



# The Municipal Corporation of the Town of Fort Erie

## Regular Council Meeting Agenda

**Monday, December 12, 2022 - 6:00 PM**

### **Council Chambers**

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)

or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](http://www.forterie.ca)) or Cogeco "YourTV"

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- 1. Call to Order**
- 2. Invocation**
- 3. Roll Call**
- 4. Announcements/Addenda**
- 5. Declarations of Pecuniary Interest**
- 6. Notice of Upcoming Public Meetings**

- (a) 2023 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #2 - Wednesday, January 18, 2023 - Water and Wastewater Operating Budget; #3 - Wednesday, February 15, 2023 - Library, General Levy Operating Budget & Assessment Analysis; #4 - Wednesday, February 22, 2023 (if required). All Budget Meetings begin at 6:00 p.m. Budget By-laws: Monday, January 23, 2023 - Water and Wastewater Budget and Rates By-law; Monday, February 27, 2023 - General Levy Budget By-law and General Capital Budget By-law.

- 7. Regional Councillor Report**
- 8. Presentations and Delegations**

- (a) Presentation to Patricia Mountain and In Memory of Brad Murphy

Re: Contribution to Our Community and the Ridgeway Business Improvement Area

- (b) Joshua Diamond, Water Quality Specialist, Niagara Peninsula Conservation Authority

Re: 2021 Water Quality Report  
(PowerPoint Presentation)

- (c) Russ Young, 2000 Jewson

Re: Enforcement of Municipal By-laws

- (d) William Howe and Michelle Cheng, 842 Rosehill Road

Re: Removal of EC Overlay - 842 Rosehill Road (EAC Minutes - November 6, 2022)

## **9. Consent Agenda Items**

### **9.1 Request to Remove Consent Agenda Items**

### **9.2 Consent Agenda Items for Approval**

#### **1. Minutes**

- |         |     |  |
|---------|-----|--|
| 13 - 22 | (a) | Approve - Regular Council Meeting - October 17, 2022<br><a href="#">10.17 - Regular Council</a>                        |
| 23 - 33 | (b) | Approve - Inaugural Special Council Meeting - November 15, 2022<br><a href="#">11.15 - Special Council (Inaugural)</a> |
| 34 - 36 | (c) | Approve - Special Council Meeting - November 21, 2022<br><a href="#">11.21 - Special Council</a>                       |
| 37 - 45 | (d) | Approve - Council-in-Committee Meeting - November 21, 2022<br><a href="#">11.21 - Council-in-Committee</a>             |
| 46 - 47 | (e) | Approve - Special Council Meeting - December 1, 2022<br><a href="#">12.01 - Special Council</a>                        |
| 48 - 50 | (f) | Approve - Special Council Meeting - December 5, 2022<br><a href="#">12.05 - Special Council</a>                        |

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- 51 - 60 (g) Approve - Council-in-Committee Meeting - December 5, 2022  
[12.05 - Council-in-Committee](#)
- 61 - 64 (h) Approve - Council-in-Budget Committee No. 1 Meeting - December 7, 2022  
[12.07 - Council-in-Budget Committee Meeting No. 1](#)

**2. Correspondence**

- 65 - 66 (a) Receive - CIBC - Closure of the Ridgeway Banking Centre  
[Comm\(a\)-CIBC](#)
- 67 (b) Proclamation - Crime Stoppers of Niagara - January 2023 as Crime Stoppers Month  
Resolution:  
  
**That:** Council proclaims January 2023 as "Crime Stoppers Month" and approves that the Crime Stoppers flag be flown at Town Hall.  
[Comm\(a\)-Crime Stoppers](#)

**3. Board/Committee Minutes**

- 68 - 83 (a) Receive - Ridgeway Business Improvement Area Board of Management - November 1, 2022; Annual General Meeting - November 23, 2022  
[RBIA-Nov1](#)  
[RBIA AGM-Nov23](#)
- 84 - 100 (b) Receive - Community Gaming Development Corporation - June 29, 2022, October 26, 2022  
[CGDC-June 29](#)  
[CGDC-Oct26](#)
- 101 - 112 (c) Receive - Crystal Beach Business Improvement Area Board of Management - September 13, 2022; October 18, 2022; November 14, 2022; Annual General Meeting - November 30, 2022  
[CBBIA-Sept13](#)  
[CBBIA-Oct18](#)  
[CBBIA-Nov14](#)  
[CBBIA AGM-Nov30](#)
- 113 - 115 (d) Receive - Crystal Beach Beautification Committee - October 12, 2022  
[CBBC-Oct12](#)

## Regular Council - 12 Dec 2022 Meeting Agenda

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116 - 120	(e)	Receive - Senior Citizens Advisory Committee - October 5, 2022; November 2, 2022 <a href="#">SCAC-Oct5</a> <a href="#">SCAC-Nov2</a>
121 - 133	(f)	Receive - Accessibility Advisory Committee - October 25, 2022; November 29, 2022 <a href="#">AAC-Oct 25</a> <a href="#">AAC-Nov 29</a>
134 - 135	(g)	Receive & Approve Recommendation - Environmental Advisory Committee - September 7, 2022 regarding: (i) Lots 36 & 37, 52 & 53 Plan M65: EC Overlay be removed <a href="#">EAC-Sept7</a>
136 - 138	(h)	Receive & Approve Recommendation - Environmental Advisory Committee - November 6, 2022, regarding: (i) 842 Rosehill Road: Request to remove EC Overlay be denied until an EIS is completed to review the cumulative impact on the overall feature <a href="#">EAC-Nov6</a>
139 - 141	(i)	Receive - Fort Erie Active Transportation Committee - October 11, 2022 <a href="#">FEAT-Oct11</a>
142 - 152	(j)	Receive - Community Health and Wellness Committee - June 21, 2022; September 20, 2022; October 18, 2022 <a href="#">CHCSC-June21</a> <a href="#">CHCSC-Sept20</a> <a href="#">CHCSC-Oct18</a>
153	(k)	Receive - Bridgeburg Station Downtown Business Improvement Area Board of Management - Annual General Meeting - December 6, 2022 <a href="#">BBIA AGM-Dec6</a>
<b>4. Reports</b>		
154 - 176	<b>PDS-80-2022</b>	Proposed Draft Plan of Standard Condominium - 424 & 426 Ridge Road North - Ridgeway Heights Inc.

(Jason Pizzicarola) - Owner - Jason Pizzicarola - Agent

Resolution:

**That:** Council approves the Draft Plan of Standard Condominium dated December 12, 2022, showing a 18-unit condominium building, as shown in Appendix “2” of Report No. PDS-80-2022, in accordance with the provisions of the *Planning Act* R.S.O. 1990 c.P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix “5” of Report No. PDS-80-2022, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix “5” of Report No. PDS-80-2022 to the applicable agencies in accordance with the requirements of the *Planning Act*.

[PDS-80-2022 424 & 426 Ridge Road N Condo Info & Rec Report - FINAL](#)

## 5. Other Matters

### Consent Agenda Resolution

Resolution:

**That:** Council approves the Consent Agenda Items as recommended.

## 9.3 Items Removed to be Dealt with Separately

## 10. Reports

177 - 208

### PDS-78-2022

Proposed Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment - Spring Creek Estates - 0-17482 and 0-17484 Black Creek Road - 5009823 Ontario Inc. - Mitch William and Mike Colosimo (Owners) - Upper Canada Consultants - Matt Kernahan (Agent)

Resolution:

**That:** Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90 as detailed in Report No. PDS-78-2022 for the lands known as 0-17482 and 0-17484 Black Creek Road, and further

**That:** Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black Creek Road, dated December 9, 2021, showing 54 lots for single-detached dwellings, 8 blocks for semi-detached dwellings, 13 blocks for street townhouse dwellings, 1 block for condominium townhouse dwellings, 1 block for an apartment dwelling/stacked townhouses, 1 block for a stormwater management pond, and 5 blocks for 0.3 m reserves, as attached as Appendix "2" of Report No. PDS-78-2022, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in Appendix "5" of Report No. PDS-78-2022, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix "5" of Report No. PDS-78-2022 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further

**That:** Council directs Staff to submit the necessary by-laws.

[PDS-78-2022 - Spring Creek Estates Recommendation Report - FINAL](#)

209 - 249

**PDS-79-2022**

Proposed Combined Official Plan and Zoning By-law Amendment & Draft Plan of Comment Elements Condominium & Disposal of Sixth Street Road Allowance and Part of Abutting Lane - 325 & 0-350 Garrison Road - Quartek Group Inc. - Susan Smyth (Applicant/Agent) - 2717041 Ontario Inc, - Vijaykumar Patel (Owner)

Resolution:

**That:** Council approves the amendments to the Town's Official Plan and Zoning Bylaw No. 129-90

as detailed in Report No. PDS-79-2022 for the lands known as 315 and 0-350 Garrison Road, and further

**That:** Council approves the Draft Plan of Common Elements Condominium for 315 and 0-350 Garrison Road, dated November 25, 2022 and contained in Appendix “7”, subject to the conditions contained in Appendix “8” of Report No. PDS-79-2022, and further

**That:** Council directs staff to circulate the Conditions of Draft Plan Approval in Appendix “8” of Report No. PDS-79-2022 to the applicable agencies in accordance with the requirements of the Planning Act, and further

**That:** Council directs that the Holding Provision not be removed until the abutting Town lands in accordance with Appendix “3” of Report No. PDS-79-2022 have been purchased by the Owner/Developer, and further

**That:** Council authorizes and approves the sale of the Sixth Street road allowance, Plan 519; Fort Erie, being all of PIN 64220-0126 (LT) and part of the abutting lane, Plan 519; Fort Erie, being part of PIN 64220-0120 (LT) to the Applicant, Vijaykumar Patel, for the amount of \$330,000 plus HST, and further

**That:** Council directs that the sale of the Sixth Street road allowance and part of the abutting lane be conditional on the subject lands legally merging in title with Applicant’s abutting lands, and further

**That:** Council directs Staff to submit the necessary By-laws to facilitate the amendments to the Official Plan and Zoning By-law, to authorize the entry into an Agreement of Purchase and Sale in a form satisfactory to the Town Solicitor, and to stop up and close the Sixth Street road allowance and abutting lane.

[PDS-79-2022 - 315 & 0-350 Garrison Road - Recommendation Report - FINAL](#)

**PDS-81-2022**

Proposed Zoning By-law Amendment - 0-13365 Pettit Road - D.C. McCloskey Engineering Ltd. - Mark McCloskey (Agent) - KRS Holdings Inc. - Gary Singh (Owner)

Resolution:

**That:** Council approves the amendments to the Town's Zoning By-law as detailed in Report No. PDS-81-2022 for the lands known as 0-13365 Pettit Road, and further

**That:** Council directs staff to submit the necessary By-law.

[PDS-81-2022-13365 Pettit Road ZBA Recommendation Report - FINAL](#)

**11. New Business/Enquiries**

- (a) Appointments to the Ridgeway Business Improvement Area Board of Management (**CONFIDENTIAL MEMORANDUM**)

Resolution:

**That:** The following members of the Ridgeway Business Improvement Area are appointed to the Board of Management as recommended in the minutes of November 23, 2022, Annual General Meeting for the term ending November 14, 2026, until their successors are appointed:

1. Susan Atkinson
2. Christine Trombley-Davis
3. William (Bill) Day
4. Carol LaCivita
5. Chuck Lord
6. Anna Morlacchetti
7. Jennifer Priestly
8. Jennifer Wilkinson, and
9. Councillor Christensen

- (b) Appointments to the Crystal Beach Business Improvement Area Board of Management (**CONFIDENTIAL MEMORANDUM**)

Resolution:

**That:** The following members of the Crystal Beach Business Improvement Area are appointed to the Board of Management as recommended in the minutes of November 30, 2022, Annual

General Meeting for the term ending November 14, 2026, until their successors are appointed:

1. Regan Greatrix
2. Melissa Dubois
3. Robin Bannerman
4. Kirk Fretz
5. Caroline Smith
6. Councillor Lewis, and
7. (1 Vacancy)

- (c) Appointments to the Bridgeburg Station Downtown Business Improvement Area Board of Management (**CONFIDENTIAL MEMORANDUM**)

Resolution:

**That:** The following members of the Bridgeburg Station Downtown Business Improvement Area are appointed to the Board of Management as recommended in the minutes of December 6, 2022, Annual General Meeting for the term ending November 14, 2026, until their successors are appointed:

1. Todd Bews
2. Jesse Boles
3. Brandon Flannigan
4. Venu Katta
5. Vince Salvatori
6. Stacie Vankralingen
7. Anne Vella
8. William (Bill) Thomas, and
9. Councillor McDermott

- (d) Appointment - Mayor's Youth Advisory Committee - Grace A. Gismondi and William MacQuarrie (**CONFIDENTIAL MEMORANDUM**)

Recommendation:

**That:** Council appoints Grace A. Gismondi and William MacQuarrie to the Mayor's Youth Advisory Committee for the period ending November 14, 2026, until their successors are appointed.

- (e) Council Nomination - Niagara Region - Transit Commission Board Resolution:

**That:** Council nominates \_\_\_\_\_ as the Town of Fort Erie Council Representative on the Niagara Region's Transit Commission Board.

[NB-Region-Niagara Transit Commission Appointee](#)

- (f) Council Appointment - Niagara Parks Commission Resolution:

**That:** Council recommends to the Niagara Parks Commission that \_\_\_\_\_ be appointed as the Town of Fort Erie member of the Niagara Parks Commission for the 2022-2026 Term of Council. **(Choose 1 member of Council)**

**12. Motions**

**13. Notice of Motion**

**14. Consideration of By-laws**

261	<b>147-2022</b>	To Authorize the Execution of an Assumption Agreement for 315 Garrison Road with 2717041 Ontario Inc. (Vijaykumar Patel) <a href="#">147-2022 315 Garrison Road - Assumption Agreement</a>
262 - 263	<b>148-2022</b>	To Authorize the Execution of an Amending Subdivision Agreement with 2835033 Ontario Inc. (Mitchell Williams) (Alliston Woods Subdivision) <a href="#">148-2022 Alliston Woods Phase 1 Amending Subdivision Agreement</a>
264 - 265	<b>149-2022</b>	To Authorize the Execution of a Development Agreement with 1736106 Ontario Inc. (Connie Nothdurft) (Houck Crescent) <a href="#">149-2022 Houck Crescent Development Agreement</a>
266 - 272	<b>150-2022</b>	To Amend By-law No. 93-12, as amended To Adopt A Reserve Policy For The Town Of Fort Erie (Establish Heritage Reserve and Climate Change Reserve and Close Greater Fort Erie Secondary School Theatre, Battlefield Park Pavilion and Transit Capital Reserves) <a href="#">150-2022 - Amend Reserve Policy combined</a>
273	<b>151-2022</b>	To Accept and Declare Lands as Public Highway on the East Side of Buffalo Road (448 Buffalo Road - Lea Anne Watson & Victoria James)

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		<a href="#"><u>151-2022 Accept and Declare Lands as Public Highway - 448 Buffalo RD</u></a>
274 - 287	<b>152-2022</b>	To Amend Fees and Charges By-law No. 40-09, as amended (2023 Review) <a href="#"><u>152-2022 Amend Fees &amp; Charges 2023 Review</u></a>
288	<b>153-2022</b>	To Amend By-law No. 60-2017 - Sale of Land Policy <a href="#"><u>153-2022 Amend By-law No. 60-2017 Sale of Land Policy</u></a>
289	<b>154-2022</b>	To Waive Business Licensing Fees for 2023 (excluding Short Term Rentals) <a href="#"><u>154-2022 Waive Business Licensing Fees (excluding STR) for 2023</u></a>
290 - 294	<b>155-2022</b>	To Deem Part of a Certain Registered Plan of Subdivision not to be a Registered Plan of Subdivision - 3815 Mathewson Avenue - Seguro Import Export Ltd. c/o Rhayan El Fakih (Owner) <a href="#"><u>155-2022 - Deeming By-law - 3815 Mathewson Ave</u></a> <a href="#"><u>MEMO - By-law 155-2022 - Deeming - 3815 Mathewson Ave</u></a>
295 - 299	<b>156-2022</b>	To Exempt Certain Lots and Blocks in Plan 59M483 from Part Lot Control, Blocks 49 & 50 (Mitchell Crescent) - Blackcreek Signature Subdivision - Rinaldi Homes (Niagara) Inc. <a href="#"><u>156-2022- Part Lot Control - Blocks 49, 50, 59M483 - Mitchell Cr.</u></a> <a href="#"><u>MEMO - By-law 156-2022- Part Lot Control - Blocks 49, 50, 59M483</u></a>
300 - 302	<b>157-2022</b>	To Adopt the Preliminary Capital Budget for the Town of Fort Erie for the Year 2023 <a href="#"><u>157-2022 - 2023 Prelim Capital Budget combined</u></a>
303	<b>158-2022</b>	To Confirm the Actions of Council at its Council-in-Committee Meeting held on November 21, 2022, Special Council Meeting held on December 1, 2022, Council-in-Committee Meeting held on December 5, 2022, Council-in-Budget Committee Meeting No. 1 held on December 7, 2022, and its Council Meeting held on December 12, 2022 <a href="#"><u>158-2022 Confirmatory</u></a>

## 15. Scheduling of Meetings

**16. Adjournment**



# The Municipal Corporation of the Town of Fort Erie

## Regular Council Meeting Minutes

**Monday, October 17, 2022 - 6:00 p.m.**

### **Council Chambers**

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### **1. Call to Order**

Mayor Redekop called the meeting to order at 6:00 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit, and Anishinaabe people, many of whom continue to reside in this area.

### **2. Invocation**

The Clerk read the Invocation.

### **3. Roll Call**

Present: His Worship Mayor Redekop and Councillors \*Butler, Dubanow, Lubberts, McDermott, Noyes, and Zanko.

(\*Arrived at 6:09 p.m.)

Staff: A. Dilwaria, J. Janzen, C. McQueen, C. Patton C. Schofield, and K. Walsh.

#### **4. Announcements/Addenda**

Mayor Redekop made the following announcements:

- **Remembrance Day**

Although Remembrance Day is about three+ weeks away, the annual Royal Canadian Legion Remembrance Day Poppy Campaign begins next week, October 28th. I encourage everyone to buy a poppy and wear it in recognition of the sacrifices made by our Canadian military veterans over the years.

- **Voting**

I'll speak very briefly on the issue of voting. The military sacrifices made, by the men and women of our Canadian military, were made so that we could enjoy the democracy that we live in. The greatest right in a democracy is the right to vote and elect those who will lead you, so I encourage everyone to vote on October 24th, if you haven't already. It is my understanding that around 2,000 people have voted in the advanced poll, which means there's still a fair number yet to vote. So please take the time, honour our military veterans, and vote on October 24th.

Mayor Redekop, along with Council members, made the following announcements:

- **Final Meeting of 2018 to 2022 Municipal Council**

Mayor Redekop, along with, Councillors Butler, Dubanow, Lubberts, Noyes, McDermott and Zanko, took the opportunity to thank their constituents for trusting them, Town Hall staff for their assistance, fellow Councillors for guidance and the Fort Erie community as a whole for the honour and privilege to serve with each and every one during this term of council.

#### **5. Declarations of Pecuniary Interest**

None.

#### **6. Notice of Upcoming Public Meetings**

None.

## 7. Regional Councillor Report

- **Final Meeting of 2018 to 2022 Municipal Council**

I will keep my remarks short and brief, but I want to be heartfelt. It has been an honour and a privilege to sit here with you. It's been almost four years, and I thank you for that.

## 8. Presentations and Delegations

None.

## 9. Consent Agenda Items

### 9.1 Request to Remove Consent Agenda Items

None.

### 9.2 Consent Agenda Items for Approval

#### 1. Minutes

- (a) Approve - Regular Council Minutes - September 19, 2022
- (b) Approve - Council-in-Committee Minutes - October 3, 2022

#### 2. Correspondence

- (a) Proclamation - Positive Living Niagara - November 24-December 1, 2022 as "AIDS Awareness Week"; December 1, 2022 as "World AIDS Day" and December 1 - 7, 2022 as "Aboriginal AIDS Awareness Week"

**That:** Council proclaims November 24 - December 1, 2022 as "AIDS Awareness Week"; December 1, 2022 as "World AIDS Day" and December 1-7, 2022 as "Aboriginal AIDS Awareness Week" and approves the flag to be flown at Town Hall. **(Carried)**

### 3. Board/Committee Minutes

- (a) Receive - Ridgeway Business Improvement Area Board of Management - September 6, 2022; October 6, 2022
- (b) Receive - Traffic Coordinating Committee Meeting Notes - June 22, 2022
- (c) Receive & Approve Recommendations – Fort Erie Affordable Housing Committee – September, 7, 2022 as follows:

**That:** Council authorize the Affordable Housing Committee to work with Town staff and conduct a Public Open House on Co-operative Housing to offer insight and educate interested parties and the public on how co-operative housing developments operate and their role in the affordable housing spectrum, and further

**That:** The Affordable Housing Committee and Town staff seek out and compile a list of builders/developers who have demonstrated interest or have undertaken developments that include affordable housing units in their projects, and those identified be invited to attend or participate in the Public Open House event. **(Carried)**

- (d) Receive - Fort Erie Affordable Housing Committee - October 5, 2022
- (e) Receive - Fort Erie Active Transportation - September 13, 2022
- (f) Receive - Senior Citizens Advisory Committee - September 7, 2022
- (g) Receive - Accessibility Advisory Committee - September 27, 2022

### 4. Report

**CS-17-2022** Fall 2022 Capital Variances

**That:** Council authorizes the closure of capital projects identified in Appendix “1” to Report No. CS-17-2022, and further

**That:** Council allocates all other capital project variances, with a total net surplus of \$1,471,734 in accordance with Appendix “1” to Report No. CS-17-2022, and further

**That:** Council amends the 2022 Capital Budget to substitute \$197,700 of Sanitary Sewer Refurbishing Reserve funding with the Combined Sewer Overflow (CSO) grant funds to capital project LAKE07, and further

**That:** Council amends the 2022 Capital Budget to substitute \$57,636 of Road Refurbishing Reserve funding with the Rural Economic Development (RED) program grant funds to capital project WAYF17, and further

**That:** Council amends the 2022 Capital Budget to substitute \$53,475 of Road Refurbishing Reserve funding with the Rural Economic Development (RED) program grant funds to capital project WAYF21, and further

**That:** Council authorizes the Director, Corporate Services to approve any required change to the reserve transactions to close the capital projects, up to the lesser of 10% or \$100,000.

**(Carried)**

## **5. Other Matters**

### **Consent Agenda Resolution**

Resolution No. 1

Moved by: Councillor McDermott

Seconded by: Councillor Dubanow

**That:** Council approves the Consent Agenda Items as recommended.

**(Carried)**

### 9.3 Items Removed to be Dealt with Separately

None.

## 10. Report

**PDS-72-2022** Composition of the Short-Term Rental Land Use Study Community Focus Group (***Postponed from October 3, 2022 Council-in-Committee Meeting - Previously Moved by Mayor Redekop as Recommendation No. 8***)

**That:** Council receives Report No. PDS-72-2022 for information purposes respecting composition of the Short-Term Rental Land Use Study Community Focus Group. **(Carried)**

## 11. New Business/Enquiries

- (a) Notice of Resignations - Ridgeway Business Improvement Area Board of Management - Patty Mountain, John Arbour and Karen Arbour

Resolution No. 2

Moved by: Councillor Butler

Seconded by: Councillor McDermott

**That:** Council accepts the resignations of Patty Mountain, John Arbour and Karen Arbour from the Ridgeway Business Improvement Area Board of Management, effective November 24, 2022, and further

**That:** Council directs staff to proceed with filling the vacancies in accordance with the Procedural By-law. **(Carried)**

- (b) Notice of Resignation - Mayor's Youth Advisory Committee - Logan Steele

Resolution No. 3

Moved by: Councillor McDermott

Seconded by: Councillor Dubanow

**That:** Council accepts the resignation of Logan Steele from the Mayor's Youth Advisory Committee, and further

**That:** Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law. **(Carried)**

- (c) Appointment - Ridgeway Business Improvement Area Board of Management - Susan Atkinson

Resolution No. 4

Moved by: Councillor Butler

Seconded by: Councillor McDermott

**That:** Council appoints Susan Atkinson to the Ridgeway Business Improvement Area Board of Management for the period ending November 14, 2022. **(Carried)**

- (d) Councillor Butler

Councillor Butler provided an update that the stray fox that at the time of the last Lincoln County Humane Society presentation, was at large and in trouble (health-wise), had been captured and was now receiving the rehabilitation he/she needed.

- (e) Mayor Redekop

Mayor Redekop referred to an enquiry he had received regarding the status of a streetlight that needed replacement. Mr. Walsh responded that all streetlights (49 in total) had been repaired. Mayor Redekop further requested information regarding whether the Town of Fort Erie is responsible for the repair of streetlights on a section of Highway 3, presumed to be under the control of the Ministry of Transportation. Mr. Walsh responded, that without knowing the exact address/location, he was unable to answer the question. Mr. Walsh advised Council of the newly developed reporting tool on [forterie.ca](http://forterie.ca) that assists residents in reporting streetlight outages.

## 12. Motions

- (a) Councillor Dubanow

Resolution No. 5

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

Re: Site Plan Approval - Self-Storage Facility at 625 Garrison Road

**That:** Council directs that site plan approval for the proposed self-storage facility at 625 Garrison Road and 0-10389 Helena Street be reinstated to Council. **(Carried)**

### **13. Notice of Motion**

None.

### **14. Consideration of By-laws**

By-law No. 136-2022 was removed from the package at the request of Councillor McDermott

Resolution No. 6

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

**That:** The by-law package containing:

133-2022: To Enact an Amendment to the Official Plan Adopted by By-law No. 150-06 for the Town of Fort Erie Planning Area - Amendment No. 64 - 124 Windmill Point Road South - Craig Kuhn and Kathryn Kuhn – Owners

134-2022: To Amend Zoning By-law No. 129-90, as amended - 124 Windmill Point Road South - Craig Kuhn and Kathryn Kuhn – Owners

135-2022: To Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision - 3842 Disher Street - Don Hang (Owner)

137-2022: To Amend Parks and Beaches By-law No. 119-03 (Dogs in Parks)

138-2022: To Amend Animal By-law No. 73-2021 (Dogs in Parks)

139-2022: To Authorize the Execution of a Subdivision Agreement with 2538070 Ontario Limited (Bryce Ivanchuk) - (Nigh Road Subdivision)

is given first and second reading. **(Carried)**

Resolution No. 7

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

**That:** By-laws:

133-2022

134-2022

135-2022

137-2022

138-2022

139-2022

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

**(Carried)**

Resolution No. 7A

Moved by: Councillor Lubberts

Seconded by: Councillor McDermott

**That:** By-law No.136-2022: To Designate 1 Burns Place as Being of Cultural Heritage Value or Interest is given first and second reading.

**(Carried)**

Resolution No. 7B

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

**That:** By-law No. 136-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

**(Carried)**

Resolution No. 8

Moved by: Councillor Zanko

Seconded by: Councillor Noyes

**That:** By-law No. 140-2022: To Confirm the Actions of Council at its Council-in-Committee Meeting Held on October 3, 2022 and Council Meeting Held on October 17, 2022 is given first and second reading.

**(Carried)**

Resolution No. 9

Moved by: Councillor Noyes

Seconded by: Councillor Dubanow

**That:** By-law No. 140-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

**(Carried)**

## 15. Scheduling of Meetings

- Lincoln County Human Society (LCHS) – October 18, 2022 at 6:00 p.m.
- Fort Erie Public Library Board - October 18, 2022 at 4:30 p.m. - Centennial Branch
- Fort Erie Not-for-Profit Housing – October 19, 2022 at 11:30 a.m.
- Downtown Stevensville Business Group – October 19, 2022 at 7:00 p.m. – Stevensville Conservation Club
- Traffic Coordinating Committee – October 26, 2022 at 12:00 noon – Town Hall, Committee Room #1

## 16. Adjournment

Resolution No. 10

Moved by: Councillor Dubanow

Seconded by: Councillor McDermott

**That:** Council adjourns at 6:58 p.m. to reconvene into a Regular Meeting of Council on December 12, 2022. **(Carried)**

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Mayor

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Clerk



# The Municipal Corporation of the Town of Fort Erie

## Inaugural Special Council Meeting Minutes

**Tuesday, November 15, 2022**

### **Leisureplex Banquet Hall**

This meeting can be viewed at the Town's Website following the meeting:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)  
or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](http://www.forterie.ca)) or at Cogeco "YourTV"

### **Procession**

The Mayor, Members of Council-Elect and Platform Guests were piped in by Piper Peter Cotton, escorted by Erin Ronfeld and Mike Salvage, Guards from the Town of Fort Erie Old Fort.

### **O Canada**

The National Anthem was performed by Violinist, Hannah Flake.

### **1. Call to Order**

Mayor Redekop called the meeting to order at 7:00 p.m.

### **2. Roll Call**

Present: His Worship Mayor Redekop and Councillors-Elect Christensen, Dubanow, Flagg, Lewis, McDermott, and Noyes.

Also Present: Regional Councillor-Elect Tom Insinna

Platform Guests: Reverend Martha J. Lockwood (Master of Ceremonies), Mr. Dave Labbe, Mr. John T. Teal, Barrister & Solicitor.

### **3. Invocation**

The Clerk read the Invocation.

**4. Fort Erie Native Friendship Centre Ceremony**

The Native Thank You was delivered by Dave Labbe, Fort Erie Native Friendship Centre.

**5. Strong Water Singers**

Presentation to Council was delivered by the Strong Water Women.

**6. Declarations of Office**

The Honourable Mr. John T. Teal, Barrister & Solicitor gave his remarks and administered the Declaration of Office individually to the Mayor and Councillors.

**7. Presentation of Chain of Office**

Mayor Redekop accepted the Chain of Office from the Clerk. Mayor Redekop remarked on the history and significance of the Chain of Office.

**8. Greetings from Regional Councillor-Elect**

Tom Insinna, Regional Councillor-Elect, congratulated the new Council and brought greetings on behalf of the Council of the Regional Municipality of Niagara.

**9. Resolutions**

- (a) Expression of Appreciation - Inaugural Meeting  
Resolution No. 1  
Moved by: Councillor McDermott  
Seconded by: Councillor Christensen

**That:** Council expresses sincere appreciation and gratitude to the following for their time and participation in the 2022 Inaugural Meeting of Council:

- 337 'Allan Troup' Squadron Royal Canadian Air Cadets - Fort Erie
- 2966 Royal Canadian Artillery Cadet Corps - Fort Erie
- Reverend Martha J. Lockwood
- Peter Cotton
- Hannah Flake
- Erin Ronfeld

- Mike Salvage
- Dave Labbe, Fort Erie Native Friendship Centre
- Strong Water Singers
- John T. Teal, Barrister & Solicitor
- Regional Councillor-Elect, Tom Insinna

**That:** Council applauds and appreciates the performances and presentations of the following:

- Fort Erie Arts Council
- Fort Erie Multicultural Centre
- Fort Erie Museum and Cultural Services
- Selena Carlson
- Peacock School of Dance
- Justin Preston
- Down the Rabbit Hole Theatre Company
- Dennis Hernandez-Galeano

**That:** Council recognizes the following in this community partnership:

- Niagara Samosa Factory
- The Green House Floral Bar
- The Pie Guys Bakery & Cafe
- The Happy Baker
- Creative Dining by Angie
- Gift Baskets Niagara
- Niagara Parks Commission
- Madison's Pub
- J&B Pro Music
- J. Burd - News Media607
- Magnolia Creative Co.
- Above & Beyond Decor

**That:** Council expresses its appreciation to the following Town staff for their spirit of dedication and commitment to the success of this 2022 Inaugural Meeting:

- Deanna Allen
- Kevin Beauchamp
- Ashlea Carter
- Danielle Culver
- Caralee Grummett
- Sean Hutton
- Diana Kelley
- Lisa McManus
- Chris McQueen

- Megan Opatovsky
- Cole Patton
- Carol Schofield
- Margarete Taddeo

(Carried)

(b) Expression of Appreciation - Boards and Committees

Resolution No. 2

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

**Whereas** volunteer involvement fosters civic responsibility, participation and interaction, and strengthens communities by promoting change and development through identification of community needs, and

**Whereas** a commitment to community participation and service is one of the pillars of strength of the Town of Fort Erie, and

**Whereas** municipal councils establish boards and committees to enable citizens to become involved in grassroot service areas which are fundamental to the enhancement of the community such as libraries, museums, youth, seniors, history, business districts, the environment and beautification, to name just a few, and

**Whereas** the appointment of members of the public to serve on the Town's Boards and Committees allows the Council to:

- provide a variety of perspectives, reflecting the diversity of the community;
- represent stakeholder groups;
- bring specific skills and expertise that contribute to good governance;
- represent specific groups of service users, and;
- bring external funding, sponsorship, volunteers or profile to the service, and

**Whereas** it is deemed desirable to honour the members who served on the Town's Boards and Committees for the past term of Council;

**Now therefore be it resolved,**

**That:** Council of the Town of Fort Erie expresses heartfelt gratitude and appreciation to each and every member who served on the Town's various Boards and Committees for the past term of Council whose contributions and talents have strengthened the services and programs delivered by the Town of Fort Erie while lending themselves to the overall betterment of our community. **(Carried)**

## **10. Consideration of By-laws**

Resolution No. 3

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

**That:** The by-law package containing:

**141-2022** To Appoint Acting Mayors for the 2022-2026 Term of Council

**142-2022** To Appoint Christopher Smith as Deputy Fire Chief for the Town of Fort Erie

is given first and second reading.

**(Carried)**

Resolution No. 4

Moved by: Councillor McDermott

Seconded by: Councillor Christensen

**That:** By-laws:

141-2022

142-2022

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal.

**(Carried)**

Resolution No. 5

Moved by: Councillor Lewis

Seconded by: Councillor Noyes

**That:** By-law No. 143-2022: To Confirm the Actions of Council at its Inaugural Special Council Meeting Held on November 15, 2022 is given first and second reading. **(Carried)**

Resolution No. 6

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

**That:** By-law No. 143-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

**11. Master of Ceremonies - Message of Hope and Encouragement**

Reverend Martha J. Lockwood provided a message of Hope and Encouragement to the new Council.

**12. Mayor's Inaugural Address**

Mayor Redekop provided his Inaugural Address, which is attached to these Minutes.

**13. Adjournment**

Resolution No. 10

Moved by: Councillor Dubanow

Seconded by: Councillor Christensen

**That:** Council adjourns at 8:24 p.m. to reconvene into a Regular Meeting of Council on December 12, 2022. **(Carried)**

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Mayor

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Clerk

## **INAUGURATION ADDRESS – NOVEMBER 15, 2022**

Former Mayors Teal, Martin and Hummel, Reverend Lockwood, Regional Councillor Insinna, members of the Town Council, distinguished guests, thank you for attending this 2022 Fort Erie Inauguration.

I wish to thank all of those who have put together and are participating in this evening's agenda and program, entitled "A Place Where We All Belong". Town staff, listed in the program, have once again done a wonderful job to ensure that we will be impressed.

I also wish to thank all of you who have supported me over the years and have again utilized your extraordinary talents to ensure the success of our election campaign. No one can take on the responsibilities and challenges of public office without the support of a devoted partner. Cathy has been more than a wife – she has been a friend, an advisor, a critic at times, a defender and always an inspiration. She is the heart of our family and the exemplar for our three daughters. Words cannot express my love for Cathy, our daughters, Lindsay, Hilary and Kylie, and our grandsons, Brody and Cullen. I also want to recognize my son-in-law, Rob, my brother, David, my sister-in-law, Bev, and substitute daughter, Marlo, who have always been part of the "team", whether they preferred or not.

I would like to congratulate all of the members of the new Council on your electoral victory – your work as elected representatives is about to begin. Knowing all of you and having worked with all of you in one capacity or another over the years, I am extremely confident that you will serve the residents of Fort Erie exceptionally well over

the next 4 years. Your varied skills, talents, experiences and perspectives will be great assets in our tasks ahead.

Finally, I want to thank all of you for being here this evening. You have shown that you deeply care about our community and, most importantly, the future of our community.

The roots of this evening go back several decades to my childhood. In retrospect, I realize how fortunate I was to have been raised by such loving, caring and attentive parents and grandparents. The lessons I learned as a child have lasted a lifetime: honesty, diligence, the importance of hard work and team work, tolerance, compassion, humility. I was taught that no one should be looked down on because of what they look like, where they live, where they came from, what their faith is, how they speak or what they wear. My siblings and I received constant encouragement, affirmation and support, with the very odd dose of discipline. Mine was a happy childhood and it shaped my views, perspectives, opinions and beliefs. It also gave me a warm sense of belonging.

We live in a community that possesses enviable gifts: an abundance of water, forests and wildlife; proximity to the border; a rich history; a diverse population. We know that Indigenous people occupied what we now call Fort Erie over 9 thousands ago. By the time Europeans arrived in this area, First Nations had developed a system of governance and a philosophy for sharing the land and its resources. French trappers, British military, Pennsylvania trekkers, passengers on the Underground Railroad, new immigrants and refugees from around the world – all have made an

imprint on our community over the decades. The periodic clash of cultures, particularly the treatment of Indigenous peoples, has caused dissonance in the symphony of life. But now, more than ever, Fort Erie is becoming a place where everyone is welcome.

Right now, Fort Erie is on fire. Let me say that again: Fort Erie is on fire. Not in the sense that we need to call out the volunteer fire department, but in the sense that it is red hot for the future. Optimism is high. Expectations are high. Potential is very high. Fort Erie is, and is recognized as being, a progressive, well-managed, financially prudent, welcoming and growing municipality.

- In recent years, housing starts have been at record levels;
- a new Gilmore Lodge is taking form;
- a new Hospice Niagara facility is soon to follow;
- Abatement Technologies is constructing its new international headquarters;
- Siltech, a silicone compound manufacturer, will soon begin construction on a new facility once we get past the Ministry of Transportation;
- other manufacturers are expanding or have plans to expand;
- over 70 new commercial businesses have opened since the beginning of the pandemic in March 2020, the latest of which is Winners;
- new parks have been built or revitalized in all parts of town;
- public transit is now on demand, serving all residents, and is part of the new Niagara Transit system;

- the E.J. Freeland Community Centre is now under ownership of the people of Fort Erie;
- initiatives to expand public ownership of the waterfront and provide reliable, high speed internet service to all residents are underway;
- valuable and creative partnerships have been forged with the Fort Erie Native Friendship Centre, the Boys and Girls Club of Niagara, Niagara Health, the Fort Erie International Academy, the Niagara Parks Commission and other municipalities to enhance services and programs for our residents;
- numerous town committees address accessibility, active transportation, health care services, youth, seniors, gaming and built heritage concerns;
- our natural heritage, environment and climate change are the focus of attention;
- policies are being formulated to deal with affordable housing;
- and Council is poised to adopt recommendations made by the Fort Erie Coalition on Diversity and Inclusion.

These actions are the product of listening to the public, creative thinking, strategic planning, sound financial management, aggressive advocacy and collaboration between Council, staff and the public. The growth of our community is evident – whether those moving in from the GTA or young families moving in from other parts of Niagara or businesses starting up – and the growth is inevitable. Managing that growth is the greatest challenge that this new Council will face. As Fort Erie grows, it is imperative to retain that which we most value. The greatest threat to our efforts to

preserve existing neighbourhoods, to protect our natural and built heritage, to provide long-term primary health and urgent care for our residents and to ensure a continuation of the sense of belonging is, surprisingly, the provincial government. There is a dissonance between our aspirations as a community and the provincial government's agenda, despite the fact that we can meet provincial objectives while meeting the expectations of our residents. Persuading the government that we can align with their goals while continuing to maintain our sense of place is a task for all of us – Town Council, staff and residents.

We will continue to work with our provincial Ministers to show them what we have and what is happening in Fort Erie, how we are a valuable partner in helping them to achieve success, that we are aligned with their long-term objectives in many respects and that prosperity locally translates into prosperity provincially.

We have something unique in Fort Erie. Let us recognize and cherish that. For over 250 years we have welcomed new comers to our community. We are travelling the path of reconciliation with our Indigenous peoples. We value and celebrate diversity, equity and inclusion. We are focused on people, the services they need and their aspirations. How you look, how you speak, what you wear, how you identify, what your creed may be, where you come from, your economic status do not matter here. Everyone has a place in Fort Erie – a place where we all belong.

That is our commitment; that is our pledge; that is our mission.



# The Municipal Corporation of the Town of Fort Erie

## Special Council Meeting Minutes

**Monday, November 21, 2022**

### **Council Chambers**

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)  
or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](http://www.forterie.ca)) or Cogeco "YourTV"

#### **1. Call to Order**

Mayor Redekop called the meeting to order at 5:32 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit, and Anishinaabe people, many of whom continue to reside in this area.

#### **2. Roll Call**

Present: His Worship Mayor Redekop and Councillors Dubanow, Flagg, Lewis, McDermott, Noyes.

Absent: Councillor Christensen

Staff: A. Carter, A. Dilwaria, A. Herlovitch, J. Janzen, C. McQueen, C. Patton, C. Schofield, K. Walsh.

#### **3. Announcements/Addenda**

None.

#### **4. Declarations of Pecuniary Interest**

None.

