



# **AGENDA MATERIAL**

## **COMMITTEE OF THE WHOLE**

**MEETING DATE:** MONDAY, FEBRUARY 14, 2022

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

**TIME:** IMMEDIATELY FOLLOWING PUBLIC MEETING



**MEETING:** Committee of the Whole

**DATE:** Monday, February 14, 2022 *Reference No. COW - 8/53*

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**CLOSED SESSION in the McNaughton Room at 5:30 p.m.**

Committee of the Whole - Closed Session

Chair: Councillor Andrew Foulds

Closed Session Agenda will be distributed separately to Members of Council and EMT only.

**OPEN SESSION in S.H. Blake Memorial Auditorium at 6:30 p.m.**

Committee of the Whole - Planning Session

Chair: Councillor Andrew Foulds

***DISCLOSURES OF INTEREST***

***CONFIRMATION OF AGENDA***

**Confirmation of Agenda - February 14, 2022 - Committee of the Whole**

WITH RESPECT to the February 14, 2022 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed. **(Page 6)**

***PRESENTATIONS***

**Monthly – Citizens of Outstanding Achievement Award**

Memorandum from Deputy City Clerk Dana Earle dated February 1, 2022 requesting an opportunity to provide a presentation relative to the Monthly Citizens of Outstanding Achievement Awards. **(Pages 7 - 8)**

**Tourism Thunder Bay - 2021 Year End Review & 2022 Tourism Sector Outlook**

Memorandum from Manager - Tourism Thunder Bay Paul Pepe dated January 14, 2022 requesting an opportunity to provide a presentation relative to the above noted. **(Pages 9 - 10)**

## ***DEPUTATIONS***

### ***ITEMS ARISING FROM CLOSED SESSION***

### ***REPORTS OF COMMITTEES, BOARDS AND OUTSIDE AGENCIES***

#### **Parking Authority Board Minutes**

Minutes of Meetings 10-2021 and 11-2021 of the Parking Authority Board held on October 10, 2021 and November 11, 2021 respectively, for information. **(Pages 11 - 16)**

#### **Heritage Advisory Committee Minutes**

Minutes of Meeting 11-2021 and 1-2022 of the Heritage Advisory Committee held on December 16, 2021 and January 17, 2022 respectively, for information. **(Pages 17 - 24)**

#### **Lakehead Region Conservation Authority Minutes**

Minutes of Meetings 9-2021 of the Lakehead Region Conservation Authority held on October 27, 2021, for information. **(Pages 25 - 30)**

#### **Committee of Adjustment Minutes**

Minutes of Meetings 10-2021, 11-2021 and 12-2021 of the Committee of Adjustment held on October 27, 2021, November 24, 2021 and December 15, 2021 respectively, for information. **(Pages 31 - 54)**

#### **Anti-Racism & Respect Advisory Committee Minutes**

Minutes of Meeting 8-2021 of the Anti-Racism & Respect Advisory Committee held on November 29, 2021, for information. **(Pages 55 - 58)**

### ***REPORTS OF MUNICIPAL OFFICERS***

#### **Amend Draft Approval of a Plan of Subdivision - 2160 West Arthur Street**

Report R 10/2022 (Development & Emergency Services - Planning Services) recommending that the request by 2201947 Ontario Inc. to extend draft plan approval (58T-18501) to March 25, 2024, be approved. **(Pages 59 - 65)**

WITH RESPECT to Report R 10/2022 (Development & Emergency Services - Planning Services), we recommend that the request by 2201947 Ontario Inc. to extend draft plan approval (58T-18501) as it applies to Concession 3 NKR, Part of Lot 21, RP 55R-14723 PARTS 3 AND 4, known as "2160 West Arthur Street" to March 25, 2024, subject to the conditions outlined in Attachment "A" to Report No. R105/2018 (Planning Services); be approved;

AND THAT any necessary By-laws be presented to City Council for ratification;

ALL as contained in Report R 10/2022 (Development & Emergency Services - Planning Services), as submitted by the Development & Emergency Services Department.

### ***FIRST REPORTS***

### ***PETITIONS AND COMMUNICATIONS***

#### **Partial Servicing & Advanced Treatment Systems - Interim Update**

At the November 15, 2021 Committee of the Whole meeting a resolution was passed directing Administration, in consultation with the Thunder Bay District Health Unit and Lakehead Region Conservation Authority, to review implications and other options which may be available to partially-serviced subdivisions including advanced treatment systems, and to report back on or before February 14, 2022.

Memorandum from Director - Planning Services Leslie McEachern and Project Engineer - Engineering & Operations Aaron Ward dated January 22, 2022 relative to the above noted, for information. **(Pages 66 - 67)**

### ***OUTSTANDING ITEMS***

#### **Outstanding List for Planning Services as of February 1, 2022**

Memorandum from City Clerk Krista Power, dated February 1, 2022 providing the Planning Services Outstanding Items List, for information. **(Pages 68 - 70)**

### **OPEN SESSION in the S.H. Blake Memorial Auditorium**

Committee of the Whole - Administrative Services Session  
Chair: Councillor Mark Bentz



## ***REPORTS OF COMMITTEES, BOARDS AND OUTSIDE AGENCIES***

### **Community Communications Committee Minutes**

Minutes of Meeting 3-2021 of the Community Communications Committee held on October 13, 2021, for information. **(Pages 71 - 74)**

### **Official Recognition Committee Minutes**

Minutes of Meeting 06-2021 of the Official Recognition Committee held on December 7, 2021, for information. **(Pages 75 - 79)**

### **Inter-Governmental Affairs Committee Minutes**

Minutes of Meeting 07-2021 of the Inter-Governmental Affairs Committee held on October 18, 2021, for information. **(Pages 80 - 84)**

### **Thunder Bay Police Services Board Minutes**

Minutes of Meeting 19-2021 and 21-2021 of the Thunder Bay Police Services Board held October 19, 2021 and November 16, 2021 respectively, for information. **Pages 85 - 101)**

## ***REPORTS OF MUNICIPAL OFFICERS***

### **Small Business Property Tax Subclass Update**

Report R 16/2022 (Corporate Services & Long Term Care - Revenue) providing information on the new optional small business property sub-class relative to the City's Long Term Tax Strategy, for information. **(Pages 102 - 152)**

### **Jasper Call System / Pagers - Request for Single Source Approval**

Corporate Report R 22/2022 (Corporate Services & Long Term Care - Long Term Care and Senior Services) providing a recommendation relative to single sourcing of the supply and installation of an upgraded Jasper Call System / Pagers for Jasper Supportive Housing. **(Pages 153 - 155)**

WITH RESPECT to Report R 22/2022 (Corporate Services and Long Term Care – Long Term Care and Senior Services), we recommend that CRC Communications Ltd. be awarded the contract to supply and install an upgraded Jasper Call System / Pagers at Jasper Supportive Housing at a cost of \$88,917.30 plus HST;

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.

## ***FIRST REPORTS***

### ***PETITIONS AND COMMUNICATIONS***

#### **Province of Quebec's Bill 21**

Memorandum from Chair - Anti-Racism & Respect Committee Jason Veltri dated January 26, 2022 containing a recommendation relative to the above noted. **(Pages 156 - 157)**

WITH RESPECT to the Memorandum from the Anti-Racism and Respect Advisory Committee, dated January 26, 2022, we recommend that Thunder Bay City Council oppose the Province of Quebec's Bill 21, An Act respecting the laicity of the State and reaffirm the City's commitment to upholding religious freedoms as outlined in the Canadian Charter of Rights and Freedoms;

AND THAT Thunder Bay City Council endorse the initiative lead by the Regional Municipality of Peel and Calgary City Council, that asks the Canadian Coalition of Inclusive Municipalities, of which the City of Thunder Bay is a member, to create a nationwide campaign that highlights the harmful widespread impacts of Bill 21 on social cohesion and inclusion in Canada;

AND THAT Thunder Bay City Council send a letter to the Federal government requesting it unequivocally condemn and challenge Quebec's Bill 21.

#### **2021/2022 Annual Citizens of Exceptional Achievement Event Update**

Memorandum from Chair – Official Recognition Committee Allison Hill dated February 1, 2022 providing an update relative to the above noted, for information. **(Pages 158 - 159)**

## ***NEW BUSINESS***

### ***OUTSTANDING ITEMS***

#### **Outstanding List for Administrative Services as of February 1, 2022**

Memorandum from City Clerk Krista Power, dated February 1, 2022 providing the Administrative Services Outstanding Items List, for information. **(Pages 160 - 161)**

## ***ADJOURNMENT***

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***MEETING DATE***      02/14/2022 (mm/dd/yyyy)

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***SUBJECT***              Confirmation of Agenda - February 14, 2022 - Committee of the Whole

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***SUMMARY***

Confirmation of Agenda - February 14, 2022 - Committee of the Whole

***RECOMMENDATION***

WITH RESPECT to the February 14, 2022 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.



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**MEETING DATE**     02/14/2022 (mm/dd/yyyy)

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**SUBJECT**             Monthly – Citizens of Outstanding Achievement Award

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***SUMMARY***

Memorandum from Deputy City Clerk Dana Earle dated February 1, 2022 requesting an opportunity to provide a presentation relative to the Monthly Citizens of Outstanding Achievement Awards.

***ATTACHMENTS***

1. Memo - Monthly Presentation - Outstanding Achievement Award - February 1, 2022

## **Memorandum**

*Office of the City Clerk*  
**Fax:** 623-5468  
**Telephone:** 625-2230

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**TO:** Members of City Council

**FROM:** Dana Earle, Deputy City Clerk

**DATE:** February 1, 2022

**SUBJECT:** Monthly Award – Citizens of Outstanding Achievement  
Committee of the Whole – February 14, 2022

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Please be advised that a Citizens of Outstanding Achievement Monthly Award will be presented to Carolyn Karle under the category of Community Champion. This certificate is being awarded for Carolyn's determination in improving the drug crisis in Thunder Bay, for establishing Team DEK (Dayna Elizabeth Karle) and their advocacy efforts in the approval of the 40-bed mental health and addictions crisis facility in Thunder Bay. This award will be presented virtually at the February 14, 2022 Committee of the Whole meeting.

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**MEETING DATE**     02/14/2022 (mm/dd/yyyy)

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**SUBJECT**             Tourism Thunder Bay - 2021 Year End Review & 2022 Tourism Sector Outlook

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***SUMMARY***

Memorandum from Manager - Tourism Thunder Bay Paul Pepe dated January 14, 2022 requesting an opportunity to provide a presentation relative to the above noted.

***ATTACHMENTS***

1. Memo - P. Pepe - Jan 14, 2022

# Memo

To: Dana Earle, Deputy City Clerk

From: Paul Pepe, Manager of Tourism Thunder Bay

Date: January 14, 2022

Re: The Thunder Bay Community Economic Development Commission  
(CEDC) presentation to City Council on Tourism Thunder Bay

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Please accept this memo requesting an opportunity to provide a presentation relative to the 2021 year end review and 2022 tourism sector outlook by Tourism Thunder Bay a section of the Thunder Bay Economic Development Commission (CEDC) at the February 14, 2022 Committee of the Whole meeting.

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***MEETING DATE***      02/14/2022 (mm/dd/yyyy)

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***SUBJECT***              Parking Authority Board Minutes

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***SUMMARY***

Minutes of Meetings 10-2021 and 11-2021 of the Parking Authority Board held on October 10, 2021 and November 11, 2021 respectively, for information.

***ATTACHMENTS***

1. Parking Authority Board Minutes - October 2021
2. Parking Authority Board Minutes - November 2021



# **Minutes of Meeting**

## **Parking Authority Board**

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**MEETING #:** 10  
**DATE:** October 12, 2021  
**TIME:** 10:00 AM  
**PLACE:** MS Teams  
**CHAIR:** Chris Krumpholz, Member

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**ATTENDEES:** Frances Larizza, Member  
Brian Hamilton, Member  
Doug Vincent, Manager – Licensing & Enforcement  
Jonathan Paske, Supervisor – Parking Authority  
Kara Pratt – Waterfront BIA Representative

**REGRETS:** Karen Lewis, GM – Development & Emergency Services

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### **1. Confirmation of Agenda**

Moved by Frances Larizza, seconded by Brian Hamilton.

“With respect to the October 12, 2021 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 September 14, 2021 Meeting**

Moved by Brian Hamilton, seconded by Frances Larizza.

“That the minutes of the Parking Authority Board meeting held September 14, 2021 be approved.”

CARRIED

### **3. Outstanding Items**

The implementation of the Parking Management Solutions (mobile parking purchase app, ticket management system, and online payments) is underway. More details about launch, testing, and communications will be provided at future meetings as more information is available.

The two parkade capital rehabilitation projects are nearing completion.

**4. Financial Statement**

The financial statement indicates revenues are approximately 32% (\$665,200) below budget due to COVID lockdowns this year and expenses are approximately 10% (\$170,600) below budget. Members were reminded that any 2021 deficit will be covered from the rate stabilization fund.

**5. Report to Council - Divest Parkades**

Members were provided an overview of the report regarding divesting the parkades going to the October 18 Council meeting. The report recommends not divesting the parkades and includes various stakeholder's input.

**6. New Business**

A question was asked if the new multi-space parking pay machines installed in the downtown north core give notice to parkers that payment isn't required outside of meter operating times. Parking Authority will investigate.

The 15 minute curb-side pick up 15 minute grace period is still in effect at street meters.

**7. Next Meeting**

The next meeting will be November 9, 2021 at 10:00 AM via MS Teams.

Moved by Brian Hamilton, seconded by Frances Larizza.

"That the October 12, 2021 Parking Authority Board meeting be adjourned."

Meeting adjourned at 10:30 AM.

# **Minutes of Meeting**

## **Parking Authority Board**

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**MEETING #:** 11  
**DATE:** November 9, 2021  
**TIME:** 10:00 AM  
**PLACE:** MS Teams  
**CHAIR:** Chris Krumpholz, Member

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

**REGRETS:** Doug Vincent, Manager – Licensing & Enforcement

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### **1. Confirmation of Agenda**

Moved by Brian Hamilton, seconded by Frances Larizza.

“With respect to the November 9, 2021 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 October 12, 2021 Meeting**

Moved by Frances Larizza, seconded by Brian Hamilton.

“That the minutes of the Parking Authority Board meeting held October 12, 2021 be approved.”

CARRIED

### **3. Outstanding Items**

The implementation of the Parking Management Solutions (mobile parking purchase app, ticket management system, and online payments) is underway. There is a delay getting approvals with MTO and migration of ticket data from old vendor to new which will include an unexpected cost.

The two parkade capital rehabilitation projects have reached substantial completion, only minor touch-ups and clean-up remaining.

#### **4. Financial Statement**

The financial statement indicates revenues are approximately 33% (\$679,600) below budget due to COVID lockdowns this year and expenses are approximately 12% (\$208,900) below budget.

#### **5. New Business**

It was confirmed that the new multi-space parking pay machines installed in the downtown north core do give notice to parkers that payment isn't required outside of meter operating times and a 15 minute grace period after paid time was implemented to match the regular street meters.

Members decided to end the 15 minute curb-side pickup grace period at street meters, an announcement will go out prior to it taking effect. The 15 minute grace period provided at the end of paid time is still being provided as usual.

Members discussed parking enforcement in meter zone areas of the city and a concern that some areas were not being enforced to the same degree as others.

Moved by Brian Hamilton, seconded by Frances Larizza.

"That Parking Authority ensure equitable parking enforcement in all metered areas across the city."

CARRIED

Members discussed security incidents at the parkades. It was requested that perhaps a tracking/recording process of any incidents could be developed and reported to the Board. Parking Authority will look into developing.

Members approved the traditional holiday free-parking promotion in order to help encourage patronizing local downtown businesses. From December 17 until December 24 parking at street meters and hourly lots will be free for up to 2 hours.

Members want Parking Authority to work with organizers of the Scotties Tournament of Hearts being held in January to assist with parking needs.

#### **6. Next Meeting**

The next meeting will be December 14, 2021 at 10:00 AM. Location TBD.

Moved by Frances Larizza, seconded by Brian Hamilton.

“That the November 9, 2021 Parking Authority Board meeting be adjourned.”

Meeting adjourned at 11:45 AM.

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***MEETING DATE***      02/14/2022 (mm/dd/yyyy)

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***SUBJECT***              Heritage Advisory Committee Minutes

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***SUMMARY***

Minutes of Meeting 11-2021 and 1-2022 of the Heritage Advisory Committee held on December 16, 2021 and January 17, 2022 respectively, for information.

***ATTACHMENTS***

1. Heritage Advisory Committee Minutes - December 16, 2021
2. Heritage Advisory Committee Minutes - January 17, 2022

**DATE:** THURSDAY, DECEMBER 16, 2021 **MEETING NO. 11-2021****TIME:** 5:05 P.M.**PLACE:** VIA MS TEAMS**CHAIR:** ANDREW COTTER**MEMBERS – ELECTRONIC PARTICIPATION:**

Andrew Cotter, Chair  
Jacob O'Neill  
Diana Pallen  
Heidi Strobl  
Douglas Yahn, Vice Chair

**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  
and Culture Industries  
Louisa Costanzo, Supervisor – Cultural Development &  
Events  
Jamie Kirychuk, Planner II

**GUESTS – ELECTRONIC PARTICIPATION:**

Councillor Rebecca Johnson

**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: Diana Pallen  
SECONDED BY: Heidi Strobl

WITH RESPECT to the December 16, 2021 Heritage Advisory Committee meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

#### 4.0 CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the Heritage Advisory Committee Meeting 10-2021 held on November 25, 2021 to be confirmed.

MOVED BY: Douglas Yahn  
SECONDED BY: Diana Pallen

THAT the Minutes of Meeting 10-2021 held on November 25, 2021 be confirmed.

CARRIED

#### 5.0 DEASE POOL SITE

Manager – Archives, Records & Privacy Matt Szybalski and Heritage Researcher Laurie Abthorpe provided an update relative to the above noted. The following information was discussed:

- Council recently approved Phase 1 of Dease Pool revitalization project
- Supervisor – Parks & Open Spaces Werner Schwar and Landscape Architect Guy Walter to attend January HAC meeting
- Will meet in advance with W. Schwar and G. Walter to provide an overview of concepts that the Committee would like to see

#### 6.0 POTENTIAL DESIGNATED CULTURAL HERITAGE LANDSCAPE – VICKERS PARK

Manager – Archives, Records & Privacy Matt Szybalski provided an update relative to the potential designation of Vickers Park as a Cultural Heritage Landscape.

The Committee was advised that progress has been made on the report to Council which will hopefully be presented to Council by end of January 2022; The Review Team for Vickers Parks is comprised of the following HAC members and Administration: Chair Andrew Cotter, Douglas Yahn, Kim Costa and Laurie Abthorpe.



Matt Szybalski also advised that the review team has received Indigenous input through the City of Thunder Bay's Indigenous Relations office.

#### 7.0 POTENTIAL ADDITION TO HERITAGE REGISTER

Heritage Researcher Laurie Abthorpe provided an update relative to potential additions to the City of Thunder Bay Heritage Register.

A discussion was held relative to how the Committee would like to proceed with the three properties that did not provide a response to the recent correspondence that was sent. The owners of 405 Selkirk Street South did attend the November meeting, but have not confirmed if they are in favour of the property being added to the Heritage Register.

It was noted that most municipalities do not consult with homeowners prior to adding properties to the Heritage Register, however, the City of Thunder Bay has requested the additional step.

It was consensus of the Committee that another round of letters to the homeowners will be mailed in the New Year to determine if the homeowners are in favour to being added to the Heritage Register.

If no response is received by the three other homeowners, Laurie Abthorpe will provide the Committee other suggested sites to consider, or the Committee could revisit the above noted properties another time if there is still no response.

#### 8.0 HERITAGE TAX INCENTIVE

Planner II Jamie Kirychuk provided an update relative to the proposed Heritage Tax Incentive program for the City of Thunder Bay and advised that a follow up report will be presented to Council in March or April 2022.

A discussion was held relative to Councillor Peng You's amending resolution that did not pass at City Council. The amending resolution was in regards to creating a foundation and fundraising for Heritage properties. It was noted that the City does not have the resources for this to occur.

#### 9.0 CHIPPEWA PARK CAROUSEL

This item was deferred until the next meeting. There is no new information at this time.

#### 10.0 HERITAGE ADVISORY COMMITTEE BUDGET

Manager - Archives, Records & Privacy Matt Szybalski advised that there was no update relative to the Committee's budget, however, an overview of the budget from the November meeting was provided.

#### 11.0 HERITAGE PROPERTY ANNIVERSARY CELEBRATION

Heritage Researcher Laurie Abthorpe provided an update on plans for a celebration to honour heritage properties celebrating milestone anniversaries in 2020 and 2021.

It was consensus of the Committee to determine the type of event (video or in person) in Spring 2022, based on COVID-19 regulations at that time.

A sub-committee comprised of Heidi Strobl, Jacob O'Neill and Laurie Abthorpe will be set up to review criteria. It was noted that there are 196 properties on the anniversary database.

A discussion was held relative to potentially having an application form for heritage properties celebrating milestone anniversaries listed on the City website. The City of Thunder Bay has a similar process for residents who have a milestone birthday or anniversary.

#### 12.0 DOORS OPEN UPDATE

Heritage Researcher Laurie Abthorpe provided an update relative to Doors Open Thunder Bay 2022. The following information as provided:

- Two Planning Committee meetings completed so far
- New perspectives on Committee this year
- Representatives from Metis/ Indigenous community
- Have condensed to 24 properties, however, 18 sites are manageable. Will condense further to reach 18 properties for the 2022 event.
- New Instagram page has been set up and will link to Facebook
- One confirmed sponsor to date
  - Working on sponsorship packages
- Depending on COVID-19 regulations in the coming months, it is not yet known if the event will be in person or virtual. Expenses will differ if virtual.
- 2022 Provincial topic is agriculture, which has opened up a lot of opportunities – can include activities for harvest of traditional garden

13.0 HERITAGE RESEARCHER UPDATE

Heritage Researcher Laurie Abthorpe provided an update relative to a recent Walleye article on Knox United Church. It was noted that the next article will be on the Ross Residence.

During discussion of the above noted item, quorum was lost at 5:52 p.m.

14.0 NEXT MEETING DATE

The next meeting is scheduled for Thursday, January 27, 2022 at 5:00 p.m. via MS Teams.

15.0 ADJOURNMENT

The meeting was adjourned at 5:52 p.m.

**DATE:** MONDAY, JANUARY 17, 2022 **MEETING NO. 01-2022**

**TIME:** 12:06 P.M.

**PLACE:** VIA MS TEAMS

**CHAIR:** ANDREW COTTER

**MEMBERS – ELECTRONIC PARTICIPATION:**

Andrew Cotter, Chair  
Jacob O'Neill  
Jennifer Bonazzo  
Diana Pallen  
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  
and Culture Industries  
Jamie Kirychuk, Planner II

**GUESTS – ELECTRONIC PARTICIPATION:**

Brad McKinnon, property owner – 314 Bay Street

**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 January 17, 2022 Heritage Advisory Committee meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

#### 4.0 FINNISH LABOUR TEMPLE

Brad McKinnon, owner of designated property 314 Bay Street (Finnish Labour Temple) provided an overview relative to the current state of the property. Brad McKinnon advised the Committee that it has been determined that a demolition permit is required for the property due to the extent of the damage caused by a fire.

A discussion was held relative to the condition of the building and next steps.

MOVED BY: Diana Pallen  
SECONDED BY: Heidi Strobl

WITH RESPECT to the designated heritage property located at 314 Bay Street, known as the Finnish Labour Temple, the Heritage Advisory Committee is in support of the application of a demolition permit due to damage sustained in a fire;

AND THAT any heritage elements that are salvageable be retained for potential future use where possible and safe to extricate from the structure;

AND THAT this recommendation be presented at Committee of the Whole in conjunction with the application to demolish for Council's consideration.

CARRIED

#### 5.0 ADJOURNMENT

The meeting was adjourned at 12:40 p.m.

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***MEETING DATE***      02/14/2022 (mm/dd/yyyy)

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***SUBJECT***              Lakehead Region Conservation Authority Minutes

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***SUMMARY***

Minutes of Meetings 9-2021 of the Lakehead Region Conservation Authority held on October 27, 2021, for information.

***ATTACHMENTS***

1. Lakehead Region Conservation Authority Minutes - October 27, 2021



# LAKEHEAD REGION

## CONSERVATION AUTHORITY

Minutes of the Ninth Regular Meeting of the Lakehead Region Conservation Authority held on Wednesday, October 27, 2021, via Microsoft Teams. The Chair called the Meeting to order at 4:30 p.m.

**PRESENT:** Donna Blunt, Chair  
Grant Arnold, Vice-Chair  
Joel Brown  
Rudy Buitenhuis  
Andrew Foulds  
Trevor Giertuga  
Andrea Goold  
Umed Panu  
Jim Vezina  
Allan Vis

**REGRETS:** Erwin Butikofer

**ALSO**

**PRESENT:** Tammy Cook, Chief Administrative Officer, recorder of Minutes  
Mark Ambrose, Finance Manager  
Gail Willis, Watershed Manager  
Ryne Gilliam, Lands Manager  
Ryan Mackett, Communications Manager

**1. ADOPTION OF AGENDA**

Resolution #100/21

Moved by Allan Vis, Seconded by Umed Panu

***"THAT: the Agenda be adopted as published." CARRIED.***

**2. DISCLOSURE OF INTEREST**

None.

### 3. MINUTES OF PREVIOUS MEETING

Resolution #101/21

Moved by Andrew Foulds, Seconded by Trevor Giertuga

***"THAT: the Minutes of the Lakehead Region Conservation Authority Eighth Regular Meeting held on Wednesday, September 29, 2021 be adopted as published." CARRIED.***

### 4. IN-CAMERA AGENDA

An In-camera meeting was not held.

### 5. BUSINESS ARISING FROM PREVIOUS MINUTES

None.

### 6. CORRESPONDENCE

None.

### 7. STAFF REPORTS

Members reviewed and discussed Staff Report POLICY-HS-COVID-6-2021 related to the LRCA's Vaccination Policy.

Resolution #102/21

Moved by Joel Brown, Seconded by Andrea Goold

***"THAT: Health and Safety Policy HS-COVID-6: Vaccination Policy be adopted AND FURTHER THAT this policy may be amended based on advice from the Authority Solicitor or future direction by the Province or Thunder Bay District Health Unit." CARRIED.***

Members reviewed and discussed Staff Report VE-1-2021: Purchase of a 2022 Heavy Duty 4x4 Truck.

Resolution #103/21

Moved by Rudy Buitenhuis, Seconded by Grant Arnold

***"THAT: the quote from Pinewood Ford for a 2022 4x4 Super Cab SRW be accepted AND FURTHER THAT the required funds will be taken from the Vehicle/Equipment Reserve." CARRIED.***

Members reviewed and discussed Staff Report FIN-09-2021: Asset Management Report Summary, which provides a five-year Asset Management Plan Strategy.



Resolution #104/21

Moved by Umed Panu, Seconded by Joel Brown

***"THAT: Staff Report No. FIN-09-2021 be received AND FURTHER THAT the proposed five-year Asset Management Strategy for the period 2022-2026 be approved AND FURTHER THAT the Asset Management Plan be updated in five years." CARRIED.***

## **8. CHIEF ADMINISTRATIVE OFFICER REPORT**

Members were provided with the monthly Treasurer's Report for September's Administration and Capital.

Members reviewed and discussed Staff Report FIN-10-2021: NOHFC Environmental Planner Intern.

Resolution #105/21

Moved by Allan Vis, Seconded by Andrea Goold

***"THAT: the Chair and CAO are authorized to enter into an Agreement with the Northern Ontario Heritage Fund Corporation for a one-year Environmental Planner internship." CARRIED.***

Members reviewed Staff Report POLICY-FIN-08-2021: Fee Policy related to the establishment of a Fee Policy.

Resolution #106/21

Moved by Trevor Giertuga, Seconded by Grant Arnold

***"THAT: Finance Policy FIN-08: Fee Policy be approved." CARRIED***

Members reviewed and discussed Staff Report CORP-11-2021: Conservation Authorities Act Phase 1 Regulations.

Resolution #107/21

Moved by Rudy Buitenhuis, Seconded by Umed Panu

***"THAT: Staff Report CORP-11-2021: Conservation Authorities Act Phase 1 Regulations be received." CARRIED.***

## **9. PASSING OF ACCOUNTS**

Resolution #108/21

Moved by Joel Brown, Seconded by Grant Arnold

***"THAT: having examined the accounts for the period of September 1, 2021 to September 30, 2021 cheque #2396 to #2424 for \$48,694.29 and preauthorized payments of \$105,431.86 for a total of \$154,126.15, we approve their payment."** CARRIED.*

## **10. REGULATORY ROLE**

Members were provided with the Plan Input and Review Summary for the period of September 2021 to October 20, 2021 and the summary of Section 28 Permits issued in 2021 to date.

## **11. PROJECTS UPDATE**

Members were advised that TD Friends of the Environment Fund awarded the LRCA \$10,000.00 in support of a new program called the Newcomer Northern Environmental Connection.

It was noted that the 2022 Fundraising Calendar have been ordered. Approximately \$325.00 in profit was raised, above and beyond the cost of printing.

It was noted Staff have begun tentative planning for the 2022 Conservation Dinner & Auction, which is scheduled to occur on Friday, February 11, 2022, at The Da Vinci Centre.

It was noted that Lake Superior water levels remain near average.

It was noted that a Level II Low Water Condition continues in LRCA's Area of Jurisdiction.

## **12. NEW BUSINESS**

The CAO noted that the Authority will be participating with other Conservation Authorities in a bulk purchase/membership of OnBoard Meeting Management Software.

## **13. NEXT MEETING**

Wednesday, November 24, 2021, at 4:30 p.m. via Microsoft Teams. The 2022 Final Budget will be presented for approval.

14. AJOURNMENT

Resolution #109/21

Moved by Allan Vis, Seconded by Joel Brown

***"THAT: the time being 5:15 p.m. AND FURTHER THAT there being no further business we adjourn." CARRIED.***

  
Chair

  
Chief Administrative Officer

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***MEETING DATE***      02/14/2022 (mm/dd/yyyy)

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***SUBJECT***              Committee of Adjustment Minutes

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***SUMMARY***

Minutes of Meetings 10-2021, 11-2021 and 12-2021 of the Committee of Adjustment held on October 27, 2021, November 24, 2021 and December 15, 2021 respectively, for information.

***ATTACHMENTS***

1. Committee of Adjustment Minutes - October 27, 2021
2. Committee of Adjustment Minutes - November 24, 2021
3. Committee of Adjustment Minutes - December 15, 2021

October 27, 2021



## COMMITTEE OF ADJUSTMENT

DATE October 27, 2021

MEETING NO. 10-21

TIME 2:00 p.m.

