (2) Every Owner of Dwelling Unit, that claims that the heating expense and/or control of Adequate and Suitable Heat is not under the control or the responsibility of the Owner, shall provide an Officer, on demand, sufficient proof that the Tenant is responsible for provision in relation to the Dwelling Unit for which an exemption to the requirement is claimed.
- (3) Every Owner of a Dwelling Unit that fails to produce the required proof of exemption, satisfactory to the Officer’s investigation and required in subsection 3(2) above, is deemed to be responsible to supply Adequate and Suitable Heat to that Dwelling Unit as set out in subsection 3(1) above.
- (4) Every Owner of a Dwelling Unit that controls the distribution of Adequate and Suitable Heat by any means, from any location other than from within the Dwelling Unit, is deemed to be required to supply Adequate and Suitable Heat to the Dwelling Unit under subsection 3(1), regardless of any agreement to the contrary.
- (5) Every Owner of a Dwelling Unit that controls the distribution of Adequate and Suitable Heat by any means, from any location including from within the Dwelling Unit, where the Tenant is prevented or restricted from controlling the temperature of

the Dwelling Unit, is deemed to be required to supply Adequate and Suitable Heat to the Dwelling Unit under subsection 3(1), regardless of any agreement to the contrary.

- (6) Every Owner will ensure that Adequate and Suitable Heat shall be maintained, in habitable space of the Dwelling Unit, at a minimum temperature of no less than 21 degrees Celsius (21 C).
- (7) Every Owner served with an order pursuant to Section 6 of this By-law, shall comply with the Order.

4. MEASURING ADEQUATE AND SUITABLE HEAT

The temperature shall be measured and recorded by, or on behalf of, the Tenant using a thermometer as follows :

- (1) In a habitable room within the dwelling unit;
- (2) As close to the center of the room as possible; and
- (3) As close to one point two metres (1.2m) above the floor surface of the room.
- (4) When window and external door openings are closed.
- (5) Recorded in degrees Celsius (C).

5. INSPECTION AND ENFORCEMENT POWERS

- (1) Every Officer shall be authorized to enforce the provisions of this By-law.
- (2) Every Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether the provisions of this By-law are being complied with.
- (3) Every Officer may require information from any person concerning a matter related to the inspection.
- (4) Every Officer may, verbally and in writing, vary or extend any of the time frames for compliance in this By-law.

- (5) Officers may also rely on the authorities, if required, of the City's Property Enter By-law and any other authorizing by-law or statute.

6. WORK ORDER

(1) Where the Officer has reasonable grounds to believe that a contravention of this by-law has occurred, the Officer may make an Order requiring the person who contravened this by-law to do work to correct the contravention.

(2) An Order under subsection 6(1) of this by-law shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and,
- b) the work or remedial action required to be done and the date by which the work or remedial action must be done.

(3) An Order under subsection 6(1) of this by-law may require work or remedial action to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.

(4) Any person who fails to comply with an Order issued under subsection 6(1) of this by-law, is guilty of an offence.

7. SERVICE OF NOTICES/ORDERS

(1) An Order may be hand delivered to the Owner or sent via e-mail or text to an address/number supplied by the Owner and, in the case of e-mail or text service transmission of an Order, it must be acknowledged as being received, to be deemed as being served with the Order;

(2) An Order may be delivered in person to an Owner or occupant, at the address of the Owner or at the lands that are subject of the Order or left with an inmate therein at those locations, that is over that apparent age of eighteen years; or

(3) An Order may be sent registered mail to the last known address supplied to the City's tax office and shall be deemed to be delivered on the fifth (5th) day after the date mailed; or

(4) An Order may be posted in a conspicuous place on the property or placed in any open mail receptacle in proximity to the main entrance and shall be deemed to be delivered on the seventh (7th) day after being affixed/deposited.