## 5. Correspondence

Resolution No. A

Moved by: Councillor McDermott

Seconded by: Councillor Noyes

**That:** Council receives and supports correspondence from Niagara Peninsula Conservation Authority - Environmental Registry of Ontario Postings: 019-610, 01902927, 019-6141 and 019-6161. **(Carried)**

## 6. Closed Session

Resolution No. 1

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

**That:** Council will now hold a Closed Session Meeting at 5:34 p.m. to consider the following:

- (a) Pursuant to Section 239 (e) of the *Municipal Act, 2001* (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board)

Re: Ontario Land Tribunal Appeal - 214 Windmill Point Road South

Resolution No. 1A

Moved by: Councillor Dubanow

Seconded McDermott

**That:** Council postpone the Closed Session Meeting to December 5, 2022 at 5:30 p.m. **(Carried)**

## 7. Consideration of By-laws

Resolution No. 2

Moved by: Councillor Lewis

Seconded by: Councillor McDermott

**That:** By-law No. 144-2022: To Authorize Entry into a Municipal Transfer Agreement between Niagara Transit Commission and The Corporation of The Town of Fort Erie is given first and second reading. **(Carried)**

Resolution No. 3

Moved by: Councillor Flagg

Seconded by: Councillor Dubanow

**That:** By-law No. 144-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 4

Moved by: Councillor McDermott

Seconded by: Councillor Lewis

**That:** By-law No. 145-2022: To Confirm the Actions of Council at its Special Council Meeting Held on November 21, 2022 is given first and second reading. **(Carried)**

Resolution No. 5

Moved by: Councillor Noyes

Seconded by: Councillor Lewis

**That:** By-law No. 145-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

## **8. Adjournment**

Resolution No. 6

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

**That:** Council adjourns at 5:37 p.m. to reconvene into a Regular Meeting of Council on December 12, 2022. **(Carried)**

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Mayor

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Clerk



# The Municipal Corporation of the Town of Fort Erie

## Council-in-Committee Meeting Minutes

**Monday, November 21, 2022**

### **Council Chambers**

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)  
or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](http://www.forterie.ca)) or Cogeco "YourTV"

#### **1. Call to Order**

Mayor Redekop called the meeting to order at 5:38 p.m.

#### **2. Roll Call**

Present: His Worship Mayor Redekop and Councillors Christensen\*, Dubanow, Flagg, Lewis, McDermott, and Noyes

\*(Arrived at 6:02 p.m. via Zoom)

Staff: B. Bradnam, A. Carter, A. Dilwaria, S. Hansen, A. Herlovitch, J. Janzen, C. McQueen, C. Millar, C. Patton, C. Schofield, K. Walsh

#### **3. Announcements/Addenda**

None.

#### **4. Declarations of Pecuniary Interest**

None.

#### **5. Notice of Upcoming Public Meetings**

(a) Open House

Re: Fort Erie Short Term Rental Land Use Study - Wednesday,  
November 23, 2022 - 6:00 p.m. - Via Video Teleconference.

(b) 2023 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #1 - Wednesday, December 7, 2022 - Capital Budget & Forecast and User Fee Analysis; #2 - Wednesday, January 18, 2023 - Water and Wastewater Operating Budget; #3 - Wednesday, February 15, 2023 - Library, General Levy Operating Budget & Assessment Analysis; #4 - Wednesday, February 22, 2023 (if required). All Budget Meetings begin at 6:00 p.m. Budget By-laws: Monday, December 12, 2022 - Preliminary Capital Budget and User Fees By-law; Monday, January 23, 2023 - Water and Wastewater Budget and Rates By-law; Monday, February 27, 2023 - General Levy Budget By-law and General Capital Budget By-law.

(c) Proposed Zoning By-law Amendment

Re: 63 Idylewylde Street - Owner: Frank Alessio - Agent: Urban Environments (Greg Hynde) - Monday, December 5, 2022 - 6:00 p.m. - Council Chambers, Town Hall. The information report will be available by 5:00 p.m. on November 30, 2022.

**6. Public Meetings**

None.

**7. Consent Agenda Items**

None.

**7.1 Request to Remove Consent Agenda Items**

**7.2 Consent Agenda Items for Approval**

**7.3 Items Removed to be Dealt with Separately**

**8. Planning and Development Services**

*Chaired by: Mayor Redekop*

**8.1 Presentations and Delegations**

***All visual and oral presentations can be viewed as recorded at: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)***

(a) Geoffrey Aldridge, 3765 Rebstock Road

Re: Bill 23, More Homes Built Faster Act, 2022 (Report No. PDS-73-2022)

Mr. Aldridge provided a PowerPoint Presentation which can be found on the Town's website.

## **8.2 Reports**

**PDS-73-2022**      Proposed Provincial Bill 23 - *More Homes Built Faster Act, 2022*

Recommendation No. 1

Moved by: Councillor Dubanow

**That:** Council receives Report No. PDS-73-2022 regarding the Province of Ontario proposed Bill 23 – More Homes Built Faster Act, 2022, and directs staff to forward Report No. PDS-73-2022 to the Province of Ontario, drawing attention to the Town's comments. **(Carried)**

## **8.3 New Business/Enquiries**

(a)      Selection of Chair and Vice-Chair for Council-in-Committee Business Subdivision

Recommendation No. 2

Moved by: Councillor McDermott

**That:** Council appoints the following Chair and Vice-Chair to the Planning and Development Services Business Subdivision of Council-in-Committee for the period of November 21, 2022 to March 14, 2024:

Councillor Dubanow, Chair

Councillor Christensen, Vice-Chair

**(Carried)**

## **8.4 Business Status Report**

None.

## **9. Infrastructure Services**

*Chaired by: Mayor Redekop*

### **9.1 Presentations and Delegations**

### **9.2 Reports**

### 9.3 New Business/Enquiries

- (a) Selection of Chair and Vice-Chair for Council-in-Committee Business Subdivision

Recommendation No. 3

Moved by: Councillor Dubanow

**That:** Council appoints the following Chair and Vice-Chair to the Infrastructure Services Business Subdivision of Council-in-Committee for the period of November 21, 2022 to March 14, 2024:

Councillor Noyes, Chair

Councillor Lewis, Vice-Chair

**(Carried)**

### 9.4 Business Status Report

None.

## 10. Corporate and Community Services

*Chaired by: Mayor Redekop*

### 10.1 Presentations and Delegations

### 10.2 Reports

**CAO-16-2022** Annual Accessibility Status Report - 2022

Recommendation No. 4

Moved by: Councillor Lewis

**That:** Council receives the Accessibility Status Report 2022, attached as Appendix "1" to Report No. CAO-16-2022, as the annual Accessibility Status Report required under the Accessibility for *Ontarians with Disabilities Act*. **(Carried)**

**CAO-17/LC-16-2022** Land Matters: October 20, 2022 Land Committee Meeting Minutes

Recommendation No. 5

Moved by: Councillor McDermott

**That:** Council receives the October 20, 2022, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-17/LC-16-2022, and further

**That:** Council approves the recommendations contained in Appendix “2”. **(Carried)**

**CS-18-2022**                      2022 3rd Quarter Financial Report

Recommendation No. 6  
Moved by: Councillor Dubanow

**That:** Council receives Report No. CS-18-2022 regarding the 2022 3rd Quarter Financial Report for information purposes, and further

**That:** Council directs staff to transfer \$150,000 of Climate Change studies and initiatives savings to the General Levy Rate Stabilization Reserve, and further

**That:** Council directs staff to transfer \$138,500 in WSIB rebates and grants to the General Levy Rate Stabilization Reserve, and further

**That:** Council directs staff to establish a Heritage Reserve and transfer the \$50,000 approved in 2022 Operating Budget to the reserve, and further

**That:** Council directs staff to transfer the \$869,612 remaining of the Greater Fort Erie Secondary School (GFESS) Theatre funds to the South Niagara Hospital Reserve and to close the GFESS Theatre Reserve, and further

**That:** Council directs staff to transfer the \$1,300 remaining of the Battlefield Park Pavilion Reserve funds to the Parkland Reserve and to close the Battlefield Park Pavilion Reserve, and further

**That:** Council directs staff to transfer the \$166,000 remaining of the Transit Capital Reserve funds to the IT Equipment Reserve and to close the Transit Capital Reserve, and further

**That:** Council allocates \$87,065 in Transit Development Charges (DC) to Town Transit operations to fund the capital component of transit contracts.

Recommendation No. 7  
Moved by: Councillor Dubanow

**That:** The second recommendation be amended to provide that Council establishes a Climate Change Reserve to finance climate change studies and initiatives, and Reserve By-law No. 93-12 be amended accordingly, and further

**That:** Council directs staff to transfer \$150,000 of Climate Change studies and initiatives savings to the new Climate Change Reserve. **(Carried)**

**Following approval of the amendment, Recommendation No. 6 was voted on, as amended, as follows:**

**That:** Council receives Report No. CS-18-2022 regarding the 2022 3rd Quarter Financial Report for information purposes, and further

**That:** Council establishes a Climate Change Reserve to finance climate change studies and initiatives, and Reserve By-law No. 93-12 be amended accordingly, and further

**That:** Council directs staff to transfer \$150,000 of Climate Change studies and initiatives savings to the new Climate Change Reserve, and further

**That:** Council directs staff to transfer \$138,500 in WSIB rebates and grants to the General Levy Rate Stabilization Reserve, and further

**That:** Council directs staff to establish a Heritage Reserve and transfer the \$50,000 approved in 2022 Operating Budget to the reserve, and further

**That:** Council directs staff to transfer the \$869,612 remaining of the Greater Fort Erie Secondary School (GFESS) Theatre funds to the South Niagara Hospital Reserve and to close the GFESS Theatre Reserve, and further

**That:** Council directs staff to transfer the \$1,300 remaining of the Battlefield Park Pavilion Reserve funds to the Parkland Reserve and to close the Battlefield Park Pavilion Reserve, and further

**That:** Council directs staff to transfer the \$166,000 remaining of the Transit Capital Reserve funds to the IT Equipment Reserve and to close the Transit Capital Reserve, and further

**That:** Council allocates \$87,065 in Transit Development Charges (DC) to Town Transit operations to fund the capital component of transit contracts. **(Carried)**

### 10.3 New Business/Enquiries

- (a) Selection of Chair and Vice-Chair for Council-in-Committee Business Subdivision

Recommendation No. 8

Moved by: Councillor Lewis

**That:** Council appoints the following Chair and Vice-Chair to the Corporate and Community Services Business Subdivision of Council-in-Committee for the period of November 21, 2022 to March 14, 2024:

Councillor McDermott, Chair

Councillor Flagg, Vice-Chair

**(Carried)**

- (b) Councillor Dubanow

Councillor Dubanow commended Infrastructure Services Staff and Contractors for the excellent work completed during the extreme snowfall event. He added that the efficiency of snow removal in Fort Erie is exceptional, especially in comparison to other municipalities.

- (c) Councillor Dubanow

In response to the negative comments surrounding the cancellation of the Santa Claus Parade, Councillor Dubanow stated that the volunteers made the right decision ahead of the significant snowfall, and he supports their decision. He added that the volunteers who organize the event spend upwards of 300 hours on the event and are in unpaid positions. Councillor Dubanow said he is thankful for the work the Santa Claus Parade volunteers do and is looking forward to attending the parade next year with his family.

(d) Councillor Noyes

Councillor Noyes advised that the Lincoln County Humane Society will be meeting tomorrow and that she will present a councillor brief if any of the councillors wish to bring forward any questions or comments.

Councillor Noyes enquired whether there is anywhere in Town to obtain dog tags physically.

Mayor Redekop responded that there are 2 locations: Ruffin's on Concession Road and Thor's on Dominion Road. There is a kiosk where you enter your information at those locations, and then a tag is mailed to you.

Mayor Redekop enquired with Mr. McQueen what the licence cost was before the contract with LCHS, what the cost is now and what the cost is with the online charge. Mr. McQueen advised he will obtain the information and provide it to Council.

Mayor Redekop also stated that the Fort Erie SPCA is still in business, attending public events to raise the profile of the organization and soliciting donations.

(e) Mayor Redekop

Mayor Redekop commended Infrastructure Services Staff and Contractors for the excellent work completed during the extreme snowfall event. He suggested that the debrief conducted at the Infrastructure Services Sub-committee should be added to the Council Agenda so that Council can be aware of the debrief results.

Mr. Walsh responded that the debrief took place this afternoon and summarized that the Town expended approximately 600 working hours in response to the 2 days of snowfall and 2 days of drifting snow that followed. Mr. Walsh acknowledged some hiccups; however, the Town still met all legislated and policy requirements. He added that the most efficient way for residents to contact Town Staff during snowfalls events is to call Town Hall; that line extends to staff working after hours.

(f) Mayor Redekop

Mayor Redekop noted that previous Councillor Richard Berry passed away over the weekend. Councillor Berry served on three terms of council from 1994 to 2003. Mayor Redekop added that Richard Berry had a good sense of humour and that they could laugh at things even when they disagreed. Mayor Redekop noted that Town Flags will remain at half mass until the funeral.

#### **10.4 Business Status Report**

None.

### **11. Scheduling of Meetings**

- Lincoln County Humane Society, November 22, 2022 at 6:00 p.m.
- Accessibility Advisory Committee, November 29, 2022 at 4:00 p.m., Town Hall, Committee Room 1
- Senior Citizens Advisory Committee, December 7, 2022 at 10:00 a.m., Fort Erie Lions Club
- The Regional Municipality of Niagara Inaugural Meeting of Council, November 24, 2022 at 4:00 p.m., Council Chamber Niagara Region Headquarters

### **12. Adjournment**

Recommendation No. 9

Moved by: Councillor Dubanow

**That:** Council-in-Committee hereby adjourns at 6:50 p.m. **(Carried)**

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Mayor

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Clerk



The Municipal Corporation of the  
Town of Fort Erie

**Special Council Meeting Minutes**

**Thursday, December 1, 2022**

**Conference Room No. 1**

**1. Call to Order**

Acting Mayor Dubanow called the meeting to order at 8:30 a.m.

**2. Roll Call**

Present: \*Mayor Redekop, and Councillors Dubanow, Flagg, Lewis,  
\*\*McDermott, and Noyes

(\*Arrived at 12:00 p.m.; \*\*Arrived at 11:10 a.m.)

Absent: Councillor Christensen

Staff: A. Dilwaria, C. Grummett, J. Janzen, J. Kelly, L. McManus,  
C. McQueen, C. Schofield, and K. Walsh

**3. Announcements/Addenda**

None.

**4. Declarations of Pecuniary Interest**

None.

**5. Closed Session**

Resolution No. 1

Moved by: Councillor Noyes

Seconded by: Councillor Flagg

**That:** Council will now hold a Closed Session Meeting at 8:35 a.m. to  
consider the following:

- (a) Pursuant to Section 239 (3.1) of the *Municipal Act, 2001* (for the  
purpose of educating and training the members of the Council)

Re: Council Orientation for New Term of Council 2022 – 2026  
(Carried)

Members of Council were provided with a bus tour of key facilities / projects, development areas, and areas of interest. The tour returned to Town Hall at 12:00 p.m.

*Council recessed from 12:03 p.p. to 12:30 p.m.*

Departmental staff provided members of Council with overviews / presentations regarding Corporate Services, Community Services, Planning and Development Services, Infrastructure Services, and Legal Services. A presentation was also provided by Tim McAvoy, McAvoy, Belan & Campbell regarding the Town's Insurance Policy.

No member discussed or otherwise dealt with any matter in a way that materially advanced the business or decision-making of the Council.

Resolution No. 2  
Moved by: Councillor McDermott  
Seconded by: Councillor Dubanow

**That:** Council does now rise and reconvene from Closed Session at 2:50 p.m. without report. (Carried)

## 6. Adjournment

Resolution No. 3  
Moved by: Councillor Lewis  
Seconded by: Councillor Noyes

**That:** Council adjourns at 2:51 p.m. to reconvene into a Regular Meeting of Council on December 12, 2022. (Carried)

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Mayor

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Clerk



# The Municipal Corporation of the Town of Fort Erie

## Special Council Meeting Minutes

**Monday, December 5, 2022**

### **Council Chambers**

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [www.youtube.com/townofforterie](https://www.youtube.com/townofforterie)  
or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](https://www.forterie.ca)) or Cogeco "YourTV"

#### **1. Call to Order**

Mayor Redekop called the meeting to order at 5:32 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the Credit, and Anishinaabe people, many of whom continue to reside in this area.

#### **2. Roll Call**

Present: His Worship Mayor Redekop and Councillors Dubanow, Flagg, Lewis, McDermott, Noyes.

Absent: Councillor Christensen

Staff: A. Carter, A. Dilwaria, A. Herlovitch, J. Janzen, C. Patton, C. Schofield, K. Walsh

#### **3. Announcements/Addenda**

The Mayor announced that there is no addendum and the announcements will be deferred until the Council In Committee meeting.

#### **4. Declarations of Pecuniary Interest**

None.

## 5. Closed Session

***Previously moved by Councillor Noyes as Resolution No. 1 on November 21, 2022 (Postponed to December 5, 2022)***

**That:** Council will now hold a Closed Session Meeting at 5:33 p.m. to consider the following:

- (a) Pursuant to Section 239 (e) of the *Municipal Act, 2001* (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board), and Section 239 (f) (advice that is subject to solicitor-client privilege, including communications necessary for that purpose)

Re: Ontario Land Tribunal Appeal - 214 Windmill Point Road South  
**(Carried)**

J. Stirton, Town Solicitor, provided an overview of proposed Minutes of Settlement, followed by a question and answer period.

Resolution No. 2  
Moved by: Councillor Lewis  
Seconded by: Councillor McDermott

**That:** Council does now rise and reconvene from Closed Session at 5:56 p.m. with report that staff proceed as directed.  
**(Carried)**

## 6. Consideration of By-laws

Resolution No. 3  
Moved by: Councillor McDermott  
Seconded by: Councillor Dubanow

**That:** By-law No. 146-2022: To Confirm the Actions of Council at its Special Council Meeting Held on December 5, 2022 is given first and second reading.  
**(Carried)**

Resolution No. 4  
Moved by: Councillor Flagg  
Seconded by: Councillor Dubanow

**That:** By-law No. 146-2022 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal.  
**(Carried)**

**7. Adjournment**

Resolution No. 5

Moved by: Councillor Dubanow

Seconded by: Councillor Flagg

**That:** Council adjourns at 5:58 p.m. to reconvene into a Regular Meeting of Council on December 12, 2022. **(Carried)**

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Mayor

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Clerk



# The Municipal Corporation of the Town of Fort Erie

## Council-in-Committee Meeting Minutes

**Monday, December 5, 2022**

### **Council Chambers**

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<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [www.youtube.com/townofforterie](https://www.youtube.com/townofforterie)  
or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](https://www.forterie.ca)) or Cogeco "YourTV"

### **1. Call to Order**

Mayor Redekop called the meeting to order at 6:00 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit, and Anishinaabe people, many of whom continue to reside in this area.

### **2. Roll Call**

Present: His Worship Mayor Redekop and Councillors Dubanow, Flagg, Lewis, McDermott, Noyes

Absent: Councillor Christensen

Staff: K. Beauchamp, A. Dilwaria, J. Janzen, C. Schofield, D. Vander Veen, K. Walsh

### **3. Announcements/Addenda**

Mayor Redekop made the following announcements:

- **Local Events**

**Safari Lights – Stevensville**

Safari Lights opened on November 29<sup>th</sup>, it was a fantastic show. Toys were being collected for Kinettes and funds were being raised to support an organization that provides food for those in need.

### **Spirit of Christmas – Ridgeway**

The Spirit of Christmas was held on December 2<sup>nd</sup> and 3<sup>rd</sup> and although the weather wasn't particularly good, I wanted to congratulate the Ridgeway BIA for once again hosting a wonderful event. It started out with the lighting of the Christmas tree on Friday evening, with a number of elementary school choirs singing in the Ridgeway Square. There was also a horse drawn carriage, Christmas cheer, and of course, the merchants welcomed all of their customers.

### **Crystal Beach BIA – Polar Plunge**

On December 3<sup>rd</sup> the Crystal Beach BIA Polar Plunge took place, and our very own CAO, Chris McQueen, actually went in to the water. It was a wonderful event hosted by the Crystal Beach BIA, congratulations to them.

### **Bowden Street - Christmas Lights**

On December 3<sup>rd</sup> on Bowden Street, east of Central Avenue, every house was lit up with Christmas lights. Also, the Pentecostal Church was open with Santa Clause.

### **Community Competition – Christmas Lights**

Two or three years ago, before the pandemic, we talked about getting some type of competition throughout the community. Driving through the community now at night, I've seen there are a couple of neighbourhoods that have done this, such as on Pettit Road, and one of the courts on the west side of Gorham Road going into Ridgeway I'm going to try to get some photographs of some of these streets and get something out in social media.

There's a lot of other Christmas events coming up in our Town, and I encourage everyone to participate. Some are on our Town website, and on social media.

- **Dog Licenses**

Town Hall and some members of Council have been receiving telephone calls about dog licences. I want to let the public know that

you don't go to the Fort Erie SPCA to get a dog licence. The Lincoln County Humane Society, which obtained the Town's animal control contract in May of this year, is responsible for dog licences. They've made arrangements with Ruffins on Concession Road in Fort Erie and Thor's on Dominion Road in Ridgeway to assist people to get licences. It's all done online, and you can do that from your own home. If not, you can go to either one of those places. If necessary, Lincoln County Humane Society will make a special trip to provide assistance to individuals who want a dog licence. The SPCA is telling people that they should come to the Town Hall or call the Town Hall, or call the Mayor, but please go to the Lincoln County Humane Society, Ruffins or Thor's.

- **BILL 23 – *MORE HOMES BUILT FASTER ACT***

There have been several statements made by the Premier and his Minister of Municipal Affairs and Housing recently relative to Bill 23, *More Homes Built Faster Act*, which was passed into law on November 28th, that insist on response.

1. The Premier and his minister have set a target of 1.5 million new housing units to be constructed over the next 10 years. The provisions of Bill 23 remove planning responsibilities from some Regions, including Niagara, and Conservation Authorities and reduce public consultation into a number of planning processes, while permitting some housing construction and development without the need for municipal review or approval. The premise is that these changes in planning processes are necessary in order for the government to meet its housing target in the face of current growth and the anticipated influx of millions of newcomers to Canada as a result of the federal government's stated intention to admit 500,000 immigrants per year into the country. The Premier and his minister have completely ignored the fact that there may already be as many as 500,000 already approved or draft approved housing units for construction across Ontario. In Fort Erie alone, about 2,800 housing units have been approved or draft approved. This represents the equivalent of an over 8 year supply of housing at the current rate of issuance of building permits. At least two subdivisions in Fort Erie have been serviced (one in Crystal Beach between Schooley Road and Elmwood Avenue, south of Rebstock Road, and one in Crescent Park east of Pettit Road just north of Garrison Road) but remain dormant with no construction taking place. Are the Premier and Minister not aware that one-third of their housing target has already been met if the government simply required developers to build what has already been approved?

2. The Premier and his minister state that it is necessary to remove previously environmentally protected lands from the Greenbelt in order for the province to meet its housing target. Yet the Housing Affordability Task Force, hand-picked and appointed by the Premier, states at page 10 of its report issued in February 2022, that “a shortage of land isn’t the cause of the problem. Land is available, both inside the existing built-up areas and on undeveloped land outside greenbelts”. The Task Force goes on to state: “Greenbelts and other environmentally sensitive areas must be protected”. Have the Premier or Minister Clark read the report? It would be startling if they have not since it forms the basis of the significant policy changes in planning in Ontario implemented this year by the government, including Bill 23.
3. The Premier has stated that he does not believe that municipalities will be prejudiced by the loss of development charge revenues that are relied upon to construct infrastructure and amenities necessary to accommodate growth in our communities. He has stated that the lost revenues can be replaced by eliminating waste. The Premier should know that municipalities, which are creatures of the province and completely under the jurisdiction of the province, must balance their budgets each year and are not permitted to accumulate debt beyond provincially prescribed limits. He should also be aware that municipalities have been required by the province to establish asset management plans to identify existing infrastructure and the condition of that infrastructure, how that infrastructure will be maintained in the long run and how that maintenance will be financed. These costs total millions of dollars even for municipalities such as Fort Erie. Development charges are part of the funding required to meet those infrastructure needs as growth occurs. The Premier should be aware of the financial challenges faced by municipalities in Ontario and that his government maintains strict oversight of municipal expenditures. He should know that most municipalities in Ontario have not met their long-term infrastructure needs, although Fort Erie has managed to do so. The elimination or reduction of development charges will significantly benefit developers with no guarantee that it will result in reduced housing prices. It will also shift the financial burden of growth from new development to existing residents/taxpayers.

I have recently commented on the concerns that the Town of Fort Erie has with respect to the provisions of Bill 23 and we have forwarded to the government the report prepared by staff in that regard. I have personally corresponded with the Minister of Municipal Affairs and Housing about our concerns and what we perceive to be unintended consequences of Bill 23.

The question: Why Bill 23??

#### **4. Declarations of Pecuniary Interest**

Councillor Flagg declared pecuniary interests with respect to Item 7.2, Report No. CAO-18/LC-17-2022 Land Matters: November 24, 2022 Land Committee Meeting Minutes – Outstanding Land Matters: Item 13 Re: Request to Purchase Town land: Florence Drive, and Item 10.2 Report No. CAO-14/LC-14-2022 September 7, 2022 Land Committee Meeting Minutes – Outstanding Land Matters: Item 14 Re: Request to Purchase Florence Drive, as he is the owner of the land adjacent and is the individual asking to purchase. He abstained from discussing and voting on the matters.

#### **5. Notice of Upcoming Public Meetings**

(a) 2023 Budget Meeting Schedule

Re: Council-in-Budget Committee Meetings: #1 - Wednesday, December 7, 2022 - Capital Budget & Forecast and User Fee Analysis; #2 - Wednesday, January 18, 2023 - Water and Wastewater Operating Budget; #3 - Wednesday, February 15, 2023 - Library, General Levy Operating Budget & Assessment Analysis; #4 - Wednesday, February 22, 2023 (if required). All Budget Meetings begin at 6:00 p.m. Budget By-laws: Monday, December 12, 2022 - Preliminary Capital Budget and User Fees By-law; Monday, January 23, 2023 - Water and Wastewater Budget and Rates By-law; Monday, February 27, 2023 - General Levy Budget By-law and General Capital Budget By-law.

#### **6. Public Meetings**

(a) Proposed Zoning By-law Amendment

Re: 63 Idylewylde Street - Owner: Frank Alessio - Agent: Urban Environments (Greg Hynde). The Applicant's request is to rezone the property to permit development of two semi-detached dwellings with a total of four dwelling units. The subject property is zoned Residential 2 (R2) Zone, which only permits single detached dwellings. The zoning is proposed to change from Residential 2 (R2) Zone to a site-specific Residential 3 (R3) Zone that only permits semi-detached dwellings and contains special provisions to permit reduced lot frontage, reduced lot area, reduced interior side yard setbacks between the two proposed semi-detached dwellings and increased lot coverage.

Mayor Redekop announced that this portion of the meeting would be devoted to the holding of the Public Meeting. Mayor Redekop also provided information on electronic participation for members of the public who wished to provide input relative to the Application.

Daryl Vander Veen, Intermediate Development Planner, delivered a PowerPoint Presentation which is available for viewing on the Town's website.

Mr. Vander Veen confirmed the statutory requirements for the Public Meeting were met, summarized the purpose of the Application, and public comments received.

Greg Hynde, Agent, Urban Environments, was present to speak on behalf of the Applicant, and summarized the Application.

Mayor Redekop enquired whether there were any members of the public present in the virtual waiting room or in the Chamber who wished to speak in favour of the Application.

(a) Leigh Whyte

Mr. Whyte spoke in support of the development.

Mayor Redekop enquired if any members of the public wished to speak in opposition to the Application or ask questions.

(a) Geoffrey Aldridge - 3765 Rebstock Road, Crystal Beach

Mr. Aldridge provided a PowerPoint Presentation which can be found on the Town's website, and the presentation viewed at: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)

**Mayor Redekop declared the Public Meeting closed.**

**PDS-74-2022** Information Report - Proposed Zoning By-law  
Amendment - 63 Idylewylde Street - Urban  
Environments - Greg Hynde (Agent) - Frank Alessio  
(Owner)

Recommendation No. 1  
Moved by: Councillor Dubanow

**That:** Council receives for information purposes Report No. PDS-74-2022 regarding a proposed Zoning By-law Amendment for 63 Idylewylde Street. **(Carried)**

## **7. Consent Agenda Items**

### **7.1 Request to Remove Consent Agenda Items**

Report No. CAO-18/LC-17-2022 was removed due to Councillor Flagg's declared pecuniary interest.

### **7.2 Consent Agenda Items for Approval**

**PDS-76-2022**      0-13394 Houck Crescent - Development Agreement - South Side of Houck Crescent, East of Warwick Avenue, 1736106 Ontario Inc. (Connie Nothdurft)

**That:** Council authorizes the entry into a Development Agreement with 1736106 Ontario Inc. for the reconstruction of Houck Crescent from Warwick Avenue to 275 m east of Warwick Avenue, and further

**That:** Council directs staff to submit a by-law to execute the Development Agreement and associated documents. **(Carried)**

**PDS-77-2022**      Alliston Woods Phase 1 Amending Subdivision Agreement - East of Spears Road, North of Garrison Road - 2835033 Ontario Inc. (Mitch Williams)

**That:** Council authorizes the entry into an Amending Subdivision Agreement with 2835033 Ontario Inc. for the Alliston Woods Phase 1 Subdivision, and further

**That:** Council directs staff to submit a by-law to execute the Amending Subdivision Agreement and associated documents. **(Carried)**

**CAO-18/LC-17-2022**      Land Matters: November 24, 2022 Land Committee Meeting Minutes

**That:** Council receives the November 24, 2022, Land Committee meeting minutes attached as Appendix"1" to Report No. CAO-18/LC-17-2022, and further

**That:** Council approves the recommendations contained in Appendix "2".

### **Consent Agenda Recommendation**

Recommendation No. 2  
Moved by: Councillor Lewis

**That:** Council approves the Consent Agenda Items as recommended, save and except Report No. CAO-18/LC-17-2022. **(Carried)**

## **7.3 Items Removed to be Dealt with Separately**

Recommendation No. 3  
Moved by: Councillor Noyes

**CAO-18/LC-17-2022** Land Matters: November 24, 2022 Land Committee Meeting Minutes

**That:** Council receives the November 24, 2022, Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-18/LC-17-2022, and further

**That:** Council approves the recommendations contained in Appendix "2", save and except under Outstanding Land Matters: Item 13 Re: Request to Purchase Town land: Florence Drive. **(Carried)**

*Under Outstanding Land Matters: Item 13 Re: Request to Purchase Town land: Florence Drive was dealt with separately due to Councillor Flagg's declared pecuniary interest.*

**That:** Council approves the recommendation contained in Appendix "2" Outstanding Land Matters: Item 13 Re: Request to Purchase Town land: Florence Drive. **(Carried)**

## **8. Planning and Development Services**

*Chaired by Councillor Dubanow*

### **8.1 Presentations and Delegations**

None.

**8.2 Reports**

None.

**8.3 New Business/Enquiries**

None.

**8.4 Business Status Report**

No changes.

**9. Infrastructure Services**

*Chaired by Councillor Noyes*

**9.1 Presentations and Delegations**

None.

**9.2 Reports**

None.

**9.3 New Business/Enquiries**

None.

**9.4 Business Status Report**

No changes.

**10. Corporate and Community Services**

*Chaired by Councillor McDermott*

**10.1 Presentations and Delegations**

None.

**10.2 Reports**

**CAO-14/LC-14-2022** Land Matters: September 7, 2022 Meeting Minutes *(Item 1) 1), being Recommendation*

***No. 1 of Appendix "2" (Part of Stephens Road) Postponed from October 3, 2022 Council-in-Committee Meeting - Previously Moved by Councillor Dubanow as Recommendation No. 6)***

**That:** Council approves Recommendation No. 1 of Appendix 2" (Part of Stephens Road) to Report No. CAO/LC-14-2022.

**(Carried)**

**10.3 New Business/Enquiries**

None.

**10.4 Business Status Report**

No changes.

**11. Scheduling of Meetings**

- Accessibility Advisory Committee (AAC) and Fort Erie Active Transportation Christmas dinner, Tuesday, December 6, 2022 – Town Hall Atrium
- Senior Citizen Committee, Wednesday, December 7, 2022 at 10:00 a.m.
- Council in Committee, Budget No. 1, Wednesday, December 7, 2022, 6:00 p.m. – Council Chamber – Town Hall
- Diversity and Inclusion, Thursday, December 8, 2022 at 1:00 p.m. – Conference Room 1 – Town Hall

**12. Adjournment**

Recommendation No. 4  
Moved by: Councillor Dubanow

**That:** Council-in-Committee hereby adjourns at 7:09 p.m. **(Carried)**

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Mayor

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Clerk



# The Municipal Corporation of the Town of Fort Erie

## **Council-in-Budget Committee Meeting No. 1 Minutes**

**Wednesday, December 7, 2022**

### **Council Chambers**

Meetings are being held in-person and via Video Teleconference as may be permitted. All meetings can be viewed at: Town's Website:

<https://www.forterie.ca/pages/CouncilAgendasandMinutes>

Town's YouTube Channel: [www.youtube.com/townofforterie](http://www.youtube.com/townofforterie)

or click on the YouTube icon on the home page of the Town's website ([www.forterie.ca](http://www.forterie.ca)) or Cogeco "YourTV"

#### **1. Call to Order**

Mayor Redekop called the meeting to order at 6:01 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit, and Anishinaabe people, many of whom continue to reside in this area.

#### **2. Roll Call**

Present: His Worship Mayor Redekop and Councillors Dubanow, Lewis, McDermott, and Noyes

Absent: Councillors Christensen and Flagg

Staff: K. Davis, S. Hansen, J. Janzen, C. McQueen, C. Schofield, M. Schmitt, and K. Walsh

#### **3. Announcements/Addenda**

None.

#### **4. Declarations of Pecuniary Interest**

None.

## 5. 2023 Capital Budget

*Chaired by Councillor McDermott*

C. McQueen provided opening remarks.

### (A) Presentations

(a) Jonathan Janzen, Director, Corporate Services

Mr. Janzen delivered a PowerPoint presentation which is available for viewing on the Town's website.

Mr. Janzen provided the following summary:

- Overview: Inputs & Process
- Budget Program Highlights
- Risks & Opportunities
- Next Steps
- Presentation Questions
- Capital Project Worksheets Review

### (B) Report

**CBC-01-2023** 2023 Capital Budget and 2024 to 2033 Forecast

Recommendation No. 1

Moved by: Councillor Dubanow

**That:** Council approves the 2023 Preliminary Capital Budget of \$11,117,146 as per Appendix "1" to Report No. CBC-01-2023 and directs staff to submit the By-law for Council approval on December 12, 2022, and further

**That:** Council defers approval of the balance of the 2023 Capital Budget of \$15,455,689 as per Appendix "2" to Report No. CBC-01-2023 to February 27, 2023 with consideration of the 2023 General Levy Budget By-law, and further

**That:** Council approves the exclusion of amortization from the 2023 Operating Budget as required by Ontario Regulation 284/09.

Recommendation No. 2  
Moved by: Councillor Noyes

**That:** Council removes Project RBAT23 Ridgeway Battlefield Park Washroom Enclosure from the 2023 Preliminary Capital Budget. **(LOST)**

**Following the amendment moved as Recommendation No. 2 was lost, Recommendation No. 1 was voted on as presented, as follows:**

**That:** Council approves the 2023 Preliminary Capital Budget of \$11,117,146 as per Appendix "1" to Report No. CBC-01-2023 and directs staff to submit the By-law for Council approval on December 12, 2022, and further

**That:** Council defers approval of the balance of the 2023 Capital Budget of \$15,455,689 as per Appendix "2" to Report No. CBC-01-2023 to February 27, 2023 with consideration of the 2023 General Levy Budget By-law, and further

**That:** Council approves the exclusion of amortization from the 2023 Operating Budget as required by Ontario Regulation 284/09. **(Carried)**

#### **CBC-02-2023** 2023 Fees and Charges

Recommendation No. 3  
Moved by: Councillor Lewis

**That:** Council directs that for the year 2023, Arena Rental Fees, save and except Non-resident fee, be adjusted by two percent (2%) and not by the Statistics Canada Consumer Price Index, and further

**That:** Council approves the user fees and charges proposed in Appendix "1" to Report No. CBC-02-2023 and directs staff to submit a by-law to Council, and further

**That:** Council directs staff to submit a by-law to Council waiving all business license fees, save and except Short-Term Rental Fees, for the 2023 business licensing year, to assist businesses. **(Carried)**

**6. Date of Next Meeting**

- (a) Wednesday, January 18, 2023 - Water and Wastewater Operating Budget
- (b) Wednesday, February 15, 2023 - Library, General Levy Operating Budget & Assessment Analysis
- (c) Wednesday, February 22, 2023 (*if required*)

**7. Adjournment**

Recommendation No. 3  
Moved by: Councillor Dubanow

**That:** Council-in-Budget Committee adjourns at 7:51 p.m. **(Carried)**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



Our purpose: To help make your ambition a reality

Date: November 30, 2022

Hello,

I want to inform you of a change to our banking centre network that will impact clients who have accounts with us in your community. Effective Thursday, July 20, 2023, at 3:00 p.m., we will close our Ridgeway Banking Centre located at 310 Ridge Road, Ridgeway, ON, L0S 1N0 and merge client accounts with our Fort Erie Banking Centre, located at 85 Niagara Boulevard, Fort Erie, ON, L2A 3G4 approximately 13.3 kilometers away. A notice to the Financial Consumer Agency of Canada (FCAC) regarding this closure has been submitted.

As you can appreciate, this decision was precipitated by a thorough review. Our clients and our team members are our priority. In addition to preparing our clients for the transition, every effort will be made to transfer CIBC team members to our Fort Erie Banking Centre or another CIBC location.

#### What you need to know

Over the next few weeks and months steps will be taken to inform our clients of this decision, connect with them to answer any questions, and prepare them for the transition.

1. Notification Letters will be sent to existing clients on December 30, 2022
2. Notification letters will be provided to clients during in-person visits
3. Signs will be displayed at the closing banking centre
4. Outreach calls will be made to our high-priority, business banking, safety deposit box (SDB) and Senior clients

During the transition, clients can continue to do their banking using their mobile device, digitally, at ATMs and alternate CIBC locations.

We will host a Community Information Meeting in March 2023 where clients can ask questions and learn more about the merger.

If you have any questions regarding this matter, please call me at (519) 761-3583.

Sincerely,  
**Meaghan Bowler, Market Vice President**

Meaghan Bowler (She/Her) | Market Vice President | Niagara Haldimand Brant Market | Ontario West Region|  
Transit 00972 | 5 Norfolk Street S, Simcoe, ON N3Y 2V8 | Cel: [519 761-3582](tel:5197613582) | MAA Alysha Austin [519 426-4630](tel:5194264630)  
[x452| meaghan.bowler@cibc.com](mailto:meaghan.bowler@cibc.com)

**RECEIVED**

**DEC 12 2022**

**BY COUNCIL**

**November 30, 2022**

**From: [WRedekop@forterie.ca](mailto:WRedekop@forterie.ca)**  
**Subject: Ridgeway Banking Centre Closure Notification**

Ms. Bowler:

Thank you for your message. The news that CIBC intends to close its Ridgeway branch is disappointing, particularly since that area of Town is experiencing significant growth. I am not supportive of this change or the reduction in service that the residents of Ridgeway, Crystal Beach and Stevensville will experience as a result of the closure.

I wonder if you would be prepared to share with me and the Town of Fort Erie how this decision was arrived at by CIBC.

Wayne H. Redekop, Mayor, Town of Fort Erie

**December 1, 2022**

**From: "Bowler, Meaghan" [Meaghan.Bowler@cibc.com](mailto:Meaghan.Bowler@cibc.com)**  
**Subject: Ridgeway Banking Centre Closure Notification**

Good afternoon,

Thank you for your email, we appreciate your concern. Currently about 93 per cent of our client transactions take place outside of a banking centre, through online, mobile and telephone banking as onsite demand has significantly reduced in recent years. As a result of this shift, we've made adjustments to our network.

The decision to close our Ridgeway Banking Centre is not taken lightly. We completed a detailed review over an extended period of time to ensure our due diligence before making any decision.

While many clients already bank online, by phone or through a mobile device, our team at the Ridgeway Banking Centre is available to show clients these convenient options for their everyday banking and to help them through this transition.

Our clients and our team members are our priority. In addition to preparing our clients for the transition, every effort will be made to transfer CIBC team members to our Fort Erie Banking Centre or another CIBC location.

Thank you

**Meaghan Bowler** (She/Her) | Market Vice President | Niagara Haldimand Brant Market | Ontario West Region | Transit 00972 | 5 Norfolk Street S, Simcoe, ON N3Y 2V8 | Cel: [519 761-3582](tel:5197613582) | MAA Alysha Austin [519 426-4630 x452](tel:5194264630) | [meaghan.bowler@cibc.com](mailto:meaghan.bowler@cibc.com)



RECEIVED

DEC - 6 2022

MAYOR'S OFFICE  
TOWN OF FORT ERIE

2-198 Cushman Road  
St Catharines, Ontario, L2M 6T3  
Phone: 905-938-5463  
[www.crimestoppersniagara.ca](http://www.crimestoppersniagara.ca)

Friday, December 2nd, 2022

Mayor Redekop,  
Town of Fort Erie, Office of the Mayor,  
1 Municipal Centre Drive,  
Fort Erie, Ontario, L2A 2S6

Dear Mayor Redekop,

I am writing on behalf of the board of Crime Stoppers of Niagara to request the Town of Fort Erie prepare a proclamation or letter of acknowledgement to recognize January 2023 as Crime Stoppers Month. This is in addition to our traditional flag raising event and will be used to promote Crime Stoppers Month throughout the community.

January has been endorsed around the world as Crime Stoppers Month since 1986 and provides the opportunity for all Crime Stoppers programs to highlight their success.

Crime Stoppers of Niagara has been extremely effective since 1985 in helping the Niagara Regional Police Service solve crimes and working with various organizations to make communities safer for residents of the Niagara Region.

Apart from taking tips on unsolved crimes, Crime Stoppers of Niagara has worked to increase the awareness of concerns in the region, including illegal dumping, elder abuse, improving the safety and security of students, guarding against human trafficking and combating illegal drugs.