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

CHAIR: A. Petersen, present

Chair A. Petersen did a roll call of Committee members and administration. The attendance was recorded.

K. DesRosiers, member, electronic participant  
J. Talarico, member, electronic participant  
M Pascuzzo, member, electronic participant  
participant

N. Roy, member, electronic participant  
R. Togman, member, electronic participant

S. Henton, Acting Secretary-Treasurer  
J. Thompson, Planning, present  
J. Kirychuk, Planner II, electronic

A. Ward Eng & Operations, electronic  
participant  
D. Lopes, Senior Planner, electronic  
participant  
D. McCloskey, Planning Supervisor, electronic  
participant

ABSENT: N/A

Chair A. Petersen outlined the procedure which the Committee would follow in dealing with an application.

DISCLOSURE OF INTEREST: None

### APPLICATIONS

The Acting Secretary-Treasurer read out the Notices of Hearing and submitted the list of relevant documents to the Committee for its consideration.

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

1. Application A-56-2021 Applicant: Isabel Wiitala, 1090 Victor Street

The Acting Secretary-Treasurer read out the Notice of Hearing for application A-56-2021.

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:

October 27, 2021

Table 8.2.1	Reduce the minimum Required Front Yard for a single detached dwelling from 10m to 2.0m
Table 8.2.1	Reduce the minimum Required Side Yard for a single detached dwelling from 3m to 1.5m
Table 8.2.1	Reduce the minimum Required Frontage for a single detached dwelling from 60m to 33.5m
Table 8.2.1	Reduce the minimum Required Lot Area for a single detached dwelling from 10,000m <sup>2</sup> to 2579m <sup>2</sup>

The effect of this application would be to allow the applicant to construct a single family dwelling outside of the Environmental Protective Zone.

The lands are located in the Residential Zone One and in the Environment Protection Zone - and are designated as “Rural 3” in the Official Plan. The subject lands are not subject to any other application under the Planning Act at this time.

Isabel Wiitala participated electronically in the meeting and was available to answer questions regarding this application. The Chair asked if she had complied with the posting of the required sign. It was confirmed that the sign was posted.

Isabel Wiitala had no additional comments to add to the proposal.

Notices were received and circulated & were provided directly to the committee members. Correspondence was received Comments received from Synergy North for the applicant to keep in mind current Ontario Building Codes now require specific clearances between buildings and power lines. There were no objections or concerns from TbayTel, Fire & Emergency Services, Building Services, Parks and Open Spaces, Engineering and Operations, Realty Services and MTO.

Written comments received from one member of the public with objection and were summarized and presented by the Acting Secretary-Treasurer. The minimum required Side Yard being reduced from 3.0m to 1.5m doesn’t reflect spaciousness of the area, it diminishes property values, would result in the reduction of sunlight and have less soil area for water to be absorbed before entering onto their property.

Comments from Lakehead Region Conservation Authority stated they had no objection and also reminded the applicant that a permit would be required prior to development of the property.

Decio Lopes, Senior Planner, Planning Services Division supported the application, and offers no objections or conditions.

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were no electronic participants registered.

The Chair polled the members for questions. Committee member Togman had a question regarding the large differences in variances and net benefit to the City. Senior Planner Lopes explained that the rebuild would have been permitted in normal course but it’s the fitting of the new home with the environmental constraints that is on this site that requires these variances. There is a small net benefit to the tax base.

Chair Petersen had a question about the lot being non-conforming, since there was a house there previously.

Senior Planner Lopes stated that in a non-complying situation they could have built what they had before but because of the flood line and where they are building a minor variance was required. This will give them the right to build a home on property they had a home on

October 27, 2021  
previously and meet all the requirements with the flood plain and the Environmental Protection Zone and this allows to confirm their rights to rebuild.

There were no conditions.

The Chair asked the members for a vote as to the approval of the application with variances as read. A recorded vote was taken. Chair A. Petersen, and members N. Roy, J. Talarico. K. DesRosiers, R. Togman, and M. Pascuzzo were in favour.

“The majority of members have supported the approval of application A-56-2021 therefore it is approved.”

Public comments have been received and considered by the committee in its assessment of the application. This decision is consistent with all relevant planning legislation and represents good planning.

2. Application A-57-2021 Applicant: Shawn Jaspers, 1981 Mountain Road.

The Acting Secretary-Treasurer read out the Notice of Hearing for application A-57-2021.

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 5.3.2 (b)(iv)	Increase the Gross Floor Area from 150m <sup>2</sup> to 223m <sup>2</sup>
Section 5.3.3 (a)(ii)	Increase the building height from 5.2m to 6.4m
Section 5.3.3 (a)(ii)	Increase the building wall height from 3.5m to 3.66m

The effect of this application would be to allow the applicant to build a large personal garage.

Applicant Jaspers participated electronically for the meeting and was available to answer questions regarding this application. The Chair asked if he had complied with the posting of the required sign. It was confirmed that the sign was posted.

Notices were received and circulated provided directly to the committee members. There were no concerns or issues from Tbaytel, Fire & Emergency Services, Building, Parks & Open Spaces, Engineering and Operations or Realty Services.

No Comments were received from the public.

Comments received from Synergy North provided information about new regulations regarding specific clearances between power lines and buildings and to refer to the Ontario Building Code. MTO had no objection and advised that a building permit from them is required.

Jamie Kirychuk, Planner II with the Planning Services Division supported the proposed variances and offers on objections or conditions.

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were no electronic participants registered.

The Chair polled the members for questions. Chair Petersen asked Agent Jaspers about the pitch of the roof and intended use of the garage. Agent Jaspers stated that the pitch was 5/12 to match the roof of the house and that the owner planned on storing personal vehicles in the garage.

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

October 27, 2021

“The majority of members supported the application therefore application A-57-2021 is approved.”

As no public comment written or oral has been received the committee’s decision was not affected by lack of those comments.

### 3. Application B-58-2021 522 Wardrobe Ave Applicant: Rose Mask

The Acting Secretary-Treasurer read out the Notice of Hearing for application B-58-2021.

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 (1) new parcel of land having a Lot Frontage of 61 metres, an irregular lot depth and a Lot Area of 13,830 square metres. The retained parcel, which contains the existing dwelling, will have a Lot Frontage of 61 metres, and an irregular lot depth and a lot area 25,860 square metres, as set forth in the application.

The lands are located in the Rural Residential Zone Two and in the Environmental Overlay Zone 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 Mask was not in attendance.

The Chair stated that this being a consent application, the committee can proceed without representation if the committee so chooses. Generally if there are any questions that need to be posed to the applicant, the committee, will usually ask for a deferral.

The Chair polled the members to see whether the committee should proceed in hearing the consent application.

Committee members voted to proceed without the applicant.

Notices were received and circulated provided directly to the committee members. No concerns or issues were received from TbayTel, Fire and Emergency Services, Building Services, Realty Services or MTO.

There were no public comments received.

Correspondence was received from Lakehead Region Conservation Authority with comments. Correspondence was also received from Synergy North with condition, and Parks and Open Spaces with condition.

Aaron Ward, Project Engineer, Engineering and Operations Division supported the application with conditions.

Jamie Kirychuk, Planner II, Planning Services Division, supported the application with conditions.

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were no electronic participants registered.

The Chair polled the members for questions. Chair Petersen questioned Planning about the piece of property to the other side of the power line and whether it was part of the retained piece of land. Planning confirmed that it was part of the retained property.

The Chair had the Acting Secretary-Treasurer read out the summary of the conditions.



October 27, 2021

The Chair polled the members for a vote as to the approval of B-58-2021. A recorded vote was taken. Chair A. Petersen, and members N. Roy, J. Talarico. K. DesRosiers, R. Togman, and M. Pascuzzo were in favour.

“The majority of members supported the approval of application B-58-2021 consent with conditions as read therefore the application is approved.”

As no public comment written or oral has been received the committee’s decision was not affected by lack of those comments.

### SUPPLEMENTARY AGENDA

#### NEW BUSINESS:

Planning requested a day change for 2022 meetings from Wednesday to Tuesday. There was a discussion amongst members and it was decided to ask Planning the reasons for the change.

There was information shared about Attendance at Committee meetings. Council chambers allows a maximum number of 20 people so Committee members can attend meetings in person. Because of capacity limits in Council Chambers, the public cannot yet be accommodated.

#### **Signing of September 29, 2021 meeting minutes**

Moved by: M. Pascuzzo  
Seconded by: J. Talarico

THAT the minutes of Meeting No. 07-2021 of the Thunder Bay Committee of Adjustment, held **September 29, 2021** be confirmed as presented.”

Carried

#### ADJOURNMENT

The meeting adjourned at 3:47 p.m.

CARRIED

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CHAIR

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ACTING SECRETARY-TREASURER

November 24, 2021



COMMITTEE OF ADJUSTMENT

DATE November 24, 2021

MEETING NO. 11-21

TIME 2:00 p.m.

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

ACTING CHAIR: K. DesRosiers, present

Acting Chair K. DesRosiers did a roll call of Committee members and administration. The attendance was recorded.

- A. Petersen, member (\*)

J. Talarico, member (\*)

M. Pascuzzo, member (\*)

N. Roy, member (\*)
- S. Henton, Acting Secretary-Treasurer

J. Thompson, assistant

D. Smith, Engineering & Operations (\*)

A. Ward, Engineering & Operations (\*)

D. Lopes, Senior Planner (\*)

D. McCloskey, Planning Supervisor (\*)

(\*) indicates electronic participant

ABSENT: R. Togman, member

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

DISCLOSURE OF INTEREST: None

APPLICATIONS

The Acting Secretary-Treasurer read out the Notice of Hearing and submitted the list of relevant documents to the Committee for its consideration.

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

1. Application A-59-2021 Applicant: Lisa Lampi, 212 Huron Crescent

The Acting Secretary-Treasurer read out the Notice of Hearing for application A-59-2021.

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:

Table 10.2.1	To reduce the minimum required lot frontage from 18 metres to 16.764 metres
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November 24, 2021

The effect of this application would be to allow the applicant to build an accessory apartment in the basement.

The lands are located in the (R3) 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.

Lisa Lampi participated electronically in the meeting and was available to answer questions regarding this application. The Chair asked if she had complied with the posting of the required sign. It was confirmed that the sign was posted.

The Acting Chair asked Lisa Lampi if she had any additional comments. The applicant stated that it would be a one bedroom suite and will be up to code with plumbing, fire, etc. and she is willing to meet all legal obligations.

Notices were received and circulated & were provided directly to the committee members. There were no concerns or objections from Building Services, Fire & Emergency Services, Parks and Open Spaces and Synergy North.

There was no correspondence received from the public.

Correspondence was received from Darrik Smith, Mobility Coordinator, Engineering and Operations, with condition.

There was a brief discussion about the size of the water line after a question from the applicant.

Decio Lopes, Senior Planner, Planning Services Division, advised that the Notice that was circulated, incorrectly referenced the Section of the zoning Bylaw for relief, as it stated Table 10.2.1 but should have read Section 5.2.1(b). However, the notice did appropriately reference the applicant’s intent to construct an accessory basement apartment and since the frontage regulation variance is identical, Planning Services’ opinion was that no further notice is required. Planning Services supported the application, and offered no objections or conditions.

The Chair polled the members for questions.

Committee Member Talarico questioned Planning’s comments in regards to the variance requested, which stated it was identical but the planning actually stated the variance was 16.74 when the notice stated 16.764. Committee Member Petersen asked for clarification on the variance. The Chair stated that the wording shall read the same as the notice as was circulated, being 16.764 metres and the Section will read 5.2.1(b) instead of 10.2.1.

Aaron Ward, Project Engineer, answered Committee member Petersen’s question about how the applicant would provide evidence to meet the condition that Engineering and Operations had requested. Aaron Ward answered that a plumbing fixture unit count as well as the size of the service into the home would provide the evidence required.

The conditions received from Engineering and Operations were read by the Acting Secretary-Treasurer as follows:

“The applicant shall submit an application to the Environment Division, including a deposit, for the installation of new water, storm, and sanitary service connections for the subject property, or shall provide satisfactory evidence to the Building Services Division that the existing service is adequate for the proposed 2nd unit.”

The Chair asked the applicant if she understands the condition, to which she replied “yes”.

November 24, 2021

The Chair asked the members for a vote as to the approval of the application with variances as read. A recorded vote was taken. Members J. Talarico, N. Roy, M. Pascuzzo, A. Petersen, and Acting Chair K. DesRosiers were in favour.

“The majority of members have supported the approval of this application therefore, application A-59-2021 it is hereby approved.”

As no public comment written or oral has been received the committee’s decision was not affected by lack of those comments.

This decision is consistent with all relevant planning legislation and represents good planning.

### **SUPPLEMENTARY AGENDA**

#### **NEW BUSINESS:**

##### **Signing of October 27, 2021 meeting minutes**

A. Petersen asked for a minor correction of wording on page 3 and to remove wording ‘with all’ in the third paragraph.

Moved by: A. Petersen

Seconded by: N. Roy

THAT the corrected minutes of Meeting No. 10-2021 of the Thunder Bay Committee of Adjustment, held **October 27, 2021**, be confirmed as presented.

Carried

A brief discussion took place about the dates for 2022 Committee of Adjustment hearings. Planning was proposing a day change from Wednesday to Thursday for improved staff availability. All members in attendance concurred with the change.

A reminder to members to have their mileage claims in before December 15, 2021 was presented.

A copy of the report that went to Council and copy of the response letter that was submitted to the Ministry were provided to Committee members prior to the meeting on proposed changes to the Planning Act - Bill 13.

Devon McCloskey, Planning Services Supervisor, spoke to committee members about these proposed changes to the Act and how they could impact the committee – such as additional types of applications, for removal of Holding Symbols and minor zoning bylaw amendments.

Planning has asked for further clarification from the Ministry and about language used by the Ministry regarding minor zoning bylaw amendments and public engagement.

Ultimately, it would be up to council to make decisions about whether they want to see further delegations and policies in the official plan would be required.

A presentation of the New Draft Zoning By-law was made by Devon McCloskey, Supervisor Planning Services and Decio Lopes, Senior Planner, Planning Services. A revised draft will be presented to Council in March 2022.

The Chair requested a copy of the presentation slides for all members for the next meeting.

November 24, 2021

**ADJOURNMENT**

Moved by: J. Talarico  
Seconded by: M. Pascuzzo

The meeting adjourned at 3:00 p.m.

CARRIED

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
ACTING SECRETARY-TREASURER

December 15, 2021



## COMMITTEE OF ADJUSTMENT

DATE December 15, 2021

MEETING NO. 12-21

TIME 2:00 p.m.

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

CHAIR: A. Petersen, present

Chair A. Petersen did a roll call of Committee members and administration. The attendance was recorded.

K. DesRosiers, present  
J. Talarico, (\*)  
M. Pascuzzo, present  
N. Roy, (\*)  
R. Togman, (\*)  
A. Petersen

S. Henton, Acting Secretary-Treasurer, present  
L. McEachern, Director Planning (\*)  
A. Ward, Engineering & Operations (\*)  
D. Lopes, Senior Planner (\*)  
J. Kirychuk, Planner II (\*)  
J. Fazio, Planner II (\*)  
D. McCloskey, Planning Supervisor (\*)

(\*) indicates electronic participant

ABSENT: N/A

Chair A. Petersen outlined the procedure which the Committee would follow in dealing with an application.

The Acting Secretary-Treasurer polled the Committee Members for Conflict of Interest.

DISCLOSURE OF INTEREST: A. Petersen – A-62-2021  
M. Pascuzzo - B-68-2021  
J. Talarico – B-63-2021, B-64-2021 & B-65-2021

A. Petersen left the auditorium due to conflict of interest in the first application. Acting Chair K. DesRosiers called for the first Application to be read.

### APPLICATIONS

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

1. Application A-62-2021 Applicant: Rocco Larizza, 468 Muskrat Drive

The Acting Secretary-Treasurer read out the Notice of Hearing for application A-62-2021.

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:

Table 8.2.1	Reduce the minimum Required Side Yard for a single detached dwelling from 3m to 2.33m
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The effect of this application would be to recognize the single detached dwelling in its built location in order to sell the dwelling.

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.

Rocco Larizza participated electronically in the meeting and was available to answer questions regarding this application. The Chair asked if the sign had been posted. It was confirmed that it was.

Rocco Larizza had no additional comments to add to the proposal.

Notices were circulated, comments received and were provided directly to the committee members. Correspondence was received and there were no objections or concerns from Building Services, TbayTel, Synergy North, Realty Services, Parks and Open Spaces and Engineering and Operations.

Jillian Fazio, Planner II, Planning Services Division, provided comments in support of the application, and offered no objections or conditions.

The Chair polled the members for questions. There were no questions from the members.

The Acting Chair asked if there was anyone participating who wanted to speak for or against the application. There were no electronic participants registered.

There were no conditions of approval recommended or implemented.

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

The majority of members have supported the approval of the application therefore application A-62-2021 is hereby approved.

A. Petersen returned to the auditorium and resumed the seat as Chair.

2. Applications A-66-2021 & B-67-2021 Applicant: Michelle Desando, 464 Belton Street.

The Notices for application A-66-2021 and B-67-2021 were read together by the Acting Secretary-Treasurer.

The application for the Minor Variance was presented first.

The purpose of the application for Minor Variance is to gain relief from the Zoning By-law, as set forth in the application and described in the table below:

Table 7.2.1	Reduce the minimum required lot frontage from 60 metres to 54.7 metres
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The effect of this application would be to allow the applicant to create one new parcel of land.

December 15, 2021

The lands are located in the Rural Residential zone and are designated as Residential and Natural Corridor in the Official Plan. The lands are also subject to a consent application (file no. B-67-2021) and were previously subject to an Official Plan Amendment (file no O-01-2018).

The concurrent application is Application B-67-2021 at 464 Belton Street.

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 parcel of land having a Lot Frontage of 54.7 metres, a Lot Depth of 190.195 metres and a Lot Area of 10403.66 square metres. The retained lot, which contains the existing dwelling, when combined with the closed road allowance to be purchased, will have a Lot Frontage of 60.9 metres, a Lot Depth of 190.195 metres and a Lot Area of 11582.9 square metres, as set forth in the application.

Agent M. Desando and owner Vince Desando participated electronically for the meeting and were available to answer questions regarding this application. The Chair asked if the required signs had been posted. It was confirmed that the signs were posted.

Owner Vince Desando gave a brief overview of the proposal.

The Acting Secretary-Treasurer explained that notices were circulated and comments were received and provided directly to the committee members. For application A-66-2021 there were no issues or concerns from Building Services, Tbaytel, Synergy North, Bell Canada, Parks and Open Spaces and Engineering and Operations.

There were comments from LRCA with no objection to the proposal but a reminder that a permit is required prior to any development.

Public comments were received. 4 in support of the application and 2 in opposition. Comments were also received from Realty Services which Committee members were provided with.

Leslie McEachern, Director of Planning Services, provided an overview of the Planning comments for A-66-2021. She said that the Applicant is requesting relief from the Zoning Bylaw 100-2018 as amended, to reduce the minimum required lot frontage to 54.7 metres from 60.0 metres for a single-detached dwelling in the Rural Residential Zone. The purpose of the variance is to allow for the severance of the subject land for the purposes of a new lot (B-67-2021). The Official Plan was amended to provide for the creation of the proposed lot. The purchase of the adjacent road allowance is required to facilitate the creation of the lot as proposed and will be a condition of the companion severance application B-67-2021.

Director McEachern also stated that the proposed reduction in frontage meets the four tests of a Minor Variance. The proposal would not significantly alter the appearance or functionality of the lot; it would facilitate the creation of a new lot which is both appropriate and desirable; the lot depth and lot area are being exceeded and ample space exists for development; and the requested variance is in keeping with the intent of the Official Plan amendment and the decision of the Ontario Land Tribunal. She also stated that a recommended condition be imposed - that the concurrent application B-67-2021 is approved.

Comments were received from the neighbouring lot owner (Rosario and Vera Larizza) and read to the Committee.

1. It is clear that the previously amended Official Plan is no longer valid, and was replaced by the new Official Plan in 2019.
2. It is clear that under the rules of the Planning Act, Official Plan conformity is required for the approval of either application, and that such conformity no longer exists.



December 15, 2021

3. Therefore, under planning law the applications fail policy, the law bars an approval, and requires they must be denied.

4. Given this may be unexpected news to the Applicant, and given that it may or may not conflict with any opinion provided by city Planning Staff, it is strongly recommended that both applications be deferred, until a specific legal opinion from the City Solicitor is obtained, and shared with the applicant, and with the objectors, prior to any subsequent Hearing.

In summary, an objection to application A-66-2021 from Vera Larizza was read to the Committee Members, with three main points being 1) that the OP is the first rule under the Planning Act law that a Minor Variance must pass; 2) that Council amended the 'Old' Official Plan, but the proposed Minor Variance is no longer permitted under the current City of Thunder Bay Official Plan and 3) Failure to conform with the OP is enough reason to deny the application.

This minor variance application does not maintain the purpose and intent of the Official Plan and must be denied because a) The City of Thunder Bay Official Plan requires that every new Rural lot must have 60 metres frontage, and therefore the proposed lots to be created by this Minor Variance would not conform, and b) the City of Thunder Bay Official Plan prohibits the use of lot additions to create new developable lots in the Rural areas, and therefore this minor variance would be contrary to the Official Plan.

An objection letter to application B-67-2021 from Rosario Larizza was also read to the members, with three main points being 1) Breaking the Rules does not make approval good planning; 2) the OP is not the only rules to meet, Subdividing rules matter; 3) the application does not meet Rule 53(24)(c) Conformity with the City Official Plan and should not be approved.

On Application B-67-2021, there were no concerns or issues from Building Services, Tbaytel, Synergy North, and Bell Canada. LRCA no objections,

Public comment received from Joseph Zawada, stated that the lot does not meet the existing standards for the minimum lots sizes in that area. He also strongly opposed the selling of the Road Allowance called Brighton Avenue to one owner only.

Aaron Ward, Project Engineer, Engineering and Operations stated that there were no objections and commented that the standard condition of a lot grading and drainage plan and easements as may be required is requested.

Leslie McEachern, Director, Planning Services Division, spoke to Application B-67-2021 and does not oppose the requested severance provided requested conditions were imposed.

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were electronic participants registered that wished to speak against this application. Joseph Zawada opposed the applications because it would create such a small lot and a he feels it would decrease his property value.

Also speaking against the applications was Silvio Larizza on behalf of Rosario and Vera Larizza. He wanted to make sure that the Committee received the objection letters and was aware of everything going on. He also stated that a lot of rules had to be broken here just to make this happen.

The Chair polled the members for questions. Member Roy asked Planning about the July decision and whether it all fits in with the Official Plan. Leslie McEachern explaining that the amendment to the Official Plan that was approved by Council and the subsequent decision by the Ontario Land Tribunal provided the basis for the applications.

Member Talarico had a clarification question for the applicant about the road allowance and whether it was a strip purchased along the roadway. Vince Desando responded that there is a

December 15, 2021

purchase agreement in place with City Realty for a strip of land, being an unopened road allowance.

Member Pascuzzo asked Planning about whether a severance is actually allowable in a Rural Area which Director McEachern responded that a severance in a rural area is permitted. Member Pascuzzo asked a further question if the severance were to proceed without the debate about the road allowance, there would be no issue here? Director McEachern responded that the road allowance is a separate matter but does form part and parcel of the development proposal, so the road allowance will add an area of land to the applicants' property that will help to facilitate the proposed development.

Member Pascuzzo questioned the addition of the road allowance to the property, and whether it is allowable because of the amendment made to the Official Plan by City Council a number of years ago. Director McEachern responded that the purchase of the road is a separate process, the amendments that are before the Committee today are with respect to the variance and severance – those are the pieces that are linked to the Official Plan Amendment that was processed. The road allowance piece is integral and connected but it is not something that was addressed in the Official Plan Amendment specifically.

Member Pascuzzo stated that there were some comments that the Official Plan was not allowing a lot addition so how is the road allowance not in fact a lot addition. Director McEachern stated that the acquisition of the road would constitute a lot addition however, the policies that exist in the current Official Plan were not in place when the approvals were granted under the 2002 Official Plan so that plan was not part of the equation when the approvals were granted.

Vince Desando had further comments noting that the lot size does meet the requirements of the planning requirements. Comments that Mr. Huzan had in his submission of objection, which stated that under the planning law the applications fail policy the laws bar approval and requires they must be denied. Applicant Desando asked what the laws pertain to and laws they are. The Acting Secretary-Treasurer noted that Stefan Huzan was not registered and therefore not able to speak to his comments.

Silvio Larizza responded saying that basically that under the guidance of Mr. Huzan this is what was basically found in the Official Plan and the bylaws and this is what he presented to the Larizza's and the Committee. The applicant is jumping through a lot of hoops to make this happen and breaking the laws basically just to make this happen, he hasn't even purchased this lot yet and still not going to conform to the 60 metre frontage so why is this even an idea, a plan, that is going to go forward and this road allowance issue.

Agent M. Desando commented that the lot area meets the minimum requirement but that they are seeking a reduction in the lot frontage and it is everyone's right to come for Planning approval if they do not meet the requirements set out in the Zoning bylaw or Official Plan. She said that they went through all the proper channels. In regards to the road allowance, it was already deemed surplus and they have a purchase agreement in place. She also referred to Mr. Huzan's letter that says that in the Official Plan, the law bars an approval and therefore they must be denied. Agent Desando questioned whether that is set out in the Official Plan.

Director McEachern, explained that the City's Official Plan is a policy document and it is the guiding policy document for land use in the municipality and is adopted by bylaw that was approved by Council.

Committee Member M. Pascuzzo provided a general comment of caution about breaking the law as there are a number of policies in place to ensure due diligence and ensure there are processes that are followed when it comes to planning and as planning and administration mentioned that a number of these processes have had followed and carried out to their ends. There are also rights to appeal if people don't like the decision.

The Acting Secretary-Treasurer read out the condition for Minor Variance application A-66-2021.

December 15, 2021

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

The Acting Secretary-Treasurer read out the conditions for the Consent Application B-67-2021. The Applicant understands and agrees to these conditions.

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

The majority of members supported the application therefore application A-67-2021 is approved.

Public comment was received and considered by the Committee in its assessment of the application. The Committee's decision is consistent with all relevant planning legislation and represents good planning.

### 3. Application B-60-2021 615 Norah Crescent, Agent: Syl Menic

The Acting Secretary-Treasurer read out the Notice of Hearing for application B-60-2021.

The purpose of the application is for a Lot Addition from 615 Norah Crescent, being lands identified as PIN No. 620810043, being part of an old railway corridor, to be added to abutting property located at 710 Balmoral Street, being PIN No. 620810023.

The effect of this application would be the severance and conveyance of one (1) parcel of land for the purpose of a Lot Addition to 710 Balmoral Street. The severed portion will have a Lot Width of 7.15 metres, a Lot Depth of 81.54 metres and a Lot Area of 583 square metres. The retained parcel, being 615 Norah Crescent, will have a Lot Frontage of 97.5 metres, an irregular Lot Depth and a Lot Area of approximately 3651.4 square metres, as set forth in the application. The subject lands are located in the IN2 – Medium Industrial Zone Two, designated as Light Industrial in the Official Plan and are not subject to any other application under the Planning Act at this time.

Agent Menic, participated electronically for the meeting and was available to answer questions regarding this application. The Chair asked if he had complied with the posting of the required sign. It was confirmed that the sign was posted.

Agent Menic provided brief comments about the lot addition onto the Balmoral property. He spoke with regard to an issue about tax arrears on this property, stating most of the outstanding taxes have been paid but has some outstanding penalties. The owner and applicant are different and the applicant cannot pay the taxes for the owner and since the owner was hard to reach to ensure tax penalties were paid before the hearing, a condition was suggested by the agent, so that any outstanding taxes would be paid prior to finalizing the consent.

The Chair provided information to Committee members that there are opportunities for the municipality to collect taxes and Committee is not really a tax collection department and questioned if it is a relevant condition, if the purchaser were to buy the property he will be inheriting the tax arrears and would be up to them in a legal process to deal with.

Agent Menic was requesting a condition for the taxes because there is a City policy in place that before applications can be considered any outstanding taxes have to be paid out.

The Chair was not aware about the tax policy but stated that this committee is not the place to try and collect taxes, but deals with planning issues.

December 15, 2021

Committee Member N. Roy questioned whether the application should move forward if there was not consent from the owner and asked if this was a normal process. The application was made with the permission of the owner through an agreement of purchase and sale that is currently in place, so the owner has agreed and Agent Menic is there representing the applicant. The Acting Secretary-Treasurer was asked by the Chair to confirm Agent Menic was the authorized agent of the application. It was confirmed he was.

Notices were circulated and comments were received and provided directly to the committee members. There were no concerns or issues from Building Services, TbayTel, Synergy North, Realty Services, Parks & Open Spaces, Engineering & Operations. There were no public comments received.

Jamie Kirychuk, Planner II, with Planning Services Division commented that there was a lot addition in January 2021 for 615 and 645 Norah Crescent for to acquire some adjacent section of land that used to function as an old railway corridor, which at the time of severance it was noticed a small encroachment from the neighbouring property at 710 Balmoral Street. The purpose of this application is to clean up the small encroachment. The Planning Division supports the application with condition.

Enbridge also requested a condition of an easement as required to their satisfaction on the severed and retained lands.

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were no electronic participants registered.

The Chair asked the members if they had any questions. Member Talarico asked who the owner of the numbered company was. Agent Menic responded that he only knew the owners' first name. The same owner also owns the property on next application to be heard but in another company name. Member Talarico also commented that the taxes would transfer over with the land sale. Member Pascuzzo commented that he was not entirely comfortable imposing a tax related condition on this property as it should be dealt with in the agreement of purchase and sale and is a side issue and not for the committee to deal with.

The Chair polled the Committee to see whether the tax issue should be put in as a condition. Member N. Roy didn't think it should be added. Member, Dr. R. Togman, asked for Planning's perspective on the tax condition as it is not a normal part of the Committee's oversight to impose tax obligations.

Devon McCloskey, Planning Supervisor, advised the Committee members that there is a Corporate Policy preventing submission of applications where there are taxes owing. The application was submitted and it was later discovered that there were taxes owing. There isn't an official plan policy for it to be able to ask it as a condition but was suggested by the agent that in order to deal with the application that it would be placed as a condition, so the department was agreeable to that. It was further stated that if the Committee feels strongly opposed to doing that, then I leave it to you to make that decision. It is the City's interest to see taxes paid, and saw the consideration of planning applications as an opportunity to recruit those funds.