8. GENERAL PROVISIONS

Space heaters shall not be used as a heat source for the purposes of obtaining compliance with the provisions of this By-law, except:

- (1) On a temporary basis as is reasonably necessary while repairs or maintenance is actively being carried out; and
- (2) Where solely powered by electricity.

9. REMEDIAL ACTION AND COSTS

If a person fails to do a matter or thing, including to comply with an Order issued under this By-law, as directed or required by this by-law, The City may, in default of it being done by the person directed or required to do it, do the matter or thing, and:

- (1) Where the City does undertake work to ensure that the minimum required heat in compliance with this By-law, the work will be completed at the expense of the Owner.
- (2) If the Owner fails to pay the cost of work completed under this By-law within thirty (30) days of the work being completed, the amount shall be added to the tax roll of the subject property and collected in the same manner as property taxes.

10. OBSTRUCTION

- (1) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law, including providing false or misleading information.
- (2) A refusal of consent to enter or to remain in a room or place actually used as a dwelling does not constitute hindering or obstruction within the meaning of section 8(1) of this By-law, unless the Officer is acting under a warrant under section 439 of the *Municipal Act, 2001*, or in the circumstances described in sections 437(d) or (e) of the *Municipal Act, 2001*.

11. OFFENCE

Every person, including a corporation, who contravenes a provision of this By-law is guilty of an offence and upon conviction, is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.

12. PENALTIES

(1) Any person who contravenes a provision of this By-law is also subject to a system of fines set out in section 429 of the Municipal Act, 2001, and all contraventions of this by-law are designated as continuing offences for each day they continue.

(2) Any person who contravenes a provision of this By-law is also subject to a system of fines set out in section 429 of the Municipal Act, 2001, and all contraventions of this by-law are designated as continuing offences for each day they continue.

(3) Every person, who is convicted of an offence is liable to a minimum fine of three hundred dollars (\$300.00) and a maximum fine of five thousand dollars (\$5,000.00) for the first offence and a maximum fine of ten thousand dollars (\$10,000.00) for any subsequent conviction under the By-law, to the maximum prescribed in the Municipal Act 2001.

(4) In addition to the fine amounts set out in section 12(2), for each day or part of a day that an offence continues, the minimum fine shall be three hundred dollars (\$300) per day or part day for the first conviction, but the total of all daily fines, shall not exceed five thousand dollars (\$5,000) for the first conviction, where the convictions are registered to a person, that is not a corporation.

(5) Where a corporation is convicted of a second and subsequent conviction, the minimum fine shall not be less than five thousand dollars (\$5,000) for each subsequent conviction to a maximum fine of one hundred thousand dollars (\$100,000).

(6) In addition to any monetary penalty any court of competent jurisdiction may, pursuant to section 431 of the Municipal Act, issue an order prohibiting the continuation or repetition of the offence by the person convicted.

13. COMPLIANCE WITH OTHER BY-LAWS

Compliance with other by-laws shall not relieve any person from compliance with any other City by-law.

14. SEVERABILITY

Each and every of the provisions of this By-law is severable and if any provision of this By-law should for any reason be declared invalid by any court, it is the intention and desire of this Council that each and every of the then remaining provisions hereof shall remain in full force and effect.

15. REPEAL

Upon passing of this By-law, Chapter 831 of the City of Thunder Bay Municipal Code, and by-law 210-1974 as well as any amendments thereto, are hereby repealed.

16. EFFECT

This by-law shall come into force and effect on the date of its final passing.

Enacted and passed this xxx day of XXX, A.D. 2022 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Mayor

Clerk

Please note the following response to Speak to City Council has been submitted at Tuesday May 10th 2022 11:29 AM with reference number 2022-05-10-013.