The concept of Crime Stoppers was originated by a detective in Albuquerque, New Mexico in 1976 and today there are more than 1,000 programs operating in countries worldwide.

Of significance this year, Crime Stoppers of Niagara is working toward being a key organization for reporting elder abuse and delivering awareness and capacity building by establishing strong partnerships with agencies that work with older adults in the Niagara Region. We have also implemented an elder abuse program under provincial and federal grants to move forward in creating safer communities for our older adults.

We would greatly appreciate if this recognition could be presented in your office or another convenient location sometime in December or January to give local media the opportunity to promote Crime Stoppers Month. Should you have any questions or require further information, please contact Crime Stoppers of Niagara at 905-938-5463.

Sincerely,

Ernie Sibbett  
Chair, Crime Stoppers of Niagara

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DEC 12 2022

BY COUNCIL



## RBIA Minutes of Regular Board Meeting Nov 1, 2022

### Attendance:

**Board Members Present:** Dale Baer, John Arbour, Karen Arbour, Kim Vandervoet, Patty Mountain, Susan Atkinson, Councillor Marina Butler

**Employee:** Cathie Beerman      **Members:** Christina Wafaa, Jennifer Priestley, William Day, Tony Harrison-Edge

- 1) **Call to Order:** Meeting was called to order at 6:05 pm
- 2) **Roll Call:** Christine Trombley absent, Lisa-Zampiere-Arce absent.
- 3) **Welcome, Announcements & Addenda:** The acting chair welcomed everyone to the meeting. The board thanked Patty for her service and presented her with a gift and flowers.
- 4) **Acceptance of the Agenda:**  
Motion to accept the agenda issued for Nov 1, 2022: Motion: Marina Butler, 2<sup>nd</sup>: Kim Vandervoet, carried
- 5) **Acceptance of the Previous Minutes:**  
Motion to accept the minutes of the Regular Board Meeting Oct 6, 2022: Motion: Dale Baer, 2<sup>nd</sup>: Kim Vandervoet, carried
- 6) **Reports:**  
**Acting Treasurer:** n/a  
**Events:** n/a  
**Farmers' Market:** n/a  
**Beautification and Maintenance:** Karen will be working on getting the wreaths up after the 15<sup>th</sup> of November, they need some tlc so she will be setting a date for this to happen, and we will let you know, if anyone can help that would be great. The Town is generously allowing the BIA to use the empty firehall on Ridge Road N to store our items and this is where the workshop for the wreaths will be. Thank you, Sean, for all of your support.  
**Multi-media:** still waiting on Christmas event details to proceed with advertising. Kim will supply her with info in Victoria's absence.  
**Town Councillor:** we thank you Marina for all of your amazing support and donations to the BIA. Best of luck in the future.
- 7) **Motion:** That the RBIA Board of Directors accept the application of Jennifer Priestley and recommend her board appointment to the Town. Motion: Marina Butler, 2<sup>nd</sup>: Dale Baer, carried  
**Motion:** That the RBIA Board of Directors supports the 2022 Spirit of Christmas on Friday December 2 & Saturday December 3, 2022, with road closure ONLY on the Friday night. Paperwork will be submitted to Town asap.  
Motion: Kim Vandervoet, 2<sup>nd</sup>: Susan Atkinson, carried  
**Motion:** That the RBIA Board of Directors requests the delivery of the BIA laptop from Victoria to Cathie, so the data base can be copied and made available to the committees and board members.  
Motion: Marina Butler, 2<sup>nd</sup>: Karen Arbour, carried
- 8) **Action Items:** The board needs to recruit 2 more directors; nominations will be held at the AGM.
- 9) **Adjournment and Next Meeting:** Meeting was adjourned at 6:46 pm. The next RBIA general meeting will be determined by the 2023 board.  
Motion: Patty Mountain, 2<sup>nd</sup>: Marina Butler, Carried

Minutes prepared by:

Patty Mountain Secretary

Minutes approved by:

Patty Mountain, Acting Chair

## Attendance

**Board Members:** Christine Trombley, Dale Baer, John Arbour, Karen Arbour, Kim Vandervoet, Patty Mountain, Susan Atkinson. **Employees:** Cathie Beerman, Victoria MacDonald

**Regrets:** Lisa Vampiere-Arce

**Members:** Anna Morlacchetti, Carol LaCivita, Jennifer Priestley, Sarah Chevalier, William Day

**Guests:** Bill Jones, Ashlea Carter, Carol Schofield

### 1) **Call to Order**

Meeting was called to order at 600 p.m. by Acting-Chair Patty Mountain

### 2) **Roll Call**

Christine Trombley, Dale Baer, John Arbour, Karen Arbour, Kim Vandervoet, Patty Mountain, Susan Atkinson. Employees: Cathie Beerman & Victoria MacDonald

### 3) **Welcome, Announcements and Addenda**

The Chair thanked the BIA members and board for attending and also thanked Carol Schofield and Ashlea Carter from the Town.

### 4) **Acceptance of Agenda**

**Motion** to approve the 2022 Agenda Motion: Dale Baer 2<sup>nd</sup>: Kim Vandervoet, Carried

### 5) **Minutes of Previous Meeting**

**Motion** to approve the Minutes of the November 24, 2021, AGM as printed Motion: Christine Trombley 2<sup>nd</sup>: Susan Atkinson, Carried

### 6) **2021 Audited Financial Statement**

**Motion** to approve the 2021 Audited Financial Statement as of Dec. 31, 2021. Motion: Patty Mountain 2<sup>nd</sup>: Dale Baer, Carried

### 7) **2023 Proposed Budget**

**Motion** to approve the 2023 Proposed Budget in the amount of \$86,345.00 Motion: Kim Vandervoet 2<sup>nd</sup>: Dale Baer, Carried

### 8) **Nominations**

See attached sheet. **Motion** to recommend the nominations to Town Council. Motion: Christine Trombley, 2<sup>nd</sup>: Kim Vandervoet, Carried.

### 9) **Next Meeting Date for the 2023 AGM**

The next RBIA AGM meeting will be held on **Wednesday Nov 21, 2023 at 6:00 pm** location to be advised

### 10) **Motion to Adjourn**

**Motion** to adjourn the 2022 AGM at 6:37 pm. Motion: Patty Mountain 2<sup>nd</sup>: Dale Baer Carried

Minutes prepared by:



Patty Mountain

Minutes approved by:



Patty Mountain, Acting-Chair

## Attendance

**Board Members:** Dale Baer, Don Irvine, John Arbour, Karen Arbour, Patty Mountain, Sarah Chevalier, Councillor Marina Butler

**Regrets:** Tyler Chevalier

**Members:**

**Guests:**

1) **Call to Order**

Meeting was called to order at 5:35 p.m. by Chair Sarah Chevalier

2) **Roll Call**

Dale Baer, Don Irvine, John Arbour, Karen Arbour, Patty Mountain, Sarah Chevalier, Councillor Marina Butler

3) **Welcome, Announcements and Addenda**

The Chair thanked the board for their attendance. The chair apologized for the upset of plans in regard to decorating for Christmas and took full responsibility.

4) **Acceptance of Agenda**

**Motion** to approve the 2021 Agenda Motion: Marina Butler 2<sup>nd</sup>: Don Irvine, Carried

5) **Minutes of Previous Meeting**

**Motion** to approve the Minutes of the November 30, 2020, AGM as printed Motion: Don Irvine 2<sup>nd</sup>: John Arbour, Carried

6) **2020 Audited Financial Statement**

**Motion** to approve the 2020 Audited Financial Statement as of Dec. 31, 2020. Motion: Patty Mountain 2<sup>nd</sup>: Dale Baer, Carried

7) **2022 Proposed Budget**

**Motion** to approve the 2022 Proposed Budget in the amount of \$99,312. Motion: Marina Butler 2<sup>nd</sup>: Karen Arbour, Carried

8) **Next Meeting Date for the 2022 AGM**

The next RBIA AGM meeting will be held on **Wednesday Nov 23, 2022 at 5:30 pm** location to be advised

9) **Motion to Adjourn**

**Motion** to adjourn the 2021 AGM at 5:45 pm. Motion: Patty Mountain 2<sup>nd</sup>: Don Irvine Carried

Minutes prepared by:



Patty Mountain

Minutes approved by:



Sarah Chevalier, Chair

Financial Report

Ridgeway Business Improvement Area

2021

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**Grant Thornton LLP**  
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222 Catharine Street, PO Box 336  
Port Colborne, ON  
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E [PortColborne@ca.gt.com](mailto:PortColborne@ca.gt.com)  
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## Independent auditor's report

**To the Board Members, Members of Council, Inhabitants and Taxpayers of the  
Town of Fort Erie**

### Qualified Opinion

We have audited the financial statements of Ridgeway Business Improvement Area ("the BIA"), which comprise the statement of financial position as at December 31, 2021, and the statements of operations, changes in net financial assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, except for the effects of the matter described in the *Basis for Qualified Opinion* paragraph, the accompanying financial statements present fairly in all material respects, the financial position of Ridgeway Business Improvement Area as at December 31, 2021, and its results of operations, its changes in its net financial assets, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

### Basis for Qualified Opinion

In common with many not-for-profit organizations, the BIA derives revenue from fundraising activities and special events, the completeness of which is not susceptible to satisfactory audit verification. Accordingly, verification of these revenues was limited to the amounts recorded in the records of the BIA. Therefore, we were not able to determine whether any adjustments might be necessary to fundraising revenue and special events, excess of revenues over expenses, and cash flows from operations for the years ended December 31, 2021 and 2020, current assets as at December 31, 2021 and 2020, and net assets as at January 1 and December 31 for both the 2021 and 2020 years. Our audit opinion on the financial statements for the year ended December 31, 2020 was modified accordingly because of the possible effects of this limitation in scope.

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the BIA in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our qualified opinion.

## **Responsibilities of Management and Those Charged with Governance for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the BIA's ability to continue as a going concern, disclosing, as applicable, matters related to a going concern and using the going concern basis of accounting unless management either intends to liquidate the BIA or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the BIA's financial reporting process.

## **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the BIA's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the BIA's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the BIA to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

*Grant Thornton LLP*

Port Colborne, Canada  
May 17, 2022

Chartered Professional Accountants  
Licensed Public Accountants

**Town of Fort Erie**  
**Ridgeway Business Improvement Area**  
**Statement of Financial Position**

As at December 31	2021	2020
<b>Assets</b>		
Cash	\$ -	\$ 13,823
HST receivable	-	1,034
Grant receivable	-	25,900
Due from Town of Fort Erie	<u>43,488</u>	<u>-</u>
	<b>43,488</b>	<b>40,757</b>
<b>Liabilities</b>		
Accounts payable and accrued liabilities	<u>-</u>	<u>4,683</u>
<b>Net financial assets and accumulated surplus (Note 3)</b>	<b><u>\$ 43,488</u></b>	<b><u>\$ 36,074</u></b>

Impacts of COVID-19 (Note 5)

On behalf of the Board

\_\_\_\_\_  
Chief Administrative Officer

\_\_\_\_\_  
Director, Corporate Services

See accompanying notes to the financial statements.

**Town of Fort Erie**  
**Ridgeway Business Improvement Area**  
**Statement of Operations**

For the Year Ended December 31, 2021

	Budget 2021	Actual 2021	Actual 2020
<b>Revenues</b>			
Tax levy, net of write-offs	\$ 35,000	\$ 35,000	\$ 17,500
Grants	12,500	12,500	8,400
Donations	2,000	6,139	7,280
Farmer's market	5,200	10,470	11,705
Reserve fund interest	-	9	-
Special events	2,000	7,028	-
	<u>56,700</u>	<u>71,146</u>	<u>44,885</u>
<b>Expenses</b>			
Advertising	21,660	10,783	10,763
Beautification	4,430	5,502	4,352
Contracted services	26,335	24,523	23,602
Membership	1,700	453	1,622
Miscellaneous	-	-	1,095
Office	575	386	950
Special events	2,000	22,085	2,967
	<u>56,700</u>	<u>63,732</u>	<u>45,351</u>
<b>Annual surplus (deficit)</b>	-	7,414	(466)
<b>Accumulated surplus (Note 3)</b>			
Beginning of year	<u>36,074</u>	<u>36,074</u>	<u>36,540</u>
End of year	<u>\$ 36,074</u>	<u>\$ 43,488</u>	<u>\$ 36,074</u>

See accompanying notes to the financial statements.

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**Town of Fort Erie**  
**Ridgeway Business Improvement Area**  
**Statement of Changes in Net Financial Assets**

For the Year Ended December 31, 2021

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	Budget <u>2021</u>	Actual <u>2021</u>	Actual <u>2020</u>
<b>Increase (decrease) in net financial assets</b>			
Annual surplus (deficit)	\$ -	\$ 7,414	\$ (466)
<b>Increase (decrease) in net financial assets</b>	-	7,414	(466)
<b>Net financial assets</b>			
Beginning of year	<u>36,074</u>	<u>36,074</u>	<u>36,540</u>
End of year	<u>\$ 36,074</u>	<u>\$ 43,488</u>	<u>\$ 36,074</u>

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See accompanying notes to the financial statements.

**Town of Fort Erie**  
**Ridgeway Business Improvement Area**  
**Statement of Cash Flows**

For the Year Ended December 31

2021

2020

**Increase (decrease) in cash and cash equivalents**

**Operating transactions**

Annual surplus (deficit)	\$ 7,414	\$ (466)
Decrease in HST receivable	1,034	2,024
Decrease (increase) in grant receivable	25,900	(14,223)
Decrease in accounts payable	(4,683)	(129)
Increase in due from Town of Fort Erie	<u>(43,488)</u>	<u>-</u>

**Increase (decrease) in cash and cash equivalents**

**(13,823) (12,794)**

**Cash and cash equivalents**

Beginning of year	<u>13,823</u>	<u>26,617</u>
End of year	<u>\$ -</u>	<u>\$ 13,823</u>

See accompanying notes to the financial statements.

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## **Town of Fort Erie**

### **Ridgeway Business Improvement Area**

### **Notes to the Financial Statements**

For the Year Ended December 31, 2021

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#### **1. Purpose of the Business Improvement Area**

The Business Improvement Area (BIA) was established by the Council of the Town of Fort Erie and has been entrusted with the improvement, beautification and maintenance of Municipality owned lands, buildings and structures in the improvement area. The BIA is also responsible for the promotion of this improvement area for business and shopping.

The Board is financed by a special levy charged upon businesses in the improvement area.

The accounting for transactions of the BIA was taken over by the Town of Fort Erie on October 1, 2021.

#### **2. Significant accounting policies**

The financial statements of the BIA are prepared by management in accordance with Canadian public sector accounting standards. Significant aspects of the accounting policies adopted by the BIA are as follows:

##### **(a) Basis of accounting**

The basis of accounting followed in the financial statement presentation includes revenues in the period in which the transactions or events occurred that gave rise to the revenues and expenses in the period the goods and services are acquired and a liability is incurred or transfers are due.

##### **(b) Reporting entity**

The financial statements reflect the financial assets, liabilities, non-financial assets, revenues, expenses and changes in accumulated surplus of the BIA.

##### **(c) Cash and cash equivalents**

Cash and cash equivalents include cash on hand and balances with banks, and highly liquid temporary money market instruments with original maturities of three months or less.

##### **(d) Revenue recognition**

Government transfers, which include municipal contributions, and provincial and federal grants, are recognized in the year in which events giving rise to the transfer occur, providing the transfers are authorized, any eligibility criteria or stipulations have been met and reasonable estimates of the amounts can be made. Government transfers that meet the definition of a liability are recognized as revenue as the liability is extinguished.

Investment income is reported as revenue in the period earned. Other revenues are recognized when the services are performed or goods are delivered and there is reasonable assurance of collection.

## Town of Fort Erie

### Ridgeway Business Improvement Area

### Notes to the Financial Statements

For the Year Ended December 31, 2020

#### 2. Significant accounting policies (continued)

##### (e) Use of estimates

The preparation of financial statements in accordance with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

3. Accumulated surplus	<u>2021</u>	<u>2020</u>
Operating surplus (Note 4)	\$ 39,497	\$ 32,092
Reserve fund	<u>3,991</u>	<u>3,982</u>
	<u>\$ 43,488</u>	<u>\$ 36,074</u>

4. Operating surplus	<u>2021</u>	<u>2020</u>
Annual surplus (deficit)	\$ 7,414	\$ (466)
Less: transfer to reserve	<u>(9)</u>	<u>-</u>
	7,405	(466)
Operating surplus		
Beginning of year	<u>32,092</u>	<u>32,558</u>
End of year	<u>\$ 39,497</u>	<u>\$ 32,092</u>

#### 5. Impacts of COVID-19

The outbreak of a novel strain of coronavirus ("COVID-19") was declared a global pandemic by the World Health Organization in March, 2020. COVID-19 has severely impacted many economies around the globe. In many countries, including Canada, businesses were forced to cease or limit operations for long periods of time. Measures taken to contain the spread of the virus, including travel bans, quarantines, social distancing, and closures of non-essential services have triggered significant disruptions to businesses worldwide, resulting in an economic slowdown. Global stock markets have also experienced volatility. Governments and central banks have responded with monetary and fiscal interventions to stabilize economic conditions.

The BIA had to limit activity during its fiscal year due to the COVID-19 pandemic. The BIA has not identified any events related to the COVID-19 pandemic which occurred during its fiscal year or were determined to be subsequent events, and therefore, there has been no significant impact on the financial position and results of operations as of and for the year ended December 31, 2021.

It is not possible to reliably estimate the duration and severity of the consequences of COVID-19, as well as the impact on the financial position and results of the BIA for future periods.

To October 2022

		2022	2022	2023	Forecast	
		Current Year Actuals	Current Year Budget	Budget Year	2nd Year	3rd year
Revenues	Acct #					
Grants	0364	0	12,500	12,500	12,500	12,500
Donations *Note 1	0970	400	4000			
BIA Levy	0193	35000	35,000	35,000	35,000	35,000
Other: Surplus from prior year	0002	7395	0			
Event revenue (list below)						
Market	0995	10560	10000	11000	11000	11000
Easter		0	500	0		
Summer Festival	0994	4325	25000	18000	18000	18000
Fall Festival			2212	500	500	500
Spirit of Christmas			0	1945	1945	1945
Fund Raising	0996	0	3500	4000	4000	4000
Sponsorships* Note 2	0989	2900	6600	3400	3400	3400
Total Revenue		60580	99,312	86,345	86,345	86,345

Expenditures:

Materials & Supplies Office *Note 3	2190	126.02	180	100	100	100
Contract Services *Note 4	2198	7103.36	15035	15125	15125	15125
Other Contracts - Watering	2199	7945.31	8500	9000	9000	9000
Utilities	2890	210.77	400	250	250	250
Market Expenses	2995	2213.29	3000	2500	2500	2500
Streetscaping	3101	5044.24	21600	20000	20000	20000
Communications *Note 5	3117	?	200	200	200	200
Memberships *Note 6	3140	1852.1	1120	1880	1880	1880
Postage	3210		100	50	50	50
Advertising	3250	2655.24	10500	7000	7000	7000
Audit	3310	687	1577	1510	1510	1510
Events & Programs (below)						
Fundraising	3422	384.65	2000	2000	2000	2000
Easter	3422	228	300	230	230	230
Summer Festival	3422	13919.77	25000	18500	18500	18500
Fall Festival	3422		1800	1000	1000	1000
Spirit of Christmas	3422		5000	6000	6000	6000
Transfer to reserve *Note 7	5409	0	3000	1000	1000	1000
Total Expenditures		42,370	99,312	86,345	86345	86345

Town figures - % hst

All other figures on this sheet for Exp. include hst invoiced

Note 1: I removed the 400 from the garden club and put it with the streetscaping where it was intended to be used. We don't get donations, I moved the 2000 to fundraising as it would be having developers advertise along the street with banners.

Note 2: Please remove "Vegetable Garden (Misc Revenue) This is sponsorship of flower gardens & pots. I have included the 400 from the Ridgeway Garden club as it is for the flowers.

Note 3: This is office supplies: paper, envelopes, ink.

Note 4: Contracts with Event / Market Manager & Social Media Manager

Note 5: Post Office Box renewal

Note 6: OBBIA/Market registration & Insurance (last year this was under Training & Development)

Note 7: There is 4000 in reserve for lawsuit, need 5000 if there is a lawsuit

Business Improvement Area Annual General Meeting Nomination Sheet

BIA: Ridgeway BIA

Date: November 23 / 22

Nominee	Nominated By	Accept Nomination (Yes/No)	Votes in Favour	Votes Against	Successful Nominee (Yes/No)
✓ Carol LaCivita	Anna Morlacchetti	yes	9	Ø	
✓ Chuck Lord	Sarah Chevalier	yes	12	Ø	
✓ Anna Morlacchetti	William Day	yes	11	Ø	
✓ Susan Atkinson	Kim Vandenberg	yes	9	Ø	
✓ Bill Day (William)	Carol LaCivita	yes	11	Ø	
✓ Jennifer Priestly	Dale Baer	yes	9	Ø	
✓ Jennifer Wilkins	Christine Davis (Trambley)		7	Ø	
✓ Christine Davis	Susan Atkinson	yes.	11	Ø	
9. Joan Christensen (absent)	Karen Abour	yes.	12	Ø	
Moved Christine	2nd. Kim	CARRIED.			

**Meeting Date, Time, and Location**

Wednesday, June 29, 2022 at 5:30 p.m. at South Coast Cookhouse, Crystal Beach, ON

**Members**

**Board of Directors**

John Hill – Chair  
John Mollicone – Vice-Chair (*regrets*)  
Scott Winger – Secretary/Treasurer –  
(*regrets*)  
Rayomand Darukhanawalla  
Yvonne Hopkins - *regrets*  
Wyndmill Hoskin  
Margo Pinder  
Councillor Nick Dubanow

**Staff Resources**

Grace Gress, Coordinator, Gaming Compliance  
Sonja Bovan, Manager, Accounting Services

1) **Call to Order**

The Chair called the meeting to order at 6:04 pm.

2) **Approve Agenda**

Resolution No. 32-22  
Moved by Councillor Dubanow  
Seconded by Rayomand Darukhanawalla

**THAT:** The agenda for the meeting of June 29, 2022 be accepted.

**(CARRIED)**

3) **Declaration of Conflict of Interest**

Wyndmill Hoskin declared a conflict of interest with respect to Fort Erie Conservation Club for December Allocation under New Business as he is a member of the organization. He abstained from discussing or voting on the matter.

4) **Adoption of the Community Gaming Development Minutes of March 23, 2022**

Resolution No. 33-22  
Moved by Margo Pinder  
Seconded by Wyndmill Hoskin



**THAT:** The Community Gaming Development Corporation hereby adopts the minutes of the meeting held on May 25, 2022. **(CARRIED)**

5) **Business Arising from Minutes**

At the May meeting, Board members passed a resolution to support staff's recommendation to suspend an organization due to the fact that their required monthly information had not yet been submitted. The penalty was their second infraction which carried a six-month suspension. Upon receiving the suspension, the president elect reached out to staff to request a meeting. She indicated that the rest of the organization was unaware of the fact that information was not being submitted to the CGDC. Staff met with the new executive elect and within 24 hours of the meeting the outstanding information was submitted.

Board members were unanimous in supporting staff's recommendation to rescind the suspension with the proviso that the organization be made aware that should they find themselves to be in a non-compliant situation they would automatically receive a third and final infraction.

6) **Correspondence for Board Consideration**

There was no correspondence for the Board to consider.

7) **Financial – Grace Gress**

NET PROCEEDS AVAILABLE TO CHARITIES REPORT

The Board reviewed and discussed the documents.

MONTHLY EVENT SHARE

The Board reviewed and discussed the documents.

NON-COMPLIANCE OUTSTANDING DECEMBER YEAR-END STATEMENTS

Within a memorandum, Ms. Gress reminded the Board that as a condition to receive a lottery permit it is mandatory that organizations provide a copy of their financial statements within 180 days of their fiscal year end.

First notices are sent to all organizations that are delinquent, reminding them to submit their information. Second notices are sent to those organizations that remain in non-compliance notifying them that if the information is not received by a specific date, a first, second or third level infraction, where applicable will be sanctioned against their organization.

The Board of Directors carried the following resolution;

Resolution No. 34-22

Moved by Margo Pinder

Seconded by Rayomand Darukhanawalla



**THAT:** The Board of Directors of the Community Gaming Development Corporation hereby supports the Coordinator, Gaming Compliance's actions by imposing a first, second or third level infraction where applicable on any permittee that does not come into compliance through submission of their year-end financial statements per Sections 9.1 and 9.2 of By-law No. 25-2015 as amended and,

**THAT:** Board members are notified of any suspensions forthwith by e-mail. **(CARRIED)**

8) **New Business**

June Allocations

Resolution No. 35-22

Moved by Councillor Dubanow

Seconded by Wyndmill Hoskin

**THAT:** The CGDC approve a budget allocation to **Fort Erie Junior "B" Hockey Club of \$43,000.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 36-22

Moved by Margo Pinder

Seconded by Rayomand Darukhanawalla

**THAT:** The CGDC approve a budget allocation to **Fort Erie Lions Club of \$16,000** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 37-22

Moved by Margo Pinder

Seconded by Rayomand Darukhanawalla

**THAT:** The CGDC approve a budget allocation to **Fort Erie Lions Senior Citizens Complex Inc. of \$20,000** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 38-22

Moved by Councillor Dubanow

Seconded by Wyndmill Hoskin

**THAT:** The CGDC approve a budget allocation to **Kinette Club of Fort Erie of \$18,000** for the 2023 budget year, and



**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 39-22  
Moved by Margo Pinder  
Seconded by Rayomand Darukhanawalla

**THAT:** The CGDC approve a budget allocation to **Kinsmen Club of Fort Erie of \$26,400** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 40-22  
Moved by Wyndmill Hoskin  
Seconded by Margo Pinder

**THAT:** The CGDC approve a budget allocation to **Ridgeway Lions Club of \$20,000** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 41-22  
Moved by Rayomand Darukhanawalla  
Seconded by Margo Pinder

**THAT:** The CGDC approve a budget allocation to **Rotary Club of Fort Erie of \$10,000** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 42-22  
Moved by Margo Pinder  
Seconded by Councillor Dubanow

**THAT:** The CGDC approve a budget allocation to **Stevensville Kinettes of \$15,000** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

#### December Allocation

Resolution No. 43-22  
Moved by Margo Pinder  
Seconded by Rayomand Darukhanawalla



**THAT:** The CGDC approve a six-month budget allocation to **Fort Erie Conservation Club of \$6,000** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

9) **Board Enquiries and Discussion**

There were no enquiries by members.

10) **Action Item List**

There are no items to be added to the action item list.

11) **Next Meeting**

The next meeting will be held on Wednesday, September 28, 2022 at 5:30 pm in Conference Room #1.

13) **Adjournment**

Resolution No. 44-21  
Moved by Margo Pinder  
Seconded by Councillor Dubanow


**THAT:** The CGDC Board of Directors hereby adjourns at 7:10 pm.

**(CARRIED)**

Minutes prepared by:

Minutes approved by:

  
Grace A. Gress, Coordinator,  
Gaming Compliance - CGDC

  
John Hill, Chair  
CGDC



**Meeting Date, Time, and Location**

Wednesday, October 26, 2022 at 5:30 p.m. in Conference Room #1

**Members**

**Board of Directors**

John Hill – Chair  
John Mollicone – Vice-Chair  
  
Scott Winger – Secretary/Treasurer –  
*regrets*  
Rayomand Darukhanawalla  
Yvonne Hopkins - *regrets*  
Wyndmill Hoskin  
Margo Pinder  
Councillor Nick Dubanow

**Staff Resources**

Grace Gress, Coordinator, Gaming Compliance  
Sonja Bovan, Manager, Accounting Services -  
*regrets*

1) **Call to Order**

The Chair called the meeting to order at 5:31 pm.

2) **Approve Agenda**

Resolution No. 45-22  
Moved by Rayomand Darukhanawalla  
Seconded by Councillor Dubanow

**THAT:** The agenda for the meeting of October 26, 2022 be accepted.

**(CARRIED)**

3) **Declaration of Conflict of Interest**

Rayomand Darukhanawalla and John Mollicone declared a conflict of interest with respect to Peace Bridge Public School Parent Teacher Association for School Allocations under New Business as they are members of the organization. They abstained from discussing or voting on the matter.

Councillor Dubanow declared a conflict of interest with respect to Garrison Road School Parent Association for School Allocations under New Business as he is a member of the organization. He abstained from discussing or voting on the matter.

Councillor Dubanow also declared a conflict of interest with respect to Parents for the Performing Arts and I Can Therapeutic Equestrian Riding Association of Niagara for

August Allocations under New Business as he is a member of both organizations. He abstained from discussing or voting of the matters.

4) **Adoption of the Community Gaming Development Minutes of June 29, 2022**

Resolution No. 46-22

Moved by John Mollicone

Seconded by Rayomand Darukhanawalla

**THAT:** The Community Gaming Development Corporation hereby adopts the minutes of the meeting held on June 29, 2022. **(CARRIED)**

5) **Business Arising from Minutes**

There was no business arising from the minutes.

6) **Correspondence for Board Consideration**

There was no correspondence for the Board to consider.

7) **Financial – Grace Gress**

NET PROCEEDS AVAILABLE TO CHARITIES REPORT

The Board reviewed and discussed the documents.

MONTHLY EVENT SHARE

The Board reviewed and discussed the documents.

8) **New Business**

July Allocation

Resolution No. 47-22

Moved by Rayomand Darukhanawalla

Seconded by John Mollicone

**THAT:** The CGDC approve a budget allocation to **Fort Erie Festivals of \$6,000.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

August Allocations

Resolution No. 48-22

Moved by Wyndmill Hoskin

Seconded by John Mollicone

**THAT:** The CGDC approve a budget allocation to **Fort Erie Co-operative Nursery School of \$30,000.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 49-22

Moved by Margo Pinder

Seconded by Rayomand Darukhanawalla

**THAT:** The CGDC approve a budget allocation to **I Can Therapeutic Equestrian Riding Association of \$47,000.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 50-22

Moved by Margo Pinder

Seconded by John Mollicone

**THAT:** The CGDC approve a budget allocation to **Parents for the Performing Arts of \$27,500.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 51-22

Moved by Rayomand Darukhanawalla

Seconded by Margo Pinder

**THAT:** The CGDC approve a budget allocation to **YWCA Niagara Region of \$26,000.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

September Allocations

Resolution No. 52-22  
Moved by Councillor Dubanow  
Seconded by Wyndmill Hoskin

**THAT:** The CGDC approve a budget allocation to **Fort Erie Minor Lacrosse Association of \$26,000.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 53-22  
Moved by Margo Pinder  
Seconded by Rayomand Darukhanawalla

**THAT:** The CGDC approve a budget allocation to **Fort Erie Optimist Club of \$19,000.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 54-22  
Moved by Rayomand Darukhanawalla  
Seconded by John Mollicone

**THAT:** The CGDC approve a budget allocation to **Greater Fort Erie Optimist Minor Ball Association of \$25,000.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

School Allocations

Resolution No. 55-22  
Moved by Margo Pinder  
Seconded by Rayomand Darukhanawalla

**THAT:** The CGDC approve an increase to **Friends of Lakeshore Catholic High School's** budget allocation of **\$2,485.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 56-22  
Moved by Rayomand Darukhanawalla  
Seconded by Margo Pinder

**THAT:** The CGDC approve a budget allocation to **Garrison Road School Parent Association of \$27,830.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 57-22  
Moved by Margo Pinder  
Seconded by Rayomand Darukhanawalla

**THAT:** The CGDC approve a budget allocation to **Greater Fort Erie Secondary School-Student Benefits Group of \$57,200.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 58-22  
Moved by Councillor Dubanow  
Seconded by Wyndmill Hoskin

**THAT:** The CGDC approve a budget allocation to **John Brant Public School Parent Teacher Association of \$35,860.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 59-22  
Moved by Rayomand Darukhanawalla  
Seconded by Margo Pinder

**THAT:** The CGDC approve a budget allocation to **Parents for Victory in Education Associations of \$14,135.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 60-22  
Moved by Margo Pinder  
Seconded by Wyndmill Hoskin

**THAT:** The CGDC approve a budget allocation to **Peace Bridge Public School Parent Teacher Association of \$23,375.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 61-22  
Moved by Rayomand Darukhanawalla  
Seconded by John Mollicone

**THAT:** The CGDC approve a budget allocation to **St. George's Catholic Parent Teacher Association of \$12,155.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 62-22  
Moved by John Mollicone  
Seconded by Rayomand Darukhanawalla

**THAT:** The CGDC approve a budget allocation to **St. Philomena Catholic Parent Teacher Association of \$14,080.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

Resolution No. 63-22  
Moved by Rayomand Darukhanawalla  
Seconded by Wyndmill Hoskin

**THAT:** The CGDC approve a budget allocation to **Stevensville School parent Volunteer Organization of \$17,930.00** for the 2023 budget year, and

**THAT:** CGDC staff begins the process of notifying the permittee of their preliminary budget allocation. **(CARRIED)**

9) **Board Enquiries and Discussion**

There were no enquiries by members.

10) **Action Item List**

There are no items to be added to the action item list.

11) **Next Meeting**

The next meeting will be held on Wednesday, November 30, 2022 at Ming Teh Restaurant, Niagara Blvd. Fort Erie.

13) **Adjournment**

Resolution No. 64-21

Moved by Margo Pinder

Seconded by Rayomand Darukhanawalla

**THAT:** The CGDC Board of Directors hereby adjourns at 6:22 pm.

**(CARRIED)**

Minutes prepared by:

Minutes approved by:

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Grace A. Gress, Coordinator,  
Gaming Compliance - CGDC

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John Hill, Chair  
CGDC



# **Crystal Beach BIA**

## **Minutes**

### **Meeting Date, Time, and Location**

Tuesday September 13<sup>th</sup>, 2022 @ 6pm at Casa Hugos 2<sup>nd</sup> floor, Erie Road in Crystal Beach, ON.

### **Members Present**

Board Members – Kirk Fretz, Phil Smith, Robin Bannerman, Chris Hawkswell, Sandra Lyons, David Bergeron

Regrets – Mayor Wayne Redekop

Absent – n/a

#### 1) **Call to Order**

Meeting called to order by Kirk Fretz at 6:07 pm.

#### 2) **Roll Call**

Recording secretary noted all attendees.

#### 3) **Disclosures of Pecuniary Interest**

None.

#### 4) **Approval of Agenda**

Motion to approve the agenda as presented. Moved by Chris Hawkswell /Seconded by Robin Bannerman Carried.

#### 5) **Presentations and Delegations**

None

#### 6) **Approval of Minutes**

Motion to approve the minutes of Tuesday August 9<sup>th</sup>, 2022 as presented.  
Moved by Chris Hawkswell /Seconded by Robin Bannerman Carried

### A) EVENTS' UPDATE

- Debrief Volleyball Tournament July 23/24, 2022 – Bay Beach

Will a financial report be submitted? Fees were collected. Where did the money go? BIA sanctioned the event. Accountability? Kirby Bentley operated, “a for profit” volleyball tourney and approached the Crystal Beach BIA for support. However, Kirby may not have understood the required process to engage the TOFE & CB BIA and may not have made application with the TOFE for the event held in July at the Bay Beach entrance. Niagara Sport and Social collected the registrations from 14 teams including the associated fees.

Takeaway / Lesson learned: not to operate a tourney during peak season.

**Debrief:** Did the TOFE receive an application from Niagara Sport and Social? We need to follow up with Meagan Opatovsky. What actually happened in the process? If the CB BIA theoretically approves of sanctioning an event, how do we ensure all approvals are in place? This event has demonstrated gaps in the process.

Takeaway: We ought to develop a checklist /intake formula when the CB BIA is approached by organizations. Joan Christensen will look to make some suggestions.

- Heritage Festival / Car Rally September 24<sup>th</sup>, 2022

Update: Volunteers in place, portable toilets ordered, signage indicating route will be in place, donations from businesses collected, dj in place, artists and businesses invited to display in Grove.

- Crystal Beach 5K

October 8<sup>th</sup> event confirmed! Committee is working on all facets of event. Application has been submitted. Start & End of race has moved to Sneakers along with post race party where shirts and medals will be awarded.

### B) Crystal Beach core street signs – update and funding

Signs are ordered but money needs to be funded before signs are produced so Kirk Fretz has requested the invoice be generated ASAP to satisfy the TOFE.

C) Crystal Beach iconic sign – update – placement and funding

Since our last meeting, \$98k has been approved for this initiative!

Challenge: not only do 3 quotes need to be secured BUT iconic sign needs to be installed by the end of December 2022 to comply with conditions of funding.

**Motion: To make the necessary arrangements to advance funding to Advancing Crystal Beach (ACB) for the costs of the preliminary design, architecture and electrical of the Crystal Beach Iconic sign for \$3,500 + HST under the intermediary CB BIA & ACB organizations' agreement.**

**Moved by Kirk Fretz**

**Seconded by Sandra Lyons**

**Carried**

D) Traffic Study

re: traffic softening on Erie Road. This is the study that was promised in 2020 and has never been done, per Kelly Walsh.

Where is the study?

Suggestions of traffic softening along Erie Road. What about pegs & pylons and curb cuts and accessibility? We need to craft a letter to the TOFE citing past history.

Robin Bannerman to craft a letter and involve Angela Stadelman's input and to circulate this letter to the Board for support.

E) Anchor Project

John Lubberts has donated an anchor from the 1800's and this donation was brought to the BIA's attention by Rick Doan. The anchor in question has been modified to be able to be placed securely on land.

**Motion: After reviewing numerous locations throughout Crystal Beach and understanding Waterfront Park's theme to be nautical in nature, the Crystal Beach BIA supports the anchor be placed at Waterfront Park.**

**Moved by Phil Smith**

**Seconded by David Bergeron**

**Carried**

F) **Garbage in the Beach** - pick up schedule –update?

The suggestion to invite CAO, Mr. Chris McQueen to our meeting to provide better visibility to topics including the gap in garbage pickup, STR's, etc....

8) **Reports & Correspondence**

a. Treasurer's Report –

Sandra Lyons reported there to be approximately \$29k in our account.

b. Councillor's Report –

N/a

9) **New Business and Inquiries by Members**

At our next meeting, we would request a presentation by Melissa Dubois regarding the Supper Market.

We ought to also discuss the Polar Plunge at our next meeting.

We would also like to explore the possibility of operating a tram in Crystal Beach.

11) **Next Meeting Date and Adjournment**

The next meeting will be October 11<sup>th</sup>, 2022

**Motion to adjourn. Moved by Phil Smith / Seconded by Sandra Lyons Carried.**

The meeting was adjourned at 7:44 pm.



# **Crystal Beach BIA**

## **Minutes**

### **Meeting Date, Time, and Location**

Tuesday October 18<sup>th</sup>, 2022 @ 6pm at Casa Hugo 2<sup>nd</sup> floor, Erie Road in Crystal Beach, ON.

### **Members Present**

Board Members – Kirk Fretz, Robin Bannerman, Chris Hawkswell, David Bergeron

Regrets – Mayor Wayne Redekop, Phil Smith, Sandra Lyons

Absent – n/a

#### 1) **Call to Order**

Meeting called to order by Kirk Fretz at 6:12 pm.

#### 2) **Roll Call**

Recording secretary noted all attendees.

#### 3) **Disclosures of Pecuniary Interest**

None.

#### 4) **Approval of Agenda**

**Motion to approve the agenda as presented.**

**Moved by David Bergeron / Seconded by Robin Bannerman**

**Carried.**

#### 5) **Presentations and Delegations**

None

#### 6) **Approval of Minutes**

**Motion to approve the Minutes of Tuesday September 13<sup>th</sup>, 2022 as presented.**

**Moved by Kirk Fretz / Seconded by Chris Hawkswell**

**Carried**

7)

**Agenda Items**

a. SupperMarket

Small profit recognized. Melissa chose not to take any remuneration and forfeited the approved Manager wage of \$2,400-\$2,500

b. Car Rally

2022 CAR RALLY - SATURDAY SEPTEMBER 17TH, 2022					
	<u>IN</u>		<u>OUT</u>		
BASKETS	\$450.00	SAFETY VESTS	\$107.68		
VENDORS	\$45.00	SIGNAGE	\$244.08		
		PORTABLE TOILETS	\$282.50		(TOTAL FOR TOILETS = \$565 - 1/2 COVERED BY CRIMESTOPPERS)
	<u>\$495.00</u>		<u>-\$634.26</u>		
outcome					-\$139.26

All PR was handled by CrimeStoppers at no cost to the BIA and all advertising of the event was promoted via different social media channels. Turnout was close to 150 cars. Going forward, we will charge a registration fee per vehicle and look forward to the event being in the black. By all accounts, businesses experienced an uptick in patronage. The DJ played for a split of the 50/50 draw. Hoping more of the Derby Road businesses will take advantage of displaying in the Grove next year as well as any Erie Road Business who wish to be closer to the action. Next event: targeting either **Saturday September 16<sup>th</sup> or 23<sup>rd</sup>, 2023.**

c. Polar Plunge – Saturday December 3<sup>rd</sup>, 2022

The event falls between the CB BIA electoral so we need to understand if the timing exposes the BIA to any liability – Kirk to verify with the TOFE

d. Derby Christmas Event ? HollyDaze?

Perhaps dovetail the scheduled Polar Plunge Saturday December 3<sup>rd</sup>?

e. Iconic Sign at Bay Beach

The iconic sign has been awarded!! Kudos to Joan Christensen, Chris Hawkswell and Amelio Rumondo. The contractual value is slightly over the grant value of \$98k.

**Motion: To forgive the loan extended to Advancing Crystal Beach (ACB) in the value of \$3,500 + HST for the sign design component.**

**Moved by Kirk Fretz / Seconded by Chris Hawkswell Carried**

f. Budget

The Budget needs to be in place for the AGM. \$15,263 in the account after ALL expenses are backed out. Still to be reduced by the Polar Plunge event. The budget will be circulated at the AGM.

g. AGM

Likely to be scheduled at the Crystal Ridge Library. We are awaiting confirmation that two representatives from the TOFE will attend the AGM. Date TBD.