Member Dr. R. Togman said that if Planning supported it and there was nothing saying the Committee can't do it then he would agree with Planning that is an opportunity to collect the taxes. Member Talarico stated that the condition should say that the taxes will be paid and we don't care by which party. Member Pascuzzo was also in agreement that a condition shouldn't be imposed regarding taxation, but if we did that it the condition should be that taxes will be paid but not specifically allocating the burden of paying taxes to one party or the other. Member DesRosiers stated that some condition should be in the decision that the taxes be paid whether by the purchaser or the seller. The majority of members accepted the condition.

December 15, 2021

The Acting-Secretary-Treasurer read out the conditions including the condition of taxes which read That the applicant ensure that any outstanding taxes have paid to the tax department of the City of Thunder Bay to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment; Agent Menic was agreeable to the all the conditions.

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

The majority of the members have supported the approval of this application B-60-2021, with conditions as read, therefore the application is approved. No public comment, written, oral, has been received, that may have affected the Decision of this Committee.

#### 4. Application B-61-2021 645 Norah Crescent, Agent: Syl Menic

The Acting Secretary-Treasurer read out the Notice of Hearing for application B-61-2021.

The purpose of the application is for a Lot Addition from 645 Norah Crescent, being lands identified as PIN No. 620810042, being part of an old railway corridor, and to be added to the abutting property located at 710 Balmoral Street, being PIN No. 620810023.

The effect of this application would be the severance and conveyance of one (1) parcel of land for the purpose of a LOT ADDITION to 710 Balmoral Street. The severed portion will have a Lot Width of 7.15 metres, a Lot Depth of 45.80 metres and a Lot Area of 327.47 square metres. The retained parcel, being 645 Norah Crescent, will have a Lot Frontage of 60.96 metres, an irregular Lot Depth and a Lot Area of approximately 5420.2 square metres, as set forth in the application.

The subject lands are located in the IN2 – Medium Industrial Zone Two, designated as Light Industrial in the Official Plan and are not subject to any other application under the Planning Act at this time.

Agent Syl Menic, participated electronically for the meeting and was available to answer questions regarding this application. The Chair asked if he had complied with the posting of the required sign. It was confirmed that the sign was posted.

Notices were circulated and comments were received and provided directly to the committee members. There were no concerns or issues from Building Services, TbayTel, Synergy North, Realty Services, Parks & Open Spaces, Engineering & Operations. There were no public comments received.

Jamie Kirychuk, Planner II, Planning Services Division was in support of the application with conditions.

Enbridge also requested a condition of an easement as required to their satisfaction on the severed and retained lands.

The conditions including that of tax arrears mirrored the previous application B-60-2021.

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

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were no electronic participants registered.



December 15, 2021

The Chair asked the members for a vote as to the approval of B-61-2021 with conditions as read. Chair Petersen and Member N. Roy, Dr. Togman, J. Talarico, M. Pascuzzo and K. DesRosiers were in favour.

The majority of members have supported the approval of application B-61-2021 with conditions as read and therefore the application is approved.

No public comment, written, oral, has been received, that may have affected the Decision of this Committee.

Committee Member Talarico, as an electronic participant, muted the mic as he was in conflict with the files B-63-2021, B-64-2021 and B-65-2021 due to business dealings.

#### 5. Application B-63-2021 29 and 41 Royston Court & 70 Court St N, Applicant: Kaitlin Roka

The Acting Secretary-Treasurer read out the Notice of Hearing for application B-63-2021.

The purpose of the application is to amend existing easements over lands registered together with PIN No. 621510044, PIN No. 621500045 and PIN No. 621510043, described as 29 and 41 Royston Court & 70 Court Street North.

The effect of this application is to release the owners from certain obligations and to create a non-exclusive easement for purposes of making alterations to the bank above and including a retaining wall, and to install tie-backs, soil anchors and/or cables, together with a right of access over PIN No. 621510043, as set forth in the application.

The lands are located in the C5 – Central Business District Zone and are designated as Commercial in the Official Plan. The subject lands are also subject to consent applications (file nos. B-64-2021 and B-65-2021).

Applicant Kaitlin Roka, participated electronically for the meeting and was available to answer questions regarding this application. The Chair asked if the required sign was posted. It was confirmed that it was.

Applicant Roka briefly described the Consent application request with regard to an easement amendment in relation to a retaining wall between the properties located at 29 and 41 Royston Court and 70 Court Street North. There was an agreement in place since the 1960's for the retaining wall. The parties are seeking to have the easement revised where they would release the obligation of the owner of Court Street and to provide the owner of Court Street with access to the Royston Court lands to do any required repairs.

Notices were circulated and comments were received and provided directly to the committee members. No concerns or issues from Building Services, TbayTel, Synergy North, Bell Canada, Realty Services, or Engineering & Operations. No public comments were received.

Jamie Kirychuk, Planner II, Planning Services Division was in support with condition.

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were no electronic participants registered.

The Chair polled the members for questions. Chair Petersen asked if the applicant was aware of the condition of Site Plan Control from Planning and Applicant Roka advised that she was and was okay with that condition. Chair Petersen asked for clarification on the Site Plan Control from Planning. The designating bylaw would go to City Council for approval if given approved by the Committee of Adjustment. Site Plan Control facilitates a review of any proposed development ensuring its compliance with Engineering and Operations specification standards, Parks and Open Spaces standards and follows the City's urban design guidelines. Without that Site Plan Control designation any future construction on either of these properties would not be

December 15, 2021

subject to that review and process. The City does not have universal site plan control so this could not be done through the building permit process.

The Secretary-Treasurer read the condition for this application.

The Chair asked the members for a vote as to the approval of B-61-2021 with conditions as read. Chair Petersen and Member N. Roy, Dr. Togman, M. Pascuzzo and K. DesRosiers were in favour.

The majority of members have supported the approval of application B-61-2021 with condition as read and therefore the application is approved.

No public comment, written, oral, has been received, that may have affected the Decision of this Committee.

#### 6. Application B-64-2021\_70 Court St North, Applicant: Kaitlin Roka

The Acting Secretary-Treasurer read out the Notice of Hearing for application B-64-2021.

The purpose of the application is to create an easement over 70 Court Street North in favour of the abutting property known as 29 and 41 Royston Court.

The effect of this application is to create a non-exclusive Easement over Part 1 on Plan 55R-14815, for the purpose of maintaining a retaining wall and bank slopping to the retaining wall, together with a right of access in favour of the abutting property known as 29 and 41 Royston Court, as set forth in the application.

The lands are located in the C5 – Central Business District Zone and are designated as Commercial in the Official Plan. The subject lands are also subject to a Consent applications (file nos. B-63-2021 and B-65-2021).

Applicant Kaitlin Roka, participated electronically for the meeting and was available to answer questions regarding this application. The Chair asked if the required sign was posted. It was confirmed that it was.

Applicant Roka stated that the purpose of this application is to grant the owner of Royston Court the ability to come onto Court Street land for the purposes of repair the retaining wall.

Notices were circulated and comments were received and provided directly to the committee members. No concerns or issues from Building Services, TbayTel, Synergy North, Bell Canada, Realty Services, Parks and Open Spaces or Engineering & Operations. No public comments were received.

Jamie Kirychuk, Planner II, Planning Services Division, offered no objections or comments.

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were no electronic participants registered.

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

There were no conditions to this application.

The Chair asked the members for a vote as to the approval of B-64-2021. Chair Petersen and Members N. Roy, Dr. Togman, M. Pascuzzo and K. DesRosiers were in favour.

The majority of members have supported the approval of application B-64-2021 as read and therefore the application is approved.

December 15, 2021

No public comment, written, oral, has been received, that may have affected the Decision of this Committee.

7. Application B-65-2021\_29 and 41 Royston Court, Applicant: Kaitlin Roka

The Acting Secretary-Treasurer read out the Notice of Hearing for application B-65-2021.

The purpose of the application is to create an easement over 29 and 41 Royston Court in favour of the abutting property known as 70 Court Street North.

The effect of this application would be to create a non-exclusive Easement in perpetuity over Part 2 & 4 Plan 55R-14815, for the purpose of making alterations to the bank of a retaining wall and to install tie-backs, soil anchors and/or cables together with the right of access, in favour of the abutting property known as 70 Court Street North, as set forth in the application.

The lands are located in the C5 – Central Business District Zone and are designated as Commercial in the Official Plan. The subject lands are also subject to Consent applications (file nos. B-63-2021 and B-64-2021).

Applicant Kaitlin Roka, participated electronically for the meeting and was available to answer questions regarding this application. The Chair asked if the required sign was posted. It was confirmed that it was.

Comments from Applicant Roka is that the purpose of this application is to allow the owner of Court Street access to the Royston property the ability to come onto Royston Court for the purposes of repairing the retaining wall.

Notices were circulated and comments were received and provided directly to the committee members. No concerns or issues from Building Services, TbayTel, Synergy North, Bell Canada, Realty Services, Parks and Open Spaces or Engineering & Operations. No public comments were received.

Jamie Kirychuk, Planner II, Planning Services Division, offered no objections or comments.

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were no electronic participants registered.

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

There were no conditions to this application.

The Chair asked the members for a vote as to the approval of B-65-2021. Chair Petersen and Members N. Roy, Dr. Togman, M. Pascuzzo and K. DesRosiers were in favour.

The majority of members have supported the approval of application B-65-2021 and therefore the application is approved.

No public comment, written, oral, has been received, that may have affected the Decision of this Committee.

Committee Member Pascuzzo left the auditorium as he was in conflict, due to business dealings, with the file B-68-2021.



December 15, 2021

8. Application B-68-2021 425 11<sup>th</sup> Ave & 811 Field Street, Applicant: Richard Buset

The Acting Secretary-Treasurer read out the Notice of Hearing for application B-68-2021.

The purpose of the application is to sever land for a Lot Addition to the adjacent property known as 811 Field Street.

The effect of this application would be the severance and conveyance of land being various laneways and streets that have been closed by bylaw, having a Lot Area of approximately 3032.68 square metres. Once the lot addition is complete, it will have a combined Lot Frontage of 53.93 metres, an irregular Lot Depth and a Lot Area of 1.068 hectares, as set forth in the application.

The lands are located in the C2 – Urban Centre Zone and are designated as Commercial in the Official Plan. The subject lands are not subject to any other application under the Planning Act at this time.

Applicant Richard Buset participated electronically in the meeting and was available to answer questions regarding this application. The Chair asked if the sign had been posted. It was confirmed that it was.

The applicant commented about the conditions that were requested by Planning and Parks and was opposed to the street tree payment because this land is subject to Site Plan Control already, and felt as though these issues can be dealt with through that process. Another concern was the fee in lieu of 5% for Parkland. The applicant feels as though a lot addition application is totally different than a severance application. The applicant says that there is no lot effectively created but a lot that was previously created. The applicant would like these two conditions deleted. The applicant stated that the Parkland fee should be 2% and not 5% because it is commercial property. The applicant suggested an alternative if the committee must require a Parkland Fee that the 5% is based on the value of the land that was severed and not the value of the existing property that was there before and with the addition on it. The applicant further stated that Planning and Parks have not consistently applied it to other situations that are comparable.

Notices were received and circulated provided directly to the committee members. No concerns or issues were received from Building Services, TbayTel, Bell Canada, Realty Services or Engineering and Operations.

There were no public comments received.

Correspondence was received from Synergy North with condition, and Parks and Open Spaces with condition.

Decio Lopes, Senior Planner, Planning Services Division, supported the application with conditions.

The Chair asked if there was anyone participating who wanted to speak for or against the proposal. There were no electronic participants registered.

The Chair polled the members for questions. Member Talarico asked how many buildable lots would there be and the applicant said there will be one on the retained and one that includes the lot addition lands and the lands to which the lot addition lands will be tied. There will be two separate lots, each able to be conveyed on their own.

Senior Planner Lopes advised that he made an error in his comment saying that one of the pieces had frontage and technically it doesn't once he reviewed the plan and effectively the lots are landlocked and do not have road frontage. He also stated that because this is a commercial property the Parkland fee is 2%.

December 15, 2021

Members asked for clarification about the lot addition and referred to the map in order to understand the application. Both Applicant Buset and Senior Planner Lopes were able to provide clarity to the members.

Committee Member K. DesRosiers asked about the deeming bylaw condition and asked that it be explained. Senior Planner Lopes gave the members an overview of how a deeming bylaw works.

Chair Petersen asked for clarification of the ownership holdings of the lands.

Chair Petersen stated he was inclined to not putting in the Parkland fee or the street trees and asked for comments from the members in regard to the conditions. The majority of members decided to remove these two conditions. The Chair stated that these two conditions will not be imposed on this application.

The Chair had the Acting Secretary-Treasurer read out the conditions and Applicant Buset was agreeable to the conditions as read.

The Chair polled the members for a vote as to the approval of B-68-2021. A recorded vote was taken. Chair A. Petersen, and members N. Roy, J. Talarico, K. DesRosiers, R. Togman, were in favour.

The majority of members supported the approval of application B-68-2021 consent with conditions as read therefore the application is approved.

As no public comment written or oral has been received that may have affected the decision of this committee.

Committee Member M. Pascuzzo returned to the auditorium.

### SUPPLEMENTARY AGENDA

#### NEW BUSINESS:

N/A

#### **Signing of November 24, 2021 meeting minutes**

Moved by: J. Talarico

Seconded by: M. Pascuzzo

THAT the minutes of Meeting No. 11-2021 of the Thunder Bay Committee of Adjustment, held **November 24, 2021** be confirmed as presented.

Carried

#### ADJOURNMENT

The meeting adjourned at 4:17 p.m.

CARRIED

December 15, 2021

CHAIR

ACTING SECRETARY-TREASURER



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**MEETING DATE**     02/14/2022 (mm/dd/yyyy)

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**SUBJECT**             Anti-Racism & Respect Advisory Committee Minutes

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***SUMMARY***

Minutes of Meeting 8-2021 of the Anti-Racism & Respect Advisory Committee held on November 29, 2021, for information.

***ATTACHMENTS***

1. Anti-Racism & Respect Advisory Committee Minutes - November 29, 2021

**DATE:** NOVEMBER 29, 2021**MEETING NO. 08-2021****TIME:** 12:07 P.M.**PLACE:** VIRTUAL MEETING – MS TEAMS**CHAIR:** MAYOR BILL MAURO**ELECTRONIC PARTICIPATION:**

Mayor Bill Mauro  
Councillor Rebecca Johnson  
Carol Audet, *Matawa First Nations*  
Chris Krumpholz, *Community Representative*  
Moffat Makuto, *Reg. Multicultural Youth Council*  
Michelle McGuire, *TB Urban Aboriginal  
Advisory Committee*  
Anita Muggeridge - *Thunder Bay Multicultural  
Association*  
Beth Ponka, *Kinna-aweya Representative*  
Ryan Scott, *Community Representative*  
Sanjana Sharma, *LUSU Representative*  
Insp. Derek West, *Thunder Bay Police Service*

**OFFICIALS – ELECTRONIC  
PARTICIPATION:**

Cynthia Olsen, Manager – Community  
Strategies  
Jeff Howie, Policy Assistant to the Mayor  
Maureen Nadin, Committee Resource  
Katie Piché, Council & Committee Clerk

Mayor Bill Mauro assumed the Chair for the duration of the meeting as the Chair and Vice-Chair were not in attendance.

**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:** Chris Krumpholz  
**SECONDED BY:** Michelle McGuire

WITH RESPECT to the November 29, 2021 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 07-2021 of the Anti-Racism & Respect Advisory Committee held on October 18, 2021 to be confirmed.

MOVED BY: Chris Krumpholz  
SECONDED BY: Michelle McGuire

THAT the Minutes of Meeting 05-2021 of the Anti-Racism & Respect Advisory Committee, held on October 18, 2021, be confirmed

CARRIED

#### 5.0 STRATEGIC PLANNING RETREAT UPDATE

On November 6, 2021 a Strategic Planning Retreat was held with Superior Strategies for the Committee, working groups and members of Administration.

Manager – Community Strategies Cynthia Olsen thanked Committee members for participating in the retreat, and advised that the report is near completion and will be emailed to the Committee prior to the next meeting.

#### 6.0 THUNDER BAY ANTI-RACISM & INCLUSION ACCORD PRESENTATION

Policy Assistant – Indigenous Relations Alain Joseph provided a PowerPoint presentation and responded to questions. The following information was provided:

- Accord was signed by representatives from 11 large organizations in 2018.
- Commitment to establish goals
- Focuses on anti-indigenous racism
- Goals, local context and significance
- Recent development, including resource guide and website
- Community collaborative action
- Key considerations:
  - Most recent signatories recruited by Chamber of Commerce
  - Next steps: publicize/more advertisement of Accord

- Develop a process for active recruitment of more organizations – process currently not defined

Discussion was held relative to a master list of organizations that are part of the Accord. The Council & Committee Clerk will follow up.

## 7.0 CANADIAN MUSLIM SUMMIT REPORT AND RECOMMENDATIONS

Correspondence received from Diversity Thunder Bay, relative to the above noted, for discussion.

It was noted that the full report is available on the following website:

<https://www.nccm.ca/islamophobiasummit/>

Cynthia Olsen, Manager – Community Strategies provided an overview relative to the above noted and advised that this item will be deferred to the next meeting for further discussion.

## 9.0 ROUNDTABLE

M. McGuire – advised that ONWA has reopened their vaccine clinic on Ray Blvd.

## 10.0 NEXT MEETING

The next meeting will be held on Monday, January 24, 2022 at 12:00 p.m.

## 11.0 ADJOURNMENT

The meeting adjourned at 12:42 p.m.

# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Development & Emergency Services - Planning Services	<b>REPORT</b>	R 10/2022
<b>DATE PREPARED</b>	01/06/2022	<b>FILE</b>	58T-18501
<b>MEETING DATE</b>	02/14/2022 (mm/dd/yyyy)		
<b>SUBJECT</b>	Amend Draft Approval of a Plan of Subdivision - 2160 West Arthur Street		

## **RECOMMENDATION**

WITH RESPECT to Report R 10/2022 (Development & Emergency Services - Planning Services), we recommend that the request by 2201947 Ontario Inc. to extend draft plan approval (58T-18501) as it applies to Concession 3 NKR, Part of Lot 21, RP 55R-14723 PARTS 3 AND 4, known as "2160 West Arthur Street" to March 25, 2024, subject to the conditions outlined in Attachment "A" to Report No. R105/2018 (Planning Services); be approved;

AND THAT any necessary By-laws be presented to City Council for ratification;

ALL as contained in Report R 10/2022 (Development & Emergency Services - Planning Services), as submitted by the Development & Emergency Services Department.

## **EXECUTIVE SUMMARY**

The subject lands received draft approval for a plan of subdivision comprising of nine (9) lots for single detached dwellings on March 25, 2019. The Owner is actively working towards entering into a Subdivision Agreement with the City. The lands were purchased from a previous owner who received draft plan approval. Without extension, the draft approval will lapse on March 25, 2022.

Given that the conditions of approval remain relevant and the Owner is actively working towards the execution of a Subdivision Agreement, administration is recommending that an extension is granted to March 25, 2024 to allow for conditions to be fulfilled.

## **DISCUSSION**

The lands, shown on Attachment B, received draft approval, on March 25, 2019, for a residential plan of subdivision that is to be serviced by municipal piped water and individual private septic systems.



The plan consists of:

1. Nine (9) lots for single detached dwellings
2. One new street
3. One Stormwater Management/Parkland Block

The draft plan approval was valid for three (3) years ending March 25, 2022 and will lapse if an extension is not granted. The original applicant/developer did not enter into a subdivision Agreement, rather sold the lands to 2201947 Ontario Inc. in 2020. The current Owner has been working towards meeting the conditions of draft plan approval and effort is underway to complete the subdivision agreement.

All of the conditions contained in Attachment "C" are the same as those originally imposed. No additional conditions or modification of conditions is required as part of the proposed extension. The additional two year extension will allow time for studies and reports to be finalized, the agreement to be executed, and ultimately the registration process to be completed.

Administration recommends that the extension be granted given that the Owner is actively pursuing the requirements to develop the lands.

### ***FINANCIAL IMPLICATIONS***

There are no financial implications associated with this report.

### ***CONCLUSION***

It is concluded that extending the time for completion of draft plan approval conditions for the Draft Plan of Subdivision should be approved.

### ***REFERENCE MATERIAL ATTACHED***

1. Attachment A – Conditions of draft 58T-18501 from Report No. R105/2018 (Planning Services)
2. Attachment B – Draft Approved Plan
3. Attachment C – Property Location

***PREPARED BY: Decio Lopes, MCIP, RPP., Senior Planner***

THIS REPORT SIGNED AND VERIFIED BY:	DATE:
Karen Lewis, General Manager – Development & Emergency Services	February 4, 2022

Attachment A – Conditions of draft 58T-18501 from  
Report No. R105/2018 (Planning Services)

DRAFT APPROVAL CONDITIONS FOR 58T-18501 apply for a period of 3 years, ending on September 17, 2021 for the plan, as redlined, shown on Attachment "C" of Report R105/2018 (Planning Services), which shows a total of 9 lots for single detached dwellings, one street, and one block for storm water management and parkland.:

**STANDARD CONDITIONS:**

1. That the streets be shown and dedicated as a public highway on the final plan.
2. That the streets be named to the satisfaction of the City of Thunder Bay.
3. That the owner retains an Ontario Land Surveyor's Certificate confirming that all lots conform to the requirements of By-law 100-2010, as amended.
4. That the owner enter into a Subdivision Agreement satisfactory to the City of Thunder Bay to satisfy all the requirements, financial and otherwise, concerning the provision of roads, installation of services and drainage.
5. That the owner satisfies the Parks & Open Spaces Section with respect to parkland dedication.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.

**CONDITIONS TO BE COMPLETED PRIOR TO A SUBDIVISION AGREEMENT:**

7. That to prior to any earth works or vegetation removal, the owner shall submit a tree inventory and retention plan and that any recommendations are included in Subdivision Agreement between the City and the owner.
8. That the Owner shall provide a final servicing study prepared by a Professional Engineer, to the satisfaction of the City Engineer, and that any requirements are included in Subdivision Agreement between the City and the owner.
9. That the Owner shall provide a final hydrogeological and geotechnical Study prepared by a Professional Engineer for the design of the road system and septic systems, and shall include an appraisal on groundwater conditions in the area with recommendations for permanent groundwater control measures, to the satisfaction of the City Engineer. This updated Study shall include addressing the Provincial Policy Statement that site conditions are suitable for the long-term provision of partial services with no *negative impacts*, to the satisfaction of the City Engineer, Planning Services Division, and the Thunder Bay District Health Unit and that the City is to be advised in writing, by the Thunder Bay District Health Unit how this

Attachment A – Conditions of draft 58T-18501 from  
Report No. R105/2018 (Planning Services)

condition has been met, and that any requirements are included in Subdivision Agreement between the City and the owner.

10. That the Owner shall prepare a final lot grading and drainage plan to the satisfaction of the City Engineer, and that any requirements are included in Subdivision Agreement between the City and the owner
11. That the Owner shall provide a satisfactory final stormwater management report, erosion control plan, and an assessment on the existing cross-culvert under 20<sup>th</sup> Side Road (immediately downstream of the lands), prepared by a Professional Engineer, confirming the stormwater management quantity and quality control requirements, and identifying any off-site drainage improvements to be completed by the owner, to the satisfaction of the City Engineer and the Lakehead Region Conservation Authority, and that any requirements are included in Subdivision Agreement between the City and the owner.
12. That the Owner shall provide confirmation of a Ministry of the Environment, Conservation and Parks acknowledged Record of Site Condition for the lands.

**CONDITIONS TO BE INCLUDED IN A SUBDIVISION AGREEMENT:**

13. That the Subdivision Agreement contain a provision wherein the Owner agrees to include in all offers of purchase and sale the following notices:
  - (a) For all lots, notice that postal services is via community mailboxes.
  - (b) For all lots, notice that homeowners should utilize water conservation features and techniques as the lands are serviced with an unlimited supply of City water that will ultimately discharge into the natural environment through their private septic systems.
  - (c) For all lots, notice that the septic system design must include an advanced nitrate treatment system capable of removing a minimum of 50 to 65% of nitrogen compounds from the effluent.
  - (d) For all lots, these lots may be subject to higher than normal water pressures, and the dwellings on these lots shall be equipped with a pressure regulating device to maintain water pressure in the dwelling at less than 550KPa (80 psi).
  - (d) For all lots, notice that raised septic beds may be required.
14. That the Subdivision Agreement between the City and the Owner contain a provision:
  - (i) wherein the Owner agrees to stop all work and notify the Ministry of Tourism, Culture and Sport in the event that cultural heritage features are

Attachment A – Conditions of draft 58T-18501 from  
Report No. R105/2018 (Planning Services)

uncovered during construction;

(ii) wherein the Owner agrees to stop all work and notify the Police, Ministry of Tourism, Culture and Sport, and the Registrar of Cemeteries - Ministry of Government and Consumer Services in the event human remains are uncovered during construction;

(iii) for the construction of fences along all park blocks, walkway blocks, and stormwater management facilities, if required, to the satisfaction of the Parks & Open Spaces Section and the City Engineer; and

(iv) to contain any recommendations in the updated Hydrogeological Study be incorporated into the Subdivision Agreement.

**CONDITIONS TO BE COMPLETED PRIOR TO THE REGISTRATION OF THE SUBDIVISION:**

15. The Subdivision Agreement be registered against the title of the lands to which it applies.

16. The owner shall:

(i) enter into an agreement with Thunder Bay Hydro Electricity Distribution Inc. for the costs of supplying electricity service to the development and that the City is to be advised in writing, by Thunder Bay Hydro Electricity Distribution Inc. how this condition has been met.

(ii) enter into an agreement with Thunder Bay Telephone for the provision of telephone service to the development and that the City is to be advised in writing, by Thunder Bay Telephone how this condition has been met.

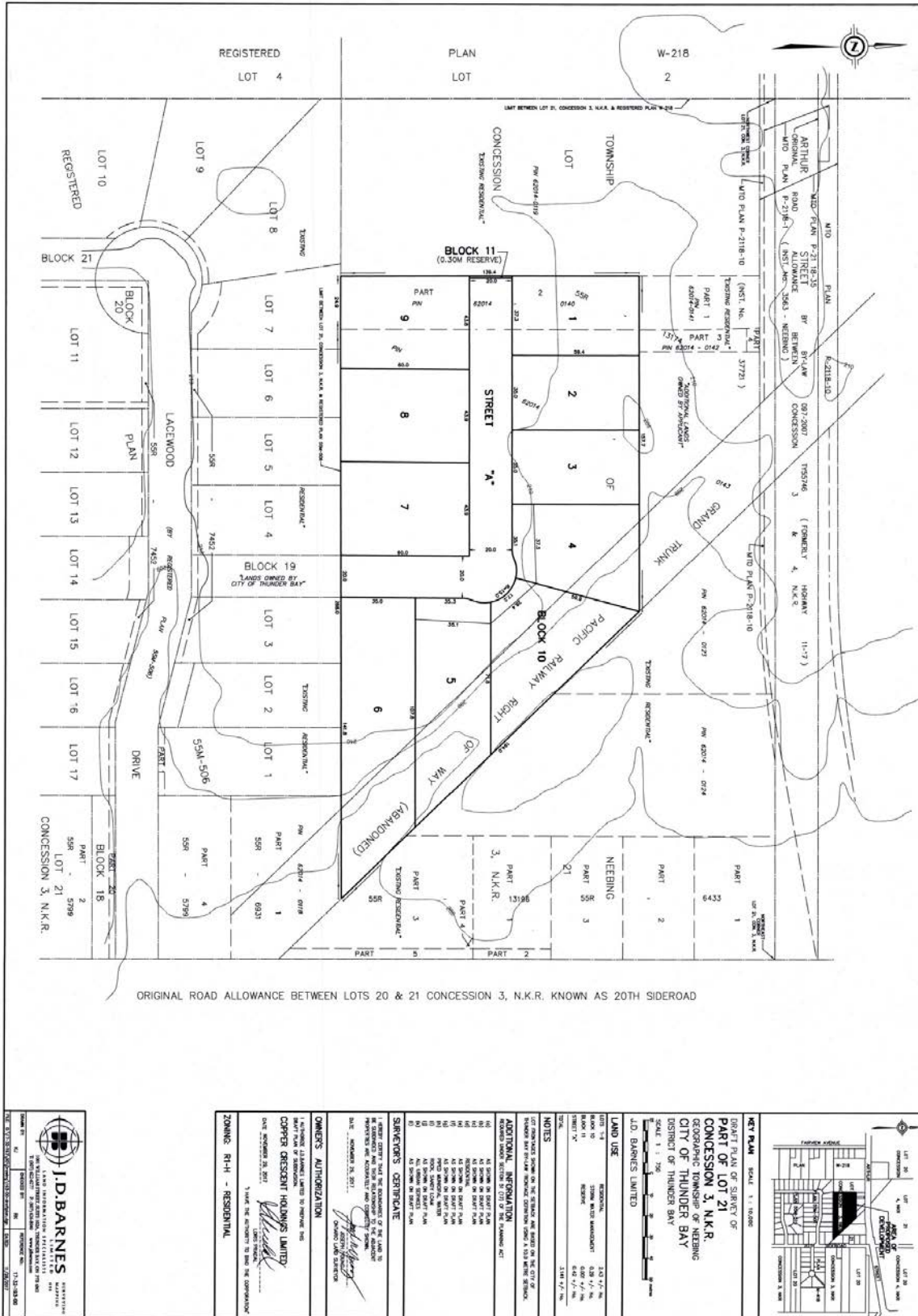
(iii) enter into an agreement with Union Gas Limited for the provision of natural gas service to the development and that the City is to be advised in writing, by Union Gas Limited how this condition has been met.

(iv) shall satisfy the City Engineer that the applicable requirements of the *Environmental Assessment Act* have been met.

(v) satisfy the City Engineer with respect to the dedication of land for drainage and stormwater management purposes.