- **Please state what agenda item you would like to speak about:**
Yard Maintenance Bylaw
- **If you would like to speak to City Council about another topic not associated with an agenda item, please state topic here (if applicable):**
Thunder Bay
- **What are you requesting from Council?**
change in City Policy or Program
- **Have you already been in contact with City Administration in regards to the subject matter of your deputation request?**
Yes
- **If yes, what was the outcome?**
In contact with Mr. D. Vincent and Ms J. Kondrat, Licensing and Enforcement Division. Both have encourage the Mckellar Ward Assoc. to make a deputation before Council regarding the revised Bylaws that will impact this Ward.
- **Please select the date of the meeting:**
Committee of the Whole - Monday, June 20th 2022
- **Please choose**
Dr
- **First name:**
John
- **Last name:**
Hodson
- **Email:**
onkwehonwe7@gmail.com
- **Phone:**
(807) 630-3924
- **Organization you represent: (optional)**
Mckellar Ward Association
- **Please note the names of the presenters that will be attending with you:**
Mr. David Cavner and Dr. John Hodson

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Receive Report R 106/2022 as a First Report

SUMMARY

Recommendation to receive R 106/2022 as a First Report:

RECOMMENDATION

WITH RESPECT to Report R 106/2022 (Development & Emergency Services – Licensing & Enforcement) we recommend that the Report be received;

AND THAT Report R 106/2022 (Development & Emergency Services – Licensing & Enforcement) be presented at the July 25, 2022 Committee of the Whole meeting for consideration.

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Outstanding Item - Amendment to Animal Control By-law 22-1995

SUMMARY

At the September 20, 2021 Committee of the Whole meeting, a resolution was passed recommending that Committee of the Whole approve the work plan and priorities for the review of enforcement bylaws as outlined in Report R 120/2021 (Development & Emergency Services/Licensing & Enforcement). At the December 13, 2021 Committee of the Whole meeting, a memorandum was presented by Administration requesting that the presentation date be moved to April 11, 2022. At the January 10, 2022 Committee of the Whole meeting, a resolution was passed as contained in the memorandum from City Manager Norm Gale dated Friday, January 7, 2022 directing Administration to defer items on the Outstanding List for all Departments by up to two (2) months.

Memorandum from Manager - Licensing & Enforcement Doug Vincent relative to the above noted. **(Distributed Separately)**

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT City's Delegation at the 2022 Ontario Good Roads Association AGM
and Conference

SUMMARY

Memorandum from Chair - Inter-Governmental Affairs Committee Brian McKinnon, dated June 3, 2022 relative to the above noted, for information.

ATTACHMENTS

1. Memorandum - B. McKinnon - OGRA Advocacy

Memorandum

Office of the City Clerk
Fax: 623-5468
Telephone: 625-2230

TO: City Council

FROM: Councillor Brian McKinnon, Chair Inter-Governmental Affairs Committee

CC: Inter-Governmental Affairs Committee

DATE: June 3, 2022

SUBJECT: Information Relative to the City's Delegation at the 2022 Ontario Good Roads Association AGM and Conference - Committee of the Whole June 20, 2022

From April 10 to April 12, 2022 I attended the Ontario Good Roads Association (OGRA) Conference in Toronto along with Mayor Bill Mauro, Councillor Shelby Ch'ng, General Manager Corporate Services & Long Term Care and Treasurer Linda Evans and the Mayor's Policy Assistant Jeff Howie. Meetings were held with the following Ministries and representatives:

Minister/Parliamentary Assistant	Topic(s)
MPP and Opposition Leader Andrea Horwath	All briefs presented at OGRA as well as discussion on the NDP platform for the Provincial election
Vincent Ke, Parliamentary Assistant Ministry of Tourism, Sport and Cultural Industries	Science North Site for Thunder Bay/Kenora
Vijay Thanigasalam, Parliamentary Assistant Ministry of Transportation	Alstom Thunder Bay Expressway/NWA
Jim McDonnell, Parliamentary Assistant Ministry of Municipal Affairs and Housing	Addressing homelessness through transitional housing and supportive housing
MPP Stephen Blais, Liberal Party Critic	All briefs presented at OGRA as well as discussion on the Liberal Party platform for the Provincial election
Amajot Sandhu, Parliamentary Assistant Ministry of Infrastructure	Various Infrastructure Projects The need for a green stream

While I believe the number of meetings we received was limited by the COVID-19 pandemic, and the fact that this was the first in person conference since the pandemic began, the meetings we did receive were valuable. The conference also provided an excellent opportunity for networking with the delegates and exhibitors that were in attendance.