8) **Reports & Correspondence**

a. Treasurer's Report –

As reported

b. Councillor's Report –

N/a – regrets sent

9) **New Business and Inquiries by Members**

From Orma Bleeks: Sandra Lyons does not wish to continue managing the Farmer's Market. Does the CB BIA wish to manage it? Need to engage a new Market Manager. Suggestion to move to the Grove area for improved parking / loading / unloading.

11) **Next Meeting Date and Adjournment**

The next meeting will be November 1<sup>st</sup>, 2022

**Motion to adjourn. Moved by Chris Hawkswell / Seconded by David Bergeron Carried.**

The meeting was adjourned at 6:59 pm.



# **Crystal Beach BIA**

## **Minutes**

### **Emergency Meeting**

#### **Meeting Date, Time, and Location**

Monday November 14<sup>th</sup>, 2022 @ 9:15am – Crystal Ball Café, 4028 Erie Road in Crystal Beach, ON.

#### **Members Present**

Board Members – Kirk Fretz, Phil Smith, Robin Bannerman, Chris Hawkswell, David Bergeron

Regrets – Absent – n/a

#### 1) **Call to Order**

Meeting called to order by Kirk Fretz at 9:35am

#### 2) **Agenda Items**

**Motion: To support an event on Derby Road - likely a two-day event occurring November 26<sup>th</sup> and 27<sup>th</sup>, 2022- and that MAY include closing Derby Road to vehicular traffic, with the cross streets remaining open up to Queen Circle.**

**Moved by Robin Bannerman / Seconded by Phil Smith Carried**

**Motion: To financially support this event via an, “incubator budget” of \$1,000.**

**Moved by Chris Hawkswell / Seconded by Phil Smith Carried**

#### 11) **Adjournment**

**Motion to adjourn. Moved by Kirk Fretz / Seconded by Dave Bergeron Carried.**

The meeting was adjourned at 10:15am



# **Crystal Beach BIA**

## **Minutes from 2022 AGM**

### **Meeting Date, Time, and Location**

Wednesday November 30<sup>th</sup>, 2022 @ 6:00pm, Crystal Ridge Community Centre Library, Crystal Beach ON

### **Members Present**

Board Members – Kirk Fretz, Robin Bannerman, Chris Hawkswell, Phil Smith

Regrets – David Bergeron, Sandra Lyons Absent –

BIA Members – Guest –Tom Lewis

### 1) **Call to Order**

Meeting called to order by Kirk Fretz at 6:06 pm.

### 2) **Roll Call**

Recording secretary noted all attendees.

### 3) **Disclosures of Pecuniary Interest**

None.

### 4) **Approval of Agenda**

**Motion to approve the 2022 AGM Agenda as amended**

**Motion: Change item 6 (a) “Election” and move to final agenda item #8 and to move item #8 to item #9.**

**Moved by Kirk Fretz /Seconded by Phil Smith Carried.**

5) **Presentations & Delegations**

Presentation from the Chair – term recap, future challenges

Kirk Fretz shared the following accomplishments of the past 4 years:

Waived 2021 tax levy to assist with businesses during COVID

Moved parking on Erie Road to the south side for the safety of pedestrians (and to potentially gain more commercial footprint during COVID).

Continue to push traffic softening

Iconic anchor to be placed at Waterfront Park

Added further picnic tables. A big thank you to the “Graffiti Grannies”!

Secured \$18k for garbage cans THANKS to ACB & Joan Christensen PLUS a \$98k grant to fund an iconic sign @ the Bay Beach entrance which will be installed by the end of December 2022

NEW street signs in the Beach

Thanks to Sandra Lyons and her management of the Farmers Market

Car Rally was successful for the 2<sup>nd</sup> year

CB5K ! Great turnout and participation

Supper Marker – thanks to Melissa Dubois!

“Christmas in the Beach” success – thanks to Keith McTague

Halloween Parade – thanks to Jason and Tara Marton

Phil Smith for managing Earth Day

Friends of Crystal Beach and Music at Waterfront Park

Thanks to the Beautification Committee

Thanks to Fort Erie Underwater Recovery and their assistance with the Polar Plunge

Going forward, we look forward to establishing more committees and sub-committees to assist the Board and Community.

A very heartfelt thanks to Kirk Fretz for the unending hours and dedication to the CB BIA and to this community!

Tom Lewis expressed words of thanks to all who have contributed to the BIA especially for passing the motion to double the levy with the caveat to analyze annually. Thanks to Mayor Wayne Redekop for his support during the term. Thanks to Carol and Ashlea for their help to manage the transparency of the CB BIA election.

6) **Agenda Items**

**Motion to approve the 2023 Budget as presented.**

**Moved by Robin Bannerman / Seconded by Chris Hawkswell**

**Carried.**

7) **Approval of Minutes**

**Motion to approve AGM Minutes from December 14<sup>th</sup>, 2021 as presented/amended.**

**Moved by Kirk Fretz / Seconded by Robin Bannerman Carried**

**Motion to approve the Regular Meeting Minutes from October 18<sup>th</sup>, 2022 as presented**

**Moved by: Kirk Fretz / Seconded by Chris Hawkswell Carried**

8) **Election**

Thanks to Carol and Ashlea for their help with the election in declaring 6 members of the Board plus one council member.

**Nominated and Elected:**

Melissa Dubois  
Regan Greatix  
Lauren Bacon  
Kirk Fretz  
Robin Bannerman  
Caroline Smith

9) **New Business**

**Motion to sanction the closure of Derby Road from Erie Road to Cambridge Road every Saturday evening and night, now til Christmas**

**Moved by Chris Hawkswell / Seconded by Kirk Fretz Carried**

Orma Bleeks announced a new initiative by Advancing Crystal Beach (ACB) whereby they will giving out, "Welcome Bags" to new people to the community. Orma invites anyone who wishes to contribute to the bags with their respective contribution/information/coupon/offer.

10) **Next Meeting Date and Adjournment**

The next AGM is scheduled for the first Tuesday in December – December 12<sup>th</sup>, 2023

**Motion to adjourn. Moved by Chris Hawkswell / Seconded by Phil Smith Carried.**

**The meeting was adjourned at 7:23pm.**

## Business Improvement Area Annual General Meeting Nomination Sheet

BIA: Crystal Beach ON		Date: Nov 30/22		
Nominee	Nominated By	Accept Nomination (Yes/No)	Vote Carried (Yes/No)	Successful Nominee (Yes/No)
Scott Bounester	Keith McTague	Yes	2	
Regan Greatix	Melissa Dubois	Yes	5	Yes
Melissa <del>Gregg</del> <sup>Dubois</sup>	Regan Greatix	Yes -	10	Yes
Lauren Bacon	Melissa Gagnon	Yes	7	Yes
Robin Bannerman	Caroline Smith	Yes -	9	Yes
Amanda Marshall	Kirk Fretz	Yes	3	
Kirk Fretz	Chris Hawkswell	Yes -	9	Yes
Chris Hawkswell	Robin Bannerman	Yes	4	
Caroline Smith	Phil Smith	Yes -	8	Yes
Melissa Gagnon	Lauren Bacon	Yes	1	



## Crystal Beach Beautification Committee

<b>Meeting Date, Time, and Location</b>	
October 12, 2022 from 1:00 pm until 3:00 pm at 3785 Ryan Avenue, Crystal Beach.	

<b>Members</b>	
Winnie Swalm, Bruce Lowther, Andrea Morrow, Lorraine Wigmore, Lois Wilson, Jane Seaborne-Davies, Irene Bradvica, Karen Dobson	

1) **Call to order**

Bruce Lowther called meeting to order at 1:00 pm

2) **Agenda**

Motion to accept the agenda: Moved by Andrea Morrow, seconded by Winnie Swalm, carried

3) **Minutes of the last meeting**

Motion to accept the minutes of the last meeting: Moved by Andrea Morrow, seconded by Jane Seaborne-Davies, carried.

4) **New Business**

Committee Members – Bruce Lowther welcomed new members Karen Dobson and Irene Bradvica. Bruce also acknowledged the resignation of Cindy Logsdail.

Members were advised Jane Seaborne-Davies, Bruce Lowther and Andrea Morrow are not re-applying with the committee. However, Bruce advised he will continue in his position for the next six months, and Andrea will assist the committee as needed until the end of this year.

This leaves 3 openings for the positions of Chairperson, Secretary, and Facebook Administrator. Further discussions will be carried out by the new committee to be appointed for the next 4 years. Moved by Andrea Morrow, seconded by Winnie Swalm, carried.

October 12, 2002 Minutes

Budget Review - budget presented by Lorraine Wigmore, Treasurer

The account is in a very positive position for next year. Bruce thanked Lorraine for her efforts on the budget and as treasurer. The budget was approved unanimously. Moved by Bruce Lowther, seconded by Andrea Morrow, carried.

Fundraising – Lois Wilson to go ahead with fundraising efforts. Moved by Winnie Swalm, seconded by Andrea Morrow, carried.

**General Discussion** - further discussions and final decisions on the following will be carried out by the new committee to be appointed for the next 4 years. Serious consideration should be given to who are we doing this for – visitors from out of town who only occasionally see the gardens, flowers, and bicycle displays, or the local residents who see it year round.

Recruiting Volunteers – Jane Seaborne-Davies and Karen Dobson advised that ACB have offered their assistance in getting the word out.

Christmas Boughs – Andrea Morrow advised of the existing bows we have 9 red and 7 red/white from last year, 12 that were damaged/faded were disposed of.

Lois Wilson will contact various businesses for donations of evergreen boughs.

Winnie Swalm will purchase new red ribbon and make additional bows.

Bicycles – suggestions going forward for the bicycle displays:

1. Remove bicycle displays altogether (it may be time to do this given the length of time they have already been on display and the amount of maintenance required going forward)
2. Retain the existing number of bicycles and repaint/repair where necessary
3. Lorraine suggested reduce the number of bicycles and strategically re-arrange the remaining ones

Planters – suggestions going forward with the planters:

1. Retain the existing number of ground planters
2. Andrea suggested removing the ground planters on and replacing with hanging baskets on Ridgeway Rd
3. Andrea suggested reduce the number of ground planters on Ridgeway Rd, strategically rearrange the remaining ones and replace those black planters with new, more modern looking ones

October 12, 2002 Minutes

Gardens – Bruce questioned whether we should maintain the existing 6 gardens or reduce them in order to reduce the workload on the committee.

Motion to Adjourn- Made by Andrea Morrow, seconded by Lois Wilson, carried.

5) **Next Meeting Date and Adjournment**

The next meeting date: to be arranged

Meeting adjourned at 3:00 pm

Minutes recorded and prepared by:

Andrea Morrow

Committee Member

Minutes approved by:

Bruce Lowther

Chair

# MINUTES

## Meeting Date, Time, and Location

Wednesday October 5, 2022      10:00 am      Fort Erie Lions' Seniors Centre

## Members

Rosalie Snyder, Barbara Hopkins, Bill Doyle, Maria Scott, Fran Hill, Sandra Peitsch, Noreen Smith, Eleanor Hurst, Wyndmill Hoskin, Deborah Fairlie, Jayne Cruikshank, Joan Christensen, Helen Rignall, Councillor Noyes

**Regrets:** Graham Rignall, Lida Greenaway

### 1) **Welcome & Announcements**

- Meeting was called to order at 10:10 by Chair Rosalie Snyder who welcomed everyone.

### 2) **Introduction of Special Guests**

- Catharine Mindorff

### 3) **Minutes of Previous Meeting**

- Meeting of September 7, 2022 was reviewed, no errors or omissions.  
Motion to accept minutes as presented was made by Fairlie 2<sup>nd</sup> H. Rignall...carried

### 4) **Treasurer's Report**

- Report submitted by Treasurer Doyle indicating SCAC has a balance of \$12,211.22
- Treasurer Doyle was asked for an explanation as to where the \$10,000.00 came from that sponsored Seniors Stepping Out event – Nanette General will be asked for a written explanation on how the financing worked
- Treasurer Doyle also indicated that he will be looking into the deadline for the 2023 Budget.  
Motion to accept Treasurer's report made by Scott, 2<sup>nd</sup> by Peitsch... carried

### 5) **Business Arising from Previous Minutes**

- **Follow up from Catherine Mindorff**
  - Overview of the Seniors Stepping Out survey
  - Catherine presented a brief summary of the statistics that were gathered.
  - There is a video of Seniors Stepping Out on You-tube
  - Catherine noted there is a significant need related to empowering seniors with the main focus being Community Engagement.
  - The survey was very received
  - There was an excellent article in the Post by Richard Hutton and Joan Christensen offered to try to get a copy of the article.

- **Ellie Hurst report**

**September Euchre Party:** Event was well attended but there was discussion on the fact that the plastic utensils, etc. will not be allowed anymore – so what do we do with them?

**Suggestions to double the amount of water next time as 3 cases was not enough**

**There were six donated prizes and the suggestion was to not give them out until the event was over**

**The caterer was given a \$200 gratuity for additional services as there were 105 guests served**

**There were 96 players which created \$1,152.00 in ticket sales, \$575.00 was used for the prize money and the balance is deposited as revenue**

**There was a suggestion that SCAC do a spring & fall euchre party**

- **Graham Rignall report**

**December:** The date is December 10, 2022 and the tickets will be ready shortly. There will be 150 printed and they should be ready for the November meeting. The choir has been hired at a cost of \$375.00 and will play from 12 to 12:45 pm

**January:** – The 50% deposit will be paid for mid December – Tickets will be ready for the December SCAC meeting and there will only be 100 tickets for each date.

6) **Correspondence**

- Barb presented the request from RCL Branch 230 for the first annual Seniors Literary Contest – Every member of SCAC took a copy for distribution

7) **Other Business**

- Rosalie Snyder indicated she will not be available for the November meeting so Graham will be chairing the meeting
- Suggestions for next year: Euchre in July & September, a Karaoke night at Beachcombers, Summerfest with Bingo & Euchre in August, Rosalie will look into a movie day at GFESS with a light lunch, the country afternoon luncheon again
- Suggested we give Christmas gifts to the Senior's homes for those who may need some Christmas cheer without families
- Ellie & Sandra are going to do another inventory as we have 2 coffee urns that are not useable (1 large coffee transporter) what should be done with them?

8) **Next Meeting Date and Adjournment**

The next meeting date has been scheduled for Wed. Nov 2, 2022 at 10:00 am

The October 5, 2020 meeting adjourned at 11:10 am

Motion for adjournment was made by Doyle, 2<sup>nd</sup> by Hill... carried

**Minutes prepared by**

*Barbara Hopkins*

**Minutes approved by**

# MINUTES

## Meeting Date, Time, and Location

Wednesday November 2, 2022

10:00 am

Fort Erie Lions' Seniors Centre

## Members

Graham Rignall, Barbara Hopkins, Bill Doyle, Maria Scott, Sandra Peitsch, Noreen Smith, Eleanor Hurst, Wyndmill Hoskin, Deborah Fairlie, Jayne Cruikshank, Joan Christensen, Helen Rignall, Councillor Noyes

**Regrets:** Rosalie Snyder, Lida Greenaway, Fran Hill

### 1) Welcome & Announcements

- Meeting was called to order at 10:07 by Vice-Chair Graham Rignall, who welcomed everyone.

### 2) Introduction of Special Guests

- Catharine Mindorff – Catharine gave a detailed description of the survey completed as part of Seniors Stepping Out. Catharine indicated that there was an excellent response from the Fort Erie seniors noting that more than 50% population is over the age of 50. Catharine also noted that the results indicated that the population seem to want more learning activities as opposed to so many social events. Catharine noted that SCAC needs to be the knowledge behind the “Connecting our Community” committee. A lot of open discussion followed regarding Catharine’s request for volunteers from this committee to sit on the “Connecting our Community” committee.

### 3) Minutes of Previous Meeting

- Meeting of October 5, 2022 was reviewed, error noted that Noreen Smith was listed as present but was not in attendance.  
Motion to accept minutes as corrected was made by Doyle 2<sup>nd</sup> H. Rignall...carried

### 4) Treasurer’s Report

- Report submitted by Treasurer Doyle (see attached)  
Motion to accept Treasurer’s report made by Hurst, 2<sup>nd</sup> by Cruikshank ... carried  
Budget submitted – Requested \$30,000 - open discussion on the amount being requested, what type of events SCAC will be hosting, when & how much for each event.  
Motion to accept the proposed budget made by Peitsch, 2<sup>nd</sup> by Christensen ... carried  
It was noted that Ann Marie requested a written breakdown with an explanation of where the money came from to host “Seniors Stepping Out” in June of 2022

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5) **Business Arising from Previous Minutes**

**Graham Rignall's Report**

- December Christmas Luncheon – Graham distributed the tickets and posters to the applicable members who are listed as ticket sellers – ticket sales start Nov. 21 and will be available until Dec 2 – 130 tickets printed – there will be wine, that must be purchased from the Lions, on each table resulting in 36 bottles at \$18 each. Draw prizes will be Walmart Gift cards – centre pieces will be poinsettia's and also be part of the draw prizes.
- January luncheons at Happy Jacks – Graham Rignall – Graham indicated the tickets are printed and there 100 for each sitting. Helen & Rignall will be available to cover the door on the 8<sup>th</sup>. Bill Doyle will cover the 15<sup>th</sup>. – After the Dec meeting SCAC is invited to Happy Jack's. Barb will send out an email requesting RSVP's.

6) **Correspondence**

- Barb presented the request from RCL Branch 230 for the first annual Seniors Literary Contest – Every member of SCAC took a copy for distribution

7) **Other Business**

- Tentative calendar for 2023  
Tabled to the next meeting as this draft was just for budget purposes
- Further discussion on the Christmas gift idea  
Barb to clarify if this is allowable  
After open discussion it was decided that this not something SCAC should be doing
- Inventory update  
Ellie noted that SCAC has 1 large coffee transporter and 2 Westbend Urns that have not been used in several years – question was what to do with them.  
SCAC also has a lot of plastic utensils in stock and wondered if we have to get rid of them due to the new rules coming in the near future. Deborah presented a print-out "Phasing things out" which explained the phasing out of plastic.  
SCAC also has all kinds of bingo sheets, so looking at doing a bingo event in 2023

6) **Correspondence**

Nothing to present

7)

**Other Business**

- Request for 4 members of the SCAC to sit on the "Connecting Our Community" committee was table to next meeting. SCAC agreed that we will support the initiative.

8)

**Next Meeting Date and Adjournment**

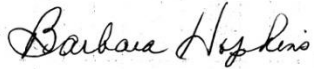
The next meeting date has been scheduled for Wed. Dec. 7, 2022

Barb Hopkins had to leave early at 11:20 am

Motion for adjournment Doyle, 2<sup>nd</sup> Hurst

Nov. 2, 2020 meeting adjourned at 11:21 am

**Minutes prepared by**



**Minutes approved by**

Meeting Date, Time, and Location	
Tuesday, October 25, 2022 at 4:00 p.m. at the Town Hall – Conference Room #1	
Members	Staff Resources
Dennis Hernandez-Galeano, Chair (at 4:26 p.m.) Bev Ferris, Vice-Chair * Gary Kooistra Adam McLeod Barbara McLeod Lori Brant Veronica (Faith) Sparling Councillor Ann-Marie Noyes Ashley Greaves, On-Demand Transit Rep.	Keegan Gennings, Chief Building Official Sean Hutton, Facilities Supervisor (regrets) Bev Bradnam, Manager, Strategic Initiatives  Guests: Joe Kissmann Justin, Personal Support Worker

\* The Vice-Chair acted as Chair for the meeting.

1) **Call to Order**

Prior to the meeting beginning, Niagara College students filmed the Committee in action on behalf of Community Living Fort Erie for a promotional video showcasing the organization in the community and “at the table”. The meeting was called to order at 4:10 p.m.

2) **Approval of Minutes**

**Recommendation No. 1:**

**Moved by: Gary Kooistra**  
**Seconded by: Lori Brant**

**THAT: The September 27, 2022 Minutes of the Fort Erie Accessibility Advisory Committee meeting be approved as printed.**

**(CARRIED)**

3) **Outstanding Matters**

1) Regional Accessibility Advisory Committee

Faith advised that no Regional AAC meeting took place. She is waiting to hear details about applying for the Regional Accessibility Advisory Committee for the next term of Region Council.

2) Parking Concerns

No update on the accessible parking spaces in downtown Ridgeway.

3) **Outstanding Matters, continued**

3) Fort Erie Active Transportation Committee (FEAT)

Dennis advised that FEAT reviewed their annual report and had their last meeting before the next term of Council.

4) Stevensville Garden Gallery

Councillor Noyes was asked to visit the Stevensville Garden Gallery to see if the automatic door has been installed following Bev's e-mail correspondence with Gallery staff.

5) Adult Size Change Table at Bay Beach

Signe Hansen, Manager, Community Planning, has her staff investigating options to replace the adult size change table that was removed.

6) Treat Accessibly

Bev confirmed that she had reached out to Ray Rosettani – Re/Max and they did receive 17 accessible trick or treat signs and had requested additional signs. The accessibility tips for trick or treating and a link for the signs was posted on social media. AAC members agreed that the tips provided some great advice for making trick or treating accessible.

7) Stop Gap Ramp Project

Bev advised that she spoke with Luke Anderson from the Stop Gap Ramp Project on October 19, 2022. Luke described some of the challenges they have faced during COVID and advised that they are presently working with many municipalities, including the City of Brampton. Working with lawyers during the pandemic, they now have single step entry agreements between the business owner and Stop Gap and orders can be requested through their website. They did discuss encroachments on municipal sidewalks but noted that these are "interim" – temporary ramps that are taken out to allow access and then brought back in. Bev shared the Chief Building Official's concern that the ramps may be perceived to be Ontario Building Code compliant, which they are not. Luke advised that there is a lot of awareness raising/education to describe the nature and use of the ramps that goes in to a successful campaign. Bev told Luke about the great advocacy work that Lori has done on behalf of the AAC for the beach mats and pool lift and our thoughts about partnering with the local high school or community organization.

Due to the legal agreements that have to be entered into, Bev shared her thoughts with the CAO and Director of Finance to determine if a 2023 budget request could be made. There was also discussion about a cost-sharing program, similar to a Community Improvement Plan. Costs for a ramp range from \$250 to \$450 per ramp (plus HST and delivery). The height of the step has to be between 2" and 9". Bev advised that she would like to request an initial budget for 20-25 ramps.

3) **Outstanding Matters, continued**

7) Stop Gap Ramp Project, continued

The AAC agreed that if the Town covered the cost more businesses would be willing to be part of the project.

Lori advised that her hairdresser puts a ramp out for her to enter the building and there may be many stores that would be willing to. Social media could be utilized to post where the ramps are available. Ashley noted that there should be training for the business owners as well to familiarize them with the use and, once installed, they should be showcased on the Town's website, which would provide a form of free advertising. Keegan advised that we do have a Business Directory and perhaps the ramp could be linked with business licencing, such as a yellow flag beside the business to show that it has a Stop Gap Ramp feature. When asked how someone would know that the ramp was available, Lori explained that a sticker would be placed in the window of a store advising that they offer the Stop Gap Ramp and a phone number to call.

The AAC agreed to conduct tours of the down town areas, followed by meetings with the BIA's. Bev had advised Luke Anderson that we would not be considering moving forward until early 2023, which fits in with their timelines.

The following recommendation was passed by the Committee:

**Recommendation No. 2:**

**Moved by: Gary Kooistra**  
**Seconded by: Adam McLeod**

**THAT: a 2023 Budget request be submitted in the amount of \$7,200.00 to start a Stop Gap Ramp program Town-wide, which will include:**

- **Visiting stores to determine interest and eligibility;**
- **Covering the cost of the ramp for the first 20-25 businesses that are interested in participating in the program;**
- **Meeting with the Business Improvement Areas;**
- **Conducting training on the use of the ramps and raising awareness through social media;**
- **Flagging the accessible feature on the Town's Business Directory.**

**(CARRIED)**

3) **Outstanding Matters, continued**

8) Dog Tag cost for Service Animals

Keegan advised that he spoke with the By-law Enforcement team and they are redoing the Animal Control By-law and will capture the reduction in dog tag fees for service animals. It was noted that spayed/neutered dogs are supposed to already receive a reduction in the fee and staff will check with other municipalities to determine the fee for service animals in order to make an informed decision.

4) **Site Plans**

1) 3700 Dominion Road

Keegan provided an overview of the site plan showing the addition to Dominion Dental, which includes a ramp and landing area, barrier free washroom, an accessible parking space and aisle on the south side of the parking lot close to the entrance ramp. Keegan noted that all treatment rooms are on the main floor.

5) **Multi-Year Accessibility Plan 2019-2023**

Bev provided a page by page review of the Annual Accessibility Status Report. Councillor Noyes advised that the comment related to generators at the Not-for-Profit buildings has resulted in the purchase of two generators. Bev updated the draft at the meeting to reflect Councillor Noyes' comment. The Committee agreed that a lot was accomplished.

**Recommendation No. 2:**

**Moved by: Lori Brant**  
**Seconded by: Gary Kooistra**

**THAT: The Accessibility Advisory Committee approves the draft Annual Accessibility Report that will be presented to Council at the November 21, 2022, Council-in-Committee meeting.**

**(CARRIED)**

6) **Other Matters**

1) Fourth Review of the AODA by Rich Donovan – October 18, 2022 virtual Town Hall

Bev provided an overview of the discussions that took place during the virtual Town Hall on October 18, 2022 and encouraged members to participate in one of the remaining three virtual Town Halls being offered for feedback on the Fourth Review of the *Accessibility for Ontarians with Disabilities Act*.

6)

**Other Matters, continued**

2) Response from Transit Supervisor on concerns shared at the September 2022 meeting

Bev read the following response from the Transit Supervisor based on Joe's concerns shared at the last meeting:

"I have told Joe that due to his needs that riding FAST is the most appropriate for him. This system will pick him up at his house and drop him at the exact address he needs to go. Unlike the On-Demand where you must be able to make it to a Bus Stop or Point of Interest (POI) within the urban zones, or an address in the rural zones. From what Joe described in his email to me, he was travelling within the urban zones, which means he would need to be picked up and dropped off at a stop or POI if he is using the On-Demand. Both systems can accommodate wheel chairs though. The FE FAST system is better designed to meet his needs at this time.

When it comes to booking rides, the following are the parameters that have been laid out with BTS (this was done within the contract in 2018 and I sent an email this morning reminding them of the parameters for FE):

1. Must be a registered/approved user of the FE FAST by way of approved application from a medical professional.
2. We prefer to book at least 48 hours in advance, however, bookings can happen less than 48 hours. Riders booking less than 48 hours should know that their optimal time may not be achieved, due to other riders that have already booked.
3. Fort Erie does **not** have a maximum booking time frame of 2 weeks or anytime really. If someone wants to book a month out, they can. Riders should have the ability to book as far in advance as the system will handle. (Their system may only be able to handle bookings a certain time out, but I know it is more than 2 weeks. I have stated that at least one month out is reasonable).

The On-Demand System can be booked for ASAP rides or riders can pick an approximate time that will work for them (knowing there is a 30-minute pick up window from the time requested). Riders can also book well in advance for their rides as well. We have been finding most people if they need a regular ride each day, will do 1-2 weeks at a time.

The Niagara Region's Specialized Service (NST) uses the same provider as Fort Erie. This may be causing some confusion from their dispatch team (especially if they have some new employees) and riders. NST has a maximum booking window of 2 weeks on their side due to the higher volume of riders that they have booking. So, if trips are going outside Fort Erie, then they will be subject to this parameter. However, inside Fort Erie we do not have this rule. If Joe was trying to book for his event and it is not in Fort Erie this may be where he is hearing the 2 weeks maximum booking window".

6)

**Other Matters, continued**

2) Response from Transit Supervisor on concerns shared at the September 2022 meeting, continued

“I have also heard from some riders that they would like transit to go later at night and Sundays. Unfortunately, we are on a steady state for transit at this point until the transfer to the Niagara Transit Commission (NTC) and no one is allowed to make any changes to their systems. Later hours and Sunday service may happen when the system transfers over, but not in the first year. Everyone will remain in the same steady date until the new NTC can ensure that they have a handle on all the services, their needs and budget considerations.

In the future, there is a possibility that the On-Demand Services and the Specialized Services will be co-mingled and users with special needs will be accommodated on the system as they now are on FAST or NST. You may be riding with other able-bodied users as well. This is something that is being considered, but not necessarily what will actually happen. This may take a couple of years before being implemented.

The FE FAST contract is expiring at the end of 2023 at which time the NTC will decide how to deliver the specialized services moving forward in Fort Erie.

The NTC will have a Transit Advisory Committee that will form, most likely, in the new year sometime and there will be a position on there for a Specialized User. I do not have info on this committee yet or how to apply. I am sure that when that is released Bev can pass that along to anyone interested from the Committee.

Bus stop distances are added at an industry standard of 400 m apart. We try to cut that down a bit where we can, but that is the standard. For On-Demand we have also added POI's in areas that have high use, businesses, parks, or intersections of high request. We do not prefer to drop riders in front of their homes for safety reasons. After dark we will try to get a little closer to a safe and lighted area for walking for folks as well”.

Ashley advised that there are not many updates on the new service but there has been some discussion about a new fare structure. Adam advised that for him to travel from Fort Erie to the Morrison/Dorchester Hub costs \$6 and then he transfers. A whole day of travel for him costs \$12, representing almost a full hour of work. Ashley also noted that if it is dark outside or the rider is younger, the On-Demand driver does try to get them closer to home. Councillor Noyes advised that a lot of medication gets delivered to the door and she does not understand the concern about privacy with dropping someone off at their door.

6) **Other Matters, continued**

3) Submitting Application for the next term of Council

Bev Ferris asked when members need to reapply for the Committee. Councillor Noyes explained that previously members were asked to submit their application before the election but, with the term date moved up to November 15<sup>th</sup>, Council will be seeking applications sometime in December or January. Bev confirmed that the AAC members remain in place until the new Committee is established by Council.

7) **Date for Next Meeting**

Two dates were provided to the AAC for the next meeting: the original being the last Tuesday of the month OR a Tuesday in December so that a Christmas meal could take place. Joe advised that he has already requested assistance for the November 29<sup>th</sup> date in order to be at that meeting. The Committee agreed to have the next meeting take place on November 29 and will have a Christmas dinner at a later date.

The next AAC meeting will take place in Conference Room #1 – Town Hall at 4:00 p.m. on Tuesday, November 29, 2022.

Details regarding the Christmas meal will be sent to AAC members under separate cover.

8) **Adjournment**

**Recommendation No. 3:**

**Moved by: Adam McLeod**  
**Seconded by: Dennis Hernandez-Galeano**

**THAT: The October 25, 2022 meeting of the Fort Erie Accessibility Advisory Committee does now hereby adjourn at 5:38 p.m.**

**(CARRIED)**

Minutes recorded and prepared by:

Minutes approved by:

Bev Bradnam, DPA, CMM III  
Manager, Strategic Initiatives

Bev Ferris  
Acting Chair/Vice Chair

Meeting Date, Time, and Location	
Tuesday, November 29, 2022 at 4:00 p.m. at the Town Hall – Conference Room #1	
Members	Staff Resources
Dennis Hernandez-Galeano, Chair (at 4:40 p.m.) Bev Ferris, Vice-Chair * Gary Kooistra Adam McLeod (regrets) Barbara McLeod (regrets) Lori Brant Veronica (Faith) Sparling Councillor Ann-Marie Noyes Ashley Greaves, On-Demand Transit Rep.	Keegan Gennings, Chief Building Official Sean Hutton, Facilities Supervisor (regrets) Bev Bradnam, Manager, Strategic Initiatives  Guests:  Michael Barker, SHIFT Landscape Architecture, Mackenzie and Kevin (virtually) Joe Kissman Justin

\* Bev Ferris chaired the meeting.

1) **Call to Order**

The November 24, 2022 AAC meeting was called to order at 4:00 p.m.

2) **Approval of Minutes**

**Recommendation No. 1:**

**Moved by:** Lori Brant  
**Seconded by:** Gary Kooistra

**THAT:** The October 25, 2022 Minutes of the Fort Erie Accessibility Advisory Committee meeting be approved as printed.

**(CARRIED)**

3) **Proposed Douglas Park Playground Design**

Further to the previous presentation provided to the AAC, Michael Barker, SHIFT Landscape Architecture and his associates presented three options for the proposed Douglas Park Playground Design. Public consultation has been undertaken and Bev noted that she had taken two of her grandchildren to the session and they really enjoyed placing dots on the equipment they preferred.

3) **Proposed Douglas Park Playground Design, continued**

The AAC preferred Option 1, which showed a unique design that had a variety of accessible elements for all and some that fostered motor, sensory, creative, physical and social skills. Michael advised that each design option was asked to include rubberized mats for the play area, which the AAC confirmed was very important for mobility.

Lori asked if there would be any type of shade structure and Michael showed the draft plan for the entire park which included a large pavilion shade structure that is in close proximity to the playground as well as shade trees that will be planted.

Bev questioned if there would be washrooms and Michael confirmed that is part of the larger park development that they are working with the engineer on and noted that the washrooms will be based on universal design and will also include a change table in each washroom.

Bev will follow-up with Signe Hansen and advise that Option 1 was the preferred playground design by the AAC.

4) **Outstanding Matters**

1) Regional Accessibility Advisory Committee

Faith advised that the Region has hired a new Accessibility Coordinator, Tammy Dumas, and the applications for the new term of Council have not yet been sent out. Bev advised that she met Tammy at a recent Age Friendly Forum and she provided Tammy with her business card.

2) Parking Concerns

Jarvis Street is still being redeveloped. Bev noted that Land Committee is discussing parking concerns in Crystal Beach and improvements to lots. During the ramp tour in Crystal Beach, a lot on Lincoln Road East was visited that needs improvement and previously had a distinguishable accessible space. This is one of the lots that will be improved and the AAC members advised that the space should be reinstated so it is visible. During the tour it was also noted that proper signage should show where parking is available as the lot in its current state does not look like a Town-owned lot.

3) Fort Erie Active Transportation Committee (FEAT)

No update was provided.

4) Stevensville Garden Gallery

Councillor Noyes will follow-up to see if the automatic doors have been installed.

4) **Outstanding Matters, continued**

5) Adult size Change Table at Bay Beach

As noted previously, Signe Hansen, has staff that are reviewing options for replacing the table for the 2023 summer season.

6) Treat Accessibly

Bev advised that there was great feedback on social media posts on the accessibility tips. Bev will follow-up with Re-Max to thank them and find out how many signs were picked up. The AAC noted this should be an annual campaign.

7) Stop Gap Ramp Project

Bev provided the Committee with an overview of the tours of Crystal Beach and Ridgeway, noting that some stores just needed a threshold ramp or had a ramp and just need a sticker advising they have a ramp available. Bev advised that the EDTC is funding \$7,500.00 towards the Stop Gap Ramp program to help businesses and persons with disabilities. Most businesses visited came out and spoke with the Committee members and were interested in participating. Bev advised that the draft agreement was received by Stop Gap and was hoping that the agreement would just be between the Town and Stop Gap; however, the 12-page agreement will need to be between the business owner and Stop Gap for use of their product and they are working on an agreement between the Town and Stop Gap based on the agreement they are working on with the City of Brampton. Bev advised that the Town is hiring a new solicitor that will be asked to review the agreements and noted that the CAO is behind this project as he sees that the reward outweighs the risk. Lori suggested that the new solicitor provide a brief summary that explains some of the terms that may help when we present to the BIAs in the spring. Bev will update the details on the stores visited and circulate the list to AAC members.

8) Wendy's Restaurant

Bev read the response from Wendy's Head Office, "*We received the attached letter at our office in Timmins. We will be renovating the Wendy's in Fort Erie in 2023 and these accessibility issues will be resolved at that time. Entrances and washroom will be addressed. I hope this information is satisfactory to the Town at this time. Please let me know if you need any further information*". Justin shared that he takes many people in wheelchairs into Wendy's and they do struggle getting in so this was great news for him. Bev advised that she also looked at the street view and noted to Wendy's that when they make the improvements to also include a curb cut onto the sidewalk closer to the accessible parking space.

5) **Site Plans**

No site plans were received.

6) **Multi-Year Accessibility Plan 2019-2023**

Bev advised that the Annual Accessibility Status Report was approved by Council at the November 21, 2022 Council-in-Committee meeting. Councillor Noyes had provided some praise for the work of the AAC at the meeting. Councillor Noyes added that the AAC members should take a bow for all the great work that the Committee has done. Bev Ferris noted that very few towns have accomplished what the Town has and that our relationship with businesses has been really good. Councillor Noyes noted the success with Walmart adding accessible parking spaces at their cost and the Stevensville Post Office providing improvements to their entrance and the inclusion of a ramp. The Post Office staff were very delighted with the improvements and the positive impacts that it has had on the people accessing the Post Office.

7) **Other Matters**

- 1) Joe asked to share his concerns related to the Niagara Specialized Transit (NST). He advised that sometimes the NST vans are being used for pick-up in Fort Erie for FAST people and felt that NST vans should only be used for out of town trips. Joe noted that before COVID they had two FAST bus drivers that only did Fort Erie but since the pandemic they are doing both and he thinks that is sending mixed messages. Bev advised that NST have the same provider as the FAST service and the agreement allows for the NST buses to provide service if there is a breakdown with one of the FAST buses. Bev will follow-up with Jennifer for clarification and advise.

*Dennis joined the meeting at 4:40 p.m.*

Councillor Noyes noted that the numbers for FAST are down and we need to encourage more use of the buses as the Region will be taking over transit services in 2023.

- 2) Bev explained that the changes to the *Municipal Elections Act* shortened the time between the Election and Inauguration and the applications for Boards and Committees has been pushed back to the new year. Bev confirmed that current AAC members will remain members until that process has been completed.
- 3) Faith provided details on the new Niagara Hearing and Health Clinic, which she recently visited. Faith distributed some book marks with information and also advised that they are giving away a complete hearing aid system for free and are taking names until December 2. Faith advised that the Clinic, located in the Barrel Plaza, has a Doctor of Audiology on staff and they are friendly, positive and work with you and your family as they are also affected when someone has hearing loss. Councillor Noyes noted that hearing aids are computerized now and Faith showed the control stick that reroutes her hearing aid. Faith noted she has heard more today than at any other meetings.

7)

**Other Matters, continued**

- 4) Lori advised that the Ontario Disability Support Program has raised the threshold for income that can be made to \$1,000 without being clawed back, from the previous \$200.
- 5) Keegan advised that he was recently at a Shell Gas Station in Welland and they had the following poster at the pump:



Lori advised that this type of poster could be used for the ramp program as well.

8)

**Date for Next Meeting**

AAC meetings for 2023 will take place in Conference Room #1 – Town Hall at 4:00 p.m. on the following dates:

- Tuesday, January 31, 2023
- Tuesday, February 28, 2023
- Tuesday, March 28, 2023
- Tuesday, April 25, 2023
- Tuesday, May 29, 2023
- Tuesday, June 27, 2023
- Tuesday, September 26, 2023
- Tuesday, October 24, 2023 (as Halloween is the last Tuesday of the month)
- Tuesday, December 5, 2023 (Christmas dinner)

9)

**Adjournment**

**Recommendation No. 2:**

**Moved by:       Lori Brant**  
**Seconded by:   Faith Sparling**

**THAT:       The November 29, 2022 meeting of the Fort Erie Accessibility Advisory Committee does now hereby adjourn at 5:01 p.m.**  
**(CARRIED)**

Minutes recorded and prepared by:

Minutes approved by:

Bev Bradnam, DPA, CMM III  
Manager, Strategic Initiatives

Bev Ferris  
Acting Chair



**Meeting Date, Time, and Location**

5:20 PM, September 7, 2022, Town Hall

**Attendance**

Members present: Shannon Larocque, Bree Smalldon, Frank Raso, Kate Ashbridge, Councillor Lubberts, Rick Stockton and Nadine Litwin

Members absent: Tim Seburn, David Rutton

Others present: Daryl Vander Veen, Intermediate Development Planner

**Call to Order**

Shannon called the meeting to order at 5:20 PM.

**Declaration of Pecuniary Interest and General Nature**

None.

**Approval of Minutes from July 20, 2022 Meeting**

A motion was put forward by Councillor Lubberts to approved the July 20, 2022 EAC meeting minutes and was seconded by Rick Stockton.

**EC Removal Request – Lots 36 & 37, 52 & 53 Plan M65**

The Owner has requested the removal of the EC layer from several lots that are part of the former Jetmar Plan of Subdivision (Lots 36 & 37, 52 & 53 Plan M65).

The following motion was put forth by Frank Raso and was seconded by Nadine Litwin:.

**THAT:** *EAC supports the request for the removal of the EC Overlay Zone from the subject lands (Lots 36 & 37, 52 & 53 on Plan M65). (CARRIED)*

**Review of EIS - Peace Bridge Village Phase 4 (0-10268 Louisa Street)**

Staff have requested comments from EC in regard to the ongoing application for a Plan of Subdivision and Zoning By-law Amendment for the proposed Peace Bridge Village Phase 4

Subdivision. The application proposed to remove the EC zoning from the subject property as part of the Zoning By-law Amendment application.

EAC noted that there was not much to comment on for the Environmental Impact Study as the site was cleared of vegetation by the developer prior to completion of the EIS and circulation of the proposal to EAC. Staff noted that the developer did receive permission from the Niagara Region Regional Forester to clear dead ash trees from the site.

The following motion was put forth by Bree Smalldon and was seconded by Nadine Litwin:

**THAT:** *EAC makes the following recommendations regarding Peace Bridge Village Phase 4 Subdivision:*

1. *That the developer maximize street trees within the development.*
2. *That the Town consider asking for a cash payment for tree planting elsewhere in the community in advance of the development applications. (CARRIED)*

#### **New Business**

1. EAC would like to request that a Natural Assets Inventory Plan be tabled for the 2023 budget.
2. Rick Stockton noted that he was informed of a road constructed over a dune in the Point Abino area off of Abino Hills Road and asked that staff follow up with the NPCA.
3. EAC reminded staff that in accordance with their Terms of Reference all EIS documents associated with development applications need to be circulated to EAC for review not just those that involve EC Zone removal.