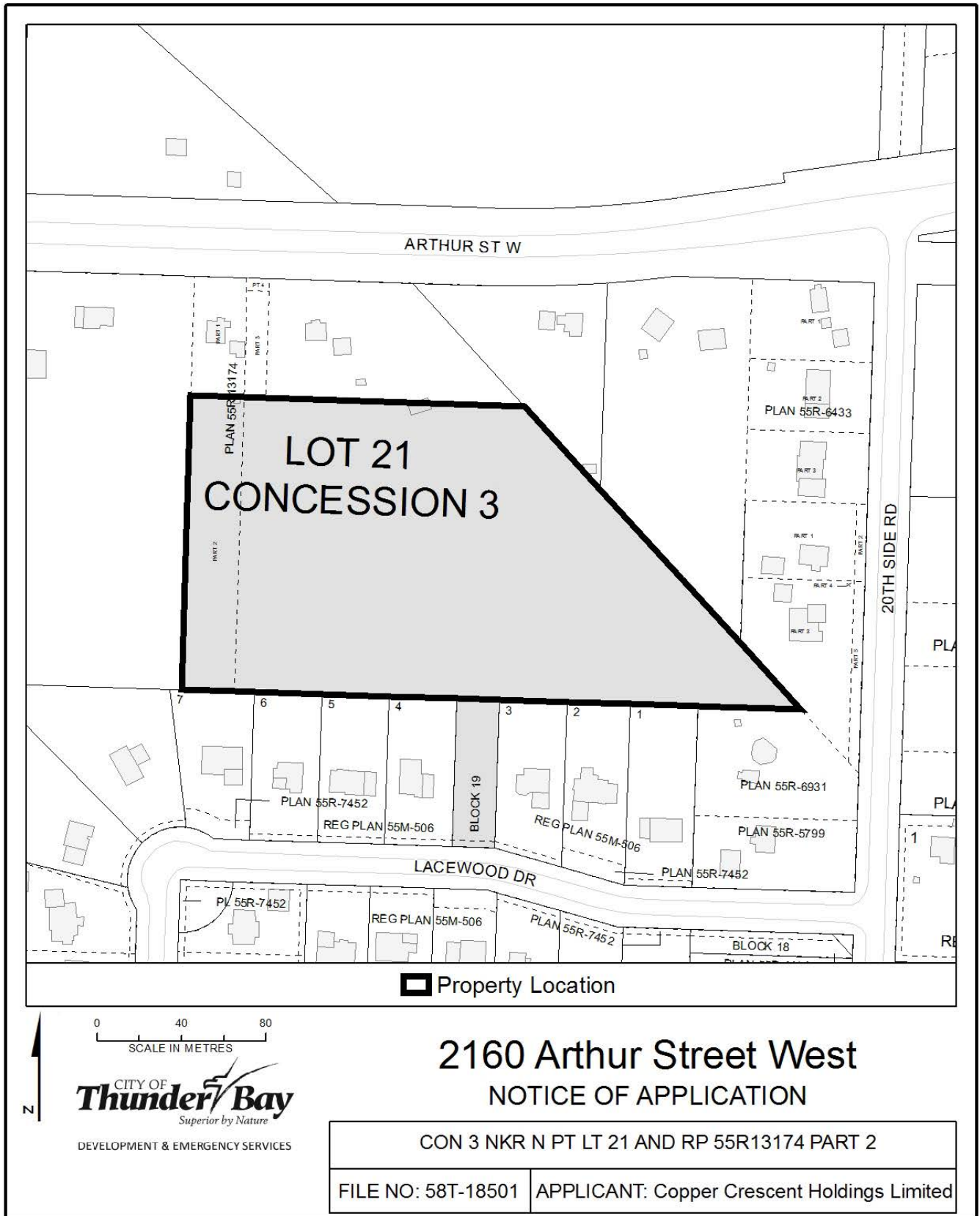
(vi) satisfy the City Engineer with respect to servicing the subdivision and providing all required easements and for releasing or modifying any existing easements.

# Attachment B – Draft Approved Plan



TITLE: <b>Applicant's Subdivision Plan</b>		Date: <b>February 2022</b>
PREPARED BY <b>DL</b>	SCALE <b>As Noted</b>	FILE NO. <b>58T-18501</b>

# ATTACHMENT C- Property Location



TITLE: <b>Property Location</b>		Date: <b>FEBRUARY 2022</b>	
PREPARED BY <b>DL</b>	SCALE <b>As Noted</b>	FILE NO. <b>58T-18501</b>	

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**MEETING DATE** 02/14/2022 (mm/dd/yyyy)

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**SUBJECT** Partial Servicing & Advanced Treatment Systems - Interim Update

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***SUMMARY***

At the November 15, 2021 Committee of the Whole meeting a resolution was passed directing Administration, in consultation with the Thunder Bay District Health Unit and Lakehead Region Conservation Authority, to review implications and other options which may be available to partially-serviced subdivisions including advanced treatment systems, and to report back on or before February 14, 2022.

Memorandum from Director - Planning Services Leslie McEachern and Project Engineer - Engineering & Operations Aaron Ward dated January 22, 2022 relative to the above noted, for information.

***ATTACHMENTS***

1. Memo - Partial Servicing & Advanced Treatment Systems - Interim Update - January 22, 2022

## **Memorandum**

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**TO:** Dana Earle, Deputy City Clerk

**FROM:** Leslie McEachern, Director – Planning Services Division  
Aaron Ward, Project Engineer – Engineering & Operations Division

**DATE:** January 22, 2022

**MEETING**  
**DATE:** February 14, 2022

**SUBJECT:** Partial Servicing & Advanced Treatment Systems - Interim Update  
Committee of the Whole – February 14, 2022

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This memorandum is an update to Council following the Deputation from the Thunder Bay District Health Unit (TBDHU) to the Committee of the Whole on November 15, 2021, and Referral 2021-112-DEV for Administration to report back to Council.

Following the deputation, administration has engaged with the TBDHU and the Lakehead Region Conservation Authority (LRCA) to understand the concerns raised and explore solutions. The meetings have provided administration the opportunity to share information with the TBDHU about the City's Official Plan policies, and the steps and stages needed to bring a subdivision development from the Draft Plan of Subdivision application process to the final registration of the Subdivision Agreement.

With mutual understanding, administration and the TBDHU intend to consult with those involved in subdivisions in partial serviced areas, including developers, consultants, and technical staff.

Administration will use feedback, and discussions with the TBDHU and the LRCA, to prepare a Report with recommendations for Council's consideration on May 16, 2022.

Yours Truly,

Leslie McEachern, MCIP, RPP  
Director  
Planning Services Division

Aaron Ward, P. Eng.  
Project Engineer  
Engineering & Operations Division



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***MEETING DATE***      02/14/2022 (mm/dd/yyyy)

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***SUBJECT***              Outstanding List for Planning Services as of February 1, 2022

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***SUMMARY***

Memorandum from City Clerk Krista Power, dated February 1, 2022 providing the Planning Services Outstanding Items List, for information.

***ATTACHMENTS***

1. Outstanding List - Planning Services - February 1, 2022

# Memorandum

*Office of the City Clerk*

**Fax:** 623-5468

**Telephone:** 625-2230

**TO:** Mayor & Council

**FROM:** Krista Power, City Clerk

**DATE:** February 1, 2022

**SUBJECT:** Outstanding List for Planning Services Session as of February 1, 2022  
Committee of the Whole – February 14, 2022

The following items are on the outstanding list for Planning Services:

Meeting Session	Reference Number (yyyy-nnn-MTG)	Department/Division	Outstanding Item Subject	Resolution Report Back Date	Revised Report Back Date (Memos presented at COW updating or delaying Item)
Planning	2018-010-DEV	Development & Emergency Services / Licensing & Enforcement	Sign By-law	No date included in referral resolution	<b>May-16-2022</b>
Planning	2020-024-DEV	Development & Emergency Services / Licensing & Enforcement	Request for Report – Development of a Nuisance By-law	Sep-28-2020	<b>Aug-22-2022</b>
Planning	2020-052-DEV	Development & Emergency Services / Thunder Bay Fire Rescue	TBFR Strategic Master Fire Plan (SMFP) - Implementation Plan	<b>April-30-2022</b>	<b>June-20-2022</b>
Planning	2021-103-DEV	Development & Emergency Services / Thunder Bay Fire and Rescue	Open Air Burning Policy	<b>Nov-15-2021</b>	<b>Oct-22-2022</b>
Planning	2021-104-DEV	Development & Emergency Services / Superior North EMS	Work Plan for Superior North EMS 2021-2030 Master Plan	Mar-14-2022	<b>May-16-2022</b>
Planning	2021-105-DEV	Development & Emergency Services	Ban Against Conversion Therapy	Mar-31-2022	<b>May-16-2022</b>

Planning	2021-107-DEV	Development & Emergency Services/Licensing & Enforcement	Reimagining the Yard Maintenance By-law	Dec-13-2021	<b>Apr-11-2022</b>
Planning	2021-109-DEV	Development & Emergency Services/Planning	Heritage Tax Incentive Program	Apr-25-2022	<b>June-20-2022</b>
Planning	2021-111-DEV	Development & Emergency Services	Poverty Reduction Strategy - Thunder Bay Living Wage Campaign	Jan-24-2022	<b>Mar-21-2022</b>
Planning	2021-112-DEV	Development & Emergency Services	Official Plan - Partial Servicing & Advanced Wastewater Treatment for Subdivisions	Feb-14-2022	<b>May-16-2022</b>
Planning	2021-114-DEV	Development & Emergency Services/Licensing & Enforcement	Fence Related Bylaws	Mar-28-2022	<b>June-20-2022</b>
Planning	2021-115-DEV	Development & Emergency Services/Licensing & Enforcement	Boulevard Policy/Obstruction Bylaw	Jun-27-2022	<b>Aug-22-2022</b>
Planning	2021-116-DEV	Development & Emergency Services/Licensing & Enforcement	Animal Bylaws	Dec-13-2021	<b>June-20-2022</b>
Planning	2021-117-DEV	Development & Emergency Services/Licensing & Enforcement	Vacant Buildings Bylaw	Dec-13-2021	<b>June-20-2022</b>
Planning	2021-118-DEV	Development & Emergency Services/Licensing & Enforcement	Property Standards & Yard Maintenance Bylaw	Dec-13-2021	<b>June-20-2022</b>
Planning	2021-119-DEV	Development & Emergency Services / Thunder Bay Fire and Rescue	Sacred and Ceremonial Burning Policy	Aug-22-2022	<b>Oct-22-2022</b>
Planning	2021-120-DEV	Development & Emergency Services/Planning	Strategic Core Areas Community Improvement Plan - Update	Dec-19-2022	<b>Dec-19-2022</b>
Planning	2022-100-DEV	Development & Emergency Service	Strategy Development for Reducing Homelessness and Poverty in Our Community	Jun-20-2022	<b>Aug-22-2022</b>

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***MEETING DATE***     02/14/2022 (mm/dd/yyyy)

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***SUBJECT***             Community Communications Committee Minutes

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***SUMMARY***

Minutes of Meeting 3-2021 of the Community Communications Committee held on October 13, 2021, for information.

***ATTACHMENTS***

1. Community Communications Committee Minutes - October 13, 2021

**DATE:** WEDNESDAY, OCTOBER 13, 2021

**MEETING NO. 03-2021**

**TIME:** 5:05 PM

**PLACE:** VIA MICROSOFT TEAMS

**CHAIR:** COUNCILLOR S. CH'NG

**PRESENT:**

Councillor Shelby Ch'ng  
Councillor Brian Hamilton  
Jason Veltri

**OFFICIALS:**

Norm Gale, City Manager  
Krista Power, City Clerk  
Tracie Smith, Director – Strategic Initiatives &  
Engagement  
Stacey Levanen, Supervisor – Corporate  
Communications & Community Engagement  
Leanne Lavoie, Council & Committee Clerk  
Lori Wiitala, Council & Committee Clerk

**GUESTS:**

Jack Avella, Manager – Corporate Information  
Technology  
Ben Perry, President – Perry Group Consulting Ltd.

**1.0 DISCLOSURES OF INTEREST**

None.

**2.0 AGENDA APPROVAL**

**MOVED BY:** Councillor Brian Hamilton  
**SECONDED BY:** Jason Veltri

With respect to the October 13, 2021 Community Communications Committee meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

**3.0 CONFIRMATION OF PREVIOUS MINUTES**

Minutes of Meeting 02-2021 of the Community Communications Committee held on May 4, 2021, for approval.

MOVED BY: Jason Veltri  
SECONDED BY: Councillor Brian Hamilton

THAT the Minutes of Meeting 02-2021 of the Community Communications Committee held on May 4, 2021, be approved.

CARRIED

#### 4.0 DIGITAL STRATEGY

Manager – Corporate Information Technology Jack Avella and President – Perry Group Consulting Ltd. Ben Perry provided an update relative to a proposed digital strategy for the City of Thunder Bay (CTB).

It was noted that 94% of Canadians are online and 76% own a smartphone. For CTB, a digital strategy is necessary to rethink and redefine products and services to take advantage of the internet and smartphone era.

The committee was informed that digital strategy consultation included 300 internal respondents, 30 focus groups, one-on-one sessions, presentations to stakeholders including Community Communications Committee, Accessibility Advisory Committee, CEDC, Tbaytel, Police, Chamber of Commerce and others, as well as public consultation, including an online survey.

It was noted that recommendations started to surface during consultation. For example, online survey respondents indicated that they would prefer access to more services online, including road information updates, payments, forms and registration. Respondents ranked website and email as their top two preferences for interaction with CTB.

The committee was advised that citizens are sending signals that they want to deal with the City digitally, however CTB must digitize before it can be digital. Three phases are proposed, as follows:

1. Setting up for success (2022) – Setting up processes, establishing operating model, setting key strategies, delivering on in-the-pipeline projects (i.e. water billing, transit, parking)
2. Digitizing core processes (2021 – 2025) – Asset management systems, HR systems, GIS expansion, online forms and bookings, and more
3. Digital service acceleration (2023 – Onwards) – Online permitting, licensing and planning, online tax billing, online payments, digital signatures, online events, online campground and marina bookings, and more

At the November 22, 2021 Committee of the Whole, a draft Digital Strategy will be presented to Council as a First Report, for discussion in December.

There was discussion relative to whether some work could be accelerated. It was noted that the main challenge is most of the data is not currently digitized. There is foundational work to do before CTB can go digital, and that will take time.

It was noted that digital strategy success requires an investment in the short-term for long-term efficiencies.

There was discussion relative to privacy. The committee was assured that CTB continues to invest in cyber security.

There was discussion relative to potential impact on the 2022 budget.

There was discussion relative to metrics for measuring success. It was noted that metrics have been defined, feedback on customer satisfaction will be collected, and annual reports could be provided to Council.

## 5.0 COMMUNITY COMMUNICATION PLAN

Supervisor – Corporate Communications Stacey Levanen, provided an update relative to implementation of the 2019-2022 Community Communications Plan, including the following:

- Backyard fire survey received almost 3,000 responses as of October 13, 2021
- Diversity guide has been put on a temporary hold while a new Indigenous Relations Manager is being recruited
- Website visitors per day in 2021 decreased slightly from 2020 due to increased traffic in early 2020 with the onset of the pandemic and residents' need for critical information
- City's Social Media accounts continue to grow and are heavily utilized: Facebook has 15,000 followers, Instagram 2,500 followers, and Twitter 7,147 followers
- Corporate Communications is in the process of choosing a creative design agency to proceed with development of a digital version of 'mytbay'
- Plain language review process has begun, a brief report will be provided before the end of 2021
- 50th Anniversary legacy installation is complete in the City Hall lobby

During discussion of the above-noted item, quorum was lost at 6:04 p.m.

## 6.0 ADJOURNMENT

The meeting adjourned at 6:04 p.m.

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***MEETING DATE***      02/14/2022 (mm/dd/yyyy)

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***SUBJECT***              Official Recognition Committee Minutes

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***SUMMARY***

Minutes of Meeting 06-2021 of the Official Recognition Committee held on December 7, 2021, for information.

***ATTACHMENTS***

1. Official Recognition Committee Minutes - December 7, 2021



**DATE:** December 7, 2021

**MEETING NO. 06-2021**

**TIME:** 1:35 p.m.

**PLACE:** via MS Teams

**CHAIR:** Allison Hill

**PRESENT:**

Councillor Peng You  
Allison Hill  
Ollie Sawchuk  
Samantha Martin-Bird  
Matthew Villella

**OFFICIALS:**

Dana Earle, Deputy City Clerk  
Tina Larocque, Coordinator – Boards,  
Committees and Special Projects

1.0 DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2.0 AGENDA APPROVAL

MOVED BY: Ollie Sawchuk  
SECONDED BY: Councillor Peng You

WITH RESPECT to the December 7, 2021 Official Recognition Committee meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3.0 MINUTES OF PREVIOUS MEETING

The Minutes of Meeting No. 05-2021 of the Official Recognition Committee held on November 9, 2021 to be confirmed.

MOVED BY: Councillor Peng You  
SECONDED BY: Ollie Sawchuk

THAT the Minutes of Meeting No. 05-2021 of the Official Recognition Committee held on November 9, 2021, be confirmed.

CARRIED

#### 4.0 COMMITTEE MEMBER RECRUITMENT

The Chair provided an overview of the current vacancies on the Committee and had requested ideas on how the Committee members can assist with recruitment. The current vacancies on the Committee are one youth representative, one representative from the Black, Indigenous & People of Colour community and one representative from the Sporting Community.

#### 5.0 CITIZENS OF OUTSTANDING ACHIEVEMENT MONTHLY AWARDS

##### 5.1 Current Nominations

At the November 9, 2021 meeting, a nomination relative to former resident who gives back to Thunder Bay, was re-presented. At that time, it was consensus of the Committee that the nomination be deferred to the next meeting for further discussion. At the December 7, 2021 committee meeting, the monthly nomination was discussed. It was consensus of the Committee that the nomination did not fit in the criteria for monthly nominations. A letter will be sent to the nominator advising of the Committee's decision.

At the November 9, 2021 meeting, a Chronicle Journal article was brought forward relative to a Thunder Bay Diver. At that time, the Committee discussed the article and it was consensus of the Committee that Councillor Peng You will contact a nominator and seek additional information to be presented at a future meeting. At the December 7, 2021 meeting, Councillor Peng You advised that he had followed up on a nomination. At this time, a nomination form has not been received.

At the November 9, 2021 meeting, a nomination was brought forward relative to a Thunder Bay group that shows great leadership in the community on climate change awareness. The Committee reviewed the nomination and it was consensus of the Committee to approve the nomination. The office of the city clerk will contact the nominee and coordinate the presentation before City Council. At the December 7, 2021 meeting, a date had not been confirmed.

At the November 9, 2021 meeting, a CBC News Article was brought forward relative to a co-leader of a Felt Project. The Committee discussed the article and it was consensus of the Committee that Samantha will contact a nominator and seek additional information to be presented at a future meeting. At the December 7, 2021 meeting, Samantha advised that she

followed up with a nominator, but at this time, nomination was not received. Allison advised that she would contact the Art Gallery to seek a nomination.

At the November 9, 2021 meeting, a Superior morning show clip was brought forward relative to one of the organizers of the sacred fire in Thunder Bay. It was consensus of the Committee that Samantha will contact a nominator and seek additional information to be presented at a future meeting. At the December 7, 2021 meeting, Samantha advised she had followed up with a nominator. At this time, a nomination form has not been received.

At the November 9, 2021 meeting, A CBC News Article was brought forward relative to a resident who has been opening up her home to help others in the community to provide a place for someone to detox. The Committee discussed the article and it was decided that they required additional information. It was consensus of the Committee that Allison will contact a nominator and seek additional information to be presented at a future meeting. At the December 7, 2021 meeting, Allison provided additional information. At that time, Allison advised that she would be reaching out to a nominator.

## 5.2 New Nominations

The Committee discussed the Thunder Bay curling team that won gold in the women's Canadian Curling Club Championships in Ottawa. It was consensus of the Committee that Allison seek additional information.

## 6.0 2021/2022 ANNUAL CITIZENS OF EXCEPTIONAL ACHIEVEMENT AWARDS

The Committee discussed the upcoming Annual Awards, nominations and editing of the bios. The Committee discussed the number of nominations that organizations could submit per category and whether an exception should be made for this upcoming event only. As the event was combining the 2021 & 2022 annual events, the Committee agreed that they would allow organizations to submit up to two nominations per category.

MOVED BY: Matthew Villella  
SECONDED BY: Councillor Peng You

With respect to the nominations for the Annual Awards, we recommend that an exception be made for the 2022 event only, that would allow organizations to submit up to 2 nominations per category.

CARRIED

The Committee will further discuss details of the event at the next meeting.

7.0 NEXT MEETING

The next meeting will be held January 11, 2022.

8.0 ADJOURNMENT

The meeting adjourned at 2:22 p.m.

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***MEETING DATE***     02/14/2022 (mm/dd/yyyy)

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***SUBJECT***             Inter-Governmental Affairs Committee Minutes

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***SUMMARY***

Minutes of Meeting 07-2021 of the Inter-Governmental Affairs Committee held on October 18, 2021, for information.

***ATTACHMENTS***

1. Inter-Governmental Affairs Committee Minutes - October 18, 2021

**DATE:** MONDAY, OCTOBER 18, 2021

**MEETING NO. 07-2021**

**TIME:** 12:00 P.M.

**PLACE:** MICROSOFT TEAM MEETING

**CHAIR:** COUNCILLOR BRIAN MCKINNON

**PRESENT** *via electronic participation:*

Mayor Bill Mauro

Councillor Albert Aiello

Councillor Brian McKinnon

Councillor Kristen Oliver

**OFFICIALS** *via electronic participation:*

Norm Gale, City Manager

Erin Nadon, Executive Administrator to the City  
Manager

**GUESTS** *via electronic participation:*

Councillor Rebecca Johnson

**RESOURCE PERSON** *via electronic participation:*

Jeff Howie, Policy Assistant to the Mayor

1.0 DISCLOSURES OF INTEREST

None.

2.0 AGENDA APPROVAL

MOVED BY: Councillor Albert Aiello

SECONDED BY: Councillor Kristen Oliver

With respect to the October 18, 2021 Inter-Governmental Affairs Committee, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3.0 MINUTES OF PREVIOUS MEETINGS

The Minutes of Meeting No. 06-2021 held on September 13, 2021, of the Inter-Governmental Affairs Committee, to be confirmed.

MOVED BY: Councillor Kristen Oliver

SECONDED BY: Councillor Albert Aiello

THAT the Minutes of Meeting No. 06-2021 held on September 13, 2021 of the Inter-Governmental Affairs Committee, be confirmed.

CARRIED

4.0 2022 ANNUAL RURAL ONTARIO MUNICIPAL ASSOCIATION (ROMA) CONFERENCE

MOVED BY: Mayor Bill Mauro  
SECONDED BY: Councillor Kristen Oliver

With respect to the 2022 ROMA Conference, being held virtually January 24-25, 2022, we recommend that all expenses for this conference be paid for Mayor Bill Mauro, Councillor Brian McKinnon, City Manager Norm Gale and Policy Assistant to the Mayor Jeff Howie;

AND THAT these expenses be paid through the Inter-Governmental Affairs Committee budget.

CARRIED

The committee reviewed and discussed a list of issues, shared by Policy Assistant to the Mayor Jeff Howie, for discussion with Ministers at the 2022 ROMA Annual Conference. This list will be shared with City Council for information.

2022 ROMA Delegations:

Crises Centre for Mental Health and Addictions  
Funding Reduction for Health Units  
Infrastructure  
Provincial Offences Collection  
2024 Ontario Winter Games and Other Tourism /Event Initiatives  
Next Generation 911

Tentative Items for Delegations:

Health Care/Homelessness and Supports  
Sustainability, Climate Change Plan, Renewable Energy

5.0 BUSINESS ARISING FROM PREVIOUS MINUTES

5.1 Ring of Fire Update

Noront Resources Ltd. has agreed to a takeover offer from Wyloo Metals Pty Ltd.

5.2 Next Generation 911 Update

The committee agreed to add this item to the list of delegations for the 2022 ROMA Conference.

## 6.0 CORRESPONDENCE

### 6.1 Disaster Relief Plan

Copy of letter from CAO/Clerk Treasurer Peggy Johnson, Township of Chapple to The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs dated July 13, 2021, relative to the above-noted, for information.

### 6.2 OHIP Eye Care

Copy of letter from Director of Corporate Services/Clerk Jessie Clark, Municipality of Trent Lakes to The Honourable Doug Ford, Premier of Ontario, Ontario Minister of Health Christine Elliott, MPP Peterborough-Kawartha Dave Smith, MPP Northumberland-Peterborough South David Piccini, MPP Haliburton-Kawartha Lakes-Brock Laurie Scott and the Ontario Association of Optometrists, dated September 9, 2021, relative to the above-noted, for information.

Copy of letter from Acting Clerk Sandra Kitchen, Town of Kingsville to The Honourable Doug Ford, Premier of Ontario, dated October 1, 2021, relative to the above-noted, for information.

Copy of letter from Acting Town Clerk Colleen Hutt, Niagara on the Lake to The Honourable Doug Ford, Premier of Ontario, Ontario Minister of Health Christine Elliott, MPP Peterborough-Kawartha Dave Smith, MPP Northumberland-Peterborough South David Piccini, MPP Haliburton-Kawartha Lakes-Brock Laurie Scott and the Ontario Association of Optometrists, dated October 4, 2021, relative to the above-noted, for information.

The committee discussed advocacy on the above-noted and decided not to pursue at this time.

### 6.3 Site Plan Control Guide

Copy of letter from Minister Steve Clark, Ministry of Municipal Affairs and Housing to Mayor Bill Mauro, City of Thunder Bay, dated September 9, 2021, relative to the above-noted, for information.

### 6.4 Association of Municipalities of Ontario (AMO) Annual Conference Delegation

Copy of letter from Solicitor General Sylvia Jones, Office of the Solicitor General to Mayor Bill Mauro, City of Thunder Bay, dated September 21, 2021, relative to the above-noted, for information.

### 6.5 Municipal Land Transfer Tax

Copy of letter from President Danny Whalen, Federation of Northern Ontario Municipalities to Minister Peter Bethlenfalvy, Ministry of Finance, dated September 23, 2021, relative to the above-noted, for information.



The committee discussed lobbying the Province to grant Ontario Municipalities new revenue tools to assist with the municipal infrastructure deficit; similar to the ones granted to the City of Toronto in 2006.

Mayor Bill Mauro and Policy Assistant to the Mayor Jeff Howie to review this file and report back to the Committee at the next meeting being held on November 8, 2021.

6.6 Expiry of Temporary Regulations (130/20 and 131/20) Limiting Municipal Authority to Regulate Construction Noise

Copy of letter from Minister Steve Clark, Ministry of Municipal Affairs and Housing to Mayor Bill Mauro, City of Thunder Bay, dated September 29, 2021, relative to the above-noted, for information.

7.0 NEW BUSINESS

None.

8.0 NEXT MEETING

The next regular Inter-Governmental Affairs Committee meeting is scheduled for Monday, November 8, 2021 at 12:00 p.m. via Microsoft Teams.

9.0 ADJOURNMENT

The meeting adjourned at 12:55 p.m.

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***MEETING DATE***      02/14/2022 (mm/dd/yyyy)

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***SUBJECT***              Thunder Bay Police Services Board Minutes

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***SUMMARY***

Minutes of Meeting 19-2021 and 21-2021 of the Thunder Bay Police Services Board held October 19, 2021 and November 16, 2021 respectively, for information.

***ATTACHMENTS***

1. Thunder Bay Police Services Board Minutes - October 19, 2021
2. Thunder Bay Police Services Board Minutes - November 16, 2021

**MEETING: THE NINETEENTH MEETING OF THE FIFTY-SECOND THUNDER BAY  
POLICE SERVICES BOARD**

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**DATE:** OCTOBER 19, 2021

**TIME:** 9:04 A.M.

**PLACE:** ELECTRONIC MEETING VIA MS TEAMS

**CHAIR:** COUNCILLOR K. OLIVER

**PRESENT:**

Mayor B. Mauro  
Ms. G. Morriseau  
Councillor K. Oliver  
Mr. R. Pelletier

**REGRETS:**

Mr. M. Power

**GUESTS:**

Ms. D. Bain Smith, Bain Smith  
Business Valuation + Consulting Inc.  
Ms. S. Ash, Firedog Communications

**OFFICIALS:**

Ms. S. Hauth, Chief of Police  
Mr. R. Hughes, Deputy Police Chief  
Ms. H. Walbourne, Legal Counsel – Thunder Bay  
Police Service  
Ms. D. Paris, Director – Financial Services & Facilities,  
Thunder Bay Police Service  
Mr. C. Adams, Director – Communications &  
Technology  
Detective Inspector J. Fennell – Thunder Bay Police  
Service  
Staff Sgt. G. Snyder – Professional Standards, Thunder  
Bay Police Service  
Ms. S. Kaur, KPW Communications  
Mr. J. Hannam, Secretary – Thunder Bay Police  
Services Board  
Ms. L. Douglas, Assistant to the Secretary - Thunder  
Bay Police Services Board

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1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. CONFIRMATION OF AGENDA

Correspondence from the Ontario Association of Police Service Boards (OAPSB) - Request for Support was added under New Business.

**MOVED BY:** Mr. R. Pelletier  
**SECONDED BY:** Mayor B. Mauro

With respect to the Nineteenth Session (Regular) of the Fifty-Second Thunder Bay Police Services Board held on October 19, 2021, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

**CARRIED**

3. CONFIRMATION OF MINUTES

MOVED BY: Mayor B. Mauro  
SECONDED BY: Mr. R. Pelletier

The Minutes of the Seventeenth Session (Regular) of the Fifty-Second Thunder Bay Police Services Board held on September 21, 2021 to be confirmed.

THAT the Minutes of the Seventeenth Session (Regular) of the Fifty-Second Thunder Bay Police Services Board held on September 21, 2021 be confirmed.

CARRIED

4. PRESENTATION

Presentation of the Thunder Bay Police Services Board 2021 – 2023 Strategic Plan by Ms. D. Bain Smith, Bain Smith Business Valuation + Consulting Inc., and Ms. S. Ash, Firedog Communications.

The draft Thunder Bay Police Services Board - 2021 – 2023 Strategic Plan > Many Voices, One Vision 2030 was distributed separately to Board Members and Administration on October 15, 2021.

Ms. D. Bain Smith and Ms. S. Ash were welcomed to the meeting.

Ms. Ash proceeded to provide an overview of the draft Strategic Plan, page by page, and responded to questions.

It was noted that there was a comprehensive consultation process conducted in order to develop this plan. This document sets a path forward to develop a vision, as well as a more progressive and trusted police service, by 2030. The Plan prepares the police service for emerging trends that will impact policing in the long term.

Ms. Ash noted that Covid-19 prohibited the number of face-to-face meetings and consultations the facilitators would have liked to conduct for the development of this plan; however, they were pleased with the response during the engagement process.

An overview was provided on the following:

- The Planning Process;
- The Policing Environment;
- The Vision, Mission and Value;
- The Strategy 2021 – 2023;
- Strategic Objectives & Actions 2021 – 2023; and

- Next Steps.

Over 1,200 respondents completed the survey. In addition, 145 Police Service employees also responded to the survey.