MEETING DATE 06/20/2022 (mm/dd/yyyy)

SUBJECT Outstanding List for Planning Services as of June 7, 2022

SUMMARY

Memorandum from City Clerk Krista Power, dated June 7, 2022 providing the Planning Services Outstanding Items List, for information.

ATTACHMENTS

1. Memorandum - K. Power - Outstanding List for Planning Services

Memorandum

Office of the City Clerk
Fax: 623-5468
Telephone: 625-2230

TO: Mayor & Council

FROM: Krista Power, City Clerk

DATE: June 7, 2022

SUBJECT: Outstanding List for Planning Services as of June 7, 2022
Committee of the Whole – June 20, 2022

The following items are on the outstanding list for June 7, 2022:

Reference Number	Department/Division	Outstanding Item Subject	Resolution Report Back Date	Revised Report Back Date
2018-010-DEV	Development & Emergency Services / Licensing & Enforcement	Sign By-law Amendment	No date included in referral resolution	Sep-12-2022
2020-024-DEV	Development & Emergency Services / Licensing & Enforcement	Request for Report – Development of a Nuisance By-law	Sep-28-2020	Aug-22-2022
2020-052-DEV	Development & Emergency Services / Thunder Bay Fire Rescue	TBFR Strategic Master Fire Plan (SMFP) - Implementation Plan	April-30-2022	June-20-2022
2021-103-DEV	Development & Emergency Services / Thunder Bay Fire and Rescue	Open Air Burning Policy	Nov-15-2021	Sep-12-2022
2021-104-DEV	Development & Emergency Services / Superior North EMS	Work Plan for Superior North EMS 2021-2030 Master Plan	Mar-14-2022	Jul-25-2022
2021-107-DEV	Development & Emergency Services/Licensing & Enforcement	Reimagining the Yard Maintenance By-law	Dec-13-2021	Jun-20-2022

2021-109-DEV	Development & Emergency Services/Planning	Heritage Tax Incentive Program	Apr-25-2022	June-20-2022
2021-112-DEV	Development & Emergency Services	Official Plan - Partial Servicing & Advanced Wastewater Treatment for Subdivisions	Feb-14-2022	Sep-12-2022
2021-114-DEV	Development & Emergency Services/Licensing & Enforcement	Fence Related Bylaws	Mar-28-2022	18-Dec-2023
2021-115-DEV	Development & Emergency Services/Licensing & Enforcement	Boulevard Policy/Obstruction Bylaw	Jun-27-2022	Aug-22-2022
2021-116-DEV	Development & Emergency Services/Licensing & Enforcement	Animal Bylaw Amendment	Dec-13-2021	June-20-2022
2021-117-DEV	Development & Emergency Services/Licensing & Enforcement	Vacant Buildings Bylaw	Dec-13-2021	June-20-2022
2021-118-DEV	Development & Emergency Services/Licensing & Enforcement	Property Standards & Yard Maintenance Bylaw	Dec-13-2021	June-20-2022
2021-119-DEV	Development & Emergency Services / Thunder Bay Fire and Rescue	Sacred and Ceremonial Burning Policy	Aug-22-2022	Sep-12-2022
2021-120-DEV	Development & Emergency Services/Planning	Strategic Core Areas Community Improvement Plan - Update	Dec-19-2022	Feb-27-2023
2022-102-DEV	Development & Emergency Services/Planning	The Need for a Belrose Plan	Jul-25-2022	