#### **Next Meeting**

To be confirmed.

#### **Adjournment**

The meeting was adjourned at 6:50 P.M.

Minutes prepared by:

Daryl Vander Veen  
Intermediate Development Planner

Minutes approved by:

Shannon Larocque  
Chair

**Meeting Date, Time, and Location**

10:05 AM, November 6, 2022, Site Visits

**Attendance**

Members present: Shannon Larocque, Bree Smalldon, Frank Raso, Kate Ashbridge, Councillor Lubberts, Nadine Litwin and Tim Seburn

Members absent: David Rutton, Rick Stockton

Others present: Daryl Vander Veen, Intermediate Development Planner

**Call to Order**

Shannon called the meeting to order at 10:05 AM.

**Declaration of Pecuniary Interest and General Nature**

None.

**EC Removal Request – 2819 Colony Road**

EAC noted that the proposal for 2819 Colony Road is to construct an addition to the existing single detached dwelling including a new attached garage, to replace the private septic system and to reconfigure the driveway/parking area. The Committee walked the areas of the property that would impacted and noted several large oak trees and that the existing dwelling is situated on top of a dune. There were concerns over damage to tree roots even if the trees themselves do not have to be removed. No endangered species were spotted on the site visit. EAC was of the opinion that no EIS required for this proposal; however they would like to work with the Applicant to mitigate the impacts of the proposed development. It was noted that a couple iterations will likely be required for review.

The following motion was put forth by Kate Ashbridge and was seconded by Tim Seburn:

**THAT:** *EAC recommends that no EIS is required for this proposal, however EAC makes the following recommendations regarding the proposal:*

1. *That the Applicant reconfigure the proposed driveway, parking area and septic system expansion to avoid previously undisturbed portions of the dune and tree removal.*
2. *That the Applicant complete a geotechnical study with consideration given to dune stabilization through vegetation.*

3. *That the Applicant complete a tree preservation and planting plan with a focus on avoiding root damage to trees. EAC will provide the Applicant with a list of native tree species and ground cover species to be used for plantings. Invasive ground covers including vinca vine and English ivy should be removed.*
4. *That the proposed addition to the single detached dwelling incorporate bird friendly design standards. (CARRIED)*

#### **Review of EIS - 0-10972 Seymour Avenue Plan of Subdivision**

Upon arriving at the site EAC noted that it was already cleared of vegetation prior to EAC's visit. EAC was disappointed with the tree removal and wishes to express their discontent that they were unable to review the site while it was still vegetated.

The following motion was put forth by Bree Smalldon and was seconded by Nadine Litwin:

**THAT:** *EAC makes the following recommendations regarding 0-10972 Seymour Avenue Plan of Subdivision:*

1. *That the developer be required to plant trees and implement a vegetated buffer along the westerly and southerly lot lines. Native trees species are to be used.*
2. *That the Town consider asking for a cash payment for tree planting elsewhere in the community in advance of the development applications.*
3. *Each tree that was removed should be replaced at a 3 to 1 ratio. (CARRIED)*

#### **EC Removal Request – 842 Rosehill Road**

EAC visited 842 Rosehill Road a second time as requested by the Applicant to walk the site, discuss the history of the property and inspect the proposed development area. The site visit did not provide any new information and while the approximate east boundary of the lot was provided, detailed information regarding where the new dwelling would be located, or where the septic and driveway was not known. It is noted that without this information it is impossible to understand the impacts to the subject property. Additionally, as previously noted during the May site visit this site is identified as a significant natural area and a woodlot, the property provides connection to the larger woodlot and the impacts of clearing the area need to be reviewed in consideration of the entire wooded area.

Some members of the Committee had to leave early and so EAC's recommendation was finalized later by email. The following recommendation was put forward:

**THAT:** *The EC Overlay remains on 842 Rosehill Road until an EIS is completed to review the cumulative impact on the overall feature. (CARRIED)*

#### **EC Removal Request – 2338 College Road**

This site visit was rescheduled to the next meeting due to time constraints.

#### **Approval of Minutes from September 7, 2022 Meeting**

EAC decided that the minutes from the September 7, 2022 meeting could be approved via email due to time constraints. The minutes were approved on November 22, 2022.

### **New Business**

Discussion occurred regarding the proposed amendments to various Provincial legislation proposed by the Province's Bill 23. Shannon Larocque encouraged all Committee members to familiarize themselves with the proposed Bill and to submit comments given the extensive impacts to natural heritage considerations and development that will result if the Bill is approved as proposed.

### **Next Meeting**

The next meeting was tentatively set for Sunday, November 27, 2022.

### **Adjournment**

The meeting was adjourned at 12:30 P.M.

Minutes prepared by:

Daryl Vander Veen  
Intermediate Development Planner

Minutes approved by:

Shannon Larocque  
Chair



**Town of  
Fort Erie**  
***Our Focus: Your Future***

## MINUTES

## **Fort Erie Active Transportation Advisory Committee**

### **Meeting Date, Time, and Location**

Tuesday October 11, 2022 at 5:00 pm at Town Hall, Committee Room 2

### **Members Invited:**

#### **Committee Members**

Dennis Hernandez-Galeano, *Chair*  
Richard Paterak, *Vice Chair*  
Luisa Maria Galeano de Hernandez  
Frank Raso (*Regrets*)  
Shaila Stoddard  
Councillor Zanko

#### **Staff Resources**

Chris Millar, *Sr. Neighbourhood Planner,  
Recorder*

### 1) **Call to Order**

The meeting was called to order at 5:17 pm. The requirements of quorum were met.

### 2) **Approve Agenda**

The Chair sought confirmation of the Agenda.

Resolution No. 10/22

Shaila Stoddard (SS) and Kim Zanko (KZ)

**THAT:** The FEAT Agenda for the October 11, 2022 meeting be accepted.  
**(CARRIED)**

### 3) **Declaration of Conflict of Interest**

n/a

### 4) **Adoption of the Fort Erie Active Transportation Minutes of July 12, 2022**

Resolution No. 11/22

Luisa Maria Galeano de Hernandez (LH) and KZ

**THAT:** Minutes of the Fort Erie Active Transportation Committee meeting of July 12, 2022, be accepted as written.  
**(CARRIED)**

### 5) **Business Arising from Minutes**

1. Term Report – In preparation for the end of their current term as a Committee, FEAT sought to report to Council on their ongoing effort and achievements over their term with a summary document for Council and public awareness.

The Committee spent the meeting reviewing the summary document and providing edits or discussed topics that were of ongoing interest and accomplishment.

Members discussed the evolving nature of e-assisted vehicles and how they may impact the infrastructure provisions and whether conflict or competition for space will be drastic or modest. Members briefly discussed the pros and cons of e-assist vehicles. Members thought Highway Traffic Act needs updating in certain areas as it relates to on-road vs. on-trail.

Members discussed how evident AT was during the COVID 19 shutdowns as residents sought to get out for exercise and recreation to counter inactivity. It is Committee's hope that persons re-discovered enjoyment of AT during that period.

The Committee was satisfied the Summary document for their term was appropriately reflecting achievements and is the intent of the Committee to attach the Summary to the Minutes of the Meeting (see "Attachment 1").

6) **New Business**

n/a

8) **Enquiries by Members**

none

9) **Next Meeting**

No further meetings were scheduled in light of term expiry. Announcements for new term applications are anticipated to follow similar past practice by way of advertising.

Staff advised this would happen after the new term of Council completed its review of Committees and Terms of Reference.

10) **Adjournment**

Resolution No 12/22

LH and KZ

**THAT:** The meeting does hereby adjourn at 5:45 p.m.  
**(CARRIED)**

Minutes recorded by:  
Chris Millar

Minutes approved by:  
Dennis Hernandez-Galeano (Chair)



Get Active, Go Active, Grow Active

FEAT aims to create a community that is conducive to safe active people-powered transportation



2018 – 2022 PROGRESS REPORT

PREAMBLE

The Town of Fort Erie Active Transportation Advisory Committee offers the following summary information respecting their 2018-2022 term as a Committee of Council.

The single most impactful event to the Committee’s work was undeniably the COVID-19 pandemic, resulting in all Committees of Council being suspended between April 2020 to April 2022. The remarkable consequence of navigating the uncertain period was a notable increase in pedestrian activity on the roads and trails throughout Town. People who could not participate in their usual pursuit of recreational activity were left little choice but to take a walk, ride a bike or just find ways of staying active to protect their health and wellbeing when so many facilities (private and municipal) were closed. With less automobile traffic, the pedestrian movements were even more apparent as people made their way around their neighbourhoods or to destinations that were open or accessible throughout the pandemic period. Despite the tragic outcome for some within our community, it is the hope of FEAT that Council and public share the same observations concerning increased physical activity and will harbour how such a difficult time did lead to positive influence on people becoming more active physically outdoors. Committee supports Council awareness and decision making that will further enhance the infrastructure needs of the citizens and visitors, and leverage the recent, yet apparent, increase in active transportation participation.

Despite the lost two-year period, commentary below from the Committee is offered on progress made on their Strategic Priorities. While less than anticipated due to suspension of Committees, there were still positive steps made and more to accomplish as a Town in the interest of health and wellness, alternative choices for local travel, climate change and the general principles of complete streets.

Community Outreach	Education	Planned Capital Improvements & New Developments	Trails & Destinations	Accessibility
<p>Community Outreach through partnerships with GFESS resulted in bicycle racks production that was interrupted during the school consolidation and the pandemic. Efforts to re-establish this program are encouraged going forward.</p> <p>Ongoing involvement with Active Transportation Niagara Network provided intermunicipal and organizational contact for knowledge exchange. The Town via the FEAT Committee most recently hosted the ATNN semi-annual meeting and arranged for GoBike Buffalo to give a presentation to promote international crossings for cycling and cycle tourism.</p> <p>Participation at Community events such as the Ridgeway Summer Festival were interrupted with the pandemic but are encouraged to continue as a means of public engagement and educational offerings.</p> <p>Increased promotional efforts are encouraged with the BIAs to promote cycling and other AT means to access the downtown business communities and support more cycling infrastructure.</p>	<p>Promotional opportunities with an aim on educating youth on road safety and to learn about benefits of AT for health and wellness are encouraged. Committee should explore opportunities to engage on location with schools or school events.</p> <p>Committee expressed interest in advocating for more awareness of Highway Traffic Act as it relates to off-road trails and on-road rules. With the onset of power assisted transportation (e-assist bikes, kick scooters and hoverboards, etc;.) now utilizing AT infrastructure, the Committee is interested in having/addressing off-road rules where increased safety concern is becoming apparent.</p> <p>Committee encourages the use of a marketing/communications plan to promote campaigns for increased road safety and awareness of not only AT users but automobile users.</p>	<p>Unquestionably the most significant achievement of the Committee was the promotion to have the Town undertake and implement an Active Transportation Master Plan (ATMP) to guide capital and planning projects respecting priority infrastructure in pedestrian network development. The Plan was approved in 2019.</p> <p>Staff at the Town now have a means of planning and requesting AT infrastructure from planned and active development interests where such AT MP networks have been identified.</p> <p>Capital priorities of the Town are now identified and budgets for implementation can be identified for allocation.</p> <p>Committee advocates for identification and access to federal, provincial, and regional funding on AT infrastructure in-line with ATMP priority for capital improvement.</p>	<p>Committee supports priority development of new off-road trail development and on-road cycle lanes that will connect all four urban settlement area of the Town.</p> <p>Priorities have been identified in the ATMP and Committee encourages the Town to pursue whatever means necessary to reach this goal.</p> <p>Providing safe AT infrastructure to our downtowns, waterfronts and other key destinations would benefit with a completed AT network. Promotion of the Town’s many great destinations will be enhanced with the completion of a loop for AT.</p> <p>Promotion and advocacy from all authorities who share interest in trial and bike routes for the purposes of cycle tourism and general AT alternatives can work together with all pillars of the AT Committee strategic goals.</p>	<p>The Committee supports enhancement of accessible AT infrastructure wherever feasible.</p> <p>The Committee shares interest in the Accessibility Committee efforts to ensure pedestrian movement and infrastructure is universal to all users.</p> <p>Continued support from the AT Committee for accessible development proposals connected to broader public networks is inherent with promotion of AT for community benefits.</p>

Major Committee Achievement and Initiatives

- Active Transportation Master Plan budget funding, consultant retention and Master Plan development achieving approval
- Third successful campaign to engage students of GFESS for the design, production, and installation of bike racks for the Bay Beach waterfront park.
- Advocacy for signalization at Gorham Road and Friendship Trail leading to traffic review and finding to support installation – not only on Gorham, but on Ridge Road North at the Friendship Trail.
- Ongoing advocacy and stakeholder engagement on Friendship Trail Crossing Study.
- Ridgeway Summer Festival presence, promotional opportunities, and education
- Community Outreach with Active Transportation Niagara Network and hosting semi-annual gathering with presentation and promotion with GoBike Buffalo

### Meeting Date, Time, and Location

June 21, 2022, Town of Fort Erie, Town Hall, Conference Room #1, 5:00 p.m.

### Members

#### PRESENT:

Joan Christensen, Mary Jane Johnson, Jill Croteau, Amy Devereaux, Councillor McDermott, Mayor Redekop

#### REGRETS:

John Walpole, Susan Fyke, Chris McQueen, Kathleen Moses, Carol Nagy, Councillor Dubanow, Dr. Henry

#### ABSENT:

None

#### TOWN STAFF:

Alice Preston, Community Health Care Services Coordinator

#### DELEGATIONS / GUESTS

Harpreet Bassi, Niagara Health

#### 1) Call to Order

The meeting was called to order by Chair Joan Christensen at 5:30 p.m.

#### 2) Approve Agenda

Moved by: George McDermott

Seconded by: Mary Jane Johnson

**That:** The Community Health Care Services Committee Agenda for the June 21st meeting be accepted.

**(Carried)**

3) **Declaration of Conflict of Interest**

None.

4) **Adoption of Minutes**

Moved by: Amy Devereaux

Seconded by: Jill Croteau

**That:** The minutes of the Community Health Care Services Committee meeting of May 17th be accepted.

**(Carried)**

5) **Delegations**

None

6) **Business Arising from Minutes**

Ms. Christensen asked that we continue to discuss what Ms. Moses talked about as it relates to things we should be doing in the healthcare industry, her list of “Solutions to Consider” (page four of the minutes). There are opportunities in each area; some we can influence, some we can implement and some we may not be able to do anything about.

First, education about Indigenous culture, including healthcare, begins in school. Ms. Croteau thought that Ms. Moses probably meant elementary and secondary levels. Ms. Devereaux indicated that an optional course is offered in secondary school. We can speak to the school board about the elementary curriculum.

Mayor Redekop noted that not everybody in healthcare is insensitive. There was discussion about the challenges of acceptance, including the process and time for change, particularly at professional schools and regulatory bodies like CPSO and CNO. Mayor Redekop emphasized that your background doesn’t matter (race, ethnicity). Everyone is entitled to health care in this country. Sometimes professionals are not sensitive, especially working under pressure and being tired. The question is how to improve. Also, advocates often use exaggeration to draw attention to long-term problems in any system; this should be kept in mind when introducing changes.

Ms. Bassi commented that Niagara Health needs to deliver standard care across all departments. NHS is starting to build an Indigenous program to meet the standards. There is a risk to the organizational and its reputation if they do not address the issue through cultural sensitivity training and education as well as systems change. This process is not just a reaction, but an opportunity. Many are signing up for learning now. The true risk to NHS and other providers is to do nothing and not acknowledge that there is a problem.

Ms. Johnson talked about language: when we use words like equality and equal care, there is sensitivity. Ms. Devereaux talked about the evening when committee members were invited to hear stories of Indigenous experience; “equity” is one of the words they did not want to hear. “Just treat us like people, the first people of this land. We are in our own category”. NHS is using the word “equity” in its cultural sensitivity program.

Ms. Christenson shared her experience with Indigenous training. In the first, the facilitator commented on the anger that is still there: “400 years ago we negotiated rent on the land and the rent is due”. Like it or not, that’s the perspective of many Indigenous people. There is an excellent, intensive program developed in BC and offered to a wide range of organizations (e.g. community health centres).

Mayor Redekop spoke about the need to move forward and provide a better healthcare system. COVID vaccine uptake is high within Indigenous populations. There is a need to make changes in the system but many Indigenous people accept much of the Western science. We can only wait to see what more is wanted by Indigenous activists.

NHS is working collaboratively with indigenous leaders and is mindful that there is more work to be done beyond the NHS. Ms. Preston suggested that the committee focus on what we can do in our own community. Ms. Christensen suggested that we ask them what they expect to be done. If there’s something doable, we need to figure out.

Ms. Preston referred the committee to the last meeting minutes where we talked about other hospitals that had excellent programs, including Brant Community Healthcare System.

In response to Ms. Johnson, the Mayor confirmed that the town had a Memorandum of Understanding with the Fort Erie Native Friendship Centre. The MOU provides a context to collaborate and share information as well as for outreach. Indigenous representatives sit on TOFE committees, while Jennifer Dockstader sits on the influential Land Committee to both educate and advocate. TOFE is working on a healing garden intended for Waverly Park. Town and Indigenous priorities aren’t necessarily the same but there are opportunities to facilitate agreement on issues. Fort Erie has about 1500 Indigenous residents.

Ms. Christensen stated that the complexity of the issue generates further questions. What expectations are there of the Town? What should we be asking? Ms. Devereaux suggested the idea of promoting Indigenous training for local businesses and interested residents at a community level.

Mayor Redekop added that the Diversity and Inclusion Coalition had made some recommendations to Council. The first was that the Town hire a CAO that has experience in cultural diversity and inclusion (done). Indigenous people have a strong presence on this coalition, which asked for information tie-in to what the Indigenous community is looking for. Their recommendations will be distributed to the CHSC prior to the next meeting. It’s important to make sure there is fairness in the health system.

Ms. Christensen commented that we could present ideas to the Town. Steps can include: talking to the Chair of the Diversity and Inclusion Coalition; keeping the door open with NHS and linking back with FENFC; working on a document over the summer; coming back together in September. The Mayor asked Ms. Preston to circulate the Diversity and Inclusion Coalition presentation and resolution passed by Council.

Councillor McDermott acknowledged that, despite the efforts to date, prejudice and bias are still present. He complimented the Mayor on his approach and commented on the contribution to ongoing negotiation by Jennifer Dockstader. She is a wonderful, powerful speaker and carries a lot of weight with this Council. All we can do is our best. His priority to have the best healthcare possible within Fort Erie for all Fort Erie residents.

Ms. Christensen added that complex situations and concepts are very challenging. Mayor Redekop said we need to address the issues that were raised and make sure everyone has access to primary health care.

7) **New Business**

Ms. Preston reported that the Town of Fort Erie has once again supported Pathstone Mental Health with a \$20,000 grant. In year one of the pandemic, they experienced a 35 percent spike in the number of children and youth they were seeing. In year two, that caseload has not been reduced (approximately 10,000 kids seen each year). They need more space and more staff to respond to the ongoing needs. Nearly 40 % of their clients are from Niagara South so they are currently fundraising for a site at 102 River Road in Welland. While they are a regional provider of mental health services, this site will address the specific need in Niagara South. For Fort Erie especially, this will reduce the drive for families from ~40 minutes each way (to St. Catharines) to ~26 minutes each way (to Welland).

One Fort Erie physician plans to retire this year with a prospective physician currently in negotiations. Another, Dr. Awobem, is leaving this fall for personal reasons. Another physician is interested in taking over her practice. Ms. Preston is waiting for confirmation.

Town of Fort Erie hosted a lunch and learn with the first-year residents this month at McMaster who are finishing up, going into their last year of residency. A couple of students whom we are keeping an eye on might be interested in Fort Erie. And we also helped fund the graduation dinner of the second-year residents, along with the other municipalities, last Friday evening. Seven the nine are staying in Niagara.

Ms. Croteau reported that we have an upcoming event, July 4<sup>th</sup> to welcome the new incoming residents. After orientation, they will have a luncheon, and team building activity, Falls whirlpool experience, then dinner. From a regional perspective, over the past year we have recruited 16 new physicians; 14 have left. There are 255 physicians in the region now. Unfortunately for primary healthcare coverage, we have seen younger physicians leave practice within five years of graduation. Many coming out are looking for locums, hospital work,

surgical assist versus taking on a practice. Many spots are not being filled as they are not choosing family medicine. Young doctors are going to CHC's, moving back home, moving into the hospital, palliative care, and doing walk in clinics.

Mayor Redekop commented that managing the availability of healthcare professionals is something that the Indigenous people criticize in the context of how our society hasn't addressed the needs of the people in areas like Healthcare and Housing. Jennifer Dockstader has commented that "when money is more important than people, you will never solve the problems". To some extent, Indigenous people do not want our system, they want a better system. If you are in the healthcare system, you must be frustrated. Ms. Christensen mentioned that, in her long career, every time there is a problem in healthcare, the nurses are cut back or have salary constraints that go on long after the "problem" disappears. The management of OHIP is so complex that there is an entire consulting industry (ultimately funded by taxpayers) that focuses only on helping physicians optimize their billings by using the most lucrative billing codes.

Ms. Croteau stated that De dwa da dehs nye are opening a new CHC in St. Catharines and there is an Indigenous physician starting in Port Colborne. A big win for Niagara. They are a Niagara McMaster resident. Dr. Raven Mancini is planning on working with Port Colborne but some of her focus will be on Indigenous health.

Ms. Croteau asked if there is a reason why some clinical placements are paid for and some are not? Has anyone ever addressed the fact that student Nurses who are actually working aren't being paid? Ms. Bassi said that she wasn't aware of this.

Ms. Johnson reported that she had two requests of Ms. Preston. There are still opportunities to book virtual urgent care appointments and asked that this information be sent out again to the family physicians. Also, the SCOPE Program was launched and had over 80 attend the launch. This includes virtual interprofessional care to get access to a specialist, home and community care for advice for patients. As of yesterday, we had 32 calls in less than a month and we are blowing all the other SCOPE sites out of the water. 17/32 were averted from ER. 4/79 are from Fort Erie. There is room to grow the programs and she asked Ms. Preston to send out the information again.

Ms. Bassi shared that their strategic planning process is under way and they are reaching out to the community. They will be working through the plan through the summer and are trying to focus on the new build and ER. The NHS workforce is exhausted.

Mayor Redekop ended the meeting indicating that we may need a meeting before September and that he would let us know.

8)

<b>Enquiries by Members</b>
-----------------------------

None

9) **Other Business**

None

10) **Next Meeting**

The next meeting of Community Health Services Committee will be held on September 20th, location to be determined.

11) **Adjournment**

The meeting was adjourned at 6:30 p.m.

Moved by: Amy Devereaux

Seconded by: Jill Croteau

**That:** The meeting of June 21st was adjourned at 6:30 p.m.

**(Carried)**

Minutes recorded by:

Minutes approved by:

\_\_\_\_\_  
Original Signed  
Alice Preston, Secretary

\_\_\_\_\_  
Original Signed  
Joan Christensen, Chair

**Meeting Date, Time, and Location**

September 20, 2022, Town of Fort Erie, Town Hall, Conference Room #2, 5:00 p.m.

**Members****PRESENT:**

Joan Christensen, Mary Jane Johnson, Mayor Redekop, John Walpole, Councillor Dubanow

**REGRETS:**

Susan Fyke, Chris McQueen, Kathleen Moses, Carol Nagy, Jill Croteau, Amy Deveraux, Councillor McDermott

**ABSENT:**

Dr. Henry

**TOWN STAFF:**

Alice Preston, Community Health Care Services Coordinator

**DELEGATIONS / GUESTS**

1) **Call to Order**

**This meeting was cancelled prior to meeting in person due to not having quorum. Next meeting October 18<sup>th</sup>, 2022.**

The meeting was called to order by Chair Joan Christensen at      p.m.

2) **Approve Agenda**

3) **Declaration of Conflict of Interest**

None.

4) **Adoption of Minutes**

5) **Delegations**

None

6) **Business Arising from Minutes**

7) **New Business**

8) **Enquiries by Members**

None

9) **Other Business**

None

10) **Next Meeting**

The next meeting of Community Health Services Committee will be held location to be determined.

11) **Adjournment**

The meeting was adjourned at     p.m.

Moved by:

Seconded by:

**That:**

Community Health Care Services Committee April 19, 2022 Minutes

Minutes recorded by:

Minutes approved by:

\_\_\_\_\_Original Signed\_\_\_\_\_  
Alice Preston, Secretary

\_\_\_\_\_Original Signed\_\_\_\_\_  
Joan Christensen, Chair

<b>Meeting Date, Time, and Location</b>
---

October 18th, 2022, Town of Fort Erie, Town Hall, Conference Room #2, 5:00 p.m.
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<b>Members</b>
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**PRESENT:**

Joan Christensen, Mary Jane Johnson, Mayor Redekop, Amy Deveraux

**REGRETS:**

John Walpole, Chris McQueen, Carol Nagy, Kathleen Moses

**ABSENT:**

Councillor McDermott, Councillor Dubanow, Jill Croteau, Dr. Henry

**TOWN STAFF:**

Alice Preston, Community Health Care Services Coordinator

**DELEGATIONS / GUESTS**

1) 

<b>Call to Order</b>
----------------------

The meeting was cancelled by Chair Joan Christensen at 5:20 p.m. due to no quorum.

2) 

<b>Approve Agenda</b>
-----------------------

Moved by:

Seconded by:

That:

3) 

<b>Declaration of Conflict of Interest</b>
--

None.

- 4) **Adoption of Minutes**

Moved by:

Seconded by:

**That:**

- 5) **Delegations**

None

- 6) **Business Arising from Minutes**

- 7) **New Business**

- 8) **Enquiries by Members**

- 9) **Other Business**

- 10) **Next Meeting**

Minutes recorded by:

Minutes approved by:

\_\_\_\_\_  
Original Signed  
Alice Preston, Secretary

\_\_\_\_\_  
Original Signed  
Joan Christensen, Chair



Bridgeburg Station Downtown  
Business Improvement Area

2022 Annual General Meeting

Tues. Dec. 6<sup>th</sup> 2022

6:00 pm 14 Jarvis St.

### Minutes

- 1 Call to order 6:05 pm
- 2 Board of Directors Roll Call – Present – Gail Spear, Vince Salvatori, Dawn Kendrick, Julie Brady, Nick Brady, Bill Thomas, George McDermott
- 3 Absent – Morgan Boenke-Hall, Katie Miller  
Welcome and introductions – Chair Gail Spear
- 4 Adoption of Agenda  
**Motion: That the 2022 AGM BBIA Agenda dated Dec.6<sup>th</sup>, 2022 be approved as presented- Julie Brady makes the motion. Vince Salvatori seconded. All in favour**
- 5 Disclosures of Conflict or Pecuniary Interest. None noted
- 6 Adoption of the 2021 AGM Minutes  
**Motion: That the minutes of the 2021 BBIA AGM be adopted, as printed.** Dawn Kendrick made the motion and Vince Salvatori seconded- All in favour- Passed
- 7 Audited Financial Report – Treasurer Dawn Kendrick  
Presentation of the Audited Financial Statement 2021  
**Motion: That the 2021 Audited Financial Statement be received and filed. Dawn Kendrick made the motion. Nick Brady seconded. All in favour. Passed**
- 8 Presentation of proposed 2023 budget  
**Motion: That the 2023 Proposed Budget in the amount of \$40,709 for the Bridgeburg Station Downtown Business Improvement Area be approved and submitted to the Town of Fort Erie. Nick Brady made the motion. Vince Salvatori seconded. All in favour. Passed**  
**Motion: That Ashley Carter take over the meeting to facilitate the nomination and voting procedures. Gail Spear made the motion and Julie Brady seconded. All in favour. Passed**  
Ashley Carter outlined the nomination and voting procedures. There were 10 nominations – Anne Vella, Todd Bews, Vince Salvatori, Stacie VanKralingen, Brandon Flannigan, Venu Katta, Bill Thomas, Sam Pascia(non member), Jesse Boles, Alfonso Annibale.
- 9 Eight nominees were successful. Anne Vella- 11 votes, Todd Bews- 17 votes, Vince Salvatori- 15 votes, Stacie Vankralingen- 14 votes, Brandon Flannigan- 17 votes, Venu Katta- 20 votes, Bill Thomas- 19 votes, Jessie Boles- 13 votes
- 10 **Motion: To present the successful nominees to the Town Council for consideration. Nick Brady made the motion. George McDermott seconded. All in favour. Passed**
- 11 Close of meeting  
**Motion to adjourn. 7:10pm Motion made by Julie Brady. Seconded by Dawn Kendrick. All in favour. Passed**



## Planning and Development Services

<b>Prepared for</b>	Regular Council	<b>Report No.</b>	PDS-80-2022
<b>Agenda Date</b>	December 12, 2022	<b>File No.</b>	350303-0036

<b>Subject</b>	<b>PROPOSED DRAFT PLAN OF STANDARD CONDOMINIUM 424 &amp; 426 RIDGE ROAD NORTH RIDGEWAY HEIGHTS INC. (JASON PIZZICAROLA) - OWNER JASON PIZZICAROLA - AGENT</b>
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<b>Recommendation</b>	<p><b>THAT</b> Council approves the Draft Plan of Standard Condominium dated December 12, 2022, showing a 18-unit condominium building, as shown in <b>Appendix “2”</b> of Report No. PDS-80-2022, in accordance with the provisions of the <i>Planning Act R.S.O. 1990 c.P. 13</i> and the Regulations thereunder, subject to the conditions contained in <b>Appendix “5”</b> of Report No. PDS-80-2022, and further</p> <p><b>THAT</b> Council directs staff to circulate the Conditions of Draft Plan Approval in <b>Appendix “5”</b> of Report No. PDS-80-2022 to the applicable agencies in accordance with the requirements of the <i>Planning Act</i>.</p>
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<b>Relation to Council’s 2018-2022 Corporate Strategic Plan</b>
Priority: Managed Growth through Responsibility, Stewardship and Preservation

<b>List of Stakeholders</b>
Residents and Property Owners in Fort Erie Ridgeway Heights Inc. (Jason Pizzicarola) - Owner Jason Pizzicarola - Agent

Prepared by:	Reviewed and Submitted by:	Approved by:
<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>
Daryl Vander Veen Intermediate Development Planner	Anamika Dilwaria, M.Pl, MCIP, RPP Manager, Development Approvals	Chris McQueen, MBA Chief Administrative Officer

## **Purpose**

This report provides background information and a staff recommendation to Council on the proposed Draft Plan of Condominium for the lands known as 424 & 426 Ridge Road North. An application was received from Jason Pizzicarola (Agent), who is acting on the behalf of Ridgeway Heights Inc., which Mr. Pizzicarola is also principal of. The subject lands are located on the east side of Ridge Road North as illustrated in **Appendix “1”**.

The proposal is known as 424 & 426 Ridge Road North Draft Plan of Condominium and will permit the development of a mixed-use building with two commercial units and at-grade parking on the ground floor and a total of sixteen residential dwelling units in the second and third storeys. This plan will permit the creation of condominium units in the building for future sale of the dwelling units. The proposed Draft Plan of Condominium is included as **Appendix “2”**.

## **Nature of the Site**

The subject site is located on the east side of Ridge Road North within the Ridgeway-Thunder Bay neighbourhood of the Town of Fort Erie. The subject property is considered to be on the outer edge of the downtown core area of Ridgeway and is 0.89 ha in area. The subject property will be accessed via a driveway from Ridge Road North.

The following are the land uses surrounding the subject property:

- North:** Single detached dwellings and a commercial use.
- South:** An apartment building, single detached dwellings, the Ridgeway Museum and former Fire Station #4, and commercial uses.
- East:** Vacant public and residential land.
- West:** Single detached dwellings.

## **Planning Context**

### **2020 Provincial Policy Statement (PPS)**

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The PPS directs growth to settlement areas, and encourage the efficient use of land, resources, infrastructure and public service facilities through the development of complete communities with a diverse mix of land uses that provide an appropriate range and mix of housing types. This proposal complies with the policies outlined in PPS.

### **2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The subject lands are located within the Delineated Built-Up Area under the Growth Plan. The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness and provide a range and mix of housing types, including multi-residential housing. The proposal complies with the policies outlined in the Growth Plan.

### **2022 Niagara Official Plan (NOP)**

The subject property is within the Urban Area in the NOP and is designated as Delineated Built-Up Area. A full range of residential, commercial and industrial uses are permitted within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure. The ROP promotes higher density development in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

Generally, the proposal represents an efficient use of urban residential land and existing services. The condominium units will provide a compact form of housing that aligns with Regional growth management policies. The proposal will also assist the Town in achieving its intensification target.

### **2011 Town of Fort Erie Official Plan & 2014 Ridgeway-Thunder Bay Secondary Plan**

#### *Official Plan Schedule A - Land Use Plan*

The subject lands are designated Core Mixed Use in the Ridgeway-Thunder Bay Secondary Plan in the Town's Official Plan. This land use designation consists of areas with a mixture of commercial, institutional and residential uses. Core Mixed Use areas are developed within or around downtown areas. The proposal to permit a mixed-use condominium with a mixture of commercial uses and residential dwelling units is consistent with the Core Mixed Use land use designation.

#### *Ridgeway-Thunder Bay Secondary Plan*

The subject property is similarly designated Core Mixed Use in the Secondary Plan. Core Mixed Use areas are reserved for a variety of retail and office uses and residential uses. This proposal is consistent with the land use designation.

The Secondary Plan also offers some urban design guidelines for new development in the Core Mixed Use area of Downtown Ridgeway. Here are some guidelines that are applicable to this proposal:

- New development or re-development in the mixed use designation shall be encouraged to retain or improve (bring forward to the street) building setbacks in effort to maintain or frame the existing streetscape.
- New or re-developed buildings within the Core Mixed Use designation should maintain an appropriate pedestrian scale within a village context and therefore buildings will provide a minimum of 2 storeys and a maximum of 3 storeys with “at-grade” retail/commercial floor space only for the main level. At least one upper level shall provide for residential dwellings.
- Building materials selected for new or redeveloping sites should be of high quality and provide some elements that can be related to other existing built form or heritage architecture from within the village area.
- When considering site design for new or re-developing properties in the Core Mixed Use designation, residential parking in the rear or side yard is preferred and shall conform to municipal By-law requirements.
- Residential associated with Core Mixed Use shall not be subject to minimum or maximum density range. Residential components will, however, be subject to minimum standards for dwelling unit sizes and any other applicable zoning requirements identified in the implementing zoning by-law, including being within a mixed use building that has a maximum 3 storey (12m) height maximum.

The proposed condominium is consistent with the urban design guidelines found in the Secondary Plan.

#### *Official Plan Schedule B - Mineral Aggregate & Petroleum Resources*

The subject property is located within a Petroleum Resource Area. However the area is urbanized and is not used for petroleum resource extraction. There are no active petroleum wells within 75.00 m of the subject property.

#### *Official Plan Schedule C - Natural Heritage Features and Schedule C1 - Natural hazards and Fish Habitat*

There are no natural heritage features, natural hazard areas or fish habitat on or in the vicinity of the subject property.

#### *Official Plan Schedule D - Cultural Heritage Archaeological Zones of Potential*

The subject property is not identified as being within area with archaeological potential as identified on Schedule D of the Official Plan.

### **Comprehensive Zoning By-law No. 129-1990**

The lands are zoned Core Mixed Use 4 (CMU4) Zone in accordance with Zoning By-law No. 129-90. The CMU4 zoning permits mixed-use buildings such as the condominium proposed by this application. The proposed building complies with all of the regulations of the CMU4 Zone with the exception of a reduced rear yard from 10.00 m to 6.00 m

and a reduced planting strip width, in part, at the rear of the property from 3.00 m to 1.00 m. The Town's Committee of Adjustment approved Minor Variance application file no. A71-21 in 2021 which permitted these zoning departures. The proposed condominium building is deemed to be in full compliance with the zoning and permitted variances. No additional relief from the CMU4 zoning is required at this time.

### **Condominium Design**

The proposed Draft Plan of Condominium will accommodate the intended division of the units into condominium units that are intended for individual ownership. There are two commercial units located on the ground floor divided by an access driveway from Ridge Road North that extends through the proposed structure to connect to at-grade parking area at the rear of the commercial units. The building is three storeys in height. The second and third floor are reserved exclusively for residential use with a total of sixteen dwelling units, eight units per floor. The dwelling units are accessed by two stairwells and an elevator.

The two commercial units are 26.80 sq m and 47.00 sq m in area. The residential dwelling units consist of 10 two-bedroom units with a floor area of 60.00 sq m and 6 one-bedroom units with a floor area of 50.00 sq m. Amenity space is provided for each unit by private open-air balconies attached to each unit. Each balcony is 10.50 sq m in area thereby meeting the Zoning By-law requirement.

The scale and height of the proposed condominium is compatible with downtown core area nature of the area. Many of the surrounding land uses are two storeys in height including the single detached dwelling to the north and the apartment dwelling to the south. The proposed condominium will fit well within the existing streetscape.

The proposed condominium has already completed the site plan control process and the site plan agreement was executed on May 5, 2022. The Condominium Corporation will be required to assume the responsibilities of the Site Plan Agreement through a Condominium Agreement.

The site plan, a render of the building and elevations of the condominium are attached as **Appendix "3"**. Staff note that a building permit has been issued for the building and it is currently under construction.

### **Studies**

No studies or reports are required for this condominium application.

### **Financial/Staffing Implications**

All costs associated with processing the application and the development of the property is the responsibility of the owner.

### **Policies Affecting Proposal**

Land use policies for the subject lands are contained in the Town's Official Plan, and applicable Regional and Provincial regulations.

### **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding this Draft Plan of Condominium application was circulated to relevant Departments/Community and Corporate Partners on November 4, 2022. Comments received to date are summarized below and are attached in full as **Appendix "4"**. Several comments including conditions of approval for the proposed condominium which are attached as **Appendix "5"** for review.

#### **Staff Comments**

##### Chief Building Official

No comments or objections.

##### Coordinator, Development Approvals

No objection. The Owner entered into a Site Plan Agreement with the Town of Fort Erie on May 5, 2022. Several conditions are requested relating to an assumption agreement with the municipality and private servicing.

#### **Agency Comments**

##### Bell Canada

No objection. Two conditions of approval are requested related to potential easements and relocation of easements, if required.

##### Cogeco and Hydro One

No objection.

##### Enbridge

Enbridge does not object to the proposal. It is recommended to reach out to Enbridge's Customer Connections department to determine gas availability and installation details, and to determine if any existing piping facilities need to be relocated or abandoned.

## Niagara Region

Niagara Region noted in an email that all Provincial and Regional interests have been addressed through the previous Site Plan application. Regional staff offer no objections to the proposed Plan of Condominium.

## **Public Comments**

In accordance with Section 7 (1) of Ontario Regulation 544/06 notice of complete application is not required to be sent to property owners within 120 metres of the subject property for a condominium application. Further, a statutory Public Meeting is not required for condominium application other than a vacant land condominium. Therefore no comments from the public have been received for this application.

Planning staff note that the subject property has gone through several public processes that included public input:

1. The Core Mixed Use land use designation was implemented by approval of the Ridgeway-Thunder Bay Secondary Plan in 2013 (By-law No. 084-2013);
2. The Core Mixed Use 4 (CMU4) zoning was implemented by a housekeeping Zoning By-law Amendment in 2014 (By-law No. 094-2014);
3. Minor Variance file no. A71-21 was approved by the Committee of Adjustment in 2021 to address a few minor zoning departures. The public notice for the variance included the site plan, render and elevations of the proposed condominium. All residents within 60.00 m were mailed the public notice and a Minor Variance public notice sign was also placed on site.

## **Alternatives**

Council may decide to deny this Condominium application. Planning staff do not recommend this as the proposal is consistent with Provincial and Regional Policies, conforms to relevant Town planning policy and represents good land use planning.

## **Communicating Results**

There are no communication requirements at this time.

## **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's Recommendation, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant can be obtained. If the applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the clerk or

provided by the applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

### **Conclusion**

Planning staff recommend approval of the 424 & 426 Ridge Road North Draft Plan of Condominium as illustrated in **Appendix “2”** of this report as it is consistent with Provincial and Regional planning policy and is also permitted by the Core Mixed Use land use designation in the Ridgeway-Thunder Bay Secondary Plan and the Core Mixed Use 4 (CMU4) zoning of the subject property. Planning staff are of the opinion that the proposed three storey mixed-use condominium is characteristic of good planning principles. Planning staff also recommend that Council approves the conditions of approval listed in **Appendix “5”** of this report and direct staff to circulate the conditions of approval to the applicable agencies in accordance with the requirements of the *Planning Act*.