The key topics that emerged from the stakeholders were:

- Public Relations;
- Relationship Building;
- Community Policing;
- Infrastructure and Capital; and
- Workforce Engagement and Development.

Ms. Ash noted that there is a need to identify the real service population in Thunder Bay. The actual indigenous population is estimated to be between 23, 000 – 42,600 (as opposed to the 9,800 indigenous peoples who completed the last census form from Statistics Canada).

Vision 2030: A progressive, trusted and ethical leader. Thunder Bay is among the safest and best protected cities in Canada.

Mission: We empower our workforce and collaborate with community partners to design and deliver innovative police services.

Thunder Bay Police Service Values: Trust, Integrity, Leadership, Inclusivity, and Collaborations.

Strategic Goals: A Healthy & Supported Workforce; Sustainable Community Policing; Restored Reputation & Relationships; and Build for Transformation.

The Chair, on behalf of the Board, thanked Ms. Ash and Ms. Bain Smith for the amount of work that went into this document in order to encompass all voices in this community. The Chair also acknowledged and appreciated the tremendous amount of input from the community during this challenging process.

MOVED BY:           Mr. R. Pelletier  
SECONDED BY:       Ms. G. Morriseau

With respect to the 2021-2023 Thunder Bay Police Service Strategic Plan “Many Voices, One Vision: 2030”, as presented at the October 19, 2021 Regular Session of the Thunder Bay Police Services Board, we recommend that the plan, as presented, be adopted.

CARRIED

Mr. J. Hannam, Secretary to the Board, noted that there is a meeting scheduled with the communications group to effectively promote this plan with the public in order to move it forward.

5. REPORTS OF COMMITTEES

Governance Committee

Mr. J. Hannam, Secretary to the Board, provided an update relative to the above noted. He noted that the Committee is reviewing a number of policies dealing with racism, also known as bias-free policing.

6. REPORTS OF THE THUNDER BAY POLICE SERVICE

a) 2020 Annual Report of the Thunder Bay Police Service

The Thunder Bay Police Service - 2020 Annual Report was distributed separately to Board Members Only on October 15, 2021.

Mr. C. Adams, Director – Communications & Technology, Thunder Bay Police Service, provided an overview of the 2020 Annual Report with a PowerPoint Presentation.

He noted that there was a significant reduction in calls for service, largely impacted by the pandemic, as many people were working from home, many businesses were closed, etc.

There was also a significant drop in property crimes and criminal code incidences due to the pandemic.

Weighted clearance rates for Thunder Bay are much higher than provincial and national statistics, and this speaks to the workload for our Police Service.

The report is now available for review by the public on the Police Service website.

The Chair thanked Mr. Adams for his presentation. Mr. Adams and Chief S. Hauth responded to questions on the impact of the legalization of marijuana, as well as questions on the number of assaults on officers and emerging trends in 2021 as businesses reopen.

b) Q3 Variance Report – Thunder Bay Police Service

Report No. 36/21 (Police) relative to the status of the 2021 Operational Budget for the Thunder Bay Police Service and the Variance Report as of September 30, 2021, was provided for the Board's information.

Ms. D. Paris, Director – Financial Services & Facilities, Thunder Bay Police Service, was present to respond to questions. The Board had no questions.

c) Q3 Variance Report – Police Services Board

Memorandum to Members of the Thunder Bay Police Services Board from John S. Hannam, Secretary, dated October 12, 2021, relative to the Third Quarter Variance Report, was provided for the Board's information.

Mr. J. Hannam, Secretary to the Board, noted that the variance was the same as estimated at the end of the second quarter.

d) 2022 Capital Budget

Memorandum to Mr. J. Hannam – Secretary, Thunder Bay Police Services Board, from Chief S. Hauth, dated October 8, 2021, with attached Thunder Bay Police Service 2022 Capital Budget, was provided for the Board's information.

Chief S. Hauth provided an overview and responded to questions relative to the above noted. She noted that most items are cyclical in nature, over a 3-year period. The Next Generation 911 Upgrade is more than was estimated; the Police Service has been able to put some money aside for this upgrade. Mayor B. Mauro noted that the City's Intergovernmental Committee continues to lobby for more support for this upgrade, in order to recuperate some of the cost of this service.

As listed in the 2022 Capital Budget, the Police Service is asking for the new police facility, estimated at \$56 million.

Chief Hauth noted that the additional security for headquarters, discussed at the September 2021 Regular Session of the Board, has not been included in the capital budget due to the timing of the Capital Budget submission to the City (it was submitted in August, 2021).

Mr. J. Hannam suggested that the Chief send a memorandum to City Finance, requesting an addition to the Police Service's 2022 Capital Budget. Chief Hauth and Ms. Paris will collaborate on that memo. The Mayor suggested that the Chair send a supporting memorandum in this regard. Chair Oliver confirmed that she will prepare one.

e) Quarterly Complaints

Report No. 37/21 (Police) relative to the summary of complaints for Q3 of 2021 (July, August, and September, 2021), was provided for the Board's information.

Staff Sergeant G. Snyder – Professional Standards, Thunder Bay Police Service, provided an overview relative to the above noted. He noted that there was a significant increase over 2020 on the public complaints.

Upon completion of his report, Staff Sergeant Snyder left the meeting at 10:15 a.m.

7. GENERAL MATTERS

a) Accounts Update – Payment of Invoices

Memorandum from John S. Hannam, Secretary to Members of the Thunder Bay Police Services Board, dated October 12, 2021, relative to the Monthly Summary of Invoices processed for payment since the September 21, 2021 meeting of the Board, was provided for the Board's information.

b) 2022 Meeting Dates

Copies of the 2022 calendar were provided for the Board's information in order to determine their meeting dates in 2022.

The following meeting dates, on the 3rd Tuesday of each month, were proposed for 2022:

- January 18, 2022;
- February 15, 2022;
- March 15, 2022;
- April 19, 2022;
- May 17, 2022;
- June 21, 2022;
- July 19, 2022 (if required);
- August 16, 2022 (if required);
- September 20, 2022;
- October 18, 2022;
- November 15, 2022; and
- December 20, 2022

MOVED BY: Mayor B. Mauro  
SECONDED BY: Mr. R. Pelletier

With respect to the 2022 meeting dates presented at the October 19, 2021 Regular Session of the Thunder Bay Police Services Board, we recommend proceeding with the proposed dates.

CARRIED

8. PETITIONS AND COMMUNICATIONS

a) Epstein Report



Memorandum to Members of the Thunder Bay Police Services Board from Detective Inspector J. Fennell, dated October 7, 2021, relative to an update regarding the Epstein Missing and Missed Report, was provided for the Board's information.

Detective Inspector J. Fennell provided an overview relative to the above noted. The Police Service staff continue to review the subject report, as suggested by Justice Epstein.

477 missing persons have been investigated; all 6 of the outstanding cases of missing persons in the service area have been inputted into the national database.

b) Remembrance Day 2021

Mr. J. Hannam, Secretary to the Board, provided an overview relative to the above noted. Board representation at local ceremonies may be requested.

Similar to last year, ceremonies will have limited attendance by invitation only. Mr. Hannam will arrange to have wreaths laid on behalf of the Board. He will contact the Board if there is an opportunity for a Board representative to attend any of the ceremonies being planned.

Mayor Mauro advised that he has been contacted by the Legion. There will be a small celebration on the south side of town; they will be conducting services similar to last year.

Mr. Hannam will follow up with the Legion.

c) Tracking Board Reports

There are no updates for the following Board reports/standing agenda items.

i. OCPC Chart – Summary of Recommendations

Summary of status/progress of OCPC Recommendations was presented for the Board's information on March 16, 2022.

ii. OIPRD Annual Report Recommendations

Summary of the status/progress of the OIPRD Recommendations was presented for the Board's information on May 18, 2022.

iii. Digital Evidence Management System/ Body Worn Camera (DEMS/BWC) Project

Report No. 33/21 (Police) relative to an update on the activities and timelines of the Digital Evidence Management System/ Body Worn Camera (DEMS/BWC) Project Team, was provided for the Board's information on September 21, 2021.

9. NEW BUSINESS

OAPSB – Request for Support

Correspondence from the Ontario Association of Police Service Boards (OAPSB), relative to requesting support for the 2021 Labour Conference being held virtually on November 18, 2021, was distributed as Additional Information on October 15, 2021, for the Board's information.

Mr. J. Hannam, Secretary to the Board, provided a brief overview relative to the above noted.

MOVED BY: Mr. R. Pelletier  
SECONDED BY: Ms. G. Morriseau

With respect to the request for support for the 2021 Labour Conference of the Ontario Association of Police Service Boards (OAPSB) being held virtually on November 18, 2021, we authorize sponsorship in the amount of \$500;

AND THAT the sponsorship be paid from the Board's Special Account.

CARRIED

Mr. P. Pelletier advised that he is interested in attending.

MOVED BY: Ms. G. Morriseau  
SECONDED BY: Mayor B. Mauro

With respect to the 2021 Labour Conference of the Ontario Association of Police Service Boards being held virtually on November 18, 2021, we authorized the following members of the Thunder Bay Police Services Board to attend:

1. Mr. R. Pelletier

AND THAT all expenses incurred be paid from the Board's budget.

CARRIED

10. CONFIRMING BY-LAW

MOVED BY: Mr. R. Pelletier  
SECONDED BY: Mayor B. Mauro

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Chair and Secretary to the Thunder Bay Police Services Board, sealed and numbered:

1. A By-law to confirm the proceedings of a Regular Session of The Thunder Bay Police Services Board, this 19<sup>th</sup> day of October, 2021.

Explanation: To confirm the proceedings and each motion, resolution and other action passed or taken by the Thunder Bay Police Services Board at this meeting is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

BY-LAW NUMBER: PC16– 2021

CARRIED

11. ADJOURNMENT

The meeting adjourned at 10:24 a.m.

**MEETING: THE TWENTY-FIRST MEETING OF THE FIFTY-SECOND THUNDER BAY  
POLICE SERVICES BOARD**

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**DATE:** NOVEMBER 16, 2021

**TIME:** 9:04 A.M.

**PLACE:** ELECTRONIC MEETING VIA MS TEAMS

**CHAIR:** COUNCILLOR K. OLIVER

**PRESENT:**

Mayor B. Mauro  
Ms. G. Morriseau  
Councillor K. Oliver  
Mr. M. Power

**REGRETS:**

Mr. R. Pelletier

**OFFICIALS:**

Ms. S. Hauth, Chief of Police  
Mr. R. Hughes, Deputy Police Chief  
Ms. H. Walbourne, Legal Counsel – Thunder Bay  
Police Service  
Ms. D. Paris, Director – Financial Services & Facilities,  
Thunder Bay Police Service  
Mr. C. Adams, Director – Communications &  
Technology  
Inspector D. West, Thunder Bay Police Service  
Ms. M. Zanette, KPW Communications  
Mr. T. Gervais, Ministry of the Solicitor General  
Mr. J. Hannam, Secretary – Thunder Bay Police  
Services Board  
Ms. L. Douglas, Assistant to the Secretary - Thunder  
Bay Police Services Board

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1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. CONFIRMATION OF AGENDA

MOVED BY: Mayor B. Mauro

SECONDED BY: Mr. M. Power

With respect to the Twenty-First Session (Regular) of the Fifty-Second Thunder Bay Police Services Board held on November 16, 2021, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. CONFIRMATION OF MINUTES

The Minutes of the Nineteenth Session (Regular) of the Fifty-Second Thunder Bay Police Services Board held on October 19, 2021 to be confirmed.

MOVED BY: Mr. M. Power  
SECONDED BY: Ms. G. Morriseau

THAT the Minutes of the Nineteenth Session (Regular) of the Fifty-Second Thunder Bay Police Services Board held on October 19, 2021 be confirmed.

CARRIED

4. PRESENTATION

Our Call Video Series

Memorandum to Members of the Thunder Bay Police Services Board from Chief S. Hauth, dated November 5, 2021, relative to the “Our Call” video series, from the Digital Evidence Management System/Body Worn Camera (DEMS/BWC) Project, was provided for the Board’s information.

Mr. C. Adams, Director – Communications & Technology, presented the premier episode of the Police Service’s “Our Call” video series. The episode featured Constable Amanda Zappetelli, and took a behind-the-scenes look at day-to-day policing in Thunder Bay. The series allows the officers to tell their story in their own words and shows the human side of policing.

Mr. Adams noted that the series could be shown at ward meetings and in schools, and could be used for recruiting purposes.

The Board expressed their appreciation for the work that has gone into this initiative, and would like presentation of this series to become a Regular Session standing agenda item going forward. Chief Hauth advised that the Police Service is planning to broadcast a new episode each month, and will try to coordinate the broadcasts with the Board’s meetings.

5. UNFINISHED BUSINESS

a) Youth Positive Ticket Program

At the September 21, 2021 Regular Session of the Board, Mr. M. Tallari, Community Ambassador, provided a presentation relative to his Youth Positive Ticket Program Proposal. Mr. Tallari noted that there was no financial commitment by the Police Service, as the start-up & day to day costs will be covered 100% by donation and volunteerism.

The following resolution was carried:

With regard to the Youth Positive Ticket Program Proposal presented by Mr. M. Tallari at the September 21, 2021 Regular Session of the Board, we recommend that the Chief of

Police review the proposal and report back to the Board on how such a program can be implemented.

Memorandum to Members of the Thunder Bay Police Services Board from Chief S. Hauth, dated November 9, 2021, relative to the Positive Ticket Program – Update, was provided for the Board's information.

Inspector D. West responded to questions. The Board was pleased to see this initiative moving forward in spring 2022 in order to foster better relationships in the community.

6. REPORTS OF THE THUNDER BAY POLICE SERVICE

a) 2022 Operational Budget – Thunder Bay Police Service

Report No. 40/21 (Police), relative to the 2022 Proposed Operating Budget, was provided for the Board's information.

Chief S. Hauth and Dawn provided an overview relative to the above noted.

Chief S. Hauth provided an overview of the budget; Chief Hauth and Ms. D. Paris, Director – Financial Services & Facilities, Thunder Bay Police Service, responded to questions.

- The budget does not indicate any increase in FTEs;
- 3.8% increase in contractual commitments in wages, benefits, overtime, etc
- Increase in budget to accommodate a new training centre, outside of police headquarters, for emergency task officers; there is not enough room at the station to ensure that the components for comprehensive training are adequately met.

Chief Hauth expressed her concerns about the amount budgeted for overtime.

Discussion was held relative to the impact of the current collective agreements, as well as the impact of grant revenue over the next three (3) years.

Board advocacy would be appreciated in order to secure funding for court security and prisoner transportation. Chair Oliver asked Mayor Mauro to refer this matter to the City's Intergovernmental Affairs Committee for advocacy with the Province.

b) 2022 Operation Budget – Thunder Bay Police Services Board

Memorandum and attachment to Members of the Thunder Bay Police Services Board from John S. Hannam, Secretary to the Board, dated November 9, 2021, relative to the Board's proposed 2022 Operation Budget, was provided for the Board's information.

Mr. J. Hannam provided an overview relative to the above noted. Members were asked to recall the budget variances presented in the previous two (2) meetings.

The 2022 budget presented properly addresses and reflects the Board's current operations. Mr. Hannam highlighted the areas where the budget has been increased, with some accounts being decreased.

The Chair noted that one of the recommendations from the OCPC Report was for the Board to separate from the City of Thunder Bay. This has resulted in some significant additional costs for the Board.

MOVED BY:           Mr. M. Power  
SECONDED BY:       Mayor B. Mauro

With respect to the draft 2022 Operating Budget for the Thunder Bay Police Services Board, as presented on November 16, 2021, we recommend that the budget be approved for submission to the City of Thunder Bay.

CARRIED

Mr. Hannam noted that the budget has been submitted to the City of Thunder Bay for inclusion in its 2022 budget deliberations.

c) 2022 Capital Budget

Memorandum to Mr. J. Hannam, Secretary - Thunder Bay Police Services Board, from Chief S. Hauth, dated November 3, 2021, relative to the Thunder Bay Police Service's 2022 Capital Budget (Revised), was provided for the Board's information.

Mr. J. Hannam noted that the revised Capital Budget now includes the cost for additional security at police headquarters, as well as a change in the funding source for the Next Generation 911 Upgrade.

d) Unclaimed Funds

Report No. 41/21 (Police) relative to unclaimed funds in connection with numerous criminal investigations, was provided for the Board's information.

These funds will be deposited into the Board's Special Account.

Mr. Hannam noted that he will be preparing a report on the Special Account for the Board's review at the January 2022 Regular Session.

7. GENERAL MATTERS

a) OIPRD Annual Report Recommendations

Summary of the status/progress of the OIPRD Recommendations since the last presentation on May 18, 2021, was provided for the Board's information.

Ms. H. Walbourne, Legal Counsel – Thunder Bay Police Service, provided an update on the status of the recommendations and progress to date.

Ms. Walbourne noted that Inspector D. West, Chief S. Hauth, and the Community Inclusion Team are working hard to get comprehensive culturally significant training, with a focus on indigenous training, rolled out to officers, with the first session scheduled for December 13 – 16, 2021.

b) Accounts Update – Payment of Invoices

Memorandum from John S. Hannam, Secretary to Members of the Thunder Bay Police Services Board, dated November 9, 2021, relative to the Monthly Summary of Invoices processed for payment since the October 19, 2021 meeting of the Board, was provided for the Board's information.

8. PETITIONS AND COMMUNICATIONS

a) Sponsorship Request - 2021 Mayor's Community Safety Awards

Correspondence from Lee-Ann Chevrette, CSWB Specialist – Community Safety & Well-Being Thunder Bay, to Kristen Oliver - Thunder Bay Police Services Board, dated October 18, 2021, relative to a request for sponsorship of the 2021 Mayor's Community Safety Awards, was provided for the Board's information.

Mr. J. Hannam, Secretary to the Board, provided an overview relative to the above noted. The Board has sponsored this event since its inception.

MOVED BY: Mayor B. Mauro

SECONDED BY: Mr. M. Power

With respect to the 2021 Mayor's Community Safety Awards being held on December 6, 2021, we authorize sponsorship in the amount of \$1,000;

AND THAT the sponsorship be paid from the Board's Special Account.

CARRIED



b) Sponsorship Request – Thunder Bay Police Pipe Band

Correspondence from Lorne Clifford, Thunder Bay Police Pipe Band, to the Thunder Bay Police Services Board, dated November 4, 2021, relative to annual budgeted funding, was provided for the Board's information.

Mr. J. Hannam, Secretary to the Board, provided an overview. He noted that this item is budgeted in the Police Service's budget. The Board will revisit support for the Police Pipe Band in the January 2022 report on the Special Account; for 2021, the funding request has been satisfied through the Police Service's budget.

c) Tracking Board Reports

There are no updates for the following Board reports/standing agenda items.

i. OCPC Chart – Summary of Recommendations

Summary of status/progress of OCPC Recommendations was presented for the Board's information on March 16, 2021.

ii. Governance Committee Report

9. NEW BUSINESS

Board Engagement with the Thunder Bay Police Association

Discussion was held relative to the work being conducted by Chair Oliver with the Police Association as a result of the recent Police Association Op-Ed on the Police Service's leadership.

Discussion was held relative to previous Police Association participation at Board meetings.

It was noted that Chief Hauth has begun meeting regularly with the Association in order to improve relationships.

It was also noted that the Board Executive did meet with the Association in May 2021 to review the results of their employee survey (referenced in the Op-Ed). The President of the Police Association did participate in the Board's strategic planning session.

10. CONFIRMING BY-LAW

MOVED BY: Mayor B. Mauro  
SECONDED BY: Mr. M. Power

THAT the following By-law be introduced, read, dealt with individually, engrossed,

signed by the Chair and Secretary to the Thunder Bay Police Services Board, sealed and numbered:

1. A By-law to confirm the proceedings of a Regular Session of The Thunder Bay Police Services Board, this 16<sup>th</sup> day of November, 2021.

Explanation: To confirm the proceedings and each motion, resolution and other action passed or taken by the Thunder Bay Police Services Board at this meeting is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

BY-LAW NUMBER: PC18– 2021

CARRIED

11. ADJOURNMENT

The meeting adjourned at 10:01 a.m.

# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Corporate Services & Long Term Care - Revenue	<b>REPORT</b>	R 16/2022
<b>DATE PREPARED</b>	01/13/2022	<b>FILE</b>	
<b>MEETING DATE</b>	02/14/2022 (mm/dd/yyyy)		
<b>SUBJECT</b>	Small Business Property Tax Subclass Update		

## **RECOMMENDATION**

For information only.

## **EXECUTIVE SUMMARY**

Through Report R 14/2021 (Corporate Services & Long Term Care), Council directed Administration to review the optional small business property sub-class following the release of the regulations by the Province, and report back with recommendations for the 2022 and subsequent taxation years.

The small business property subclass was recently introduced by the Province to provide municipalities with the flexibility to target property tax relief to eligible small businesses within the commercial and/or industrial tax classes. Although the subclass was announced with property tax relief measures to help mitigate the financial pressure on small businesses brought on by the Covid-19 pandemic, the subclass is not meant to be used as a temporary measure, as it is a tax policy decision that will extend beyond the COVID-19 pandemic.

After review of the new optional small business property sub-class relative to the Council approved Long Term Tax Strategy, it is concluded that the long-term tax strategy is achieving the desired result of reducing property taxes for businesses; therefore, no further analysis should be undertaken with respect to establishing a small business property subclass.

## **DISCUSSION**

### **Small Business Property Subclass**

The small business property subclass was announced in the 2020 Ontario Budget with amendments to the regulations being filed on May 7, 2021. The purpose of the subclass is to

provide municipalities with the flexibility to target property tax relief to eligible small businesses within the commercial and/or industrial tax classes.

In the weeks immediately following the issuance of the regulations, a municipal working group including the Municipal Property Assessment Corporation (MPAC), various municipal associations, and select industry associations, gathered information, gained an understanding of the program including the impacts, requirements, timing, flexibilities and limitations and published a document titled “Ontario’s Small Business Property Subclass: Considerations for Municipalities, September 2021” (Attachment 1). Portions of the document are summarized below.

#### Defining Small Business

All commercial and industrial properties are eligible for inclusion in the subclass except for properties that are or would be classified in the large industrial, parking lot, and vacant land property classes. Municipalities can set the amount of the subclass tax reduction up to 35% of the municipal rate for the property class.

Unlike all other property classes and subclasses, municipalities have unprecedented flexibility and full discretion in determining how a small business should be defined or identified. Municipalities must establish a process for identifying properties and portions of properties eligible for inclusion in the subclass. It can be criteria based, application based requiring applications from property owners, or a combination of the two processes.

Choosing who will qualify for the small business tax subclass, also means choosing who will not qualify for the subclass. There are numerous considerations to be reviewed when thinking about implementing a small business property subclass as included in Attachment 1. For example, the municipality should consider how the subclass aligns with its planning and economic development goals and policy objectives. In view of those policy objectives, small business may then be defined based on factors such as ownership model, revenues, number of employees, number of locations or floor space occupied. The intricacies of determining what may constitute a small business is challenging and may unintentionally create inequities between properties and tax classes, creating significant tax burdens for some with little relief for others. In addition, many small businesses are tenants in larger properties, and any property tax relief will go directly to the property owner. While municipalities may include a clause in their by-laws requiring property owners to pass on the tax reduction to their tenants, there is no way for the City to enforce such measures and to ensure tax reductions will actually reach the small businesses.

#### Maintaining the Small Business Sub-class

Once the criteria and process is established for identifying which properties may qualify for inclusion in the small business subclass, municipalities are responsible for the implementation, and ongoing maintenance of the subclass, which may require additional staff resources.

Furthermore, municipalities opting to use the subclass must appoint two municipal employees, one to be the Program Administrator and the other to be an Appellate Authority.

The Program Administrator is responsible for providing MPAC with a list of properties, or portions of properties, that are approved for inclusion in the subclass for a taxation year and for making the list available electronically for public inspection.

A process must be established for property owners to request reconsideration of the decision to exclude their property from the subclass. The Appellate Authority is responsible for hearing any appeals of the Program Administrator's eligibility decisions. The decision of the Appellate Authority is not appealable to any other person or body, therefore, this staff person is given the final authority.

### Consultation

Consultation with stakeholders must be undertaken in order for the Province to consider matching the tax reductions with education property tax reductions. Submissions to the Ministry of Finance must be made prior to March 31 of the applicable tax year. The submission must include a municipal by-law outlining the program requirements, estimated municipal tax relief to small businesses, and evidence of consultations with business stakeholders regarding the small business property subclass.

### Funding the Impacts

The property tax reduction provided to small business properties can be funded as follows:

1. Shift the taxes on to all other property classes, mainly residential.
2. Shift the taxes only to the non-eligible properties within the commercial/industrial classes.

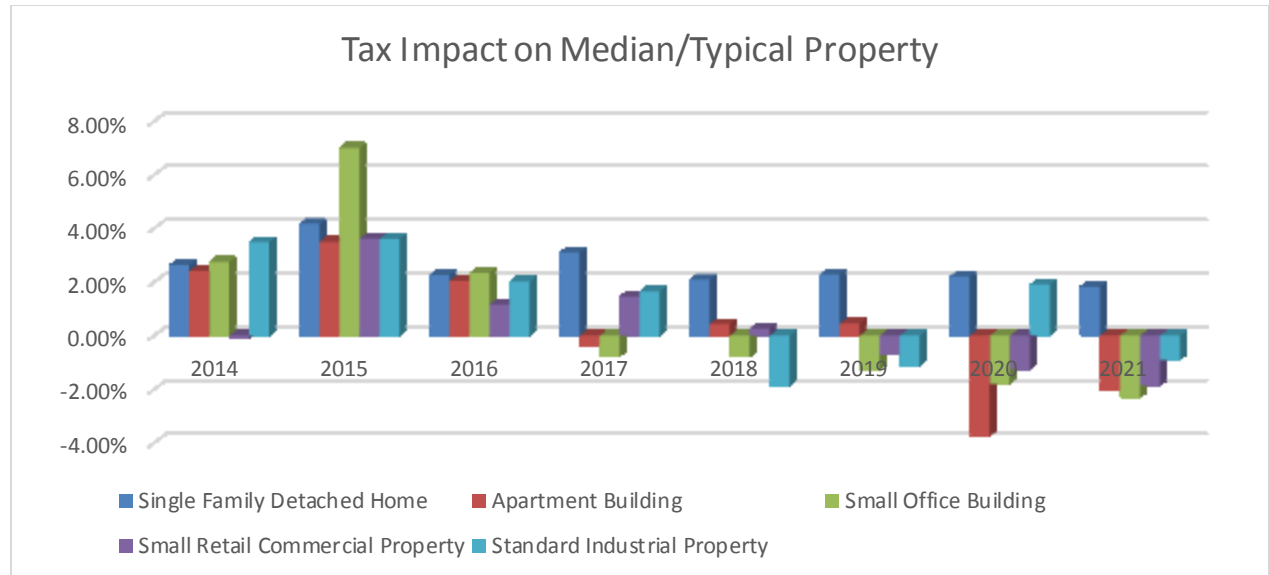
Very few municipalities are expected to implement the small business property subclass. The City of Toronto and Ottawa are municipalities that have indicated they will be implementing the subclass in 2022.

Although the subclass was announced with property tax relief measures to help mitigate the financial pressure on small businesses brought on by the Covid-19 pandemic, the subclass is not meant to be used as a temporary measure, as it is a tax policy decision that will extend beyond the COVID-19 pandemic. Therefore, as a first step the sub-class should be reviewed in conjunction with the long-term tax strategy to determine if implementation of the optional subclass supports the City's long-term strategic objectives.

## **Long Term Tax Strategy**

In recent years, City Council has been proactive with its tax policies with regards to assisting businesses. On April 29, 2019, Committee of the Whole approved report R 59/2019 Long Term Tax Strategy and a resolution was passed including recommendations used to guide Administration in the preparation of the 2019-2022 annual tax policies. The strategy sets out parameters for reducing property tax ratios in the multi-residential, commercial, and industrial tax classes while limiting the impact of the tax shift onto the residential property class. In addition, in 2019 Council approved the phased elimination of the vacant/excess land subclass discount, which shifted taxes from occupied businesses onto those vacant lands.

As shown below, the strategy has resulted in the median/typical property in the commercial and industrial classes experiencing relatively low tax increases and tax decreases in recent years with modest increases to the residential class.



By 2021, Council has achieved two of four objectives identified in the long-term tax strategy; the multi-residential ratio has been reduced to the provincial threshold of 2.0 and the broad class industrial ratio has been reduced to the provincial threshold of 2.63 by reducing the large industrial ratio.

As shown in Attachment 2, the commercial ratio has been reduced in each of the last four years; however, at 2.076437 in 2021, it remains above the provincial threshold of 1.98 and above the municipal average of 1.6777 as per the 2021 BMA Municipal Study.

By focusing tax policy on reducing the commercial ratio, all businesses including small business, will continue to benefit from the current long-term tax strategy.

### Other Considerations

The City currently has a Community Improvement Program, applicable to the Bay/Algoma and Westfort Business areas. The program provides grants to businesses for façade improvements, the conversion of upper floors to offices or residential units, and for main floor commercial upgrades (essentially to help tenant up vacant space). Though the programs do not speak specifically to 'small business' the majority of businesses in the downtowns that are eligible for grants would be considered small. In 2020, the CEDC provided funding of \$200,000 for the program. \$100,000 is provided for in the 2022 budget with an additional \$100,000 contribution from CEDC.

The Federal and Provincial governments have initiated a range of support programs to assist businesses and manage the impacts of COVID-19, including the property tax and energy cost rebates in respect of October 2020 to July 2021 property taxes and the new Ontario Business Costs Rebate Program effective December 19, 2021, where businesses required to close or reduce capacity will receive rebate payments from 50% - 100% of property tax and energy costs incurred while subject to the restrictions.

In addition, the Province announced the continued postponement of the province-wide assessment update. Property taxes for the 2022 and 2023 taxation years will continue to be based on the January 1, 2016 valuation date resulting in no reassessment shifts through to 2023.

This static assessment provides additional room to reduce the commercial tax ratio without shifting too much on to the residential property class. This, in combination with the reduction in business education tax rates in 2021, is providing businesses in Thunder Bay for at least the next two years, an attractive property tax regime.

In conclusion, the long-term tax strategy is achieving the desired result of reducing property taxes for businesses; therefore, no further analysis should be undertaken with respect to establishing a small business property subclass.

### ***FINANCIAL IMPLICATION***

Tax policy decisions do not generate additional taxes but rather, redistributes the existing tax burden.

### ***CONCLUSION***

This report is presented for information. It is concluded that no further analysis should be undertaken with respect to establishing a small business property subclass. Administration will continue to provide tax policy recommendations that are consistent with the long-term tax strategy and a full review and update of the long-term tax strategy will coincide with each term of Council.

### ***BACKGROUND***

On April 29, 2019 Committee of the Whole approved report R 59/2019 Long Term Tax Strategy and a resolution was passed including recommendations used to guide Administration in the preparation of annual tax policies.

Committee of the Whole approved Report R 14/2021- 2020 Provincial Budget – Property tax Relief Measures for Businesses on March 22, 2021, directing Administration to review the optional small business property sub-class following the release of the regulations by the Province, and report back with recommendations for the 2022 and subsequent taxation years.

***REFERENCE MATERIAL ATTACHED:***

Attachment 1 – Ontario’s Small Business Property Subclass: Considerations for Municipalities  
Attachment 2 – 10 Year Comparison of Commercial Tax Ratios in relation to the average for  
Municipalities in BMA Study

***PREPARED BY: KATHLEEN CANNON, DIRECTOR OF REVENUE***

THIS REPORT SIGNED AND VERIFIED BY:  Linda Evans, GM Corporate Services & Long Term Care, Treasurer	DATE:  February 1, 2022
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# ONTARIO'S SMALL BUSINESS PROPERTY SUBCLASS: CONSIDERATIONS FOR MUNICIPALITIES

SEPTEMBER, 2021



MUNICIPAL  
PROPERTY  
ASSESSMENT  
CORPORATION



Ontario's Municipal Revenue Specialists



# Contents

## Executive Summary

### 1. Introduction

- 1.1 Purpose
- 1.2 Background
- 1.3 Methodology

### 2. Municipal Guide to Using the Small Business Property Subclass

- 2.1 Policy Drivers
- 2.2 Considerations in Defining Small Business
- 2.3 Identifying Small Businesses for Subclass Eligibility
- 2.4 Relationship between Policy Drivers and Defining Subclass Eligibility
- 2.5 Funding the Subclass
- 2.6 Small Business Tenants versus Property Owners
- 2.7 Different Types of Municipalities

### 3. Process for Establishing a Small Business Property Subclass

### 4. Ongoing Administrative Considerations

- 4.1 Confirming Continued Eligibility of Properties
- 4.2 Adding new properties eligible for subclass
- 4.3 Requests for Reconsideration
- 4.4 Appeals
- 4.5 Annual timelines

### List of Appendices:

- 1. MPAC Working Group Members
- 2. Glossary of Terms
- 3. Regulations
- 4. Interpretation Bulletin

# Executive Summary

**T**his report was developed by a **Municipal Working Group** that includes the Municipal Property Assessment Corporation (MPAC), municipalities, municipal associations, and select industry associations. The purpose of the report is to provide Ontario municipalities with guidance for using the optional small business property subclass, which was announced in the 2020 Ontario Budget, with details provided via later amendments to O. Reg 282/98 under the *Assessment Act*, O. Reg 73/03 under the *Municipal Act, 2001* and O. Reg 121/07 under the *City of Toronto Act, 2006*.

The report offers an objective summary of different policy directions for small businesses that may be relevant to a municipality's consideration of this optional subclass. It provides guidance on defining "small business" based on local policy goals and outlines key process considerations and administrative requirements for use of the subclass. The report is not intended to advocate for the use of the subclass.

"The report on the **small business subclass** is a thoughtful discussion of the issues, decision points and implementation considerations faced by municipalities considering whether to implement a small business property tax subclass. The report reflects input received from the Small Business Class municipal working group, which included participation from municipalities of all sizes and many municipal and business associations.

The report clearly lays out the potential methods that can be used to **define a small business class** to achieve a municipality's stated policy objectives, and identifies many of the implementation decisions required to enable the adoption of the small business subclass. The Ontario Municipal Tax and Revenue Association (OMTRA) is pleased to have had the opportunity to participate as part of the municipal working group, and to provide commentary and our endorsement of the report."

**Casey Brendon**

President

Ontario Municipal Tax and Revenue Association





# 1 Introduction

This report includes the insights and perspectives of the Municipal Working Group (Working Group) convened by MPAC. The Working Group membership is a collaboration of interested parties including municipalities, municipal associations (Municipal Finance Officers' Association [MFOA], Ontario Municipal Tax and Revenue Association [OMTRA], Association of Municipalities of Ontario [AMO]) and industry associations (Toronto Association of Business Improvement Areas [TABIA] and the Ontario Business Improvement Area Association [OBIAA]).

The insights and perspectives expressed do not necessarily reflect MPAC policy. The intent of this report is to provide Ontario municipalities with guidance when considering the implementation of the optional small business property subclass and is not intended to provide legal advice. Municipalities are encouraged to seek advice through their legal counsel.

The applicable law prevails where there is conflict between the information contained herein and the current law.

## 1.1 Purpose

The purpose of this report is to provide Ontario municipalities with guidance for using the small business property subclass (the subclass) in their jurisdictions. As detailed in Section 1.2 below, the legislative framework for using the subclass is provided by amendments to O. Reg 282/98 under the *Assessment Act*, O. Reg 73/03 under the *Municipal Act*, 2001 and O. Reg 121/07 under the *City of Toronto Act*, 2006 (the Regulations). The guidelines provided in this report are intended to supplement the Regulations. In the event of any contradictory or unclear information, the Regulations prevail.

### THE REPORT OUTLINES:

- An objective summary of different policy directions for small businesses that may be relevant to a municipality's context.
- Guidance on defining "small business" based on local policy goals for the purposes of inclusion in the subclass and on identifying the properties eligible for inclusion in the subclass.
- Key process considerations and administrative requirements for use of the subclass.

The report does not advocate for the use of the subclass. In fact, it is anticipated that most municipalities will find that the subclass is not needed since their small businesses are not experiencing property tax issues relative to large commercial and industrial properties. Six general policy drivers that may warrant differentiating properties including small businesses from other commercial and/or industrial properties by using the subclass are suggested. These are intended to illustrate potentially relevant policy contexts rather than an exhaustive list.

## 1.2 Background

The subclass was announced in the 2020 Ontario Budget. Its purpose is to provide municipalities with the flexibility to target property tax relief to eligible small businesses. Amendments to O. Reg 282/98 under the *Assessment Act*, O. Reg 73/03 under the *Municipal Act*, 2001 and O. Reg 121/07 under the *City of Toronto Act*, 2006, which implement the subclass, were filed on May 7, 2021. The Regulations are included in Appendix 3.

### HIGHLIGHTS

- The subclass tax reduction can be applied to the commercial and/or industrial class municipal tax rate.
- The Province will consider matching the municipal property tax reductions with education property tax reductions. To be considered for the education tax reduction, municipalities must notify the Minister of Finance of their intent to adopt the subclass and conduct consultations with stakeholders.

- All commercial and industrial properties are eligible for inclusion in the subclass except for properties that are or would be classified in the large industrial property class or the parking lot and vacant land property class. Within those parameters, municipalities can define the eligibility criteria that best reflect their local priorities and needs.
- Municipalities that choose to implement the subclass are required to pass a municipal by-law. In two-tiered municipalities, the by-law must be passed by the upper-tier municipality.
- Municipalities may specify that the subclass only applies to a portion of the municipality. They can also establish different requirements for the subclass in different portions of the municipality.
- Municipalities have the option of requiring that property owners meet the eligibility criteria as set out in the by-law and submit an application in order for their property to be included in the subclass. These are considered by the Program Administrator (see below).
- Properties approved for inclusion in the subclass must be available in a publicly accessible list.
- A process must be established for property owners to request reconsideration of the decision.
- Municipalities opting to use the subclass must appoint a Program Administrator and an Appellate Authority. These people should be municipal employees. Two-tier municipalities can opt to appoint employees of the lower-tier municipalities to which the by-law applies instead of their own employees.
- The Program Administrator is responsible for providing MPAC with a list of the properties, or portions of properties, that are approved for inclusion in the subclass for a taxation year and for making the list available electronically for public inspection.
- The Appellate Authority is responsible for hearing any appeals of the Program Administrator's eligibility decisions.

**The Ministry of Finance issued an Interpretation Bulletin in May 2021. It is included in Appendix 4.**

## **HIGHLIGHTS**

- Municipalities can set the amount of subclass tax reduction up to 35% of the municipal rate for the property class.
- Municipalities requesting the education match, must provide written notice to the Ministry of Finance of their decision to adopt the subclass and must show that they have consulted with stakeholders. Submissions must be made prior to March 31st of the applicable tax year.
- As part of the process of developing their by-law, municipalities are strongly encouraged to consult with their local business stakeholders and other interested parties even if they are not requesting the education match.

- Municipalities may choose to include a clause in their by-laws requiring landlords to pass on the tax reduction to their tenants as a condition of eligibility for the subclass.
- Municipalities must establish a process for identifying properties and portions of properties eligible for inclusion in the subclass. This can be an application-based process and/or a criteria-based determination process not requiring individual applications by property owners. They may also use both a criteria-based determination process and an application process. (See Section 2.3 below.)
- The tax reduction provided to properties in the subclass can be funded by (i) absorbing the cost through a levy decrease, (ii) funding it broadly across all property classes, or (iii) funding it within the commercial and/or industrial property class through the adoption of revenue neutral tax ratios.

### 1.3 Methodology

To develop this report, MPAC formed a Municipal Working Group that included a diverse group of Ontario municipalities, as well as the Municipal Finance Officers' Association (MFOA), Ontario Municipal Tax and Revenue Association (OMTRA), Association of Municipalities of Ontario (AMO), the Toronto Association of Business Improvement Areas (TABIA) and the Ontario Business Improvement Area Association (OBIAA). The members are listed in Appendix 1. The insights of the Municipal Working Group have been reflected in this report.

MPAC also distributed an on-line survey to 678 Finance and Economic Development staff in Ontario's 444 municipalities to gather their feedback. The questions included their current intention to explore using the subclass, the policies they hoped to achieve, how they were considering identifying eligible properties and any concerns or comments. One hundred thirty-five people (20%) from 113 different municipalities (25.4%) responded to the survey.

**“The Small Business Subclass report provides significant guidance for municipalities who are considering implementing the Small Business Subclass. It should prove to be a very useful tool in defining small businesses and identifying appropriate properties, as well as assisting in the development of local policies.”**

**Donna Herridge**

Executive Director

Municipal Finance Officers' Association of Ontario





## 2 Municipal Guide to Using the Small Business Property Subclass

### 2.1 Policy Drivers

A variety of financial and economic development tools are already available to nurture small business development and support their survival. The subclass adds to this toolbox. Its use should be considered within the broader context of each municipality's characteristics and policy objectives and the combination of tools that best addresses local issues and goals.

The Municipal Working Group identified six potential policy drivers for municipalities where the subclass may align with municipalities' planning or economic development goals. The Survey of Municipalities (the Survey) indicated that all six are of interest to at least a few municipalities. The percentage of Survey respondents who are considering the subclass or are unsure about using it is provided for each one.<sup>1</sup> The policy drivers are not mutually exclusive or exhaustive. Some municipalities are interested in achieving several of them:

1. Nurture local small business development in one or more sectors of the economy.
2. Support Downtown and Main Street.
3. Nurture the development of Innovation Districts, Creativity Zones or Business Parks.
4. Support Business Improvement Areas (BIAs).
5. Mitigate the impact of shifts in property values between districts for small businesses.
6. Mitigate the impact of widespread revenue losses due to circumstances beyond businesses' control.

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<sup>1</sup> Thirty-five Survey respondents (26%) indicated that they did not intend to implement the subclass and did not answer the questions about the policy objectives they were interested in achieving by using it. They are not included in the calculation of the percentages provided below. The adjusted base is 100 respondents who are considering the subclass or are unsure about using it.



## POLICY APPROACH 1

### **NURTURE LOCAL SMALL BUSINESS DEVELOPMENT IN ONE OR MORE SECTORS OF THE ECONOMY**

Providing property tax relief by using the subclass is a tool that municipalities can consider using to support small businesses. Property tax is a significant fixed cost, sometimes equalling or exceeding rental levels. It's important to note that this reduction is only a percentage of total property taxes.

The Survey indicated fairly widespread interest in providing broad support to small businesses throughout the municipality (58% of the respondents considering the subclass<sup>2</sup>), while 9% are considering making the support sector specific, all targeting small retailers and some also including arts/culture, manufacturing and commercial offices. Open ended comments included interest in supporting small business development and entrepreneurship to diversify the local economy.

## POLICY APPROACH 2

### **SUPPORT DOWNTOWN AND MAIN STREETS**

Small business support often is synergistic with policies encouraging the revitalization and sustainability of geographic business districts within municipalities. Small commercial businesses tend to predominate in traditional downtowns and main streets; areas that play important community identity, heritage and city-building roles in communities. Eleven per cent of the Survey respondents considering the subclass indicated that downtown or main street support was a policy driver.

## POLICY APPROACH 3

### **NURTURE THE DEVELOPMENT OF INNOVATION DISTRICTS, CREATIVITY ZONES OR BUSINESS PARKS**

Another example where the tax class may have applicability is to support the clustering of small commercial and industrial businesses and entrepreneurs in “innovation districts” and “creativity zones”. Clustering enables small businesses to build synergies and business-to-business connections among themselves. The zones are sometimes associated with revitalizing industrial and port areas. Five per cent of the Survey respondents considering the subclass are interested in targeting “innovation zones”, while 6% are interested in targeting their Central Business Districts.

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<sup>2</sup> As explained in Footnote 2, the base for this percentage and those that follow is the 100 respondents who either are considering the subclass or are unsure about implementing it.

## POLICY APPROACH 4

### SUPPORT BUSINESS IMPROVEMENT AREAS (BIAS)

The BIA program has shown itself to be an extremely effective self-help tool enabling both commercial and industrial business communities to come together and collectively invest in improvements to municipally owned property as well as promotional and business development activities that strengthen the business district. They fund the investment through a special levy paid by all commercial and industrial property owners within a specific geographic area.

Many of their activities also benefit the municipality at large, including local residents and other businesses. Examples include festivals, public entertainment, sidewalk amenities and beautification, developing public squares and parkettes, marketing programs that attract more people to the community, etc. Yet the businesses in BIAs pay the total cost, often resulting in their total taxes being significantly higher than property taxes paid by comparable businesses in other districts. The subclass could be used to partially compensate businesses in BIAs for their additional investment. Eleven per cent of the Survey respondents considering the subclass are interested in targeting BIAs.

## POLICY APPROACH 5

### MITIGATE THE IMPACT OF SHIFTS IN PROPERTY VALUES BETWEEN DISTRICTS FOR SMALL BUSINESSES

When a property's Current Value Assessment (CVA) increases greater than the average for its tax class, the property owner may experience an increase in property taxes above a general tax levy increase. The increase often is passed through to the business tenants operating in the property. (See Section 2.6 below.) This can result in tax shifts between different parts of a municipality.

#### Examples of situations when shifts in property values between districts may occur include:

- In "Growth Areas", where residential or commercial intensification is permitted by the municipality, CVA may increase based on the value increase associated with the redevelopment of properties to higher densities. Property owners and their business tenants may experience increased property taxes as a result.

**30%** of the Survey respondents considering the subclass indicated that mitigating the impact of high CVA increases on small business was relevant.

- Upgraded infrastructure in a district may lead to higher than average market appreciation leading to higher increases in property values during a reassessment relative to other business areas in the community.

## POLICY APPROACH 6

### MITIGATE THE IMPACT OF WIDESPREAD REVENUE LOSSES DUE TO CIRCUMSTANCES BEYOND BUSINESSES' CONTROL

Property tax is a significant fixed cost for most businesses. Therefore, revenue decreases can cause previously sustainable property tax amounts to become less affordable. Small businesses are more vulnerable than larger corporations since they often have limited access to financing or to corporate cash reserves. The subclass may be a helpful tool for supporting small businesses through such crises, especially when the impact is expected to last for several years.

The most recent and dramatic example of widespread business revenue reductions for some business types was caused by COVID-19 in 2020 and 2021. Many businesses providing “non-essential” goods and services were required to close or significantly reduce their operations to contain the spread of the pandemic. Impacts for some types of businesses and districts are expected to extend into 2022 and beyond – especially in sectors and areas dependent on tourism or on employment concentrations where there may be widespread continuation of remote working.

Widespread business support has been provided by the federal and provincial governments as well as by many individual municipalities. Specific to property tax stability, the Province continued to use the 2016 CVA for the 2020 and 2021 property tax years and reduced the business education tax (BET) rate to a maximum of 0.88% throughout the province<sup>3</sup>. The subclass provides an additional tool.

**6%** of the Survey respondents considering the subclass indicated that providing post-COVID-19 relief to impacted small businesses was a policy driver, while 1% (one person) added that their municipality was interested in providing assistance to small businesses impacted by major road construction.

<sup>3</sup> Previously BET rates were variable with businesses in some municipalities paying 1.25%. Reducing all high BET rates to 0.88% resulted in a \$450 million reduction for businesses.

Extended construction projects, where businesses are impacted by road and sidewalk closures or other significant disruptions, are another example. Municipalities could consider using the subclass to provide property tax relief to small businesses located in districts impacted by multi-year road reconstruction or other major construction projects.

## **2.2 Considerations in Defining Small Business**

The subclass was established to provide municipalities with the flexibility to support small businesses through property tax relief. However, there isn't widespread consensus on how "small business" should be defined or identified.

Some considerations and definitions in use by Canadian organizations are summarized below to assist municipalities in thinking about how "small business" should best be defined in view of their policy drivers. Five key considerations are:

- 1.** Ownership Model
- 2.** Total Revenues
- 3.** Number of Employees
- 4.** Number of Locations that the business operates in
- 5.** The Amount of Floor Space occupied

### **OWNERSHIP MODEL**

The terms "independent business" and "small business" often are used interchangeably. The key defining characteristic of an independent business is that the decision-making authority is vested in the local owner(s) and not subject to conditions dictated remotely. Independent businesses can be sole proprietorships, partnerships or incorporated entities.

Franchisees are sometimes considered small businesses since the operator of each location has a degree of operational autonomy and assumes a high degree of the risk and the benefit associated with the business's success. Purchasing a franchise license often provides an easier entry into business formation and self-employment than initiating an unproven business concept with no access to corporate support.

### **TOTAL REVENUES**

The Canadian Revenue Agency (CRA) uses \$500,000 in annual income as the threshold for eligibility for the Small Business Tax Deduction. Eligible businesses must also be Canadian-based (incorporated under the federal Canada Business Corporations Act or similar provincial legislation). This ensures that major businesses headquartered in other countries with limited operations in Canada do not qualify.

## **NUMBER OF EMPLOYEES**

Statistics Canada defines a small business as having fewer than 100 employees. It also collects and publishes data for “micro-businesses” that have fewer than five employees.

Operationally, there is a wide range in the number of employees that different types of businesses have on their payroll. Whether employees are part time, full time or seasonal also impacts total employment numbers.

This notwithstanding, some municipalities may find it useful to include an employment criterion within narrow sectors (e.g. restaurants, retail stores, etc.) and in combination with other criteria. The employee threshold should reflect the local conditions.

## **NUMBER OF LOCATIONS**

Statistics Canada defines an independent business as having a maximum of three locations operating in Canada in the same industry class under the same legal ownership. A limited number of locations better enables the business owner to play a major role in each of their operations.

## **AMOUNT OF FLOOR SPACE OCCUPIED**

The amount of floor space occupied varies widely, depending on the type of activity. Some businesses operating from small offices have multi-million dollar operations and employ hundreds of remote workers. Businesses selling, storing and assembling or fabricating bulky goods require large amounts of floor space regardless of their operating model, revenue or number of employees. Within specific sectors and districts, smaller spaces may be more accessible to start-up businesses because of their lower total rental costs. However, smaller spaces also frequently house locations for large corporations. These considerations notwithstanding, some municipalities may find a floor space criterion useful within narrow sectors and districts and in combination with other criteria. The floor space threshold selected should reflect the local conditions.

## 2.3 Identifying Small Businesses for Subclass Eligibility

Municipalities are responsible for developing their own eligibility criteria to determine which properties qualify for inclusion in the subclass. All commercial and industrial properties (except properties that are or would be classified in the large industrial property class or the parking lot and vacant land property class, or vacant and excess land), are eligible for inclusion in the subclass.

Municipalities can choose to apply the subclass to eligible properties throughout the entire municipality or to specific portion(s) of the municipality and may establish different requirements for the subclass in different portions of the municipality.

Municipalities may opt to establish a criteria-based approach to identify property where the Subclass will apply. They also have the option of requiring that property owners submit an application for the property to be approved for inclusion in the subclass. They can choose to use either approach, or both.

Some considerations associated with the pre-determined criteria-based approach, geographically targeted approach, and application-based approach are outlined below.

### PRE-DETERMINED CRITERIA-BASED APPROACH

Pre-determining property eligibility has clear advantages in reducing the administrative costs associated with using the subclass. However, it limits the eligibility criteria to data elements available to municipalities, either from MPAC or from municipal sources and research. Twenty-five per cent of the Survey respondents considering the subclass indicated that they intended to use the Pre-determined Criteria-based Approach and 12% are considering a hybrid of the Pre-determined Approach supplemented with applications.

The following table describes the potential applicability of data elements available from MPAC. It is provided as a general guide for municipalities and should be considered in conjunction with other data points and/or land-use considerations specific to the municipality. Specific situations with properties and the way they've been coded or nuances in the municipality's policy objectives may alter the comments offered. Municipalities are encouraged to test the approach they're considering in consultation with MPAC before they frame their by-laws.

## Applicability of Data Elements Available from MPAC in Determining Small Business Property Subclass Eligibility

DATA POINT	APPROACH	LIMITATIONS	EXAMPLES
<b>Tax Class (RTC and RTQ)</b>	<ul style="list-style-type: none"> <li>Subclass can be applied to commercial and industrial tax classes: C (commercial), X (commercial – new construction), I (Industrial) and J (Industrial - new construction).</li> <li>RTQ should be T (fully taxable).</li> <li>A new code “RTQ 8” will be used to identify properties in the subclass.</li> </ul>	<ul style="list-style-type: none"> <li>May be difficult to administer if only a portion of the property qualifies for the small business subclass, e.g. tenant(s).</li> <li>Properties can have only one RTQ code. Therefore, properties currently coded as Small-Scale On-Farm Businesses, Creative Co-Locations and for Payments in Lieu of Tax (PIL) cannot also be included in the subclass. Their existing RTQ would need to be changed to RTQ 8 or cannot be changed as it would replace the PIL RTQ.</li> </ul>	<ul style="list-style-type: none"> <li>If a municipality has a property that was coded CP (Commercial PIL fully taxable) on their list of eligible properties, MPAC would effectively remove the PIL coding and recode as C8.</li> </ul>
<b>Site Area</b>	<ul style="list-style-type: none"> <li>Property site area is readily available.</li> <li>Might be useful in combination with other factors.</li> <li>Municipality should evaluate applicability and cut-off within the specific context of the types of businesses it wants to target and typical site areas of properties they occupy.</li> <li>If used, the threshold ideally should be the largest of similar properties to maintain equity.</li> </ul>	<ul style="list-style-type: none"> <li>On multi-tenant properties, site area is not allocated to individual tenants.</li> <li>Small businesses may occupy large sites (e.g. marinas, RV campgrounds).</li> </ul>	<ul style="list-style-type: none"> <li>If municipal research were to show that shopping centres with sites smaller than five acres are dominated by small businesses, a five-acre site area maximum could be a useful threshold for subclass eligibility.</li> </ul>
<b>Total Floor Area</b>	<ul style="list-style-type: none"> <li>Property floor area is readily available.</li> <li>Depending on the valuation method used, the size is either exterior gross floor area (direct comparison approach) or gross leasable area (income approach). One or the other figure is provided without identifying which one.</li> <li>In commercial and industrial condominiums, each unit has its own roll number with floor space. In mixed use structures, the total commercial floor space is provided.</li> <li>Might be useful in combination with other data elements.</li> <li>Municipality should evaluate applicability and threshold figure within the specific context of the types of businesses it wants to target. The threshold figure ideally should be the largest of similar properties to maintain equity.</li> <li>Consideration could be given to having a maximum building structure size to capture the majority of targeted small businesses and permit applications from small businesses located in larger buildings.</li> </ul>	<ul style="list-style-type: none"> <li>Figure is not broken down by floor or tenant except in the case of mixed-use structures or condominiums.</li> <li>Small businesses may occupy large structures, especially in multi-tenant structures.</li> </ul>	<ul style="list-style-type: none"> <li>If all large retail stores in a municipality are corporate chains, properties coded retail might be included up to a maximum 30,000 sq. ft. floor area (for example).</li> </ul>



DATA POINT	APPROACH	LIMITATIONS	EXAMPLES
<b>Property Code</b>	<ul style="list-style-type: none"> <li>Detailed property codes are used by MPAC for administrative purposes, such as identifying comparable properties for valuation. They often capture both the type of activity taking place and some structural characteristics to describe property use (e.g. 436 – Freestanding large retail store, national chain, generally greater than 30,000 sq. ft.).</li> <li>Vacant properties are coded according to the most recent use that occupied the space and by how the property is likely to be described for selling purposes.</li> <li>Municipalities are advised against being exclusively reliant on property codes because of the limitations.</li> <li>However, municipalities may find them helpful in combination with other data elements (see examples).</li> <li>Consideration could be given to verbally describing the property types to be included and excluded in the by-law and then using the codes as an initial pre-identification of eligible properties. Properties whose use met the verbal description, but which were coded differently, could be added through the municipalities' Request for Reconsideration process for small business.</li> </ul>	<ul style="list-style-type: none"> <li>MPAC places an emphasis on capturing factors likely to impact property sale valuation. Not every type of business has its own property code (e.g. gyms, commercial schools, and dry cleaners, do not). Some properties could fit more than one code description and the choice has a subjective element.</li> <li>Updates are triggered when new information is provided to MPAC. MPAC focuses on changes to values, classification and tax liability. It is important to recognize that there are some situations where MPAC is not provided up-to-date information. MPAC could be applying out-of-date information. For example, a single family detached home (PC 301) is now used solely as a hair salon; the property value and classification will not be updated unless MPAC is made aware of the change.</li> </ul>	<ul style="list-style-type: none"> <li>In commercial areas, property codes could be used to exclude national chain restaurants (includes franchises), freestanding banks and financial institutions, national chain large retail stores, big box shopping centres.</li> <li>In the Industrial, Institutional and Special series of codes, it might be possible to identify most types of activities the municipality wishes to include from the property codes (e.g. mini-warehouse, industrial mall, industrial condominium, funeral home, etc.).</li> </ul>
<b>Structure Code</b>	<ul style="list-style-type: none"> <li>MPAC uses the detailed structure codes as internal valuation.</li> <li>Widespread reliance on structure codes is not recommended.</li> <li>Their use in combination with property codes and other data elements may be warranted in specific situations to exclude properties coded as being eligible for the subclass but in use for purposes other than small business.</li> </ul>	<ul style="list-style-type: none"> <li>Structure codes can be interchangeable.</li> <li>Structure codes are not used for valuation purposes, they are used for identification purposes so may not be reliable for small business identification.</li> <li>Structure codes identify and reflect the design features of any primary and secondary structure and not the activity of a property's current use.</li> <li>Building height also comes into play on some properties as a structure code is given to every height of a building, if a building has an area with a height of 12', 15' and 18'. Three structure codes will exist and may give the impression that 3 different structures exist but that may not be the case.</li> </ul>	<ul style="list-style-type: none"> <li>Properties used for billboards or communication towers could be excluded by using structure codes.</li> <li>Over 200 Structure codes exist and can sometimes only describe part of a building. For example; a car dealership would have a structure code for the showroom and another for the service garage. Many combinations exist making this variable complicated and adds a level of risk.</li> </ul>



DATA POINT	APPROACH	LIMITATIONS	EXAMPLES
<b>Current Value Assessment (CVA)</b>	<ul style="list-style-type: none"> <li>• CVA can be used to identify low-valued properties. There may be a correlation between low-valued properties and concentrations of small businesses in some municipalities or districts.</li> <li>• If tax affordability for small business is a policy driver, looking at CVA per sq. ft. might be instructive in identifying neighbourhoods or properties where property tax levels are above average and are threatening small business sustainability.</li> <li>• If CVA or CVA per sq. ft. thresholds are used for defining eligibility for the subclass, municipalities should set thresholds to include groups of similar properties to minimize the likelihood of appeals by properties slightly above the threshold.</li> </ul>	<ul style="list-style-type: none"> <li>• Correlation between low valued properties and small business locations is unlikely to be exact.</li> <li>• Larger municipalities with diverse districts and property values may want to set different thresholds in different areas (e.g. downtown Toronto versus a suburban commercial artery).</li> <li>• Successful assessment appeals may impact subclass eligibility mid-year.</li> <li>• The thresholds would need to be re-visited every four years when assessments are updated</li> </ul>	<ul style="list-style-type: none"> <li>• Calculate CVA/total floor area for properties. Set an “affordability threshold” – for example 25% above the mean – and include properties above that level in subclass.</li> </ul>
<b>Change in CVA</b>	<ul style="list-style-type: none"> <li>• If CVA is increasing at a rapid rate in certain districts or properties, the subclass can be used to reduce the impact on small businesses by lowering the tax rate.</li> <li>• If used, the municipality's policy should address the impact on properties previously included in the subclass but which are now experiencing a lower rate of CVA increase.</li> <li>• Pairing the current rate of increase with a consideration of affordability (CVA per sq. ft.) might be an effective approach, since properties' CVA per sq. ft. may still be above average because of previous increases.</li> </ul>	<ul style="list-style-type: none"> <li>• The analysis would need to be repeated every four years when assessments are updated.</li> <li>• Successful assessment appeals may impact subclass eligibility mid-year</li> </ul>	<ul style="list-style-type: none"> <li>• Thresholds could be set based the rate of inflation, average rate of commercial or industrial rent increase or average increase in CVA throughout the municipality.</li> </ul>

The information available from MPAC does not address most of the considerations in defining small businesses that are summarized in **Section 2.2** – specifically ownership model, revenues, number of employees or number of locations. Municipalities with detailed business directories may collect some of this information. Where this is the case, municipalities could use it to identify their small businesses and map them to the properties where they're located. Municipal business licensing information may also be helpful.

It may be possible for municipalities to add questions to the surveys and business licensing processes they currently undertake to better identify small businesses in the future. There are third party business directories available that can assist in such initiatives, although considerable data cleaning and supplementary survey work probably would be needed to attain an acceptable level of reliability for the determination of property tax class eligibility.

## **GEOGRAPHICALLY-TARGETED APPROACH**

Municipalities have the option of defining geographic areas within which the subclass will apply. The geographic approach can be combined with using the data elements available from MPAC (as summarized in the table on pages 15-17) or in other municipal data sets such as a business directory. It also can be combined with an application process for eligible small businesses located outside of the defined geographic area(s). Seventeen per cent of the Survey respondents considering the subclass indicated they were considering geographic targeting.