### **Attachments**

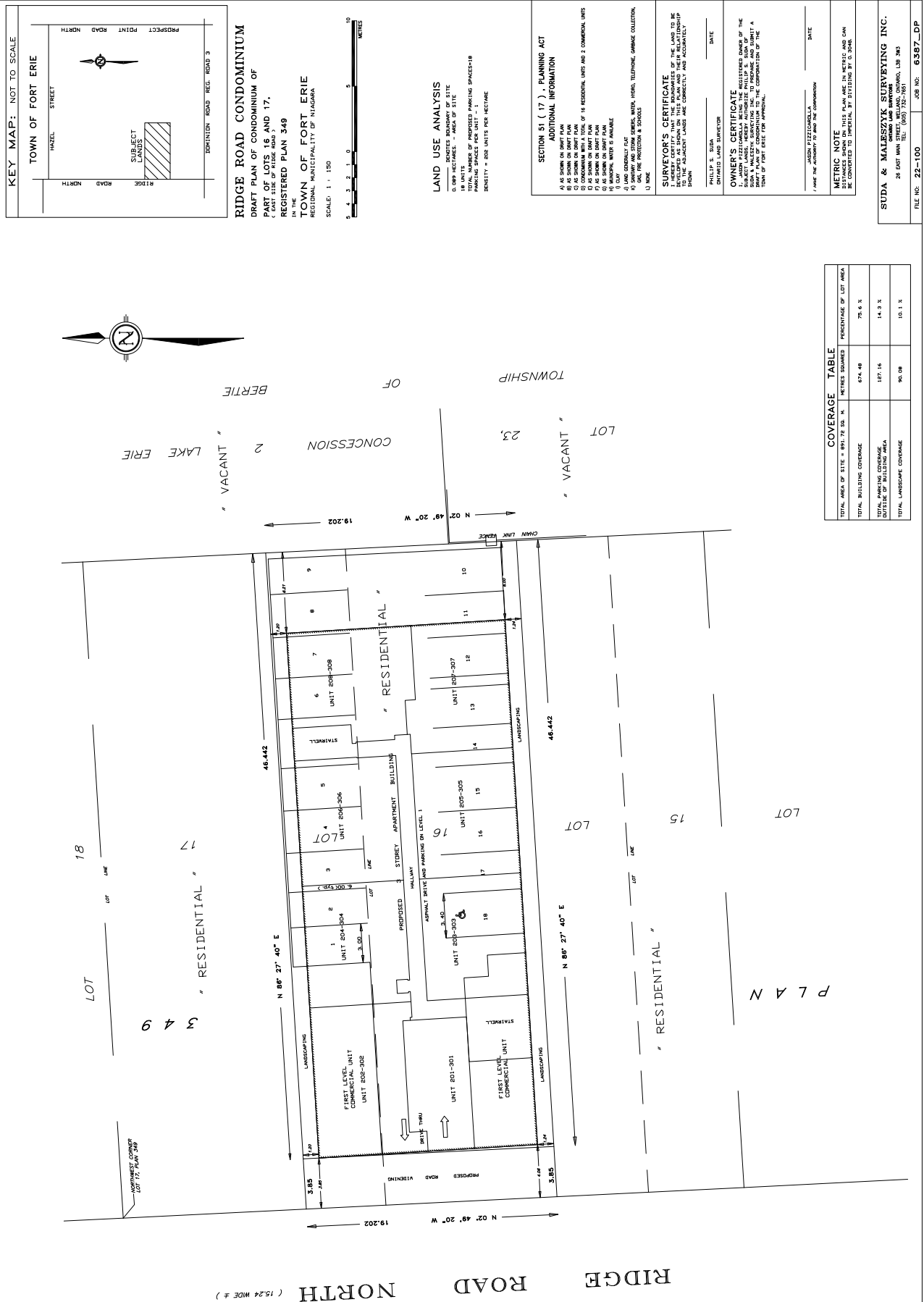
**Appendix “1”** - Location Plan  
**Appendix “2”** - Draft Plan of Condominium  
**Appendix “3”** - Site Plan, Render, Elevations  
**Appendix “4”** - Staff and Agency Comments  
**Appendix “5”** - Draft Conditions of Approval



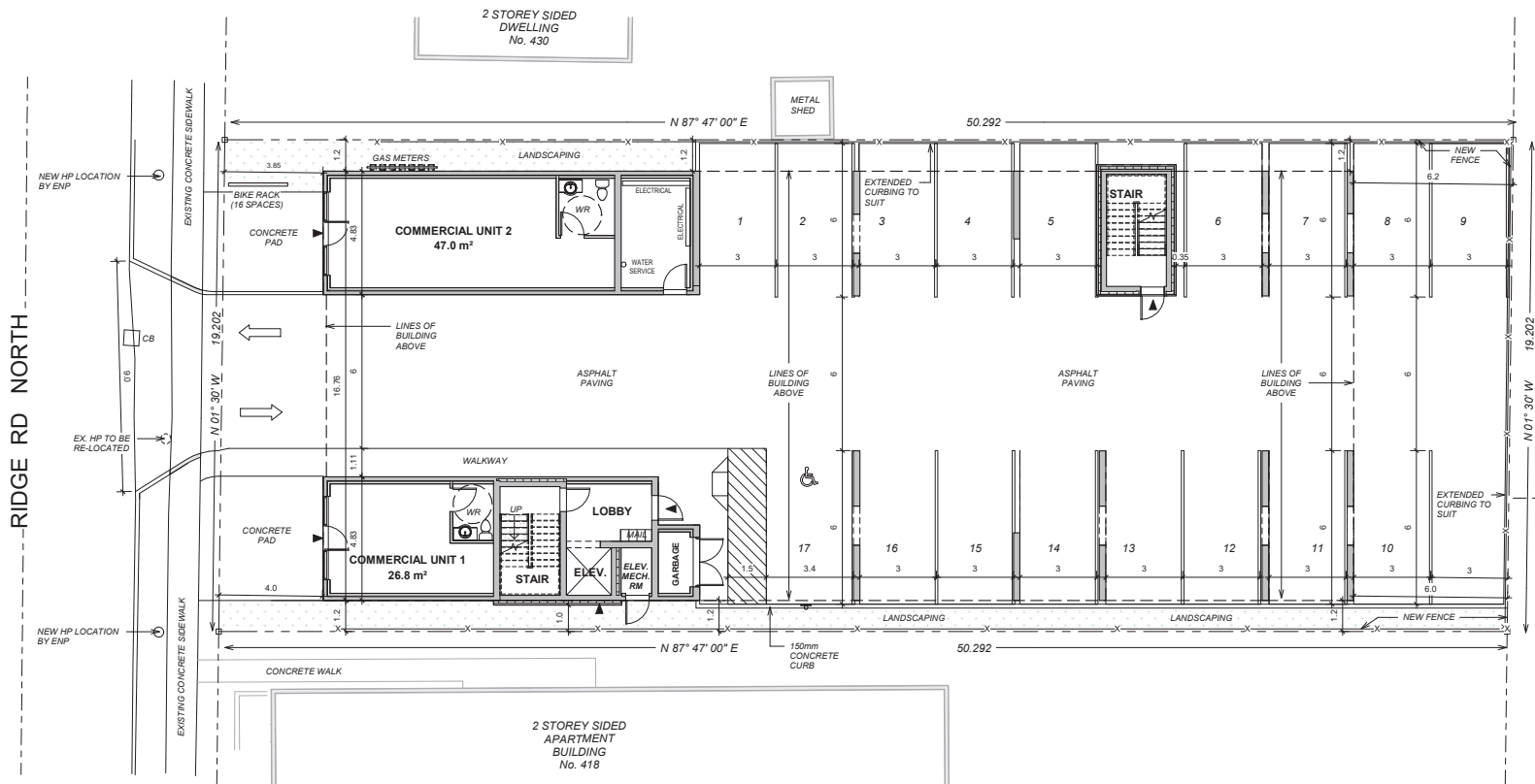
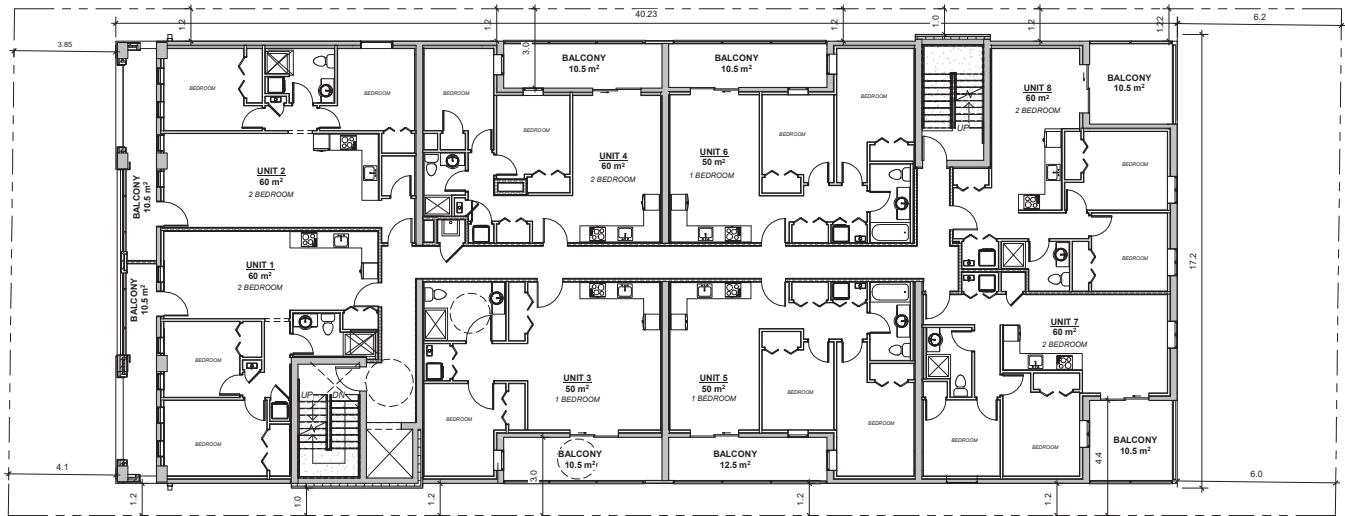
## LOCATION PLAN

### Proposed Plan of Condominium - 424 & 426 Ridge Road North

 Subject Lands - 424 & 426 Ridge Road North



# APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-80-2022 DATED DECEMBER 12, 2022



# APPENDIX "3" TO ADMINISTRATIVE REPORT PDS-80-2022 DATED DECEMBER 12, 2022



⑥ NORTH APPROACH



⑦ SOUTH APPROACH



④ NORTH ELEVATION (LEFT)  
1:100




③ EAST ELEVATION (REAR)  
1:100



② SOUTH ELEVATION (RIGHT)  
1:100



① WEST ELEVATION (FRONT)  
1:100

Re: Request for comments - proposed Plan of Condominium application, 424-426 Ridge Road North, Town of Fort Erie (file no. 350303-0036) 

Keegan Gennings to Daryl Vander Veen

2022-11-29 11:16 AM

From Keegan Gennings/FortErie  
To Daryl Vander Veen/FortErie@TownOfFortErie

---

Hi Daryl,

I have no comments concerning the proposed condominium.

Regards,

Keegan Gennings C.B.C.O  
Chief Building Official  
Town of Fort Erie  
905-871-1600 ext. 2515

---

Daryl Vander Veen Good afternoon, A complete application for a Pl... 11/04/2022 03:33:07 PM

From: DVanderVeen@forterie.ca  
To:  
Date: 11/04/2022 03:33 PM  
Subject: Request for comments - proposed Plan of Condominium application, 424-426 Ridge Road North, Town of Fort Erie (file no. 350303-0036)

---

Good afternoon,

A complete application for a Plan of Condominium has been received from Ridgeway Heights Inc. (Jason Pizzicarola) for 424-426 Ridge Road North. The proposed condominium consists of two ground level commercial units and covered parking area and two floors of residential dwellings above with a total of 16 dwelling units.

The lands are located within the Urban Area and are currently designated Core Mixed Use in the Town's Ridgeway-Thunder Bay Secondary Plan. The lands are currently zoned Core Mixed Use 4 (CMU4) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. A mixed use building with commercial on the ground floor and residential units above is permitted in the CMU4 Zone. The Town has also approved Minor Variances for the project in 2021 for reduced rear yard abutting a residential zone and reduced landscape strip width adjacent to a residential zone.

The following documents are submitted for review:

0. Pre-consultation Agreement - 424 & 426 Ridge Road North
1. Application for Plan of Condominium
2. Draft Plan of Condominium
3. Site Plan
4. Elevations and Render
5. Functional Servicing Report
6. Landscape Plan
7. Location Map of Subject Property
8. Minor Variances



## Interoffice Memorandum

November 18, 2022  
File No. 350303-0036

To: Daryl Vander Veen, Intermediate Development Planner  
From: Jeremy Korevaar, Coordinator, Development Approvals  
Subject: **DRAFT PLAN OF CONDOMINIUM  
424-426 RIDGE ROAD NORTH, RIDGEWAY**

---

On behalf of the Infrastructure Services Department, Engineering Division, a review of the above noted applications for Draft Plan of Condominium and supporting documentation has been completed. The following comments and recommended conditions are provided:

### **General Comments**

1. The Owner entered into a Site Plan Agreement with the Town of Fort Erie on May 5, 2022.

### **REQUESTED CONDITIONS OF DRAFT PLAN APPROVAL:**

1. That the applicant/developer submit an undertaking that the Condominium Corporation will enter into an assumption agreement with the municipality, once the condominium plan has been registered, which requires the Condominium Corporation to assume the maintenance and responsibilities contained in the site plan agreement and that the Condominium Corporation will not object to the registration of the agreement.
2. That immediately following the registration of the Condominium Plan the Condominium Corporation enter into an assumption agreement with the Municipality which requires the Condominium Corporation to:
  - a) Assume the maintenance and responsibilities outlined under the site plan control agreement to be approved by the Town of Fort Erie
  - b) Provide to the Town security deposits as necessary to ensure completion of all outstanding works.
3. That all roads and driveways, water distribution, sewage collection, and storm drainage works within the subject lands shall be private.

Jeremy Korevaar, C.E.T.  
Coordinator, Development Approvals

**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-80-2022 DATED DECEMBER 12, 2022**

Draft Plan of Condominium (350303-0036), 424-426 Ridge Rd. N., Fort Erie  
 circulations to DVanderVeen 2022-11-14 09:32 AM  
 From <circulations@wsp.com>  
 To <DVanderVeen@forterie.ca>  
 Please respond to <circulations@wsp.com>

2022-11-14

Darryl Vander Veen

Fort Erie

, ,

Attention: Darryl Vander Veen

**Re: Draft Plan of Condominium (350303-0036), 424-426 Ridge Rd. N., Fort Erie; Your File No. 350303-0036**

To Whom this May Concern,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-80-2022 DATED DECEMBER 12, 2022**

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, **all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

Should you have any questions, please contact the undersigned.

Yours truly,

Juan Corvalan

Senior Manager - Municipal Liaison

Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)92;#Infrastructure|99ba27ae-002d-47ab-aa90-899ac195e6e7  
Bell Canada Bell Canada

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**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-80-2022 DATED DECEMBER 12, 2022**

Re: Request for comments - proposed Plan of Condominium application, 424-426 Ridge Road North, Town of Fort Erie (file no. 350303-0036) Craig Krueger to Daryl Vander Veen 2022-11-07 09:18 AM  
 From "Craig Krueger" <craig.krueger@cogeco.com>  
 To "Daryl Vander Veen" <DVanderVeen@forterie.ca>

Thanks Daryl, Cogeco is aware of this development and has been working with the builder.  
 Craig

On Fri, Nov 4, 2022 at 3:33 PM Daryl Vander Veen <[DVanderVeen@forterie.ca](mailto:DVanderVeen@forterie.ca)> wrote:

Good afternoon,

A complete application for a Plan of Condominium has been received from Ridgeway Heights Inc. (Jason Pizzicarola) for 424-426 Ridge Road North. The proposed condominium consists of two ground level commercial units and covered parking area and two floors of residential dwellings above with a total of 16 dwelling units.

The lands are located within the Urban Area and are currently designated Core Mixed Use in the Town's Ridgeway-Thunder Bay Secondary Plan. The lands are currently zoned Core Mixed Use 4 (CMU4) Zone in accordance with the Town's Comprehensive Zoning By-law No. 129-1990. A mixed use building with commercial on the ground floor and residential units above is permitted in the CMU4 Zone. The Town has also approved Minor Variances for the project in 2021 for reduced rear yard abutting a residential zone and reduced landscape strip width adjacent to a residential zone.

The following documents are submitted for review:

0. Pre-consultation Agreement - 424 & 426 Ridge Road North
1. Application for Plan of Condominium
2. Draft Plan of Condominium
3. Site Plan
4. Elevations and Render
5. Functional Servicing Report
6. Landscape Plan
7. Location Map of Subject Property
8. Minor Variances

Please provide any comments you have on the application no later than **Thursday, November 24, 2022**. If your agency has a review fee it has been mailed to your attention. Please contact me if you have any questions or require any further information.

Regards,

Daryl

Daryl Vander Veen, BES  
 Intermediate Development Planner

Planning & Development Services  
 The Corporation of the Town of Fort Erie  
 1 Municipal Centre Drive  
 Fort Erie, Ontario, L2A 2S6  
 Phone: 905-871-1600 ext. 2509  
 Email: [dvanderveen@forterie.ca](mailto:dvanderveen@forterie.ca)

November 25, 2022

Daryl Vander Veen, BES  
Intermediate Development Planner  
Planning & Development Services  
Town of Fort Erie  
1 Municipal Centre Drive  
Fort Erie, ON L2A 2S6

Dear Daryl,

Re: Draft Plan of Condominium  
Ridgeway Heights Inc.  
424-426 Ridge Road North  
Town of Fort Erie  
File No.: 350303-0036

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing [CustomerConnectionsContactCentre@Enbridge.com](mailto:CustomerConnectionsContactCentre@Enbridge.com) to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

The applicant will contact Enbridge Gas Inc.'s Customer Connections department by emailing [CustomerConnectionsContactCentre@Enbridge.com](mailto:CustomerConnectionsContactCentre@Enbridge.com) prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned.

Sincerely,



**Jasleen Kaur**  
Municipal Planning Coordinator  
**Engineering**

**ENBRIDGE**  
TEL: 437-929-8083  
500 Consumers Rd, North York, ON M2J1P8  
[enbridge.com](http://enbridge.com)  
**Safety. Integrity. Respect. Inclusion.**

**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-80-2022 DATED DECEMBER 12, 2022**

Town of Fort Erie - 424-426 Ridge Road N - 350303-0036LANDUSEPLANNING to  
 DVanderVeen@forterie.ca 2022-11-14 09:18 AM  
 From "LANDUSEPLANNING" <LandUsePlanning@HydroOne.com>  
 To "DVanderVeen@forterie.ca" <DVanderVeen@forterie.ca>

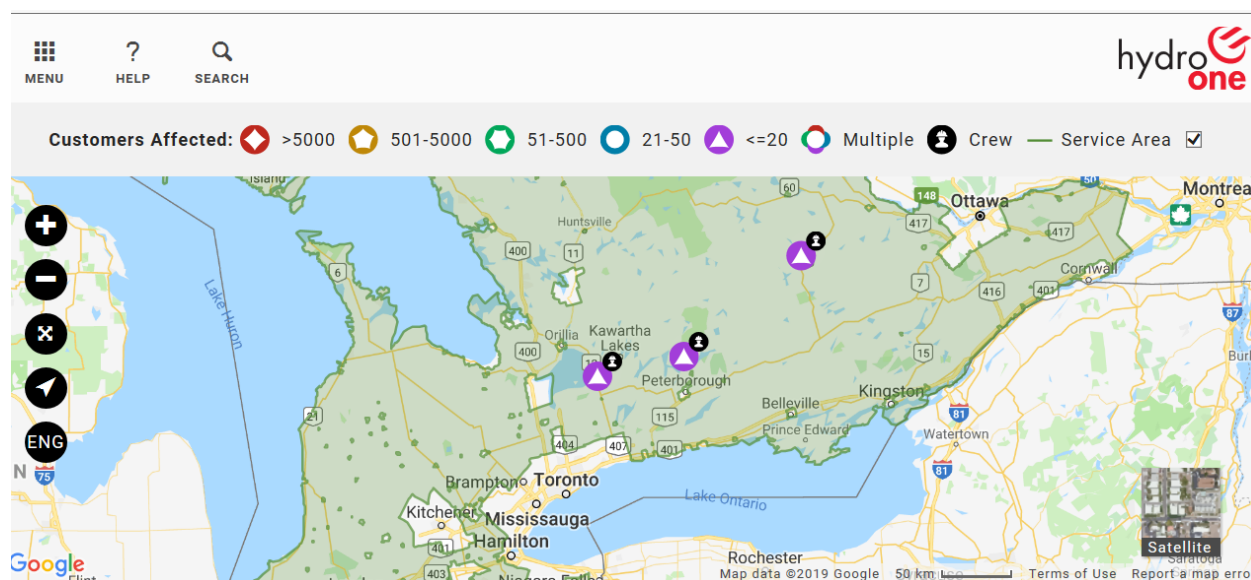
Hello,

We are in receipt of your Draft Plan of Condominium Application, 350303-0036 dated Novmeber 4, 2022. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier. To confirm if Hydro One is your local distributor please follow the following link:

[Stormcentre \(hydroone.com\)](https://stormcentre.hydroone.com)

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail [CustomerCommunications@HydroOne.com](mailto:CustomerCommunications@HydroOne.com) to be connected to your Local Operations Centre

Thank you,

**Kitty Luk**  
**Records Administrator | Land Use Planning**

**Hydro One Networks Inc.**  
 185 Clegg Road  
 Markham, ON | L6G 1B7

**APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-80-2022 DATED DECEMBER 12, 2022**

Regional Comments - 424-426 Ridge Rd N, Fort Erie (Town File: 350303-0036)  
 Morrison, Alexander to Daryl Vander Veen 2022-11-21 03:26 PM  
 Cc "Development Planning Applications", "Pirkas, Chris", "Dunsmore, Susan"  
 From "Morrison, Alexander" <Alexander.Morrison@niagararegion.ca>  
 To "Daryl Vander Veen" <DVanderVeen@forterie.ca>  
 Cc "Development Planning Applications" <devtplanningapplications@niagararegion.ca>,  
 "Pirkas, Chris" <Chris.Pirkas@niagararegion.ca>, "Dunsmore, Susan"  
 <Susan.Dunsmore@niagararegion.ca>

Hi Daryl:

Regional staff has reviewed the proposed Plan of Condominium (Town File: 350303-0036 ; Region File: CD-22-0026) and offer no comments at this time as all Provincial and Regional interests have been addressed through the previous Site Plan Application for the property (Region File: SP-21-0083).

As such, there is no Regional review fee required for this application and Regional staff offers no objections to the proposed Plan of Condominium.

Please feel free to connect with me should you have any questions.

Thank you and have a great evening,  
 Alex

**Alexander Morrison**, MCIP, RPP  
 Senior Development Planner  
 Planning & Development Services | [Niagara Region](#)  
**P:** (905) 980-6000 ext. 3378  
**E:** [alexander.morrison@niagararegion.ca](mailto:alexander.morrison@niagararegion.ca)  
**F:** 905-641-5208

1815 Sir Isaac Brock Way, P.O. Box 1042  
 Thorold, ON L2V 4T7

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**CONDITIONS OF DRAFT PLAN APPROVAL**  
**424 & 426 Ridge Road North**  
**December 12, 2022**

The conditions of final approval and registration of the 424 & 426 Ridge Road North Condominium by Ridgeway heights Inc. in the Town of Fort Erie are as follows:

1. That the applicant/developer submit an undertaking that the Condominium Corporation will enter into an assumption agreement with the municipality, once the condominium plan has been registered, which requires the Condominium Corporation to assume the maintenance and responsibilities contained in the site plan agreement and that the Condominium Corporation will not object to the registration of the agreement.
2. That immediately following the registration of the Condominium Plan the Condominium Corporation enter into an assumption agreement with the Municipality which requires the Condominium Corporation to:
  - a) Assume the maintenance and responsibilities outlined under the site plan control agreement to be approved by the Town of Fort Erie.
  - b) Provide to the Town security deposits as necessary to ensure completion of all outstanding works.
3. That all roads and driveways, water distribution, sewage collection, and storm drainage works within the subject lands shall be private.
4. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
5. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

**Clearance of Conditions**

Prior to granting prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- Bell Canada for Conditions – 4 & 5.

**1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:**

- a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
- b) Section 160(2) allows certain exceptions.

**2. WATER AND SEWER SYSTEMS**

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

**3. CONVEYING**

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist the agencies listed above in clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Ryan Courville  
Access Network Provisioning Manager  
Municipal Relations  
Bell Canada  
Phone: 416-570-6726  
Email: [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)

**5. REVIEW OF CONDITIONS**

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

**6. CONDOMINIUM AGREEMENT**

Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to the Regional Planning and Development Department for verification that the appropriate clauses pertaining to any of these conditions of approval have been included.

**7. NOTES**

- Prior to granting final plan approval, the Town must be in receipt of written confirmation that the requirements of each condition have been met and all fees have been paid to the satisfaction of the Niagara Region.

- Prior to final approval for registration, a copy of the executed condominium agreement for the proposed development should be submitted to the Niagara Region for verification that the appropriate clauses pertaining to any of these conditions have been included.
- The Niagara Region recommends that a copy of the draft agreement also be provided in order to allow for the incorporation of any necessary revision prior to execution.
- In order to request clearance of the above noted Regional conditions, a letter outlining how the conditions have been satisfied, together with all studies and reports (two hard copies and a PDF digital copy), the applicable review fee, and the draft subdivision agreement shall be submitted to the Niagara Region by the applicant as one complete package or circulated to the Niagara Region by the Town of Fort Erie.



## Planning and Development Services

<b>Prepared for</b>	Regular Council	<b>Report No.</b>	PDS-78-2022
<b>Agenda Date</b>	December 12 <sup>th</sup> , 2022	<b>File Nos.</b>	350302-131, 350309-540 & 350308-123

### Subject

**PROPOSED DRAFT PLAN OF SUBDIVISION AND COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT  
SPRING CREEK ESTATES – 0-17482 AND 0-17484 BLACK CREEK ROAD  
5009823 ONTARIO INC. - MITCH WILLIAM AND MIKE COLOSIMO (OWNERS)  
UPPER CANADA CONSULTANTS - MATT KERNAHAN (AGENT)**

### Recommendation

- THAT** Council approves the amendments to the Town's Official Plan and Zoning By-law No. 129-90 as detailed in Report No. PDS-78-2022 for the lands known as 0-17482 and 0-17484 Black Creek Road, and further
- THAT** Council approves the Draft Plan of Subdivision for 0-17482 and 0-17484 Black Creek Road, dated December 9, 2021, showing 54 lots for single-detached dwellings, 8 blocks for semi-detached dwellings, 13 blocks for street townhouse dwellings, 1 block for condominium townhouse dwellings, 1 block for an apartment dwelling/stacked townhouses, 1 block for a stormwater management pond, and 5 blocks for 0.3 m reserves, as attached as **Appendix "2"** of Report No. PDS-78-2022, in accordance with the provisions of the *Planning Act*, R.S.O. 1990 c. P. 13 and the Regulations thereunder, subject to the conditions contained in **Appendix "5"** of Report No. PDS-78-2022, and further
- THAT** Council directs staff to circulate the Conditions of Draft Plan Approval in **Appendix "5"** of Report No. PDS-78-2022 to the applicable agencies in accordance with the requirements of the *Planning Act*, and further
- THAT** Council directs Staff to submit the necessary by-laws.

### Relation to Council's 2018-2022 Corporate Strategic Plan

Priority: Managed Growth through Responsibility, Stewardship and Preservation

**List of Stakeholders**

5009823 Ontario Inc.- Mitch William and Mike Colosimo (Owners)  
Upper Canada Consultants – Matt Kernahan (Agent)  
Residents and Property Owners in the Town of Fort Erie

Prepared by:

**Original Signed**

Mackenzie Ceci  
Intermediate Development Planner

Reviewed by:

**Original Signed**

Anamika Dilwaria,  
MCIP, RPP  
Manager, Development Approvals

Submitted by:

**Original Signed**

Alex Herlovitch, MCIP, RPP  
Director, Planning and  
Development Services

Approved by:

**Original Signed**

Chris McQueen, MBA  
Chief Administrative  
Officer

**Purpose**

Matt Kernahan of Upper Canada Consultants, Agent and Applicant for 5009823 Ontario Inc. c/o Mitch Williams and Mike Colosimo, Owners of the subject properties known as 0-17482 and 0-17484 Black Creek Road, have submitted applications for a Draft Plan of Subdivision and a Combined Official Plan and Zoning By-law Amendment. The purpose of this report is to provide recommendations to Council with respect to the proposed applications.

A Location Plan of the lands that are subject to the proposed applications is attached as **Appendix “1”**.

The Draft Plan of Subdivision application proposes to subdivide 8.68 hectares of land to create 54 lots for single-detached dwellings, 8 blocks for semi-detached dwellings, 13 blocks for street townhouse dwellings, 1 block for block (condominium) townhouse dwellings, 1 block for an apartment dwelling/stacked townhouses, 1 block for a Stormwater Management Pond, and 5 blocks for 0.3 m reserves. The proposed Draft Plan of Subdivision, which is attached as **Appendix “2”**, will provide a total of 225 dwelling units.

To facilitate the creation of the proposed subdivision, the Applicant has submitted a concurrent Combined Official Plan and Zoning By-law Amendment application. The northerly and southerly portions of the subject lands are currently designated Medium Density Residential, and the central portion is designated Low Density Residential in the

Douglastown-Black Creek Secondary Plan. The Applicant is proposing to introduce a Site Specific Policy Area to the northernly portion of the site to allow for a maximum density of 75 units/ha, and add block and stacked townhouses as permitted uses. The Applicant is also proposing to redesignate the Low Density Residential lands to Medium Density Residential, and introduce a second Site Specific Policy Area that allows for Low Density Residential uses (single detached, semi-detached, and duplex dwellings) to be constructed in conjunction with Medium Density Residential uses. A schedule showing the proposed land use designations for the subject lands is included as **Appendix “3”**.

The subject lands are currently zoned Residential Multiple 2 (RM2-549) Zone, Residential 2 (R2) Zone, and Residential Multiple (RM1-548) Zone, in accordance with the Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to rezone the northerly portion of the subject lands to a site-specific Residential Multiple 2 (RM2) Zone, and the remaining lands to a site-specific Residential Multiple 1 (RM1) Zone. A schedule showing the proposed zoning for the subject lands is included as **Appendix “4”**.

### **Background**

The statutory Public Meeting for this proposal was held on May 30<sup>th</sup>, 2022, and Report No. [PDS-34-2022](#) was presented to Council for information purposes the same evening. Report No. PDS-34-2022 was postponed by Council until the August 22<sup>nd</sup>, 2022 Regular Council meeting in order for additional information to be provided through a Supplemental Report.

Report No. [PDS-34-2022](#) and Supplemental Report No. [PDS-34-1-2022](#) were received by Council on August 22<sup>nd</sup>, 2022.

### **Nature of the Site**

The subject lands are located in the Douglastown-Black Creek neighbourhood of Fort Erie, east of Netherby Road and west of Black Creek Road. The lands are approximately 8.68 ha in size, with roughly 670 m of frontage on Black Creek Road. The subject lands are currently vacant.

The following summarizes the land uses surrounding the subject lands:

**North:** Faith Reformed Church, Black Creek Community Centre, and vacant commercial lands  
**South:** Queen Elizabeth Way (QEW)  
**East:** Black Creek Road and single detached dwellings  
**West:** Netherby Road (Niagara Regional Road No. 25)

## **Planning Context**

### **2020 Provincial Policy Statement**

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development to Settlement Areas, and encourage the building of strong, sustainable, and resilient communities through the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The PPS also encourages a diverse mix of land uses that provide an appropriate supply and range of housing options, and opportunities for intensification, the redevelopment of underutilized lands, and infill development, where appropriate.

The proposal complies with the policies outlined in the PPS, namely as it will facilitate the development of underutilized urban lands, and will provide a range of housing options in the Douglastown-Black Creek neighbourhood, which is predominantly comprised of single-detached dwellings.

### **2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The subject lands are located within the Greater Golden Horseshoe Growth Plan Area, and are contained within the Delineated Built-up Area. The Growth Plan contains policies that encourage infill and intensification, and the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness, and provide a range of housing types.

The proposal complies with the policies outlined in the Growth Plan as it will assist with diversifying housing options in the Douglastown-Black Creek neighbourhood.

### **2022 Regional Official Plan**

The new Regional Official Plan (ROP) identifies the subject lands as being located within the Urban “Built-up” Area of the Town. Built-up areas are planned to accommodate a compact built form, mix of land uses, and public service facilities in order to support the creation of complete communities. A diverse range and mix of housing types, unit sizes, and densities is encouraged to accommodate current and future housing needs. Further, built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities are supported.

The proposal complies with the policies outlined in the ROP. The proposal represents a compact built form, and an efficient use of urban land, and existing services and infrastructure. Further, the proposal introduces a diverse range of housing options that

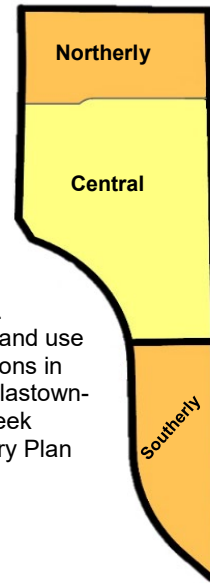
will cater to a variety of households, age, and income groups. The proposal also aligns with Regional growth management policies, and assists the Town with achieving its intensification target.

### Official Plan and Douglastown-Black Creek Secondary Plan

The northerly (2.05 ha) and southerly (2.02 ha) portions of the subject lands are currently designated Medium Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan, as shown in orange on **Figure 1**.

The Secondary Plan reserves Medium Density Residential lands for multiple-unit structures such as townhomes, triplex, quads and/or low-rise apartment dwellings, and their accessory uses, and provides for a density range of 17 to 50 units/ha. Approximately 200 new Medium Density units are envisioned in this Secondary Plan area, all of which shall be located on the west site of Black Creek Road.

**Figure 1.**  
Existing land use  
designations in  
the Douglastown-  
Black Creek  
Secondary Plan



Section 4.20.7 (g) anticipates that the northerly portion of the subject lands will be developed to accommodate 100 dwelling units across two or three low-rise apartment buildings. The Plan outlines that this location is suitable for seniors' development, and may provide for a range of tenureship, care, and accommodation arrangements. These lands may also be used to accommodate a fully-assisted nursing home or home for the aged, providing for a residential density of up to 75 units/ha.

Section 4.20.5 k) states that stormwater management facilities shall be permitted within both the Low Density Residential and Medium Density Residential designations of the Plan.

The central portion of the subject lands is designated Low Density Residential in the Town's Official Plan and Douglastown-Black Creek Secondary Plan, as shown in yellow on **Figure 1**. Low Density Residential lands are reserved for single detached, semi-detached, and duplex dwellings, and their accessory uses, providing for a density of up to 16 units/ha.

Section 4.20.6 c) and d) of the Plan state that low density residential development shall comply with the Ministry of Transportation's setback requirements, and should be expected to accommodate modestly smaller lot areas and dimensions in comparison to the majority of the existing low density residential lots in the neighbourhood. This will allow for the efficient use of infrastructure, and the diversification of housing options and costs.

The Applicant is proposing to introduce a Site Specific Policy Area to the northerly 1.47 ha of the subject lands, shown as Part 1 on **Figure 2**. The Policy Area would introduce stacked and block townhouses as permitted uses, and provide for a density range of 17 to 75 units/ha.

The Applicant is also proposing to redesignate the Low Density Residential lands to Medium Density Residential, and introduce another Site Specific Policy Area for the remaining 7.21 ha of land, shown as Part 2 on **Figure 2**, allowing for Low Density Residential uses (single detached, semi-detached, and duplex dwellings) to be constructed in conjunction with Medium Density Residential uses. The standard Medium Density Residential range of 17 to 50 units/ha would be maintained for these lands. A Stormwater Management Pond is planned for the south part of the subject lands.

Section 13.7 III of the Town's Official Plan details criteria for consideration when an amendment to the Official Plan is proposed. Staff have addressed the relevant criteria in detail below:

a. The need for the proposed use;

The Douglastown-Black Creek Secondary Plan envisions the subject lands to be utilized for residential development that contributes to the diversification of the low and medium density housing stock, and provides a range of tenureship options and opportunities to age in place. Further, the Secondary Plan provides for approximately 200 new units in the neighbourhood, all to be located on the west side of Black Creek Road.

The proposed amendments that provide for an increase in density allow for the reallocation of development and density on site as a portion of the southerly Medium Density Residential lands are required to accommodate a Stormwater Management Pond. Further, the addition of permitted uses through the Site Specific Policy Areas assists with introducing a diverse range of housing options to the neighbourhood that will not only cater to a variety of households, age, and income groups, but will also provide for a range of tenureship opportunities, as envisioned through the Secondary Plan.

b. The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;

The Douglastown-Black Creek neighbourhood is predominantly comprised of low density residential development. The approval of Black Creek Signature Subdivision in 2016 introduced 10 blocks for a total of 46 street townhouse dwelling units, which along with the subject lands, represents the only medium density residential lands in the neighbourhood. As a portion of the subject site's medium density residential lands will be utilized for a Stormwater Management Pond, the proposed land use designation and



**Figure 2.**  
Proposed land  
use designations

Site Specific Policy Areas, which can provide for an additional 155 units, will ensure that approximately 200 medium density residential units can be achieved in accordance with the Secondary Plan.

- c. The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan;

The subject lands are not constrained by any natural heritage features. The site itself is physically suitable for the proposed uses.

- d. The location of the area under consideration with respect to:
  - I. the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,
  - II. the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and
  - III. the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Public Health Department and any other appropriate authority deemed advisable.

The subject lands are located within the urban boundary and will tie into the existing municipal and Regional infrastructure. The Region has stated that there are no capacity concerns with respect to the Stevensville-Douglastown Lagoon to accommodate this development. A Stormwater Management Pond will be constructed to manage stormwater quality and quantity.

The Traffic Briefs and Addendum completed by R.V. Anderson Associates Limited note that the intersections of Black Creek Road at Baker Road, and Baker Road at Netherby Road have sufficient capacity to accommodate the future site generated traffic without any anticipated operational concerns. No upgrades or changes to the traffic control at these intersections are required as a result of the generated traffic. Further, the existing surrounding road network has sufficient capacity to accommodate the future site generated traffic.

Despite several requests by the Town to reconsider and re-evaluate the MTO's position regarding a third access to Netherby Road, the Ministry of Transportation has advised on several occasions that a new access will not be permitted at any location along Netherby Road from the highway ramp to Baker Road. As an alternative, Infrastructure Services, through Report No. [IS-21-2022](#), recommended widening Baker Road between Netherby Road to Black Creek Road to a four-lane cross section, which would ultimately provide additional vehicular capacity on Baker Road.

At a minimum, 1.50 m wide concrete sidewalks will be provided on one side of all streets. Further, no driveway accesses to Black Creek Road will be provided to ensure the safety of cyclists and pedestrians.

- e. The compatibility of the proposed use with uses in adjoining areas;

The subject lands are adjacent to Netherby Road, vacant commercial lands, and institutional uses, and are in proximity to low density residential development. The Secondary Plan process allocated the subject lands for low and medium density residential development, and evaluated the compatibility of these residential uses. The proposed amendments ultimately align with the vision and intent of the Secondary Plan, and in the opinion of Staff, do not have a notable impact on compatibility.

An Environmental Noise Feasibility Study was submitted with the applications. The Study determined that the stationary noise sources from the adjacent institutional land uses and transportation noise sources will not result in incompatibility issues following the implementation of the recommended noise control measures.

- f. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;

There is no evidence to suggest that the proposed development will have a depreciating or deteriorating effect on adjoining properties. On the contrary, the proposed development may have an overall positive and catalytic effect by attracting commercial development to the vacant commercial lands to the north, and by supporting the adjacent institutional uses.

- g. The potential effect of the proposed use on the finance
- h. ial position of the municipality; and

The proposed redesignation of the subject lands will not negatively affect the financial position of the municipality as all works associated with the proposed development are the responsibility of the Owner/Developer. The proposed residential development will increase the tax base of the municipality, and provide the municipality with development charges.

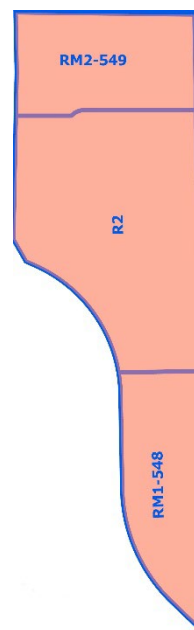
- i. The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

As the lands were envisioned for residential development through the Douglastown-Black Creek Secondary Plan, the proposed uses will not impact the intent or implementing regulations of the *Environmental Protection Act*.

## Zoning By-law No. 129-90

### Northerly Portion

The northerly portion of the subject lands as shown on **Figure 3** is currently zoned site-specific Residential Multiple 2 (RM2-549) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to reconfigure the zone boundary by rezoning a portion of the subject lands, shown as Part 1 on **Figure 4**, to a new site-specific RM2 Zone. The site-specific RM2 Zone will add block townhouses as a permitted use, subject to the provisions under Subsection 14.3 of the Zoning By-law, which will facilitate the development of Block 74 on the proposed Draft Plan of Subdivision (**Appendix “2”**). The new site-specific RM2 Zone will also add stacked townhouses to the list of permitted uses. The following site-specific provisions are also requested for the stacked townhouses/apartment dwellings that are proposed on Block 75 of the proposed Draft Plan of Subdivision (**Appendix “2”**). The site-specific provisions (in red) and an analysis regarding their inclusion and merit are outlined in the table below.



**Figure 3.**  
Existing zoning



**Figure 4.**  
Proposed zoning

Zone	Requirement	Proposed	Analysis
Permitted uses	<ul style="list-style-type: none"> <li>• Fourplexes</li> <li>• Apartment dwellings</li> <li>• Home for the Aged</li> <li>• Residential uses existing at the date of passing of this by-law</li> <li>• Assisted Living House Nursing Home</li> <li>• Uses, buildings and structures accessory to the foregoing permitted use</li> </ul>	<ul style="list-style-type: none"> <li>• Fourplexes</li> <li>• Apartment dwellings</li> <li>• Home for the Aged</li> <li>• Residential uses existing at the date of passing of this by-law</li> <li>• Assisted Living House Nursing Home</li> <li>• Uses, buildings and structures accessory to the foregoing permitted use</li> <li>• <b>Stacked townhouses</b></li> <li>• <b>Block townhouses</b></li> </ul>	Assists with providing additional housing options, catering to a range of income and age groups, and tenureship preferences.