Zoning and Official Plan designations, BIA boundaries, Community Improvement Area boundaries and rights-of-way undergoing multi-year construction projects are examples of geographic areas that may be relevant to the subclass. Geographical targeting also may be a straightforward approach to defining eligibility when small businesses are clustered in specific areas.

## **APPLICATION-BASED APPROACH**

If municipalities wish to target small businesses by their operational characteristics and don't have a business directory or business licensing system that includes the needed information for the targeted businesses, an application-based approach may be necessary to achieve the desired policy goals. This would enable small business operations to be more specifically targeted but would require more extensive administrative procedures.

When considering an application-based approach, it should be noted that small businesses often do not have the staff resources or access to specialized professional services to navigate application processes. Therefore, small businesses and small property owners tend to be less inclined to apply for programs and benefits than larger corporations. Municipalities could consider accompanying their application processes with outreach and education campaigns to ensure that both the targeted small business tenants and associated property owners are aware of the available tax relief and how to apply for inclusion in the subclass. They also may offer application facilitation support in partnership with business organizations such as Chambers of Commerce or BIAs and other small business support programs and agencies.

A hybrid model may help reduce the administrative requirements of an application process while allowing the benefit of small business operational pre-identification. Properties with concentrations of the targeted small businesses could be pre-determined by geographic boundaries and/or property characteristics. Property owners with eligible small business located outside of the pre-determined properties could apply for inclusion.

Once an application for the inclusion of a property in the subclass has been approved, the municipality can opt to have the property remain in the subclass unless it is determined that it no longer meets the eligibility criteria. A simpler process could be used to audit properties – for example periodic visual inspection and/or a requirement for a confirmation email instead of a complete application each year. Options such as these would somewhat reduce the administrative requirements in future years.

Four per cent of Survey respondents considering the subclass indicated they were considering only using an application process. Twelve per cent are considering a hybrid model, using both an application and pre-determined characteristics that automatically result in properties being included in the subclass.

The Regulations require that applications be made by property owners. Property owners would need to identify the proportion of their properties that are used by small businesses meeting the defined criteria. They may be motivated to apply for inclusion to retain and support their small business tenants. Considerations related to property owners and small business tenants are explored in more detail in Section 2.6 below.

## **2.4 Relationship between Policy Drivers and Defining Subclass Eligibility**

The following table illustrates how pre-determined criteria and application processes might be used to define properties eligible for the subclass for each of the major policy drivers discussed in Section 2.1. It is intended for illustrative purposes.

Municipalities may be interested in more than one of the policy drivers and may well develop their own unique combinations of pre-determined criteria and application processes that are relevant to their specific characteristics and the information they have available.

“ In partnership and collaboration with the many members of the working group, the creation of the report will no doubt provide added **value and insight to the municipal community** in their work on the Small Business Subclass.”

**Kay Matthews**

Executive Director

Ontario Business Improvement Area Association

POLICY DRIVER: NURTURE SMALL BUSINESS DEVELOPMENT	
PRE-DETERMINED CRITERIA	APPLICATION
<ul style="list-style-type: none"> <li>Property characteristics and geographic areas where small businesses are clustered.</li> <li>However, non-targeted businesses located in these properties and areas would also be included.</li> </ul>	<ul style="list-style-type: none"> <li>Enables municipalities to specifically target small business operations meeting the defined criteria while excluding other businesses.</li> <li>Consider using in combination with pre-determined criteria to reach targeted small businesses outside of pre-determined properties and areas.</li> </ul>

POLICY DRIVER: SUPPORT DOWNTOWNS AND MAIN STREETS	
PRE-DETERMINED CRITERIA	APPLICATION
<ul style="list-style-type: none"> <li>Can be geographically defined.</li> <li>Would include all businesses instead of just small businesses. However, municipalities may choose to permit this as an incentive for large businesses to locate in the area and support its overall vitality.</li> <li>Alternatively, a municipality may opt to use property characteristics such as property codes, site area and building floor space thresholds to exclude some large businesses.</li> </ul>	<ul style="list-style-type: none"> <li>Enables municipalities to specifically target small business operations in downtowns and main streets while excluding other businesses.</li> </ul>

POLICY DRIVER: NURTURE INNOVATION DISTRICTS, CREATIVITY ZONES, BUSINESS PARKS	
PRE-DETERMINED CRITERIA	APPLICATION
<ul style="list-style-type: none"> <li>Can be geographically defined.</li> <li>Would include all businesses instead of just small businesses. However, municipalities may choose to permit this as an incentive for large businesses to locate in the area and support its overall vitality.</li> <li>Alternatively, a municipality may opt to use property characteristics such as property codes, site area and building floor space thresholds to exclude some large businesses.</li> </ul>	<ul style="list-style-type: none"> <li>Enables municipalities to specifically target small business operations in the designated districts while excluding other businesses.</li> </ul>

POLICY DRIVER: SUPPORT BIAs	
PRE-DETERMINED CRITERIA	APPLICATION
<ul style="list-style-type: none"> <li>• Can be geographically defined.</li> <li>• Would include all businesses instead of just small businesses. However, a municipality may choose to permit this since all businesses in BIAs contribute to the levy.</li> <li>• Alternatively, a municipality may opt to use property characteristics such as property codes, site area and building floor space thresholds to exclude some large businesses.</li> </ul>	<ul style="list-style-type: none"> <li>• Enables municipalities to specifically target small business operations in the designated districts while excluding other businesses.</li> </ul>

POLICY DRIVER: MITIGATE IMPACT OF CVA SHIFTS BETWEEN DISTRICTS	
PRE-DETERMINED CRITERIA	APPLICATION
<ul style="list-style-type: none"> <li>• Properties that have experienced above average CVA increases can be pre-determined.</li> <li>• Areas at risk of future above average CVA increases could be estimated from the Official Plan (OP) designations, real estate trends, infrastructure investment, etc. and pre-emptively included in subclass to mitigate impact on business.</li> <li>• Areas at risk of future CVA decreases can be estimated from market trends and vacancy rates and pre-emptive action taken to mitigate impact on small businesses in other districts within the same tax class.</li> <li>• Would include all businesses in designated areas and properties instead of just small businesses.</li> <li>• Alternatively, a municipality may opt to include property characteristics such as property codes, site area and building floor space thresholds to exclude some large businesses.</li> </ul>	<ul style="list-style-type: none"> <li>• Enables municipalities to specifically target small business operations in the designated districts while excluding other businesses.</li> </ul>

POLICY DRIVER: MITIGATE IMPACT OF BUSINESS REVENUE DECREASES	
PRE-DETERMINED CRITERIA	APPLICATION
<ul style="list-style-type: none"> <li>• Geographic areas experiencing revenue loss due to protracted construction projects can be pre-determined.</li> <li>• Would include all businesses in the designated areas instead of just small businesses.</li> <li>• Alternatively, a municipality may opt to use property characteristics such as property codes, site area and building floor space thresholds can be used to exclude some large businesses.</li> <li>• A municipality may choose to use similar criteria as suggested for nurturing small business during periods of widespread revenue decreases (such as were experienced during the COVID-19 pandemic).</li> </ul>	<ul style="list-style-type: none"> <li>• Enables municipalities to specifically target small business operations in the designated districts while excluding other businesses.</li> </ul>

## 2.5 Funding the Subclass

Providing small business properties with reduced taxes requires that municipalities either reduce the total tax levy or achieve revenue neutrality by increasing the tax rate for other property classes. They have the option of funding the small business subclass within the commercial/industrial property class through the adoption of revenue neutral tax ratios, as per section 9 in O. Reg 385/98 under the *Municipal Act*, 2001 and section 2 in O. Reg 121/07 under the *City of Toronto Act*. Alternatively, they can fund it broadly across all property classes.

Each municipality will need to negotiate the balance between providing tax relief substantive enough to achieve its policy goals for small businesses and not increasing tax levels for other properties to the extent that new problems are created. Key considerations include:

- The categories of property owners benefiting from having a strong, sustainable small business sector.
- Tax competitiveness with other municipalities impacting the ability to attract and retain “footloose” businesses.
- Avoiding a sudden and substantive tax increase for other properties.

Municipalities are encouraged to model the impact of different scenarios to inform their decisions. MPAC resources are available to assist. Consultation with interested parties is encouraged and is mandatory for the Province to consider matching the municipality’s tax relief with education property tax reductions to provide further support for small businesses.

The Province has indicated that any provincial reductions in the tax rate for small businesses will be made up by other provincial revenue sources and not passed through to the municipalities.

## 2.6 Small Business Tenants versus Property Owners

The subclass is intended to support small businesses, not specifically property owners.

Municipalities can require that landlords pass the tax reduction through to their tenants as a condition of eligibility in the subclass in their by-laws. Doing so would enable municipalities to remove properties from the subclass if tenants notify them that they are not receiving the reduction.

Many commercial and industrial tenants have leases whereby they are directly responsible for paying property taxes on the portion of the building they occupy (triple net leases and often double net and net leases and modified gross leases<sup>4</sup>). In these cases, the pass-through of the small business tax reduction is easier to identify.

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<sup>4</sup> See Glossary in Appendix 2 for definitions of these types of leases.

This is not the case for tenants on gross leases, whereby they pay the landlord a lump sum that covers rent plus other expenses including property tax. Small property owners are most likely to use gross leases whereas property management companies and larger commercial property owners tend to use triple net leases.

Municipalities' consultation processes could include gathering information about the prevalence of gross lease arrangements in the types of commercial and industrial properties they are considering for inclusion in the subclass. Where gross leases are used, an outreach to tenants in properties included in the subclass may be the most effective strategy for ensuring that they receive the tax reduction. If the landlord refuses to pass the reduction through, small businesses could notify the municipality and the property could be removed from the subclass.

## **2.7 Different Types of Municipalities**

Ontario municipalities have an enormous variety of characteristics and population sizes. They include rural areas with scattered homes and farms, villages, suburban and exurban regions, cities and the City of Toronto, which is Canada's largest metropolis with a population of about 3 million. Half of the Survey respondents represent rural municipalities and 35% are from municipalities with populations less than 10,000.

It is anticipated that the subclass won't be relevant to the majority of municipalities. This was confirmed by the Survey responses. Only 9% of respondents indicated that their municipalities currently intend to implement the subclass and 65% were unsure. Twenty-Six per cent of respondents indicated that they did not intend to implement the subclass. Most of these were from rural municipalities and municipalities with fewer than 5,000 residents.

Single-tier, lower-tier and upper-tier municipalities have different options and responsibilities for using the subclass. Single-tier municipalities can act independently.

In two-tier municipalities, the by-law must be passed by the upper-tier municipality. The Program Administrator and Appellate Authority can either be upper-tier municipal employees or lower-tier municipal employees appointed by the upper-tier municipality. (See Section 4 for more detail about the Program Administrator and Appellate Authority roles and responsibilities.)

### **LOWER-TIER MUNICIPALITIES**

Lower-tier municipalities interested in using the subclass need to work in concert with their respective upper tier-municipalities to approve the required by-laws. The Survey results suggest that at least three lower-tier municipalities currently are interested in implementing the subclass and that an additional 44 are unsure at this point. Thirty-three lower-tier municipalities indicated that they currently don't intend to implement the subclass.

## UPPER-TIER MUNICIPALITIES

At least two upper-tier municipalities currently are interested in implementing the subclass and several more are unsure. No respondents from upper-tier municipalities indicated that they don't intend to implement the subclass.

**Respondents from upper-tier municipalities were asked which of the following three approaches they were considering. Eight of the seventeen answered:**

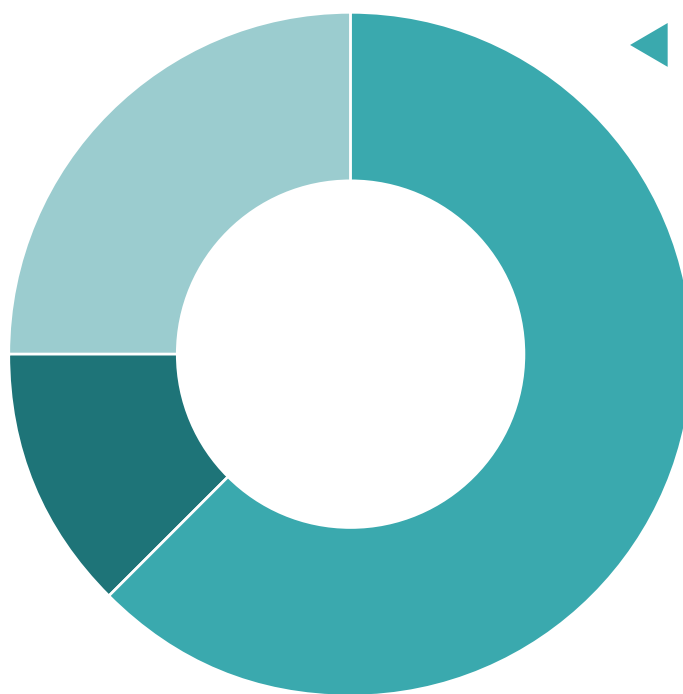
- 62.5% said they favoured a uniform approach across the region.
- 12.5% said they favoured a uniform approach to defining property class eligibility but would permit lower-tier municipalities to opt out.
- 25% said they planned to let each lower-tier municipality decide and would recommend by-laws to their Councils in accordance with their wishes.

**25%** ▶

planned to let each lower-tier municipality decide and would recommend by-laws to their Councils in accordance with their wishes.

**12.5%** ▶

favoured a uniform approach to defining property class eligibility but would permit lower-tier municipalities to opt out.



◀ **62.5%**

favoured a uniform approach across the region.





## 3 Process for Establishing a Small Business Property Subclass

As summarized below, there are 10 main steps in the process to establish the subclass. More detail and technical requirements are available in the Regulations and the Interpretation Bulletin in Appendices 3 and 4.

### STEP ONE: ESTABLISH POLICY FRAMEWORK

- Articulate the problem to be addressed by the subclass. Use existing information and/or undertake additional consultation and research to answer key questions. The following considerations are relevant:
  - Consider small business characteristics, trends and issues within the overall context of the municipality's commercial and/or industrial business structure. Refer to Sections 2.1 and 2.2 of this report for guidance.
  - Consider the need to provide additional support to small businesses and whether there are subcategories of particular interest (e.g. commercial and/or industrial; the differentiating characteristics between small businesses needing support and other businesses).
  - Articulate key policy drivers and consider whether the subclass is the best tool to achieve them.
- Refine policy drivers to be achieved by using the subclass and small business characteristics to be targeted.

- In two-tiered municipalities, it is recommended that both upper- and lower-tier municipalities participate in establishing policy framework (or in deciding that subclass is not relevant).

## **STEP TWO: ESTABLISH SUBCLASS ELIGIBILITY CRITERIA**

- Relate desired policy drivers and characteristics of small businesses to be targeted to property characteristics and geographic areas. Refer to Section 2.3 of the report for guidance.
- Look at geographic clustering and correlation between targeted businesses and property characteristics.
- Consider the extent to which policy drivers can be achieved by defining eligibility through pre-determined criteria (property-based and/or geographic).
- Consider the pros and cons of using an application-based process either alone or in combination with pre-determined eligibility.
- In two-tiered municipalities, consider whether the same approach should be used throughout the region for greater simplicity and consistency or if there are strong reasons for a different approach in some lower-tier municipalities (e.g. due to differences in business characteristics and issues between towns and rural areas).

## **STEP THREE: MODEL IMPACT OF ONE OR MORE SCENARIOS**

- Estimate the number of properties likely to be included in the subclass and the share of the assessed value for the tax class they include.
- Estimate the total amount of municipal tax relief that is associated with desired discount rate(s) up to a maximum of 35% (as set out in the Regulation).
- Consider options for reducing the total levy and/or increasing the tax rate for other properties. Refer to Section 2.5 of the report for guidance.
- In two-tiered municipalities, it is recommended that both upper- and lower-tier municipalities be involved in the modelling process.

## **STEP FOUR: CONSULT WITH STAKEHOLDERS**

- Consultation should include small businesses as well as the broader business community and residents. The issues small businesses face and their need for property tax relief should be discussed as well as the options under consideration for determining subclass eligibility and potential impact on the tax rate and tax amounts for other types of properties.
- Municipalities may opt to also consult at an earlier stage of the process.
- Municipalities that have previously consulted with and researched their small business communities and their need for tax relief may be in a position to define their policy framework and eligibility criteria without additional consultation. They can opt to introduce the subclass to provide tax relief for the municipal property

tax without additional consultation, potentially enabling them to implement the subclass sooner. Consultation can then be undertaken, the subclass modified if required and the Minister of Finance requested to match the municipal tax reduction with an education tax reduction in a later year.

- In two-tiered municipalities, the upper-tier municipality is responsible for ensuring that consultation has been undertaken throughout its jurisdiction. However, it is recommended that lower-tier municipalities also be involved in the process.

#### **STEP FIVE: PASS MUNICIPAL BY-LAW**

- The subclass is brought into effect by the single-tier or upper-tier municipal council passing a by-law opting to have the subclass apply to defined property classes and to the entire municipality or defined portions of the municipality. The by-law should describe the eligibility criteria to be met by a pre-determined eligibility process and/or application process.
- Consider including in the by-law that properties remain in the subclass until the municipality determines they are no longer eligible and advises MPAC to remove them.
- Consider including the process to be used to confirm continued eligibility. For example, specify an annual notification process requiring property owners to confirm their continued eligibility and inviting the owners of properties not included – but which meet the eligibility criteria – to request their inclusion through whatever process the municipality is using.
- Consider specifying that the final assessment roll for the previous year will be used to determine eligible properties to simplify in-year administration.
- Consider whether properties with RTQ codes for Small-Scale On-Farm Businesses (7), Creative Enterprise Facility (9), and Payments in Lieu of Tax should be included in the subclass. If so, their current RTQ codes will either be replaced or cannot be removed depending on whether the property has already been designated for an optional property class or PIL.
- The by-law can require property owners to pass the tax deduction through to their tenants as a condition of eligibility for the subclass. Doing so enables the municipality to remove the property from the subclass if it is notified that the pass-through has not happened.

#### **STEP SIX: APPOINT PROGRAM ADMINISTRATOR AND APPELLATE AUTHORITY**

- The single-tier or upper-tier municipal council is required to appoint a Program Administrator and Appellate Authority.
- The Program Administrator is responsible for determining which properties meet the defined criteria and therefore are eligible for inclusion in the subclass, for making the list available for public inspection and for providing the list to MPAC. If there is an application process, the Program Administrator is responsible for approving or denying applications. The Program Administrator also is required to establish a process whereby an owner can make a request for reconsideration.

- The Appellate Authority is responsible hearing appeals about whether or not properties should be included in the subclass. The Appellate Authority does not hear appeals of assessed value, which will continue to be directed to the Assessment Review Board.
- The ongoing responsibilities of the Program Administrator and Appellate Authority are summarized in Section 4 of the report below.
- The Program Administrator and Appellate Authority should be different employees of the municipality. Upper-tier municipalities can appoint employees of lower-tier municipalities to which the By-law applies to undertake these roles within their jurisdictions.

### **STEP SEVEN: IDENTIFY PROPERTIES INCLUDED IN SUBCLASS**

- The Program Administrator applies the pre-determined criteria and/or implements an application process as set out in the municipal By-law.
- Properties are to be identified on a publicly accessible registry. The following information should be included but is not limited to:
  - Assessment Roll Number
  - Property Address
  - Unit Number(s)  
(if only some portions of the property are included in the subclass)
  - Floor Space included  
(if only some portions of the property are included in the subclass)
- The registry is to be established by single-tier or upper-tier municipalities.

### **STEP EIGHT: PROVIDE MPAC WITH LIST OF PROPERTIES IN SUBCLASS**

- The list to be provided by single-tier or upper-tier municipalities.
- List should include:
  - 19-Digit Assessment Roll Number
  - Municipal Street Number
  - Municipal Street Name
  - Qualifying Reality Tax Class & Reality Tax Qualifier (RTC/RTQ)
- A copy of the by-law or by-law number should also be provided

### **STEP NINE: REQUEST MINISTER OF FINANCE TO MATCH MUNICIPAL TAX REDUCTION WITH EDUCATION TAX REDUCTION**

- Request to be made by municipalities
- Submission should include:
  - By-law adopting the subclass.
  - Overview of program requirements.
  - Estimated total municipal tax relief to small businesses.
  - Confirmation of consultation with business community.

- Submissions should be sent directly to the Minister of Finance, with a copy to [info.propertytax@ontario.ca](mailto:info.propertytax@ontario.ca), prior to March 31 for the applicable taxation year.
- The Minister will review each submission and determine whether to match the municipal reductions on a case-by-case basis.

#### **STEP TEN: ADDING PROPERTIES IN THE SUBCLASS TO THE ASSESSMENT ROLL**

- A new RTQ code 8 will be used to identify properties in the subclass. Therefore, properties that make Payments in Lieu of Tax, or are already coded in another subclass such as Creative Enterprise Facilities or Small-Scale On-Farm Businesses, may not be eligible.
- MPAC will be able to make a bulk upload to the subclass for properties where the total assessment (CT, XT, IT and JT portions) is included. A manual process will be used for properties where exceptions are identified and only a portion of the property's assessment is to be included in the subclass.

#### **Approximate Timelines for 2022 Implementation (exact dates may change from year to year and will be confirmed annually)**

- **October 4, 2021:** deadline for MPAC to receive list of subclass properties to include changes in year-end Assessment Roll (finalized by MPAC December 14, 2021).
- **December 14, 2021:** deadline for MPAC to receive list of subclass properties to include them in Post Roll Amended Notices (PRANs). Notices will be delivered to municipalities in March 2022.
- **After December 14, 2021:** MPAC will include properties added to the subclass by Property Assessment Change Notices (PACNs), which are issued monthly to municipalities from May to November. This makes them eligible for a Supplementary Assessment.

“This report and its insights go a long way to providing some fundamental information and technical interpretations for municipalities to move toward in building and **re-building strong and vibrant small business** and by extension local economies. There is no better time than the present to move forward on this quest.”

**John Kiru**

Executive Director

Toronto Association of Business Improvement Areas (TABIA)





## 4 Ongoing Administrative Considerations

### 4.1 Confirming Continued Eligibility of Properties

The Program Administrator is responsible for confirming the continued eligibility of properties included in the subclass.

The Program Administrator is permitted to conduct an audit including a physical inspection of properties and/or requiring that documents verifying the continued eligibility of the property be submitted. The municipality's by-law should include the process to be followed.

Properties determined to be no longer eligible for the subclass are removed retroactive to the beginning of the taxation year or the date the property stopped meeting the conditions for inclusion in the subclass, whichever is later.

### 4.2 Adding new properties eligible for subclass

Municipalities using an application-based process may wish to invite new applications each year.

As described in Section 4.1, any new properties meeting the pre-determined eligibility criteria should be added to the subclass.

The Program Administer should update the property listings and registry each year and provide MPAC with the revised list (as summarized in Steps 7 and 8 above).

### 4.3 Requests for Reconsideration

As summarized in Step 6 above, the Program Administrator is required to establish a process through which property owners can request reconsideration of their property's eligibility for inclusion in the subclass. The request must be made within 90 days after the Program Administrator makes the list of properties approved for inclusion available, or for application-based processes within 90 days after the Program Administrator gives notice of their determination. The Program Administrator is required to provide the property owner with the results of the reconsideration within 90 days after the request is made.

### 4.4 Appeals

Any person can appeal the Program Administrator's decisions about the inclusion of properties in the subclass to the Appellate Authority. Property owners are first required to submit a Request for Reconsideration before they can file an appeal with the Appellate Authority. The deadline for doing so is 90 days after the Program Administrator has given notice of the decision.

The Appellate Authority is required to hold a hearing to determine if the property should have been approved for inclusion in the subclass. The hearing can be held orally or in writing.

### 4.5 Annual timelines

**Year-End Update:** Municipalities looking to add properties to the subclass for the following tax year should have their final list and approved by-law to MPAC by the first week of October. This will ensure that MPAC has sufficient time to upload properties prior to Year-End cut-off.

**In Year Changes:** Any properties submitted on a list for the subclass that were received after year-end cut-off and prior to the roll delivery will be prioritized for PRANs for the beginning of the following year. All efforts will be made to add those properties to the Q1 PRAN extracts to enable municipalities to include them in their budget process for the taxation year. PRAN extracts occur monthly from January to December.

Subsequently, any new properties/lists received in year from municipalities will be subject to PACNs as an alternative. PACN extracts occur monthly from April to October.

MPAC will only use Special Amended Notices (SAN) where a property or properties has been identified by the municipality as qualifying for the subclass and it's beyond the timeline in which a PRAN or PACN is no longer a viable option. SAN extracts occur March to December of the calendar year.

## Appendix 1: Working Group Members:

ORGANIZATION	MEMBER
Association of Municipalities in Ontario (AMO)	<b>Craig Reid</b> , Sr. Advisor
Municipal Finance Officers' Association (MFOA)	<b>Heather Brown</b> , Manager of Accounting and Corporate Services
Municipal Property Assessment Corporation (MPAC)	<b>Brian Gordon</b> , Regional Manager, Municipal and Stakeholder Relations <b>Michelle Lindquist</b> , Regional Manager, Municipal and Stakeholder Relations
Ontario BIA Association (OBIAA)	<b>Kay Matthews</b> , Executive Director
Ontario Municipal Tax and Revenue Association (OMTRA)	<b>Casey Brendon</b> , President; also representing City of Toronto Revenue Services (Director)
Ontario Municipal Tax and Revenue Association (OMTRA)	<b>Krista O'Brien</b> ; also representing City of Ottawa, Tax Billing & Control (Program Manager)
Ontario Municipal Tax and Revenue Association (OMTRA)	<b>Maureen Zabiuk</b> , Board Member; also representing City of Vaughan, Property Tax & Assessment (Manager)
Toronto Association of BIAs (TABIA)	<b>John Kiru</b> , Executive Director
<b>MUNICIPAL REPRESENTATIVES</b>	
City of Barrie	<b>Grace Marsh</b> , Revenue and Property Tax (Manager)
City of Mississauga	<b>Connie Mesih</b> , Revenue & Material (Director)
City of Oshawa	<b>Kim Villeneuve</b> , Taxation Services (Manager)
City of Sault St. Marie	<b>Lisa Petrocco</b> , Taxation (Manager)
County of Bruce	<b>Edward Henley</b> , Corporate Services (Director)
Halton Region	<b>Christine Carrington</b> , Economic Development (Manager)
Halton Region	<b>Kavita McBain</b> , Corporate Budgets & Tax Policy (Manager)
Halton Region	<b>Melric Roche</b> , Corporate Budgets & Tax Revenue (Acting Manager)
Region of Durham	<b>Dana Howes</b> , Sr. Economist
Region of Peel	<b>Maggie Wang</b> , Financial Policy & Development Finance (Manager)
Region of Waterloo	<b>Craig Dyer</b> , Commissioner of Corporate Services / Chief Financial Officer
Region of Waterloo	<b>Matthew Chandy</b> , Economic Development (Manager)
Region of York	<b>Bonny Tam</b> , Tax (Manager)
Region of York	<b>Jonathan Wheatle</b> , Economic Strategy (Director)
Town of Milton	<b>Steven Radenic</b> , Assessment Base Management (Supervisor)
Town of St. Marys	<b>Andre Morin</b> , Director of Finance / Treasurer



## Appendix 2: Glossary of Terms

**Business Improvement Area (BIA)** – An association of local business people and commercial property owners and tenants that work in partnership to organize, finance, and carry out physical improvements and promote economic development in their district.

### COMMERCIAL LEASE TYPES

**Gross Lease** The tenant pays a single amount to the landlord that covers base rent and all incidental expenses.

**Modified Gross Lease** The tenant pays base rent and shares specified incidental expenses with the landlord. These may or may not include property tax.

**Net Lease** The tenant typically pays for one incidental expense directly. In a single net lease, the tenant usually pays the base rent plus property taxes (though in some cases, they might pay for insurance or utilities instead). The landlord pays all other expenses.

**Double Net Lease** The tenant usually pays the base rent plus two incidentals—for example, property taxes and insurance. The landlord covers all other expenses.

**Triple Net Lease** The tenant typically pays the base rent, plus property taxes, building insurance and utilities, as well as other operating and maintenance costs. The landlord assumes no costs, other than those for structural repairs.

**Community Innovation Area** A geographic area where leading-edge anchor institutions and companies cluster and connect with start-ups, business incubators and accelerators. The area is also usually physically compact, transit-accessible, and technically wired and offers mixed-use housing, office, and retail.

**Creativity Zone** A geographic area in which the role of arts and culture is wholly integrated part of the local economy.

**Current Value Assessment (CVA)** The amount of money a property would realize if sold at arm's length by a willing seller to a willing buyer, as outlined in the Assessment Act as of the legislated valuation date.

**Payments in Lieu of Taxes (PILT)** Federal and provincial properties are exempt from property taxation and generally pay a PILT, which approximates the taxes that would be paid if the property was not exempt.

**Post Roll Amended Notices (PRAN)** Also known as an Amended Property Assessment Notice, it's a notice issued at any time during the taxation year to correct an error in the assessment or classification of a property that has resulted from incorrect factual information about the property.

**Property Assessment Change Notice (PACN)** A notice issued to a property owner during the year when there has been a change such as an addition, new construction or renovation or a change to a property's classification or tax exemption status.

**Property Code** An administrative tool used by MPAC to organize properties.

**Realty Tax Class (RTC)** A partition's tax classification is based on the legislation found in O. Reg. 282/98 and is used by taxing authorities in conjunction with the Tax Qualifier to determine the rate of taxation.

**Realty Tax Qualifier (RTQ)** A partition's tax qualifier is used by taxing authorities in conjunction with the Realty Tax Class to determine the rate of taxation.

**Site Area** The area of any land on which development is or is to be carried out.

**Special Amended Property Assessment Notice (SAN)** An amendment to the Roll for new legislative provisions that didn't previously exist (such as a new tax program).

**Structure Code** A property-specific code used by MPAC to identify and capture the design features of a structure.

**Total Floor Area** The sum total of the total areas of all floors in a building or structure whether at above or below grade measured between the exterior faces of the exterior walls of the building.

## Appendix 3: Ontario Regulation 331/21

### ONTARIO REGULATION 331/21

made under the

#### ASSESSMENT ACT

**Made:** May 6, 2021

**Filed:** May 7, 2021

**Published on e-Laws:** May 7, 2021

**Printed in *The Ontario Gazette*:** May 22, 2021

#### Amending O. Reg. 282/98

(GENERAL)

### 1. Ontario Regulation 282/98 is amended by adding the following Part:

#### PART III.0.2

#### SMALL BUSINESS SUBCLASS

#### APPLICATION AND DEFINITIONS

**23.0.6** This Part applies with respect to the 2021 and subsequent taxation years.

**23.0.7** In this Part,

“Appellate Authority” means,

- (a) in respect of a single-tier municipality that has passed a by-law described in subsection 23.0.8 (2), the employee of the municipality who is appointed by the municipality to hear appeals under section 23.0.12 in connection with the by-law, or
- (b) in respect of an upper-tier municipality that has passed a by-law described in subsection 23.0.8 (2),

- (i) the employee of the upper-tier municipality who is appointed by the municipality to hear appeals under section 23.0.12 in connection with that by-law, or

- (ii) the employee of a lower-tier municipality to which the by-law applies who is appointed by the upper-tier municipality to hear appeals under section 23.0.12 in connection with that by-law; (“autorité d’appel”)

“Program Administrator” means,

- (a) in respect of a single-tier municipality that has passed a by-law described in subsection 23.0.8 (2), the employee of the municipality who is appointed by the municipality to exercise the powers, duties and functions set out in this Part in connection with the by-law, or

- (b) in respect of an upper-tier municipality that has passed a by-law described in subsection 23.0.8 (2),

- (i) the employee of the upper-tier municipality who is appointed by the municipality to exercise the powers, duties and functions set out in this Part in connection with the by-law, or

(ii) the employee of a lower-tier municipality to which the by-law applies who is appointed by the upper-tier municipality to exercise the powers, duties and functions set out in this Part in connection with the by-law; (“administrateur du programme”)

## **SMALL BUSINESS SUBCLASS**

**23.0.8** (1) A small business subclass is prescribed for each of the following classes:

1. The commercial property class.
  2. The industrial property class.
  3. Any optional class that contains property that would otherwise be included in the commercial property class or the industrial property class, other than the parking lots and vacant land property class and the large industrial property class.
- (2) The small business subclass applies for a property class within a single-tier or upper-tier municipality only if the council of the single-tier or upper-tier municipality has passed a by-law that opts to have the subclass apply for that property class.
- (3) A by-law opting to have the subclass apply may specify that the subclass only applies to a portion of the municipality.
- (4) A by-law opting to have the subclass apply may establish different requirements for the subclass in different portions of the municipality.
- (5) The small business subclass consists of land which the Program Administrator has approved for inclusion in the subclass for the relevant taxation year in accordance with section 23.0.9 if the land has not subsequently ceased to be included in the subclass as a result of the application of this Part.
- (6) The Program Administrator shall,
- (a) provide the assessment corporation with a list of the properties, or portions of properties, that are approved for inclusion in the subclass for a taxation year; and
  - (b) make the list available for public inspection by electronic means.

## **INCLUSION IN SUBCLASS**

**23.0.9** (1) The Program Administrator shall approve land for inclusion in the small business subclass for a taxation year if the Program Administrator determines that the land,

- (a) is used by the owner or a tenant for a small business within the meaning of the by-law described in subsection 23.0.8 (2) that applies in respect of the municipality;
  - (b) would not be in the parking lots and vacant land property class if a by-law referred to in section 13 had been passed opting to have that class apply within the municipality;
  - (c) would not be in the large industrial property class if a by-law referred to in section 14 had been passed opting to have that class apply within the municipality;
  - (d) is not vacant land; and
  - (e) meets any additional eligibility requirements set out for the subclass in the by-law described in subsection 23.0.8 (2) that applies in respect of the municipality.
- (2) At any time after the Program Administrator determines that land should be included in the small business subclass, the Program Administrator may conduct an audit to verify that the land continues to meet the requirements set out in subsection

(1) and the owner must,

(a) allow a person selected by the Program Administrator to inspect the land and to inspect any documents relating to the eligibility of the land in order to verify whether the land continues to meet the requirements set out in subsection (1); and

(b) submit further information or documents as may be required by the Program Administrator in order to assist in the verification.

(3) If the Program Administrator determines that an owner of land included in the small business subclass has not complied with an audit conducted under subsection (2),

(a) the Program Administrator shall provide the owner of the land and the assessment corporation with notice of the determination; and

(b) the land shall cease to be included in the subclass retroactive to the beginning of the taxation year in which the determination was made.

(4) If the Program Administrator determines that land no longer meets the requirements set out in subsection (1),

(a) the Program Administrator shall provide the owner of the land and the assessment corporation with notice of the determination; and

(b) the land shall cease to be included in the subclass retroactive to the beginning of the taxation year or the date the land stopped meeting the conditions for inclusion in the subclass, whichever is later.

## **REQUIREMENT TO SUBMIT APPLICATION**

**23.0.10** (1) This section applies if a by-law opting to have the small business subclass apply in a municipality requires that an application be submitted to the Program Administrator in order for land to be approved for inclusion in the small business subclass for a taxation year.

(2) A by-law described in subsection (1) may provide that the owner of the land or the treasurer of a municipality may submit an application in respect of land in the municipality.

(3) The Program Administrator shall, after reviewing the application, approve the land for inclusion in the small business subclass if the Program Administrator determines that the land meets the requirements set out in subsection 23.0.9 (1).

(4) Despite any application requirement in a by-law described in subsection (1), the Program Administrator may approve land for inclusion in the small business subclass in the absence of an application if,

(a) the land was approved for inclusion in the subclass for the previous taxation year; and

(b) the Program Administrator determines that the land continues to meet the requirements set out in subsection 23.0.9 (1).

(5) The Program Administrator shall provide notice to the owner of the land of the determination whether or not to approve the land for inclusion in the small business subclass and, if the application to approve the land was submitted by the treasurer of the municipality, to the treasurer.

## REQUESTS FOR RECONSIDERATION

**23.0.11** (1) A request for reconsideration described in subsection (2) with respect to whether land is included in the small business subclass shall be made according to the procedure set out in this section instead of the procedure set out in section 39.1 of the Act.

(2) An owner of land may request that the Program Administrator reconsider,

(a) a determination made under subsection 23.0.9 (1) as to whether the land should be approved for inclusion in the small business subclass;

(b) a determination made under subsection 23.0.9 (3) as to whether the owner has complied with an audit; or

(c) a determination made under subsection 23.0.9 (4) as to whether the land meets the requirements set out in subsection (1) of that section.

(3) The following deadlines apply with respect to a request for reconsideration:

1. Subject to paragraph 2, for a determination made under subsection 23.0.9 (1), the request must be made within 90 days after the Program Administrator makes the list of properties approved for inclusion in the subclass for the taxation year available for public inspection under subsection 23.0.8 (6).

2. If the municipal by-law requires an application be submitted to the Program Administrator in order for land to be approved for inclusion in the small business subclass for a taxation year, the request must be made within 90 days after the Program Administrator gives notice of the determination under subsection 23.0.10 (5).

3. For a determination under subsection 23.0.9 (3), the request must be made within 90 days after the Program Administrator gives notice of the determination.

4. For a determination made under subsection 23.0.9 (4), the request must be made within 90 days after the Program Administrator gives notice of the determination.

(4) The request must set out the basis for the owner's request and all relevant facts.

(5) The Program Administrator shall consider the request and, for this purpose, may request further information from the owner.

(6) The Program Administrator shall provide the owner with the results of the reconsideration within 90 days after the day the request is made.

(7) If the Program Administrator determines that land should have been approved for inclusion in the subclass, or that it should not have ceased to be included in the subclass, the Program Administrator shall,

(a) give notice of the determination to the clerk of the municipality;

(b) update the list described in subsection 23.0.8 (6);

(c) provide the updated list to the assessment corporation; and

(d) make the updated list available for public inspection by electronic means.

(8) After receiving notice of the Program Administrator's determination, the clerk of the municipality shall alter the tax roll accordingly and taxes shall be levied in accordance with the amended roll.

## APPEALS

**23.0.12** (1) An appeal with respect to whether land is included in the small business subclass shall be made according to the procedure set out in this section instead of the procedure set out in section 40 of the Act.

(2) A person who would be entitled to appeal the classification of a property under section 40 of the Act but for the application of subsection (1) may instead appeal the following decisions to the Appellate Authority:

1. A determination of the Program Administrator under subsection 23.0.9 (1) as to whether land should be approved for inclusion in the small business subclass.

2. A determination of the Program Administrator under subsection 23.0.9 (3) as to whether an owner has complied with an audit.

3. A determination of the Program Administrator under subsection 23.0.9 (4) as to whether land meets the requirements set out in subsection (1) of that section.

(3) Subject to subsection (4), no appeal to the Appellate Authority may be made by a person who is entitled to make a request for reconsideration under section 23.0.11 in respect of the land if the person has not made the request within the time limit set out in subsection (3) of that section.

(4) If, in the opinion of the Appellate Authority, there are extenuating circumstances explaining why a request for reconsideration in respect of the land was not made within the time limit set out in subsection 23.0.11 (3), the Appellate Authority may, on an application submitted by the person within 180 days after the applicable deadline in that subsection, extend the deadline for making a request under that subsection.

(5) The deadline for appealing a determination of the Program Administrator to the Appellate Authority is 90 days after the Program Administrator has given notice of the decision to the owner of the land or provided the owner of the land with the results of a reconsideration, whichever is applicable.

(6) The Appellate Authority shall hold a hearing to determine whether the land should have been approved for inclusion in the subclass or should not have ceased to be included in the subclass.

(7) The hearing may be held orally or in writing at the discretion of the Appellate Authority.

(8) The following persons are parties to the appeal:

1. All persons appealing and all persons whose assessment is the subject of the appeal.

2. The Program Administrator.

(9) Subsections 40 (2), (3.1), (9), (14), (15), (22) and (28) of the Act apply, with necessary modifications, to an appeal to the Appellate Authority under this section.

(10) Upon determining the issue, the Appellate Authority shall give the parties, the assessment corporation, the Assessment Review Board and the clerk of the municipality a copy of the decision.

(11) If the Appellate Authority determines that the land should have been approved for inclusion in the subclass, or that it should not have ceased to be included in the subclass, the Appellate Authority shall direct the Program Administrator to approve the property for inclusion in the subclass.

(12) After receiving notice of the Appellate Authority's determination,



(a) the clerk of the municipality shall alter the tax roll accordingly and taxes shall be levied in accordance with the amended roll;

(b) the Program Administrator shall,

(i) update the list described in subsection 23.0.8 (6),

(ii) provide the updated list to the assessment corporation, and

(iii) make the updated list available for public inspection by electronic means.

(13) The Appellate Authority may state a case under section 43 of the Act with respect to the matters set out in subsection (2).

Commencement

### **3. This Regulation is deemed to have come into force on January 1, 2021.**

**Made by:** Peter Bethlenfalvy  
*Minister of Finance*

**Date made:** May 6, 2021



## Appendix 4: New Optional Small Business Property Subclass – May 2021



Ministry of Finance

### NEW OPTIONAL SMALL BUSINESS PROPERTY SUBCLASS May 2021

As announced in the *2020 Ontario Budget*, the Province is providing municipalities with the flexibility to target property tax relief to eligible small businesses through the adoption of a new optional small business property subclass. Amendments to O. Reg. 282/98 under the *Assessment Act*, O. Reg. 73/03 under the *Municipal Act*, 2001 and O. Reg. 121/07 under the *City of Toronto Act*, 2006 were filed on May 7, 2021, which implement the subclass.

This bulletin provides municipalities with an overview of implementation details, including requirements for municipal by-laws, administration of the subclass and provincial matching of municipal property tax reductions with education property tax reductions.

#### IMPLEMENTATION

##### Municipal By-Law

Municipalities that choose to implement the optional small business property subclass are required to pass a municipal by-law providing the following:

- The decision to adopt the subclass
  - In two-tiered municipalities, the upper-tier municipality must pass a by-law to adopt the subclass.
- The subclass tax reduction to be applied to the commercial and/or industrial class municipal tax rate
  - The reduction can be set up to 35% of the municipal rate for the property class.
- Requirements that the property must meet to be included in the subclass
  - Municipalities have a variety of priorities that may influence the definition of “small business” and, as such, are in the best position to define eligibility criteria that reflect their local priorities and needs.
  - Note that all commercial and industrial properties (except properties that are or would be classified in the large industrial property class or the parking lot and vacant land property class, or vacant or excess land), are eligible to be included in the new small business property subclass.

- Appointment of a Program Administrator to administer the program, including approving properties for inclusion in the subclass, notifying property owners of decisions and reviewing requests for reconsideration related to a property's eligibility for inclusion in the subclass
- Appointment of an Appellate Authority to hear any appeals of the Program Administrator's eligibility decisions

Municipalities may also choose to require in municipal by-law that landlords pass the tax reduction to tenants as a condition of eligibility in the subclass.

As part of the process of developing a small business property subclass by-law, municipalities are strongly encouraged to consult with their local business stakeholders and other interested parties.

## **Program Administration**

Municipalities are responsible for establishing detailed eligibility criteria for the optional small business subclass. This would require the municipality to develop and administer a process to identify or approve eligible properties for inclusion in this subclass.

Through the appointment of a Program Administrator, municipal staff would identify qualifying properties classified in the commercial or industrial property classes, or both, that meet the eligibility criteria. This could be done either through an application-based process or through a criteria-based determination process. Properties approved for inclusion in the subclass by the Program Administrator must be listed in a publicly accessible registry (details of the registry requirements are found in the Municipal Checklist below). The Program Administrator would also be required to establish a process where an owner may make a request for reconsideration.

Municipalities can utilize the Ontario Property Tax Analysis (OPTA) system to build scenarios and model tax impacts of adopting the small business subclass.

Municipalities are required to notify the Municipal Property Assessment Corporation (MPAC) of the properties included in the subclass, such that MPAC can classify the property within the small business property subclass for taxation purposes.

Municipalities will also be responsible for monitoring ongoing eligibility, updating the registry of eligible properties and notifying MPAC when properties become eligible or ineligible for the subclass as a result of a municipal determination.

Municipalities are also required to appoint an Appellate Authority to hear appeals about whether or not the property should be included in the subclass.

Appeals of assessed value would continue to be directed to the Assessment Review Board.

## Funding the Subclass

Consistent with other property subclasses, municipalities can fund the small business subclass either by absorbing the cost through a levy decrease or by funding it broadly across all property classes.

Municipalities also have the option of funding the small business subclass within the commercial and/or industrial property class through the adoption of revenue neutral tax ratios, as per section 9 in O. Reg 385/98 under the Municipal Act, 2001 and section 2.2 in O. Reg. 121/07 under the City of Toronto Act, 2006.

The adoption of the subclass, including how the tax reduction is funded, is a municipal decision. As with other tax rate decisions, municipalities are responsible for understanding the potential tax impact on affected taxpayers. Municipalities are strongly encouraged to consult with their local business stakeholders and other interested parties prior to finalizing their decision-making.

## Provincial Matching of Tax Reductions

As announced in the 2020 Budget, the Province will consider matching municipal property tax reductions with education property tax reductions to provide further support for small businesses. To qualify:

- Municipalities would notify the Minister of Finance of the decision to adopt the subclass and submit a municipal by-law outlining the program requirements as well as estimated total municipal tax relief to small businesses.
- Municipalities would conduct consultations with business stakeholders regarding the small business property subclass.
- The Minister would review each submission and determine whether to match municipal reductions on a case-by-case basis.

Submissions to the Minister of Finance can be sent directly to the Minister, with a copy to [info.propertytax@ontario.ca](mailto:info.propertytax@ontario.ca), prior to March 31 for the applicable taxation year.

### **Hon. Peter Bethlenfalvy**

Minister of Finance, and President of the Treasury Board  
Frost Building South, 7th Floor  
7 Queen's Park Cres.  
Toronto, ON M7A 1Y7  
[Minister.fin@ontario.ca](mailto:Minister.fin@ontario.ca)

## Regulations

Regulations implementing the small business property subclass are available on the Government of Ontario's e-laws website at [www.ontario.ca/laws](http://www.ontario.ca/laws). These include:

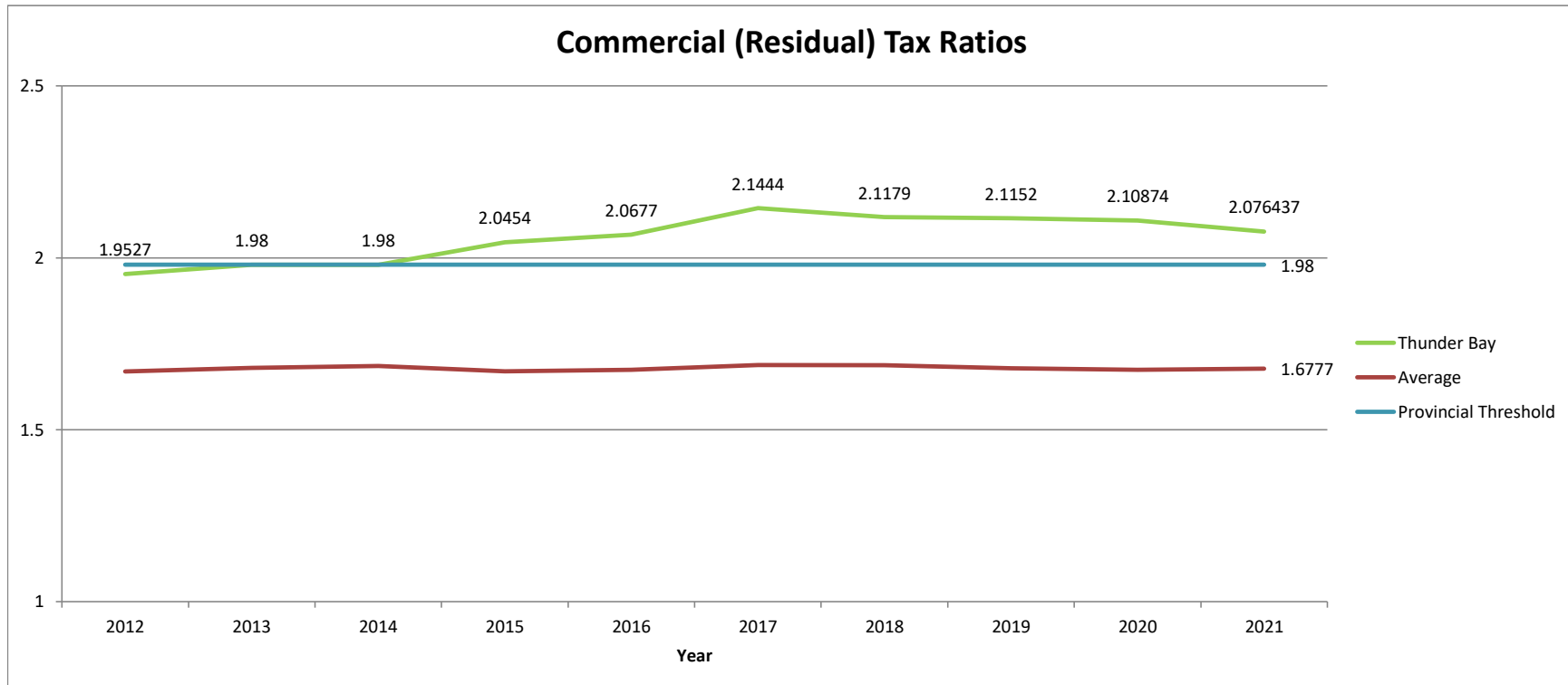
- O. Reg. 282/98 under the Assessment Act is amended by O. Reg. 331/21 establishing the optional small business property subclass
- O. Reg. 73/03 under the Municipal Act, 2001 is amended by O. Reg. 332/21 setting the municipal reduction factor for the optional small business property subclass
- O. Reg. 121/07 under the City of Toronto Act, 2006 is amended by O. Reg. 333/21 setting the municipal reduction factor for the optional small business property subclass

### FURTHER INFORMATION

Municipalities with any questions regarding the optional small business property subclass may contact the Ministry of Finance at [info.propertytax@ontario.ca](mailto:info.propertytax@ontario.ca).

## Commercial (Residual) Tax Ratio 10 Year Comparison

Attachment 2



# Corporate Report

<b>DEPARTMENT/ DIVISION</b>	Corporate Services & Long Term Care - Long Term Care and Senior Services	<b>REPORT</b>	R 22/2022
<b>DATE PREPARED</b>	02/02/2022	<b>FILE</b>	
<b>MEETING DATE</b>	02/14/2022 (mm/dd/yyyy)		
<b>SUBJECT</b>	Jasper Call System / Pagers – Request for Single Source Approval		

## **RECOMMENDATION**

WITH RESPECT to Report R 22/2022 (Corporate Services and Long Term Care – Long Term Care and Senior Services), we recommend that CRC Communications Ltd. be awarded the contract to supply and install an upgraded Jasper Call System / Pagers at Jasper Supportive Housing at a cost of \$88,917.30 plus HST;

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.

## **EXECUTIVE SUMMARY**

Administration is recommending single sourcing of the supply and installation of an upgraded Jasper Call System / Pagers for Jasper Supportive Housing to CRC Communications Ltd. at a cost of \$88,917.30 plus HST. This is due to there being no other supplier of the existing Rauland Borg System in the region. Switching to another system would require wiring and major construction and the Rauland Borg system has added features, such as better range, not requiring a third-party for emergency calls and in-house control, not available by other systems. This project is fully funded by one-time funding approved by Ontario Health North, formerly North West LHIN.

## **DISCUSSION**

### **Supply Management By-Law**

The Supply Management By-Law, Corporate By-law 113-2011, as amended, governs the way the Corporation purchases supplies, equipment and services. Clause 4.09 of the By-Law deals with the Negotiation Method for Goods and Services Valued at More than \$60,000. Negotiating with a single bidder rather than going out to the market can be applied under the following circumstances:

- (a) due to market conditions, Goods and Services are in short supply;
- (b) it is a Sole Source circumstance (including circumstances where only one Bidder submitted an acceptable Bid);
- (c) all acceptable Bids exceed the amount budgeted for the Goods and Services and the lowest Bid is within twenty (20%) percent of budget;
- (d) market research indicates that the extension or reinstatement of an existing Contract would be more cost-effective or beneficial to the Corporation;
- (e) a Single Source is being recommended because it is more cost-effective or is otherwise more beneficial; or
- (f) when authorized by Council.

If it is determined that the Negotiation Method is suitable, the requisitioning Department Head shall prepare and submit a report to Council seeking approval for the use of this method prior to making any Contract award.

In this case both (d) and (e) apply.

### **Jasper Call System / Pagers**

On September 8, 2021, Jasper Supportive Housing applied for one-time funding from Ontario Health North to upgrade the existing Jasper Call System and was notified on January 26, 2022 that the one-time funding was approved including agreement that single sourcing this project to CRC Communications Ltd was acceptable. The approved one-time funding for this project from Ontario Health North relates to work that must be completed by March 31, 2022. This project is in the proposed 2022 Capital budget with provincial grant funding as the source of financing. The existing call system is now over 25 years old and both the equipment and software are in need of replacement. The project would provide additional pendants for all tenants, additional wall call stations throughout the building, and arial repeaters that enhance tenant safety so staff may respond quickly to wandering and exit-seeking behaviours. The project is for tenant safety and reduces Emergency Department visits and more acute medical emergencies as it allows staff to respond quickly to these situations (e.g. falls).

CRC Communications Ltd. is the only supplier of the existing Rauland Borg System in the region. Switching to another system would require additional wiring and major construction which would cause additional impact on tenants with construction in their apartment units and also have a longer installation time. The Rauland Borg has added features not available by other systems; equipment is an in-house system giving the program full control without having to rely on a third party telephone call notifying of an emergency; the system can identify a pendant alarm in all areas of the building and not just apartment units; there is 24 hour service provided for maintenance and support of this system.

### ***FINANCIAL IMPLICATION***

A cost has been provided for the supply and installation of an upgraded Jasper Call System / Pagers for Jasper Supportive Housing at a cost of \$88,917.30 plus HST. The project is included in the proposed 2022 Capital budget. Ontario Health North have approved one-time funding for this project. There will be no net cost to the City.

### ***CONCLUSION***

It is concluded that CRC Communications Ltd. should be awarded the supply and installation of an upgraded Jasper Call system / Pagers as a single source award at a cost of \$88,917.30 plus HST.

### ***REFERENCE MATERIAL ATTACHED***

NONE.

***PREPARED BY: LEE MESIC, ADMINISTRATOR – PIONEER RIDGE AND LINDA PAULUIK, SUPERVISOR - FINANCIAL SERVICES (LTC)***

THIS REPORT SIGNED AND VERIFIED BY:	DATE:
Linda Evans, GM Corporate Services & Long Term Care, Treasurer	February 2, 2022



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**MEETING DATE** 02/14/2022 (mm/dd/yyyy)

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**SUBJECT** Province of Quebec's Bill 21

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***SUMMARY***

Memorandum from Chair - Anti-Racism & Respect Committee Jason Veltri dated January 26, 2022 containing a recommendation relative to the above noted.

***RECOMMENDATION***

WITH RESPECT to the Memorandum from the Anti-Racism and Respect Advisory Committee, dated January 26, 2022, we recommend that Thunder Bay City Council oppose the Province of Quebec's Bill 21, An Act respecting the laicity of the State and reaffirm the City's commitment to upholding religious freedoms as outlined in the Canadian Charter of Rights and Freedoms;

AND THAT Thunder Bay City Council endorse the initiative lead by the Regional Municipality of Peel and Calgary City Council, that asks the Canadian Coalition of Inclusive Municipalities, of which the City of Thunder Bay is a member, to create a nationwide campaign that highlights the harmful widespread impacts of Bill 21 on social cohesion and inclusion in Canada;

AND THAT Thunder Bay City Council send a letter to the Federal government requesting it unequivocally condemn and challenge Quebec's Bill 21.

***ATTACHMENTS***

1. Memo - Anti Racism & Respect Advisory Committee - Bill 21 - January 26, 2022

## Memorandum

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**TO:** City Clerk Krista Power

**FROM:** Jason Veltri  
Chair – Anti-Racism & Respect Advisory Committee

**DATE:** January 26, 2022

**SUBJECT:** Denouncing Quebec’s Bill 21  
Committee of the Whole – February 14, 2022

---

At the January 24, 2022 meeting of the Anti-Racism & Respect Advisory Committee, a resolution was passed opposing the Province of Quebec’s Bill 21, a law that bans public sector workers from wearing religious symbols.

The following recommendation is presented for Council’s consideration:

WITH RESPECT to the Memorandum from the Anti-Racism and Respect Advisory Committee, dated January 26, 2022, we recommend that Thunder Bay City Council oppose the Province of Quebec’s Bill 21, An Act respecting the laicity of the State and reaffirm the City’s commitment to upholding religious freedoms as outlined in the Canadian Charter of Rights and Freedoms;

AND THAT Thunder Bay City Council endorse the initiative lead by the Regional Municipality of Peel and Calgary City Council, that asks the Canadian Coalition of Inclusive Municipalities, of which the City of Thunder Bay is a member, to create a nationwide campaign that highlights the harmful widespread impacts of Bill 21 on social cohesion and inclusion in Canada;

AND THAT Thunder Bay City Council send a letter to the Federal government requesting it unequivocally condemn and challenge Quebec’s Bill 21.



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**MEETING DATE**     02/14/2022 (mm/dd/yyyy)

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**SUBJECT**             2021/2022 Annual Citizens of Exceptional Achievement Event Update

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***SUMMARY***

Memorandum from Chair – Official Recognition Committee Allison Hill dated February 1, 2022 providing an update relative to the above noted, for information.

***ATTACHMENTS***

1. Memo - A. Hill - Official Recognition Committee - Annual Event - Update - February 1, 2022

## **Memorandum**

**Office of the City Clerk**

**Fax: 623-5468**

**Telephone: 625-2230**

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**TO:** Dana Earle, Deputy City Clerk

**FROM:** Allison Hill, Chair – Official Recognition Committee

**DATE:** February 1, 2022

**SUBJECT:** 2021/2022 Annual Citizens of Exceptional Achievement Event Update  
Committee of the Whole – February 14, 2022

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In July 2021, the Official Recognition Committee recommended to Council the postponement of the 2021 Annual Citizens of Exceptional Achievement Event with the hopes of combining the 2021 and 2022 event in 2022. The Committee would like to continue to plan for an in person event and recognizes that the current scheduled date of April 19, 2022 will not be achievable due to the on-going pandemic.

The Committee has seen success in both a virtual event (2020 Annual Achievement Event) and an in-person event (50<sup>th</sup> Anniversary Volunteer Service Achievement) and is open to proceeding with either later in the spring of 2022. They are cognizant that this event, because it will be two years combined, may be larger and will need to accommodate all prescribed measures for gatherings.

They request that the event scheduled for April 19, 2022 be postponed. The Committee will report back with the new 2022 date and format of the event as soon as it is determined.

WITH RESPECT to the Memorandum from Allison Hill, Chair – Official Recognition Committee dated February 1, 2022, we recommend that the 2021/2022 Annual Citizens of Exceptional Achievement Event Update be postponed from April 19, 2022;

AND THAT the Official Recognition Committee present Council their recommendation of the new date and format for the event at a later date this year;

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

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***MEETING DATE***      02/14/2022 (mm/dd/yyyy)

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***SUBJECT***              Outstanding List for Administrative Services as of February 1, 2022

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***SUMMARY***

Memorandum from City Clerk Krista Power, dated February 1, 2022 providing the Administrative Services Outstanding Items List, for information.

***ATTACHMENTS***

1. Outstanding List - Administrative Services - February 1, 2022

# Memorandum

*Office of the City Clerk*

**Fax:** 623-5468

**Telephone:** 625-2230

**TO:** Mayor & Council

**FROM:** Krista Power, City Clerk

**DATE:** February 1, 2022

**SUBJECT:** Outstanding List for Administrative Services Session as of February 1, 2022  
Committee of the Whole – February 14, 2022

The following items are on the outstanding list for Administrative Services:

Meeting Session	Reference Number (yyyy-nnn-MTG)	Department/Division	Outstanding Item Subject	Resolution Report Back Date	Revised Report Back Date (Memos presented at COW updating or delaying Item)
Administrative Services	2009-028-ADM	Corporate Services & Long Term Care / Financial Services	Landfill Gas Generation Project	Apr-12	May-16-2022
Administrative Services	2018-009-ADM	City Manager's Office / Corporate Strategic Services	Clean, Green and Beautiful Policy Review	No date included in resolution	Jun-27-2022
Administrative Services	2020-049-ADM	City Manager's Office / Office of the City Clerk	Committee Meals	Report back when 75% of Committees are meeting in person	
Administrative Services	2021-104-ADM	City Manager's Office / Human Resources & Corporate Safety	Work Life Initiatives - Policy	Jun-27-2022	Aug-22-2022