Minimum lot frontage	30 m	12 m (stacked townhouse and apartment)	Facilitates the creation of a flag lot. The frontage of 12.00 m maintains adequate space to accommodate a driveway access to the rear of the lands, landscaping and servicing connections. The reduction in frontage and flag-shaped nature of the lot means that the apartment dwelling or stacked townhouses will be distanced from Black Creek Road, which will assist with limiting massing and visual impacts
Minimum lot area	200 m <sup>2</sup> /unit	200 m <sup>2</sup> /unit	The Applicant's request for 200 m <sup>2</sup> /unit will not allow them to achieve their requested maximum density of 75 units/ha. A requirement of 200 m <sup>2</sup> /unit would limit the Applicant to a density of 50 units/ha. In order to align the Applicant's proposed maximum density and minimum lot area, Staff recommend, in consultation with the Applicant, 129 m <sup>2</sup> /unit. This requirement is more than the standard RM2 minimum lot area requirement of 115 m <sup>2</sup> /unit, and will uphold the vision and the intent of the Secondary Plan with respect to density and the planned number of medium density residential units
Maximum Density	50 units/ha	75 units/ha	Corresponds with the density requested through the concurrent amendment to the Secondary Plan. This will help meet the Secondary Plan's medium density residential target of 200 new units

Minimum Density	17 units/ha	17 units/ha	No change proposed
Maximum height	3 storeys (12 m)	4 storeys (14 m)	The proposed height and interior side yard setback are appropriate in this location. As the development will be situated towards Netherby Road, no massing or visual impacts are anticipated with respect to the adjacent institutional use and nearby low density residential development. Further, with respect to the adjacent vacant commercial lands to the north, and vacant residential lands to the south, enhanced buffering and landscaping treatments can be incorporated at the Site Plan Control stage to limit compatibility concerns.
Minimum Interior side yard	One half the building height 14 m / 2 = 7 m	5 m	
Minimum Setback to Netherby Road	Not currently specified	14 m	This new setback provision aligns with the Ministry of Transportation's setback requirement

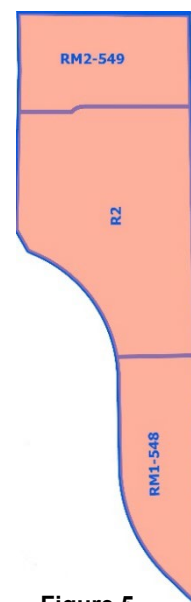
The remaining portion of the lands shown as Part 2 on **Figure 6** will be rezoned to a site-specific Residential Multiple 1 (RM1) Zone, as the lands are proposed to be developed for on-street townhouse dwellings. The new site specific RM1 Zone is discussed in detail below.

#### *Central Portion*

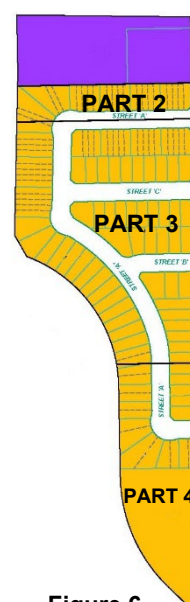
The central portion of the subject lands as shown on **Figure 5** is zoned Residential 2 (R2) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to rezone the lands shown as Part 3 on **Figure 6** to the site-specific Residential Multiple 1 (RM1) Zone mentioned above, allowing the lands to be developed for single detached dwellings, semi-detached dwellings, duplexes, triplexes, fourplexes, street townhouse dwellings, and block townhouse dwellings.

### Southerly Portion

The southerly portion of the subject lands as shown on **Figure 5** are zoned Residential Multiple 1 (RM1-548) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 2016-035. The Applicant is proposing to rezone the lands shown as Part 4 on **Figure 6** to the same site-specific RM1 Zone that is proposed for the central and remaining northerly portions of the site (Parts 2 and 3 on **Figure 6**). The site-specific zoning would also permit the use of the lands for a Stormwater Management Pond and open space uses. Additional site-specific provisions are requested. The site-specific provisions (in red) and an analysis regarding their inclusion and merit are outlined in the table below.



**Figure 5.**  
Existing zoning



**Figure 6.**  
Proposed zoning

Zone	Requirement	Proposed	Analysis
Permitted uses	<ul style="list-style-type: none"> <li>Single detached dwellings</li> <li>Semi-detached dwellings</li> <li>Duplexes</li> <li>Triplexes</li> <li>Fourplexes</li> <li>Street townhouse dwellings</li> <li>Block townhouse dwellings</li> <li>Residential uses existing at the date of passing of this by-aw</li> </ul>	<ul style="list-style-type: none"> <li>Single detached dwellings</li> <li>Semi-detached dwellings</li> <li>Duplexes</li> <li>Triplexes</li> <li>Fourplexes</li> <li>Street townhouse dwellings</li> <li>Block townhouse dwellings</li> <li>Residential uses existing at the date of passing of this by-aw</li> <li>Stormwater Management pond</li> <li>Open spaces uses</li> </ul>	Consistent with Secondary Plan policy 4.20.5 k) which states that Stormwater Management facilities shall be considered a permitted use within the Medium Density Residential designation of this Plan, and that appropriate zoning shall be applied as part of the development process.
Minimum lot area Subsection 14.3	200 m <sup>2</sup> for an interior street townhouse lot and 270 m <sup>2</sup> for a corner street townhouse	180 m <sup>2</sup> for an interior street townhouse lot and 215 m <sup>2</sup> for a corner street townhouse	Facilitates a compact built form that minimizes land consumption
Maximum Density	50 units/ha	50 units/ha	Existing – no change proposed

Minimum Density	17 units/ ha	17 units/ha	Existing – no change proposed
Maximum Lot Coverage	Block townhouse or exterior street townhouse - 40% Interior street townhouse – 60%	Delete the requirement	Provisions are duplicative in nature. The setbacks will function to regulate the size of the building envelope. Further, the minimum landscaped open space area provisions of 30% in the front yard and 20% overall will have to be complied with, ensuring that an appropriate amount of open space area is achieved on site.
Maximum lot coverage Subsection 12.3 (Single-detached dwelling)	50%	Delete the requirement	
Minimum Interior Side Yard setback Subsection 13.4 (semi-detached dwellings)	1.2m plus an additional .5m for every storey or part thereof above the ground floor; except where no private garage or carport is provided a side yard of not less than 3.0m on one side of such semi-detached dwelling is required	1.5 m, except where no private garage or carport is provided a side yard of not less than 3.0m on one side of such semi-detached dwelling is required	Sufficient space is maintained for drainage, access, maintenance, and privacy purposes. The setback is consistent with the setback requirements found in other residential zones.

### Subdivision Design

The Draft Plan of Subdivision (**Appendix “2”**) will subdivide the approximately 8.68 ha of land into the following:

- 54 lots for single detached dwellings (Lots 1-54)
- 8 blocks for a total of 16 semi-detached dwelling units (Blocks 53-60)
- 13 blocks for a total of 59 on-street townhouse dwelling units (Blocks 61-73)
- 1 block for a total of 16 block (condominium) townhouse dwelling units (Block 74)
- 1 block for an apartment dwelling/stacked townhouses containing up to 80 units (Block 75)
- 1 block for Stormwater Management Pond (Block 76); and
- 5 blocks for 0.3 m reserves (Blocks 77-81).

The proposed subdivision will have frontage on Black Creek Road, and will be accessed via three new roads, shown as Street A, Street B, and Street C on the Draft Plan of Subdivision contained in **Appendix “2”**. A noise barrier wall will be provided along the west property line.

The Draft Plan of Subdivision will be subject to the conditions of approval contained in **Appendix “5”**.

Staff note that development on Blocks 74 and 75 will be subject to Site Plan Control. Since Council showed an interest in having input on the design of the developments, Staff can bring the future Site Plans forward for Council’s approval.

### **Studies**

The following studies were submitted with the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision applications:

- [Stage 1 and 2 Archaeological Assessment](#);
- [Environmental Noise Feasibility Study](#);
- [Functional Servicing Report](#);
- [Traffic Brief](#); and
- [Best Management Practices Review](#)

Staff note that the findings of these studies are discussed in detail throughout Report No. [PDS-34-2022](#).

### **Financial/Staffing and Accessibility (AODA) Implications**

All costs associated with processing the applications and servicing the proposed development are the responsibility of the Owner/Developer.

No staffing implications are expected.

No impediments to the AODA legislation are expected to be developed through the proposed amendments and approvals.

### **Policies Affecting Proposal**

Notice of the May 30<sup>th</sup> Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the May 5<sup>th</sup>, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 m of the subject lands were mailed a “Notice of Complete Application and Public Meeting” on the same date.

Land use policies that apply to the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

### **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding these applications was circulated to relevant Departments/Community and Corporate Partners on February 7<sup>th</sup>, 2022. Comments received in advance of the Public Meeting are available in Report No. [PDS-34-2022](#) for review.

### **Comments from Public and Council**

A Public Information Open House for these applications was held on April 7<sup>th</sup>, 2022. All property owners within 120 m of the subject lands were notified of the Open House via mailed notice. The Open House was attended by Town Staff, the Owner and their Agent, and several area residents. Comments from area residents were also received via email. Public comments and correspondence received prior to the Information Report, and responses from Town Planning Staff and the Agent are available for review through Report No. [PDS-34-2022](#).

At the statutory Public Meeting on May 30<sup>th</sup>, 2022, Report No. [PDS-34-2022](#) was presented to Council for information purposes. Supplemental Report No. [PDS-34-1-2022](#) was prepared in response to the following concerns that were raised by Council with respect to the applications:

- lagoon capacity;
- stormwater pond and outlet;
- underground stormwater management and drainage scheme;
- third point of access/egress; and
- community housing needs

Following the Public Meeting, additional concerns were raised regarding the capacity of the Stevensville-Douglastown Lagoon and the provision of a third point of access/egress. Responses to these concerns are summarized below.

#### **Stevensville-Douglastown Lagoon Capacity**

Staff consulted Niagara Regional Staff again regarding the concerns related to their facility and received a response stating that the Lagoon has sufficient sewershed capacity for the proposed subdivision, and that no capacity concerns are anticipated at this time (**Appendix "6"**).

### Third Point of Access/Egress

On several occasions, the Ministry of Transportation (MTO) has confirmed that a new access is not permitted at any location along Netherby Road from the highway ramp to Baker Road. Following the Public Meeting, Infrastructure Services Staff sent a letter to the MTO, dated October 18<sup>th</sup>, 2022, inquiring once more about a new access to Netherby Road. A response from the MTO was received on November 1<sup>st</sup>, 2022 and is included as **Appendix “7”**. The correspondence states that the MTO cannot support opening an access at this location as opening this access would compromise the operational safety of the highway and put motorists’ safety at risk.

### **Alternatives**

Council may elect to deny the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision applications. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning.

### **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff’s recommendations, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

### **Communicating Results**

There are no communication requirements at this time.

### **Conclusion**

Planning Staff are of the opinion that the proposed Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision applications represent good planning. The applications will facilitate the creation of a subdivision that will accommodate upwards of 225 residential units, providing for the diversification of the neighbourhood’s housing stock, a range of tenureship options, and a compact form of development that will better utilize the Town’s existing urban land and infrastructure. Further, the proposal aligns with the intent and objectives of the

Douglastown-Black Creek Secondary Plan, alongside Provincial and Regional policies. Planning Staff recommend that Council approves the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Subdivision as proposed.

<b>Attachments</b>
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**Appendix “1”**- Location Plan

**Appendix “2”**- Draft Plan of Subdivision

**Appendix “3”**- Proposed Land Use Changes

**Appendix “4”**- Proposed Zoning Changes

**Appendix “5”**- Conditions of Draft Plan Approval

**Appendix “6”**- Email Response from Niagara Region

**Appendix “7”**- Response Letter from Ministry of Transportation

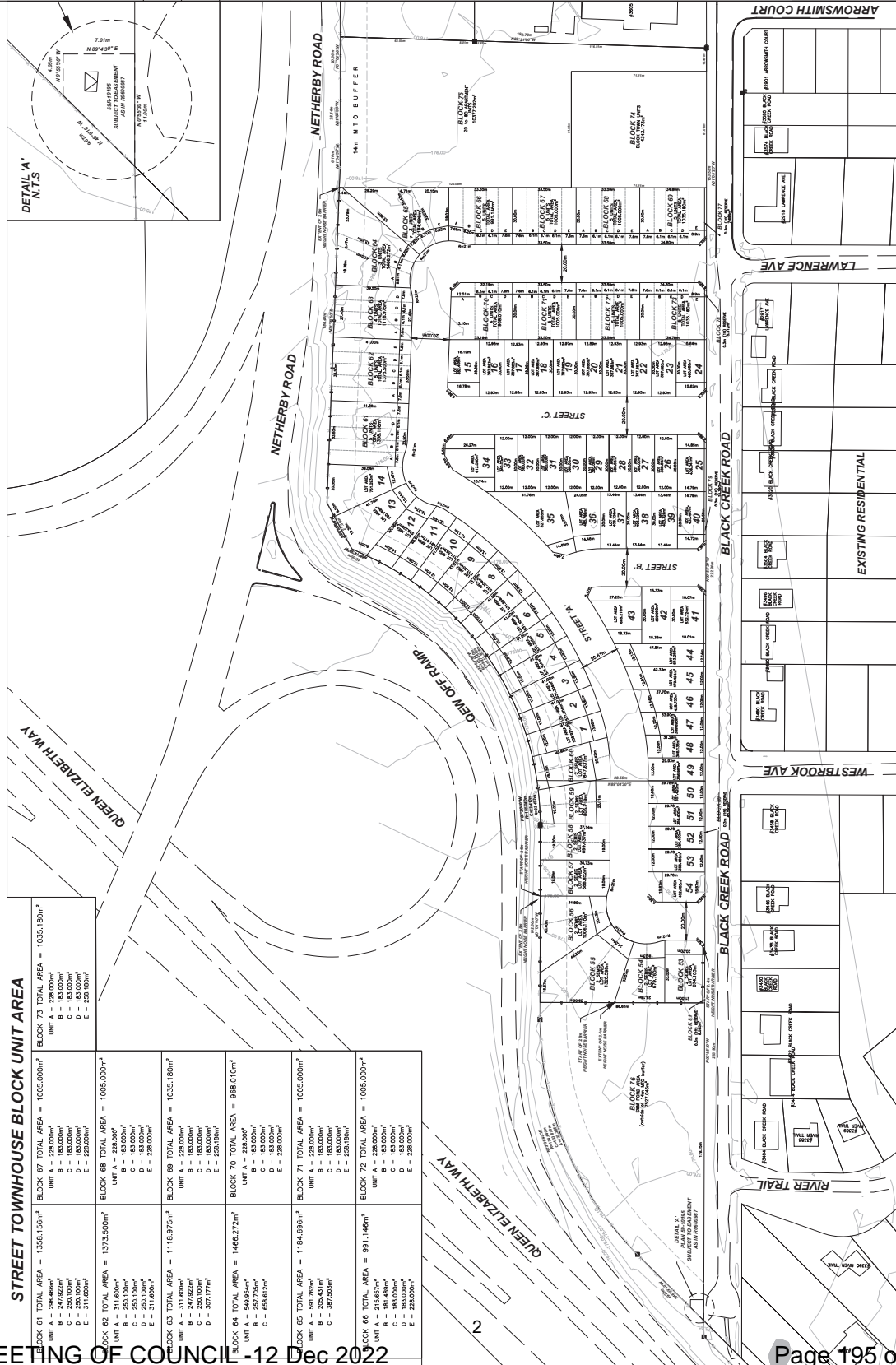


## LOCATION PLAN

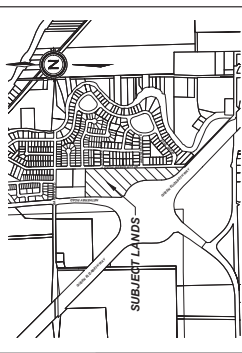
### Zoning By-law Amendment - 0-17484 & 0-17482 Black Creek Road

Subject Lands - 0-17484 & 0-17482 Black Creek Road

# SPRING CREEK ESTATES SUBDIVISION TOWN OF FORT ERIE



<b>DENSITY CALCULATION:</b> TOTAL REQUIRED DENSITY IS 50 PEOPLE PER GROSS HECTARE. UNITS - 244 PEOPLE TOTAL AREA IN ha = 8.6768 ha TOTAL NUMBER OF PEOPLE REQUIRED = 433.84 PEOPLE		<b>PROPOSED:</b> UNITS - 244 PEOPLE X 225 UNITS = 54,900 PEOPLE LIVE/WORK/EMPLOYMENT - 225 UNITS X 5% = 11,25 JOBS TOTAL = 560,23 PERSONS AND JOBS NO. OF PEOPLE/TOTAL AREA (ha) - 560,23/8.6768 ha = 64,56 PERSONS & JOBS PER HECTARE	
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**KEY PLAN**  
N.T.S.

**DRAFT PLAN OF SUBDIVISION**

**LEGAL DESCRIPTION**  
PART OF LOT 19, BROKEN FRONT CONVEYANCE AND PART OF LOT 21, ADDING CROSS CONVEYANCE, CONCESSION 1, TOWNSHIP OF WILKINSON, COUNTY OF WELAND, NOW IN THE TOWN OF FORT ERIE

**OWNER'S CERTIFICATE**  
BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE UPPER CANADA CONSULTANTS TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR THE TOWN OF FORT ERIE FOR APPROVAL.

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS DESCRIBED ARE CORRECTLY SHOWN.

DATE: Dec 9, 2021

509823 Ontario Inc. (Mike Coleman)

**REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT**

JOB BANKS LTD.

**LAND USE SCHEDULE**

LAND USE	LOT/BLOCK	# OF UNITS	AREA(ha)	AREA(m²)
STREET TOWNHOUSE	BLOCK 61-73	90	1.4651	16,77
STREET TOWNHOUSE	BLOCK 74	10	0.4453	5,00
STREET TOWNHOUSE	BLOCK 75	10	0.4453	5,00
STREET TOWNHOUSE	BLOCK 76	10	0.4453	5,00
STREET TOWNHOUSE	BLOCK 77-81	1,000	16,77	18,24
STREET TOWNHOUSE	BLOCK 78	10	0.4453	5,00
TOTAL		225	8.6768	100,00

DEVELOPABLE AREA: 8.6768 ha  
DEVELOPABLE DENSITY: 25.93 units/ha

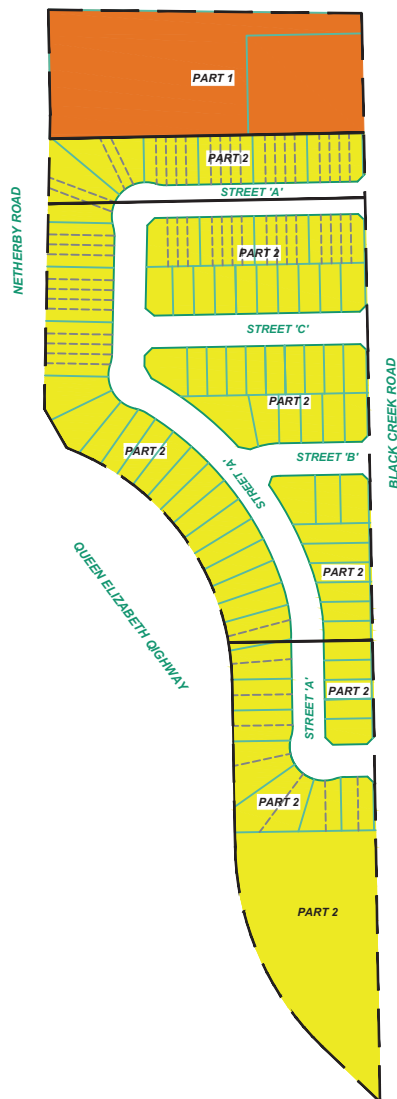
DRAWING TITLE	DRAFT PLAN OF SUBDIVISION
DRAWING NO.	20174-DP
DATE	DECEMBER 9, 2021
SCALE	1:1000
REV	0

**UPPER CANADA CONSULTANTS**  
CONSULTANTS

OFFICIAL PLAN AMENDMENT  
SCHEDULE 'A'

REGULAR MEETING OF COUNCIL -12 Dec 2022

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**LEGEND**

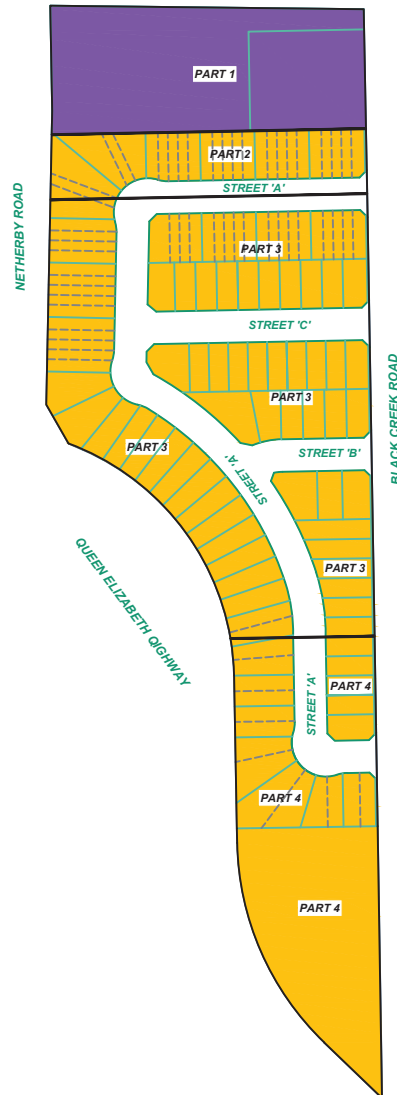
- PART 1 - MEDIUM DENSITY RESIDENTIAL (MAX 75 UNITS / HA)
- PART 2 - MEDIUM DENSITY RESIDENTIAL (17-50 UNITS / HA)
- SPECIAL POLICY AREA \_\_\_\_\_

**SPRING CREEK ESTATES**  
**SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT No. \_\_\_\_\_**

MAYOR: \_\_\_\_\_

CLERK: \_\_\_\_\_





**LEGEND**

- PART 1 - FROM RESIDENTIAL MULTIPLE 2 (RM2-549) ZONE TO RESIDENTIAL MULTIPLE 2 (RM2-XXX) ZONE**
- PART 2 - FROM RESIDENTIAL MULTIPLE 2 (RM2-549) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE**
- PART 3 - FROM RESIDENTIAL 2 (R2) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE**
- PART 4 - RESIDENTIAL MULTIPLE (RM1-548) ZONE TO RESIDENTIAL MULTIPLE 1 (RM1-XXY) ZONE**

**SPRING CREEK ESTATES**  
**SCHEDULE 'A' TO ZONING BY-LAW AMENDMENT No. \_\_\_\_\_**

**MAYOR:** \_\_\_\_\_

**CLERK:** \_\_\_\_\_



**CONDITIONS OF DRAFT PLAN APPROVAL**  
**SPRING CREEK ESTATES**

The conditions of final approval and registration of the Spring Creek Estates Draft Plan of Subdivision File No. 350308-0123 Town of Fort Erie are as follows:

1. That this approval applies to the Spring Creek Estates Draft Plan of Subdivision – CON BF SEA PT LOT 19 RP59R10225 PART 3 and CON BF SEA PT LOT 19 RP59R10195 PARTS 1 & 2, being all of PINs 642520159 and 642520160, prepared by J.D Barnes Ltd, dated December 9, 2021, and signed by Allan J. Heywood on December 9, 2021, showing 54 lots for single detached dwellings (Lots 1-54), 8 blocks for a total of 16 semi-detached dwelling units (Blocks 53-60), 13 blocks for a total of 59 on-street townhouse dwelling units (Blocks 61-73), 1 block for a total of 16 block (condominium) townhouse dwelling units (Block 74), 1 block for an apartment dwelling/stacked townhouse containing up to 80 units (Block 75), 1 block for Stormwater Management Pond (Block 76), and 5 blocks for 0.3 m reserves (Blocks 77-81).
2. That the owner deed Block 76, as shown on the Draft Plan to the Town for stormwater management purposes, free and clear of any mortgages, liens and encumbrances.
3. That the owner deed Blocks 78 to 81, inclusive, as shown on the Draft Plan to the Town for 0.30 m reserves, free and clear of any mortgages, liens and encumbrances.
4. That the owner deed any and all easements that may be required for access utility and drainage purposes be granted to the appropriate authorities and utilities.
5. That all roads within the subdivision be designed according to Town of Fort Erie Standards and the lands be conveyed to the Town of Fort Erie as public highways.
6. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Roof downspouts shall discharge only to the ground surface via splash pads to either the front, rear or exterior side yards. No direct connection to the storm sewer will be permitted nor should downspouts discharge directly to the driveway or a roadway."*
7. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"The owner (developer) shall be responsible for installing paved driveway aprons from curb to the property line or from the curb to the sidewalk."*
8. That prior to receiving Final Approval, the owner shall submit, for review and approval by the Town, a Geotechnical Study prepared by a qualified engineer, that verifies the soil bearing capacity, assesses bedrock elevations and groundwater conditions, appropriate sewer pipe design, pipe bedding, backfill and roadway

designs and appropriate mitigation measures to address groundwater issues encountered.

9. That the owner prepare a detailed Subdivision Grade Control Plan showing both existing and proposed grades and the means whereby major storm flows will be accommodated across the site be submitted to the Town of Fort Erie.
10. That the owner shall enter into any agreement as required by utility companies for installation of services, including street lighting, all in accordance with the standards of the Town of Fort Erie. All utilities servicing the subdivision shall be underground. Upon installation and acceptance by the Town, streetlights and streetlight electrical supply system will be added to the Town's inventory.
11. That the streets be named to the satisfaction of the Town.
12. That the owner agrees, at a minimum, to construct 1.5 metre sidewalks on one side of all internal streets within the subdivision to the satisfaction of the Town or to the satisfaction of the Town.
13. That the subdivision agreement include a clause requiring that each agreement of purchase and sale state that *"Public sidewalk installation will be in accordance with the terms of the subdivision agreement and as per the approved plans on file at Town Hall."*
14. That the design drawings for the water, sanitary sewer and storm water drainage systems, including storm water management, to service this development be submitted to the Town of Fort Erie for review and approval.
15. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - a) Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b) Detailed sediment and erosion control plans.
16. That the subdivision agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 15 above.

17. That the Developer is responsible to front-end the reconstruction of Black Creek Road from Lawrence Avenue to River Trail to an urban cross-section and the construction of storm sewers on Black Creek Road from Lawrence Avenue to River Trail and on Lawrence Avenue from Black Creek Road to Edinburgh Road.
18. That payment of cash-in-lieu of parkland dedication is made to the Town of Fort Erie in accordance with the Planning Act and By-law No. 69-08.
19. That the Developer submits a Landscape Plan, pursuant to the Subdivision Control Guidelines and to the satisfaction Town Staff. The Plan shall address pedestrian circulation, outdoor public amenity space, site landscaping, streetscape treatments, appropriate buffering of the QEW/QEW interchange, and interface with Black Creek Road.
20. That the Developer submits a Tree Preservation Plan, pursuant to the Subdivision Control Guidelines. The Plan shall illustrate how trees on Town lands will be protected during construction.
21. That the Developer submits a Streetscape Plan, pursuant to the Subdivision Control Guidelines, showing how the development will interface with Black Creek Road.
22. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the Owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required must be received by the Town prior to the lapsing date.
23. That as recommended by the Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. (dated October 28, 2021) that the owner submits a Stage 3 Archaeological Assessment (including any subsequent recommended assessments) prepared by a licensed archaeologist to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) for review and approval. A copy of each completed archaeological assessment involving the subdivision lands, including all applicable Letters of Acknowledgement from the Ministry shall be provided to the Niagara Region. The completed archaeological assessments shall cover the areas of the property that will be disturbed as a result of the proposed development and must be accepted by the MHSTCI, and to the satisfaction of Niagara Region, prior to clearance of this condition.

NOTE: No demolition, grading, or other soil disturbances shall take place on the subject property prior to the issuance of all applicable Letters of Acknowledgement from the Ministry confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

24. That the owner agrees to include the following warning clause with respect to the potential discovery of archaeological resources in the Subdivision Agreement:

*"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."*

25. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to implement the approved noise mitigation measures / devices and ensure that the required warning clauses be included in all Agreements of Purchase and Sale or Lease or Occupancy in accordance with the *Environmental Noise Feasibility Study* prepared by Valcoustics Canada Ltd. (dated December 14, 2021).
26. That the owner agrees to include the following warning clauses in the Subdivision Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for Units in the subdivision:
  - *"Purchasers/tenants are advised that sound levels due to increasing road traffic on Netherby Road and the QEW may occasionally interfere with some activities of the dwelling unit occupants as the sound level exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria."*
  - *"The lands in the Plan of Subdivision may be exposed to noise, reduced air quality, odour, and/or dust from nearby agricultural uses/operations, vehicle traffic, and/or Douglastown Sewage Lagoons that may interfere with some activities of the owners/tenants who occupy these lands."*
27. That the owner agrees to include a clause in the Subdivision Agreement noting that no access will be permitted to Netherby Road.
28. That the owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

29. That the owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the Town.
30. That prior to final approval for registration of this Plan of Subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP) Compliance Approval under the Transfer of Review Program.
31. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled *Stormwater Management Planning and Design Manual, March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to the Niagara Region for review and approval:
- Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - Detailed erosion and sedimentation control plans; and
  - Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
32. That the Subdivision Agreement between the owner and the Town contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
33. That the applicant ensure that all streets can provide access in accordance with the Regional Municipality of Niagara Corporate Policy for Waste Collection, and By-laws relating to the curbside collection of waste.
34. That the Subdivision Agreement between the owner and the Town contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
35. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report indicating the intended treatment of the calculated runoff.

36. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, detailed grading, servicing, survey and internal road construction plans.
37. That prior to final approval, the owner shall submit to the Ministry of Transportation for their review and approval, a traffic impact study to assess the impacts on the QEW and Netherby Road Interchange and identify any related highway improvements.
38. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - a) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - b) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
39. The owner further agrees to:
  - a) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - b) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
  - c) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - d) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
40. The owner/developer provides the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, for buildings and complexes with a common lobby, common indoor or sheltered space in accordance with Canada Post's multi-unit policy.

### **Clearance of Conditions**

Prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- ◆ District School Board of Niagara for Condition 12
- ◆ Niagara Region Planning & Development Department for Conditions 23-34 (inclusive)
- ◆ Ministry of Transportation for Conditions 35-37 (inclusive)
- ◆ Canada Post for Conditions 38-40.

#### **1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:**

- a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
- b) Section 160(2) allows certain exceptions.

#### **2. WATER AND SEWER SYSTEMS**

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

#### **3. CONVEYING**

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

- 4. In order to assist the agencies listed above with clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Sue Mabee  
Supervisor of Planning  
District School Board of Niagara  
191 Carlton Street  
St. Catharines, ON  
L2R 7P4  
Phone No: 905-641-1550 ext. 54225  
Email: sue.mabee@dsbn.org

Director, Development Approvals  
Planning and Development Services Department  
The Regional Municipality of Niagara  
1815 Sir Isaac Brock Way  
Thorold, ON, L2V 4T7  
Phone No: (905) 980-6000  
Toll Free: 1-(800) 263-7215  
Email: devtplanningapplications@niagararegion.ca

Mr. Ted Lagakos  
Senior Project Manager  
Highway Corridor Management Section – Central Operations  
Ministry of Transportation  
7th Floor, Building D, 159 Sir William Hearst Downsview, ON  
M3M 0B7  
Phone No: (416) 268-3932  
Email: ted.lagakos@ontario.ca

Andrew Carrigan  
Officer, Delivery Planning  
Canada Post  
955 Highbury Avenue North  
London, Ontario N5Y 1A3  
Phone: 226-268-5914  
Email: andrew.carrigan@canadapost.ca

## 5. REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous, they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

## 6. SUBDIVISION AGREEMENT

Prior to final approval for registration, a copy of the executed subdivision agreement for the proposed development should be submitted to the Regional Planning and

Development Services Department for verification that the appropriate clauses pertaining to any of these conditions of approval have been included.

## 7. NOTES

- Written permission is required from the Town to remove trees on Town property
- Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution
- Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.
- All Ministry of Transportation submissions should be provided in electronic form.
- The Ministry of Transportation does not clear individual conditions. The Ministry issues a single "Clearance Letter" once all plan conditions have been addressed to their satisfaction.
- Ministry of Transportation Draft Plan of Subdivision comments may need to be updated/revised if the Applicant delays securing ministry clearances and/or ministry priorities change.
- Ministry Building and Land Use permits will be required for individual building lots within 395 m from the centre point of QEW and Netherby Road and 45 m from all ministry property limits.
- Ministry permits are required prior to any on site grading being undertaken.
- Sign permits are required for signing within 400m of the QEW.
- Permit inquiries can be directed to Mr. Peter Deluca, Corridor Management Officer, at (647) 248-8548 or [peter.deluca@ontario.ca](mailto:peter.deluca@ontario.ca)
- Information regarding the ministry's application process, forms and the policy (see specifically Highway Access Management Guidelines and Storm Water Management resources) can be found at the link:  
<https://www.ontario.ca/page/ministry-transportation>

**Ministry of  
Transportation**  
Corridor Management Section  
Central Region  
7<sup>th</sup> Floor  
159 Sir William Hearst Avenue  
Toronto, ON M3M 0B7  
Tel (416) 235-5372  
Fax (416) 235-4267

**Ministère des  
Transports**  
Section de la gestion des couloirs routiers  
Région du Centre  
7<sup>e</sup> étage  
159 avenue Sir William Hearst  
Downsview ON M3M 0B7  
Tél: 416 235-5372  
Téléc: 416 235-4267



November 1, 2022

Sent Via email [kwalsh@forterie.ca](mailto:kwalsh@forterie.ca)

Mr. Kelly M. Walsh, P. Eng.  
Director, Infrastructure Services

**Re: Access to Netherby Road (Niagara Regional Road 25)**

Dear Mr. Walsh,

Thank you for your letter regarding access to Netherby Road (Niagara Regional Road 25), I appreciate the opportunity to respond.

The Ministry of Transportation is responsible for managing the Provincial Highway network. Through the application of legislation, policies, and guidelines, the Ministry supports economic growth while ensuring the safe and efficient movement of people and goods across the province.

MTO has been given the authority for control of Provincial Highway corridors under the *Public Transportation and Highway Improvement Act (PTHIA)*. Access management is required to ensure the safe and efficient movement of traffic along freeways and arterial highways, where access connections to property are secondary to safety and mobility. Without effective access management, the function and character of highway corridors can deteriorate rapidly.

This portion of Netherby Road is designated Controlled Access Highway (CAH) under the PTHIA, meaning that direct access is prohibited. As such, the ministry cannot support opening an access at this location to public traffic. Opening this access would compromise the operational safety of the highway and put motorists' safety at risk.

Should you have any further questions please do not hesitate to contact me.

Thank you again for bringing your concerns to my attention.

Regards,

A handwritten signature in cursive script that reads "Morgan Lawrence".

Morgan Lawrence P.Eng  
Head, Highway Corridor Management Section (Central, West)

c. Becca Lane, Director, Operations (Central)  
c. Moin Khan, Manager of Operations (Central)  
c. Ted Lakagos, Senior Project Manager

**Fw: Douglastown Sewage Lagoon - Black Creek Road Subdivision (Spring Creek Estates)**

**Anamika Dilwaria** to Mackenzie Ceci

11/23/2022 09:07 PM

From Anamika Dilwaria/FortErie  
To Mackenzie Ceci/FortErie@TownOfFortErie

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----- Original message -----

From: "Morrison, Alexander" <Alexander.Morrison@niagararegion.ca>

To: "Anamika Dilwaria" <ADilwaria@forterie.ca>

Cc: "Lambert, Phill" <Phill.Lambert@niagararegion.ca>

Subject: Douglastown Sewage Lagoon - Black Creek Road Subdivision (Spring Creek Estates)

Date: Wed, Nov 23, 2022 12:44 PM

Hi Anamika:

I have followed up with our Infrastructure Planning and Development Engineering Team with respect to the Douglastown Sewage Lagoon. I am able to confirm that the Lagoon has sufficient sewershed capacity for the proposed Black Creek Road Subdivision (Spring Creek Estates) and that our Team does not anticipate any capacity concerns at this time.

I have copied the Region's Director of Infrastructure Planning and Development Engineering, Phill Lambert, to this email should there be any additional questions on this matter.

Thank you,  
Alex

**Alexander Morrison**, MCIP, RPP  
Senior Development Planner  
Planning & Development Services | [Niagara Region](#)  
**P:** (905) 980-6000 ext. 3378  
**E:** [alexander.morrison@niagararegion.ca](mailto:alexander.morrison@niagararegion.ca)  
**F:** 905-641-5208

1815 Sir Isaac Brock Way, P.O. Box 1042  
Thorold, ON L2V 4T7



## Planning and Development Services

<b>Prepared for</b>	Regular Council	<b>Report No.</b>	PDS-79-2022
<b>Agenda Date</b>	December 12 <sup>th</sup> , 2022	<b>File Nos.</b>	350303-0035, 350309-0542

<b>Subject</b>
<b>PROPOSED COMBINED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT &amp; DRAFT PLAN OF COMMENT ELEMENTS CONDOMINIUM &amp; DISPOSAL OF SIXTH STREET ROAD ALLOWANCE AND PART OF ABUTTING LANE 315 &amp; 0-350 GARRISON ROAD QUARTEK GROUP INC. - SUSAN SMYTH (APPLICANT/AGENT) 2717041 ONTARIO INC. - VIJAYKUMAR PATEL (OWNER)</b>

Recommendation	
<b><u>THAT</u></b>	Council approves the amendments to the Town's Official Plan and Zoning By-law No. 129-90 as detailed in Report No. PDS-79-2022 for the lands known as 315 and 0-350 Garrison Road, and further
<b><u>THAT</u></b>	Council approves the Draft Plan of Common Elements Condominium for 315 and 0-350 Garrison Road, dated November 25, 2022 and contained in <b>Appendix “7”</b> , subject to the conditions contained in <b>Appendix “8”</b> of Report No. PDS-79-2022, and further
<b><u>THAT</u></b>	Council directs staff to circulate the Conditions of Draft Plan Approval in <b>Appendix “8”</b> of Report No. PDS-79-2022 to the applicable agencies in accordance with the requirements of the <i>Planning Act</i> , and further
<b><u>THAT</u></b>	Council directs that the Holding Provision not be removed until the abutting Town lands in accordance with <b>Appendix “3”</b> of Report No. PDS-79-2022 have been purchased by the Owner/Developer, and further
<b><u>THAT</u></b>	Council authorizes and approves the sale of the Sixth Street road allowance, Plan 519; Fort Erie, being all of PIN 64220-0126 (LT) and part of the abutting lane, Plan 519; Fort Erie, being part of PIN 64220-0120 (LT) to the Applicant, Vijaykumar Patel, for the amount of \$330,000 plus HST, and further
<b><u>THAT</u></b>	Council directs that the sale of the Sixth Street road allowance and part of the abutting lane be conditional on the subject lands legally merging in title with Applicant’s abutting lands, and further

**THAT** Council directs Staff to submit the necessary By-laws to facilitate the amendments to the Official Plan and Zoning By-law, to authorize the entry into an Agreement of Purchase and Sale in a form satisfactory to the Town Solicitor, and to stop up and close the Sixth Street road allowance and abutting lane.

**Relation to Council's 2018-2022 Corporate Strategic Plan**

Priority: Managed Growth through Responsibility, Stewardship and Preservation

**List of Stakeholders**

Quartek Group Inc. - Susan Smyth (Applicant/Agent)  
2717041 Ontario Inc. - Vijaykumar Patel (Owner)  
Residents and Property Owners in the Town of Fort Erie

Prepared by:	Submitted by:	Approved by:
<b>Original Signed</b>	<b>Original Signed</b>	<b>Original Signed</b>
Mackenzie Ceci Intermediate Development Planner	Anamika Dilwaria MCIP, RPP Manager, Development Approvals	Chris McQueen, MBA Chief Administrative Officer

**Purpose**

The purpose of this report is to provide recommendations to Council with respect to the proposed Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Common Elements Condominium applications for the properties known municipally as 315 and 0-350 Garrison Road. Further, the report offers an analysis and recommendations to Council on a request to purchase the Sixth Street road allowance and part of the abutting lane.

The applications were submitted by Susan Smyth of Quartek Group Inc., Applicant/Agent for Vijaykumar Patel of 2717041 Ontario Inc., who is the Owner of the subject properties. A Location Plan of the subject lands is attached as **Appendix "1"**.

The Draft Plan of Common Elements Condominium application proposes the development of thirty-six, two-storey townhouse dwelling units that are accessed via a private internal road, as shown on the Site Plan contained in **Appendix "2"**. A Combined Official Plan and Zoning By-law Amendment is required to facilitate the

proposed condominium development. The application proposes to rezone the portion of the subject lands that are currently zoned Residential Multiple 1 (RM1-446) Zone to a new site-specific RM1 Zone in order to facilitate a reduction to the minimum lot frontage. The application also proposes to redesignate and rezone a portion of the lands currently designated and zoned as Open Space to Medium Density Residential and the new aforementioned site-specific RM1 Zone, respectively.

The proposal that was presented to Council at the Information Report stage involved the development of thirty-seven townhouses dwelling units, and requested additional site-specific zoning provisions with respect to lot coverage, landscaped area, minimum distance between the rear wall of the dwelling on the same lot, and parking spaces. These departures have since been addressed, and are responsive to the comments received from area residents.

In addition, the Owner of the development site has filed a concurrent municipal land sale application pertaining to the acquisition of the adjacent road allowance and part of the abutting lane from the Town of Fort Erie in order to facilitate a second site access to Walden Boulevard. The lands subject to this request are shown in **Appendix “3”**.

#### **Nature of the Site**

The subject lands are located in the Gateway neighbourhood of the Town of Fort Erie, on the north side of Garrison Road. The southern portion of the parcels received Site Plan approval on June 1, 2021 for a commercial plaza, which is currently under construction and is considered Phase 1 of the development, as shown in **Appendix “4”**. The subject lands and proposed development applications are considered Phase 2 of the development. The development site is approximately 12,430.00 m<sup>2</sup> (1.24 ha) in size. The following summarizes the land uses surrounding the subject property:

**North:** Woodlot, Town-owned lane, unimproved portion of Sixth Street road allowance, and single-detached dwellings;

**South:** Proposed commercial plaza (under construction) and Garrison Road;

**East:** Canadian Tire Gas Station and other commercial establishments; and

**West:** Proposed restaurant with a drive-thru facility

#### **Planning Context**

##### **2020 Provincial Policy Statement**

The subject lands are located within a Settlement Area under the 2020 Provincial Policy Statement (PPS). The policies of the PPS direct growth and development to Settlement Areas, and encourage the building of strong, sustainable, and resilient communities through the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The PPS also encourages a diverse mix of land uses that provide an appropriate supply and range of housing options, and

opportunities for intensification, the redevelopment of underutilized lands, and infill development, where appropriate

The proposal complies with the policies outlined in the PPS as it will facilitate the development of underutilized residential lands in the urban boundary, promote the efficient use of existing municipal infrastructure, and will assist with diversifying housing choices in the Gateway neighbourhood.

### **2020 Growth Plan for the Greater Golden Horseshoe (Growth Plan)**

The subject lands are located within the Greater Golden Horseshoe Growth Plan Area, and are contained within the Delineated Built-up Area. The Growth Plan contains policies that encourage infill and intensification, and the development of complete communities with a diverse mix of land uses that promote economic development and competitiveness, and provide a range of housing types.

The proposal complies with the policies outlined in the Growth Plan as it will assist with diversifying housing choices and the mix of land uses in the Gateway neighbourhood.

### **2022 Regional Official Plan (ROP)**

The new Regional Official Plan (ROP) identifies the subject lands as being located within the Urban “Built-up” Area of the Town. Built-up areas are planned to accommodate a compact built form, mix of land uses, and public service facilities in order to support the creation of complete communities. A diverse range and mix of housing types, unit sizes, and densities is encouraged to accommodate current and future housing needs. Further, built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities are supported.

The proposal complies with the policies outlined in the ROP. The proposal represents a compact built form, and an efficient use of urban land, and existing services and infrastructure. Further, the proposal diversifies housing choices in the neighbourhood, aligns with Regional growth management policies, and assists the Town with achieving its intensification target.

### **Town of Fort Erie Official Plan and Gateway Secondary Plan**

The majority of the subject lands are designated Medium Density Residential, and a portion of the lands are designated Open Space in the Gateway Secondary Plan.

Policy provides that Medium Density Residential lands shall be reserved for multiple-unit structures, including townhomes and their accessory uses, at a density range of between 25 and 50 units per gross hectare. Lands designated Open Space shall be reserved for a variety of active and passive recreational and open space uses.

The Gateway Secondary Plan envisions a conceptual neighbourhood vehicle linkage and trail through the Sixth Street road allowance and a portion of the abutting lane, and the development site.

The Applicant is proposing to redesignate approximately 1,760.00 m<sup>2</sup> (0.18 ha) of the lands currently designated Open Space to Medium Density Residential to permit five of the thirty-six proposed townhouse dwelling units, and part of the proposed private road, as detailed in **Appendix “5”**. Approximately 1,097.00 m<sup>2</sup> (0.11 ha) of the site will remain designated as Open Space.

Based on the Site Plan submitted with the application and contained in **Appendix “2”**, the proposed Draft Plan of Condominium has a density of 29 units per hectare. Should the Applicant acquire the road allowance lands from the Town, the additional lot area will yield a density of 27.5 units per hectare. The proposed density will comply with the Medium Density Residential density range of 25 to 50 units per gross hectare.

Section 13.7 III of the Town’s Official Plan details criteria for consideration when an amendment to the Official Plan is proposed. Staff have addressed the relevant criteria in detail below:

- a. The need for the proposed use;

The Gateway Secondary Plan provides for an additional approximately 620 Medium Density units by 2031, by way of development forms that are compact, compatible with existing development, and provide a diversity of suitable housing choices, and opportunities to relieve pressures for urban expansion. To achieve this target, the Secondary Plan has set out a prescribed density range of 25 to 50 units per gross hectare for medium density residential lands. The proposed amendment will facilitate the development of thirty-six block townhouse dwelling units, with an overall density that corresponds with the lower end of the prescribed density range. The development will contribute to the diversification of housing choices in the neighbourhood and will minimize urban land consumption.

- b. The extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;

The majority of lands designated Medium Density Residential in the Gateway Secondary Plan are located on the south side of Garrison Road. The subject lands, along with the rear portions of 321 Garrison Road to the west and 255 Garrison Road to the east, represent the only medium density residential lands on the north side of Garrison Road, all of which have yet to be developed. The proposed development will initiate the development of these lands, and provides for private road connections to the rear portions of 321 and 255 Garrison Road. The proposed development will help achieve the Secondary Plan’s vision of providing for an additional 620 Medium Density units by 2031.

- c. The physical suitability of the land for such proposed use, and in the case of lands exhibiting or abutting a Natural Heritage feature, demonstration of compliance with the Natural Heritage policies of this plan;

The subject lands are not constrained by natural heritage features, and do not contain significant wildlife habitats, as demonstrated through the Environmental Impact Study and peer review that were conducted. As such, the site is physically suitable for the proposed use.

- d. The location of the area under consideration with respect to:
  - I. the adequacy of the existing and proposed highway system in relation to the development of such proposed areas,
  - II. the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto, and
  - III. the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations of the Ministry of the Environment and the Regional Niagara Public Health Department and any other appropriate authority deemed advisable.

The subject lands are located on the north side of Garrison Road (Niagara Regional Road No. 3). Garrison Road is an Arterial Road and is designed to carry moderate volumes of medium distance inter-regional and inter-municipal traffic, as well as traffic en route to and from the Provincial highway system. Pedestrian infrastructure exists in the surrounding area, and pedestrian connections from Walden Boulevard and Garrison Road are provided to the site.

The subject lands are located within the urban boundary and will connect to the existing municipal water and sanitary services within the Garrison Road road allowance. The property is considered to be fully serviced.

- e. The compatibility of the proposed use with uses in adjoining areas;

The land uses surrounding the subject lands include low and medium density residential, commercial, and open space uses, in addition to a woodlot. The proposed development was sensitively designed in a way that responds to the existing low density residential development in the neighbourhood. The 11.50 m (37.73 ft) wide buffer strip between the development and the residential lands to the north, in addition to the 3.81 m lane that already exists, provides adequate separation between the uses. Further, the compact built form allows for a transition in density between the existing low density residential uses and the core mixed use lands along Garrison Road, which have been reserved for greater building heights and densities in the Secondary Plan.

The peer review of the Environmental Impact Study concludes that a significant woodland, wetland, and wildlife habitat are absent from the site and abutting properties, and that the test of no negative impact is neither relevant nor applicable. As such, the proposed development is not anticipated to have an impact on the adjacent open space uses.

- f. The effects of such proposed use on the surrounding area in respect of the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;

There is no evidence to suggest that the proposed development will have a depreciating or deteriorating effect on adjoining properties. On the contrary, the proposed development may have an overall positive and catalytic effect by attracting and supporting commercial establishments in the new commercial plaza directly to the south, and the various other commercial establishments that are located along the Garrison Road Corridor.

- g. The potential effect of the proposed use on the financial position of the municipality; and

The proposed redesignation of the subject lands will not negatively affect the financial position of the municipality as all works associated with the proposed development are the responsibility of the Owner/Developer. The proposed residential development will increase the tax base of the municipality, and provide the municipality with development charges.

- h. The potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act.

As the majority of the subject lands were envisioned for medium density residential development through the Gateway Secondary Plan, the proposed uses will not impact the intent or implementing regulations of the *Environmental Protection Act*.

### **Comprehensive Zoning By-law No. 129-1990**

The subject property is currently zoned Residential Multiple 1 (RM1-446) Zone and Open Space (OS-450) Zone, in accordance with Zoning By-law No. 129-90, as amended by By-law No. 58-2011. The RM1-446 Zone includes block townhouse dwelling units as a permitted use, and permits a site-specific density of between 25 and 50 units per gross hectare. The Applicant's original proposal involved rezoning the lands currently zoned RM1-446 Zone to a new site-specific RM1 Zone in order to facilitate an increase in lot coverage, and reductions to the minimum lot frontage, minimum landscaped area, minimum distance between the rear wall of the dwelling on the same lot, and minimum number of parking spaces, as outlined in the third column of **Table 1**, and detailed in **Appendix "6"**. However, the Applicant has since been able to resolve all of the above noted departures, except for the minimum lot frontage requirement. The

current site-specific zoning provision for density would be carried over to the new site-specific RM1 Zone.

**Table 1.** Summary of required and proposed site-specific provisions

Provision	Required	Previous Proposal	Current Proposal
Minimum Lot Frontage	50.00 m	20.22 m	20.22 m
Minimum Landscaped Area	50.00 %	32.60 %	50.00%
Minimum Distance Between Buildings on the Same Lot (Between Two Rear Walls)	15.00 m	12.30 m	± 17.00 m
Maximum Lot Coverage	40.00 %	47.50 %	30.60 %
Parking Spaces	1.50 spaces per unit	1.20 spaces per unit	1.50 spaces per unit

The subject properties as a whole have frontage on Garrison Road. However, Phase 1 of the development currently utilizes this frontage. While Phase 2 at the rear portion of the subject properties will have access to the Garrison Road frontage by way of reciprocal easements that have been established, the acquisition of the Sixth Street road allowance and abutting lane, if recommended by Council, will facilitate 20.22 m of frontage on Walden Boulevard as the Town lands will be required to merge in title with the Developer's abutting lands. The site-specific zoning is recommended to recognize this lot frontage.

The Applicant is also proposing to rezone approximately 1,760.00 m<sup>2</sup> (0.18 ha) of the lands currently zoned OS-450 to the same site-specific RM1 Zone to permit five of the thirty-six proposed townhouse dwelling units, and part of the proposed private road, as detailed in **Appendix "6"**. Approximately 1,097.00 m<sup>2</sup> (0.11 ha) of the site will remain zoned as Open Space, consisting of a 11.50 m (37.73 ft) wide buffer strip between the development and the residential lands to the north, which is in addition to the 3.81 m lane that already exists.

The Applicant, through the submission of the Environmental Impact Study, has demonstrated that the portion of the OS-450 lands to be rezoned do not contain a significant woodlot, wetland, or wildlife habitat, and that the test of no negative impact is neither relevant nor applicable as a result. The proposed rezoning will allow for additional lands to be developed for medium density residential purposes at a density that complies with the intent and vision of the Secondary Plan. Further, the proposed development was sensitively designed in a way that responds to the existing low density residential development in the neighbourhood. For these reasons, Staff support the proposed amendment to the Zoning By-law.

To ensure that the proposed zoning cannot come into effect independent of the acquisition of the abutting Town lands, Staff recommend that a Holding Provision be imposed, which can be lifted by the Developer/Owner once the transaction to purchase the Town lands outlined in **Appendix "3"** is completed.

## Draft Plan of Condominium

The proposed Draft Plan of Condominium will accommodate a total of thirty-six, two-storey townhouse dwelling units, as shown in **Appendix “7”**. The proposed development will consist of a Common Elements Condominium (CEC). A CEC is a form of condominium that has common elements such as a private road, visitor parking spaces, and landscaping. A CEC is used to tie parcels of land that are not part of the condominium to the common elements.

The proposed development site will be accessed via an entrance from Garrison Road that is shared with the proposed commercial plaza to the south. A second access is proposed at the rear of the development site to Walden Boulevard via the unimproved portion of the Sixth Street road allowance, and part of the abutting lane, which are being recommended for disposal by Staff. The second access will consist of an improved private road, sidewalk, and landscaping, and will be provided and maintained at the expense of the Owner/Developer.

The Common Elements Condominium is also subject to Site Plan Control and all the development matters (i.e. site servicing/grading, landscaping, lighting, fencing, and waste disposal) will be addressed in the future Site Plan Agreement. The Condominium Corporation will be required to assume the responsibilities of the Site Plan Agreement through a Condominium Agreement.

The Draft Plan of Condominium will be subject to the conditions of approval contained in **Appendix “8”**.

### **Financial/Staffing and Accessibility (AODA) Implications**

All costs associated with processing the applications and servicing the proposed development are the responsibility of the Owner/Developer.

No staffing implications are expected.

No impediments to the AODA legislation are expected to be developed through the proposed amendments and approvals.

### **Studies**

The following studies were submitted with the applications:

- [Phase One](#) and [Two](#) Environmental Site Assessments;
- [Environmental Impact Study and Tree Savings Plan](#);
- [Functional Servicing Report](#); and
- [Stormwater Management Report](#)

The findings of these studies are discussed in detail throughout Report No. [PDS-55-2022](#).

At the August 8<sup>th</sup>, 2022 Council-in-Committee meeting, Council requested that a Traffic Impact Brief and Peer Review of the Environment Impact Study be completed. The findings of these submissions are summarized below.

### Environmental Impact Study (EIS) Peer Review

- Completed by Barry Myler of Myler Ecological Consulting, dated October 14, 2022;
- The EIS contains sufficient information to conclude that an Environmental Conservation Area Significant Woodland is absent from the site and abutting properties;
- EIS contained sufficient information to support the conclusion that a Significant Wildlife Habitat (SWH) is absent from the site and abutting properties;
- The Cultural Shrub Thicket does not meet the Conservation Authorities Act definition of wetland and has been confirmed to lack substantial and significant wildlife habitat function. The wetland should not have been listed in the EIS as a constraint to development;
- As Significant Woodland, SWH, and Significant Wetland are absent from the site and abutting properties, the test of no negative impact is neither relevant nor applicable;
- The treed corridor within the site's northern limit is proposed to be retained and protected as Open Space, and not as Significant Woodland or SWH. Accordingly, the proposed construction of the private driveway access to Walden Boulevard across the Open Space corridor will not, and cannot, negatively impact Regional Core Natural Heritage System features or their connectivity on or adjacent to the site because such features have been shown to be absent; and
- With respect to the tree compensation ratio, the peer review disputes the 2:1 ratio that was identified in the EIS and associated Tree Savings Plan. The peer review states that there is no discussion, rationale, or justification for the proposed tree compensation, that there is no Town or Regional policy basis for the requirement, that there is no ecological function at the site for which tree compensation might be recommended as part of mitigation, restoration, or enhancement, and that in summary, the proposed ratio is unwarranted.
- Staff recognize the merit of this opinion, but are supportive of efforts that assist with restoring the urban tree canopy. For the reasons outlined above, Staff find merit in reconsidering the 2:1 tree compensation ratio that was proposed given

the scope, nature and location of the proposed development. Based on the submitted information, Staff suggest that a compensation ratio of 1:1 is more appropriate given the characterization of the subject lands. Staff also suggest that this ratio is only applicable to the removal of the 76 trees that were reported to be in Fair to Excellent condition. Based on the Town's tree contribution fee of \$500 per tree, Staff are recommending that a condition of draft plan approval requiring the Developer to pay \$38,000 (76 x \$500) be imposed by the Town. This approach was supported by Regional Staff and the Developer.

### **Traffic Impact Brief**

- Completed by RC Spencer Associates Inc. and dated September, 2022;
- Estimated that the proposed development will generate 15 trips during the AM peak hour, with 4 entering and 11 exiting the site, and 19 trips during the PM peak hour, with 12 entering and 7 exiting;
- The intersections of Walden Boulevard at Concession Road and Concession Road at Garrison Road are expected to perform at good levels of service, even with the addition of anticipated area development traffic and site generated traffic. Geometric and/or traffic control improvements are not required to accommodate the proposed residential development;
- The stop-controlled tee intersection of the site access at Garrison Road will perform at good levels of service, even with the addition of anticipated area development traffic and site generated traffic. Geometric and/or traffic control improvements are not required to accommodate the proposed residential development;
- The proposed stop-controlled intersection of the site access at Walden Boulevard will perform at good levels of service in the respective AM and PM peak hours. Considering the extremely low volume of traffic on Walden Boulevard, the impact of adding site generated traffic will be nominal. Traffic operations or safety will not be compromised with the construction of the subject development. Walden Boulevard has the capacity to receive the additional traffic produced by the development;
- If Town Council does not dispose of the road allowance, the residential development would still be viable as the minimal northbound traffic would be absorbed into the volumes utilizing the Garrison Road access, and traffic operations along Garrison Road would not be affected. However, emergency access would be compromised.

### **Policies Affecting Proposal**

A Public Information Open House for these applications was held on May 17<sup>th</sup>, 2022. All property owners within 120 m of the subject property were notified of the Open House via mailed notice.

Notice of the August 8<sup>th</sup>, 2022 Public Meeting was circulated in accordance with the *Planning Act* by placing an advertisement in the July 14<sup>th</sup>, 2022 edition of the *Fort Erie Post*. In addition, all property owners within 120 metres of the subject property were mailed a “Notice of Complete Application and Public Meeting” on July 18<sup>th</sup>, 2022.

Land use policies that apply to the subject property are contained in the Town’s Official Plan and applicable Regional and Provincial regulations.

### **Comments from Relevant Departments/Community and Corporate Partners**

A request for comments regarding these applications was circulated to relevant Departments/Community and Corporate Partners on April 24<sup>th</sup>, 2022. Comments received in advance of the Public Meeting are available in Report No. [PDS-55-2022](#) for review.

### **Public Comments**

A Public Information Open House for these applications was held on May 17<sup>th</sup>, 2022. All property owners within 120 metres of the subject property were notified of the Open House via mailed notice. Seven members of the public were in attendance, and written comments were received from one attendee after the Open House. All public comments received in advance of the Public meeting are available for review through Report No. [PDS-55-2022](#).

At the August 8<sup>th</sup>, 2022 Public Meeting, no members of the public spoke in favour or opposition of the applications. However, following the Public Meeting, additional comments were received from area residents, along with a petition signed by 81 residents (**Appendix “9”**). The following concerns were identified:

- traffic noise and congestion;
- the proposed density;
- the use of the road allowance lands by recreational vehicles;
- the visitor parking spaces that were once proposed within the road allowance; and
- the location and necessity of the private road access to Walden Boulevard

The concerns and responses thereto are summarized below.

### Traffic Noise and Congestion

Concerns with respect to noise and congestion resulting from traffic were raised.

#### *Staff's Response*

The Traffic Brief estimated that the proposed development will generate 15 trips during the AM peak hour, with 4 entering and 11 exiting the site, and 19 trips during the PM peak hour, with 12 entering and 7 exiting the site. It is expected that these trips would then be distributed between the two site accesses. It is estimated that during AM peak hour, 6 of the 11 trips would exit at the Walden Boulevard access, and the remaining 5 would exit at the Garrison Road access. During the PM peak hour, it is estimated that 6 of the 12 trips would enter at the Walden Boulevard access, and the remaining 6 would enter at the Garrison Road access.

It is estimated that currently during AM peak hour, 22 vehicles travel westward on Walden Boulevard towards Concession Road. During the PM, 23 vehicles travel eastward on Walden Boulevard from Concession Road. It is estimated that during the AM and PM peak hours, the site generated traffic would contribute an additional 6 vehicles during each peak hour, totaling 28 vehicles in the AM and 29 vehicles in the PM.

Town Staff concur with the following conclusions of the Traffic Brief:

- The impact of adding site generated traffic will be nominal;
- Traffic operations and safety will not be compromised with the construction of the subject development; and
- Walden Boulevard has the capacity to receive the additional traffic produced by the development.

### Proposed Density

Concerns were raised with respect to the proposed density and number of dwelling units proposed.

#### *Staff's Response*

The proposed Draft Plan of Condominium has a density of 29 units per hectare. Should the Applicant acquire the road allowance lands from the Town, the additional lot area will yield a density of 27.5 units per hectare. The proposed density complies with the Medium Density Residential density range of 25 to 50 units per gross hectare that was envisioned and approved through the Gateway Secondary Plan process.

### Recreational Vehicles on Road Allowance Lands

Concerns were raised with respect to the road allowance lands. Residents are concerned that the removal of trees from the road allowance lands will attract recreational vehicles users.

#### *Staff's Response*

Staff note that if the Town lands are acquired by the Owner/Developer, the road allowance lands will no longer be public property. Members of the public that choose to operate recreational vehicles on these lands will be trespassing on private property. The onus to secure private property generally falls on the Owner of the lands. Staff have informed the Owner/Developer of these concerns.

### Proposed Visitor Parking within Road Allowance Lands

Concerns were raised regarding the visitor parking that was previously proposed within the road allowance lands.

#### *Staff's Response*

The Site Plan presented at the Information Report stage included 12 visitor parking spaces within the Sixth Street road allowance lands that are currently owned by the Town. These parking spaces were proposed as a way to address the Applicant's proposed parking rate of 1.20 spaces/unit. Following the Public Meeting, area residents adjacent to the road allowance lands raised concerns about the proposed parking spaces, noting that they would be disruptive and have an impact on privacy. The 12 visitor parking spaces were removed in response to these concerns. Instead, the Applicant removed one dwelling unit and reconfigured the parking to accommodate all 18 visitor parking spaces on site, as shown in **Appendix "2"**. The current proposal can accommodate the required parking rate of 1.50 spaces/unit.

### Location and Necessity of the Private Road Access to Walden Boulevard

Concerns were raised with respect to the location of the private road within the road allowance lands, and the overall necessity of providing a second access to the development.

#### *Staff's Response*

Staff note that the private road is not centred to the road allowance lands. The Tree Savings Plan completed by Natural Resource Solutions Inc. identifies 21 trees that are to be retained on site. The location of the private road was selected to ensure that the root systems of the trees would be protected.

Further, with respect to the need for a second access, Staff note that the Traffic Brief notes that emergency access would be compromised if the access is not provided. As such, Staff are recommending the disposal of the Sixth Street road allowance and part of the abutting lane to ensure that this access can be provided.

### **Disposal of Town-owned Land**

The Owner of the development site has filed a concurrent municipal land sale application pertaining to the acquisition of part of the adjacent road allowance and lane from the Town of Fort Erie in order to facilitate a second access to the site from Walden Boulevard. The lands subject to this municipal land sale request are shown in **Appendix “3”**. The Sixth Street road allowance and the abutting lane are an original road allowance and lane on the 1926 plan of subdivision.

Staff note that the subject portion of the road allowance and lane are not designated or zoned in the Town’s Official Plan or Zoning By-law. Rather, the designations and zones on either side of the road allowance and lane are interpreted to extend to the road allowance centreline. Given this, the land use designation of the Sixth Street road allowance and abutting lane is interpreted as Low Density Residential in the Gateway Secondary Plan. This designation is reserved for single detached, semi-detached and duplex dwellings, and their accessory uses. The zoning is interpreted as Residential 2 (R2) Zone in accordance with the Town of Fort Erie Comprehensive Zoning By-law No. 129-1990. Permitted uses in the R2 Zone include single detached dwellings and uses, buildings and structures accessory thereto, home occupations, and an accessory apartment dwelling. The R2 Zone’s minimum lot frontage and area requirements for an interior lot are 15.00 m (49.21 ft) and 510.00 m<sup>2</sup> (0.13 ac), respectively.

The road allowance and lane that are subject to this request have a combined area of approximately 698.31 m<sup>2</sup> (0.07 ha), and a width of 20.00 m (65.62 ft) and 3.75 m (12.30 ft), respectively. The road allowance and lane are not improved, and the lane is not actively maintained by the Town with any regular frequency.

Planning Staff are of the opinion that the Town-owned land is fully marketable based on its conformity with the Zoning By-law’s minimum lot frontage and area requirements for the R2 Zone, and that the land should be appraised accordingly. However, Planning Staff recognize that the land plays a critical role in facilitating the development of the privately-owned lands to the south.

Planning Staff prepared a report for the January 13<sup>th</sup>, 2022 Land Committee meeting. Land Committee put forth the following recommendations, which were subsequently approved by Council:

***THAT: Land Committee receives Report No. LC-01- 2022 for information purposes and advises Staff that it is desirable to proceed with the sale of the Town-owned land as outlined in the report, and further***

***THAT:*** Disposal of the subject Town land follows the process under Part 6 of the Sale of Land Policy, and further

***THAT:*** Land Committee directs staff to obtain an appraisal for the subject lands, and further

***THAT:*** Final consideration of the land sale occurs concurrently with consideration of future Planning Act applications for 0-350 Garrison Road and 315 Garrison Road.

Staff subsequently obtained an appraisal of the lands. The lands were appraised at \$330,000. The Owner/municipal land sale Applicant and two abutting landowners were notified of the appraised value. No response was received from the Owner of 232 Walden Boulevard and a letter was received from the Owner of 228 Walden Boulevard indicating that it was not financially feasible for them to purchase the lands. The Applicant, Mr. Patel, submitted a written offer to purchase the lands for the appraised value.

Staff recommend disposing of the lands to Mr. Patel for the following reasons:

- the intent of the Secondary Plan with respect to the provision of a vehicular linkage will be upheld;
- will facilitate frontage on a public street;
- the proposed private road construction will not, and cannot, negatively impact Regional Core Natural Heritage System features or their connectivity on or adjacent to the site because such features have been shown to be absent;
- the sale will facilitate a second access to the subject site, which has been deemed necessary for emergency access purposes, as identified in through the Traffic Impact Brief;
- the site generated traffic will be nominal at this point of access; and
- the sale of the lands will generate income for the Town

Staff recommend that the lands subject to disposal be redesignated and rezoned through future housekeeping amendments to align the designation and zoning of the lands with the proposed use. The completion of a Reference Plan to describe the lands as parts will be required at Mr. Patel's expense.

To ensure that the development proceeds in a timely manner, Staff recommend that the By-law authorizing the entry into an agreement of purchase and sale stipulates that the By-law shall expires on August 15<sup>th</sup>, 2023 if the purchaser has not completed the transaction, rather than the standard one-year period being imposed. Further, Staff

recommend that the sale be conditional on conditional Site Plan Approval being obtained prior to closing, and building permits being applied for on or before the closing date. Staff note that the timing was developed in consultation with the Developer.

### **Alternatives**

Council may elect to deny the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Condominium applications. Planning Staff do not recommend this as the proposal is consistent with Provincial, Regional, and Town planning policies, and represents good land use planning. If Council denies the development applications, Staff do not recommend disposing of the Town lands at this time.

Council may recommend not disposing of the Town lands at this time. Planning Staff do not recommend this as there is no need to retain the lands in Town ownership. Disposal of these lands will facilitate the development of the lands to the south, uphold the intent of the Secondary Plan, and will generate income for the Town. Staff do not recommend approval of the development applications if the sale of the Town lands is denied as the proposed Draft Plan of Condominium was developed and designed based on the acquisition of these lands.

### **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's Recommendation, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the Applicant has an opinion from an independent planning consultant then Council can consider their report as the second planning opinion. In the event, the second planning opinion, obtained by the Clerk or provided by the Applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

### **Communicating Results**

There are no communication requirements at this time.

### **Conclusion**

Planning Staff are of the opinion that the proposed Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Condominium applications represent good planning. The applications will facilitate the development of thirty-six block townhouse dwelling units, which will diversify the housing stock in the Gateway neighbourhood, and provide for a compact form of development that will better utilize the Town's existing urban land and infrastructure. Further, the proposal aligns with the intent and objectives

of the Gateway Secondary Plan, alongside Provincial and Regional policies. Planning Staff recommend that Council approves the Combined Official Plan and Zoning By-law Amendment, and Draft Plan of Condominium as proposed.

<b>Attachments</b>
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**Appendix “1”** - Location Plan

**Appendix “2”** - Site Plan – Phase 2

**Appendix “3”** - Location Map for Municipal Land Sale

**Appendix “4”** - Site Plan – Phase 1 (Commercial Plaza)

**Appendix “5”** - Proposed Land Use Designations

**Appendix “6”** - Proposed Zoning

**Appendix “7”** - Proposed Draft Plan of Condominium

**Appendix “8”** - Conditions of Draft Plan Approval


**Appendix “9”** - Letter and Petition from Area Residents



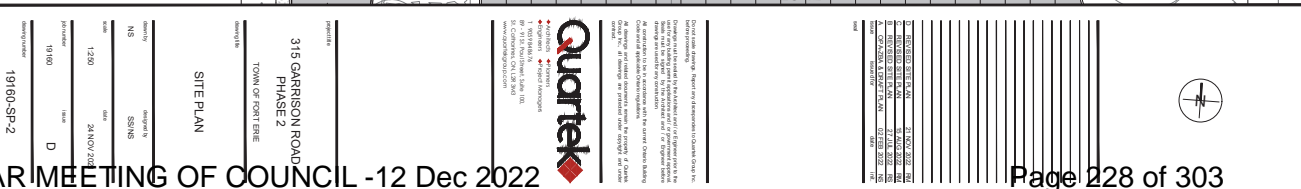
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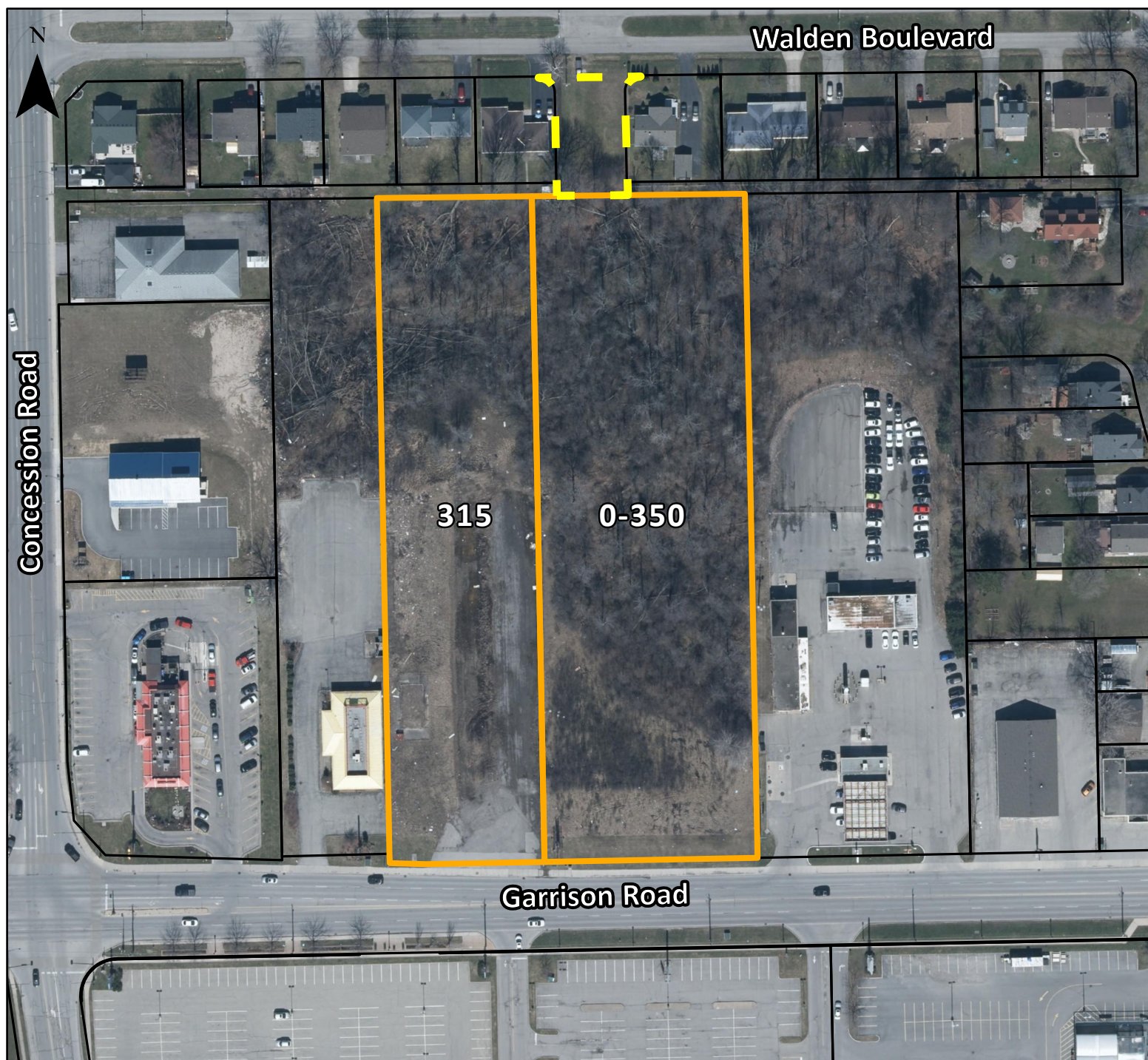
## LOCATION PLAN

Combined Official Plan & Zoning Amendment, Draft Plan of  
Condominium - Part of 0-350 & 315 Garrison Road

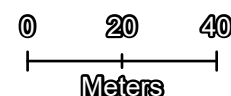
 Subject Lands - Part of 0-350 & 315 Garrison Road

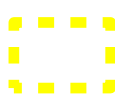



[illegible]




**REQUEST TO PURCHASE MUNICIPAL LAND - PART OF SIXTH STREET  
ROAD ALLOWANCE & PART OF LANE**



 Town Land Under Consideration for Disposal  
Part of Sixth Street Road Allowance & Part of Lane  
Combined Area = 698.31 sq m (0.17 ac)

 Applicant's Lands (315 & 0-350 Garrison Road)

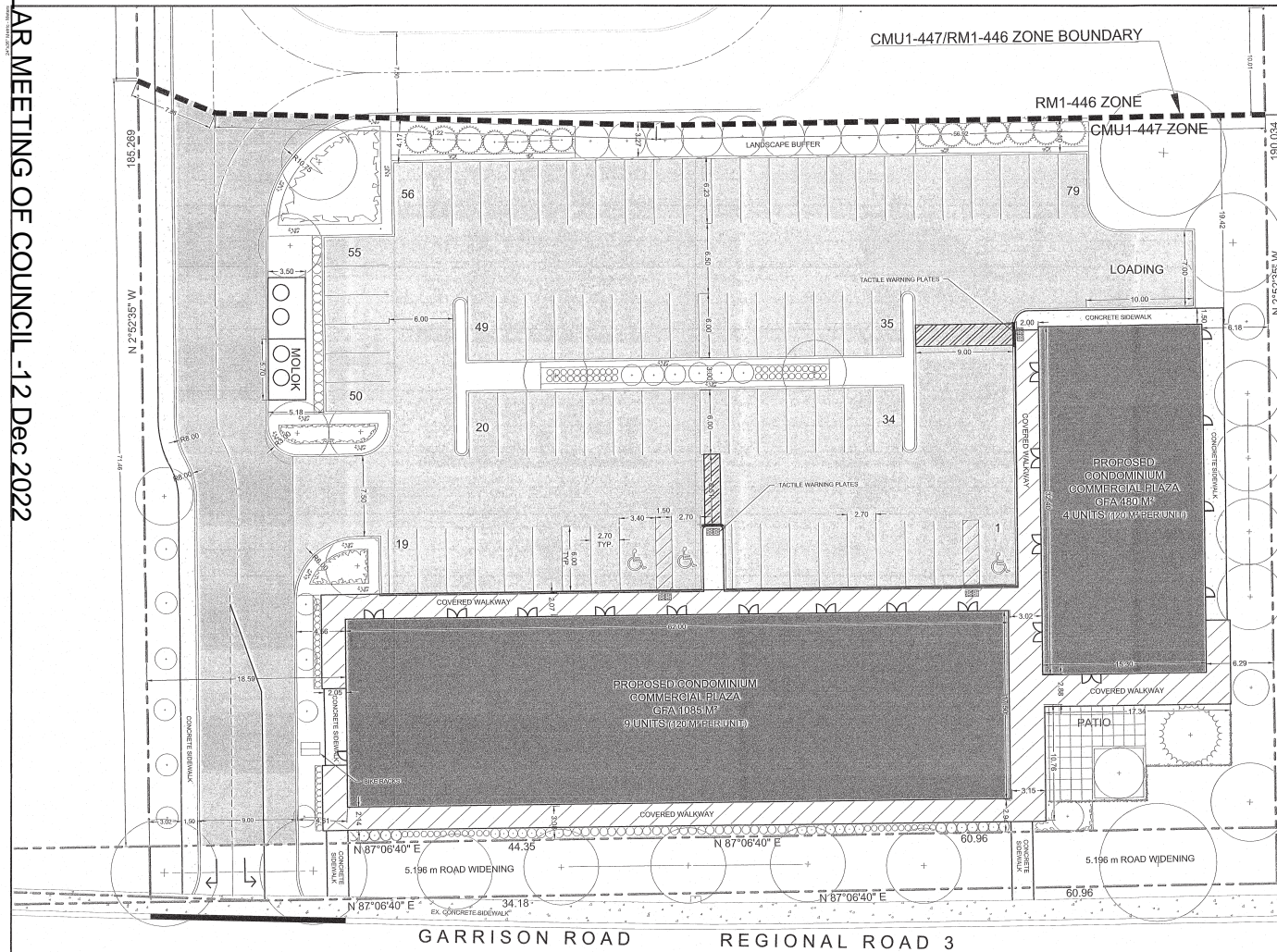
 Parcel Fabric (Teranet)  
2020 Aerial Imagery

REGULAR MEETING OF COUNCIL -12 Dec 2022

# APPENDIX "4" TO ADMINISTRATIVE REPORT PDS-79-2022 DATED DECEMBER 12, 2022

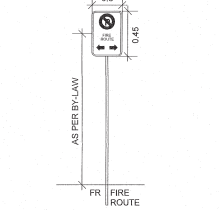
REGULAR MEETING OF COUNCIL -12 Dec 2022

Page 230 of 303



## FIRE ROUTE SIGNAGE DETAIL

N.T.S.  
SIGN MOUNTED ON POLE AS NOTED ON SITE PLAN



## METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

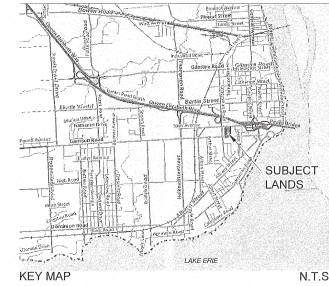
## NOTES

1. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION AND REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE TOWN AND AT THE SOLE EXPENSE OF THE OWNER.
2. FIRE ROUTE SIGNS AND THREE WET FIRE HYDRANTS SHALL BE ESTABLISHED TO THE SATISFACTION OF THE FIRE DEPARTMENT AND AT THE SOLE EXPENSE OF THE OWNER.
3. COMMERCIAL GARBAGE COLLECTION TO UTILIZE PRIVATE CONTRACTOR.

## Town of Fort Erie

Approved Site Plan

Signed *[Signature]* Date *May 2021*



KEY MAP

N.T.S.

## SITE PLAN AND BUILDING STATISTICS

Development Proposal		Phase 1 consisting of CMU1 zoned lands. Proposed 1685 sq. m GFA commercial plaza and associated parking area.	
Owner		2717041 Ontario Inc.	
Municipal Address		315 Garrison Road, Fort Erie	
Legal Description		Part 1 of Plan 59R-14163 Town of Fort Erie Regional Municipality of Niagara	
Official Plan Designation		Core Mixed Use (Gateway Secondary Plan)	
Zoning and Zoning By-law		CMU1-447	
		REQUIRED	PROVIDED
Min. Lot Area		0 sq. m.	7043.526 sq. m
Min. Lot Frontage		0m	105.33m
Min. Front Yard		0m	2.93m
Min. Interior Side Yard		0m, except the minimum side yard abutting a residential zone shall be 2.5m	6.18m
Min. Exterior Side Yard		0m	N/A
Min. Rear Yard		4.5m except the minimum rear yard abutting a residential zone shall be 10m	19.35m
Max. Building Height		(i) 4 storeys (j) 15m	1 storey
Required Parking		See section 6.20 - Shopping Centres All off-street parking shall be provided in the rear or side yard and screened from street line by decorative landscaping and/or landscaping at least 1.2m in height	Comply

## CMU1-447 Site Specific Provisions

a) Notwithstanding the requirements of Section 26A and any additional requirements set out in By-law 58-11, uses lawfully existing as of the date of passing of By-law 58-11 shall be deemed to be permitted uses, and the location of existing buildings and parking areas shall be deemed to be compliant with this By-law. Any proposed uses, additions and/or expansions to existing buildings shall be required to conform to the requirements of this By-law.	N/A
b) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 14 of this By-law shall be permitted, provided they are setback a minimum of 65m from Garrison Road. All other Zone regulations of Section 14 shall apply to such uses.	N/A
c) Notwithstanding the requirements of Section 26A, buildings used solely for residential purposes as described in Section 15 of this By-law shall be permitted, provided they are setback a minimum of 65m from Garrison Road and are no greater than four (4) stories in height. All other Zone regulations of Section 15 shall apply to such uses.	N/A
d) Notwithstanding the requirements of Section 26A, for buildings in this Zone with exterior walls that front upon Garrison Road, the use of the ground floor shall be restricted to commercial use in accordance with this By-law. Floors above the ground floor may be used for either commercial use or residential use.	Comply

Parking and Loading		REQUIRED	PROVIDED
Parking Spaces		1 space per 20 sq. m GFA Total: 79 spaces	79 spaces
Accessible Parking Spaces		3 spaces	Type A: 2 spaces Type B: 1 space
Loading Spaces		Commercial over 929 sq. m 1 loading space	2 loading spaces

F	RESUBMISSION	05 FEB 2021	NS
E	REVIEW	26 JAN 2021	NS
D	RESUBMISSION	21 DEC 2020	NS
C	FOR SPA	16 OCT 2020	JR
B	REVISION	16 SEPT 2020	JR
A	DRAFT	21 JUL 2020	JR
Drawn by		4890	PC

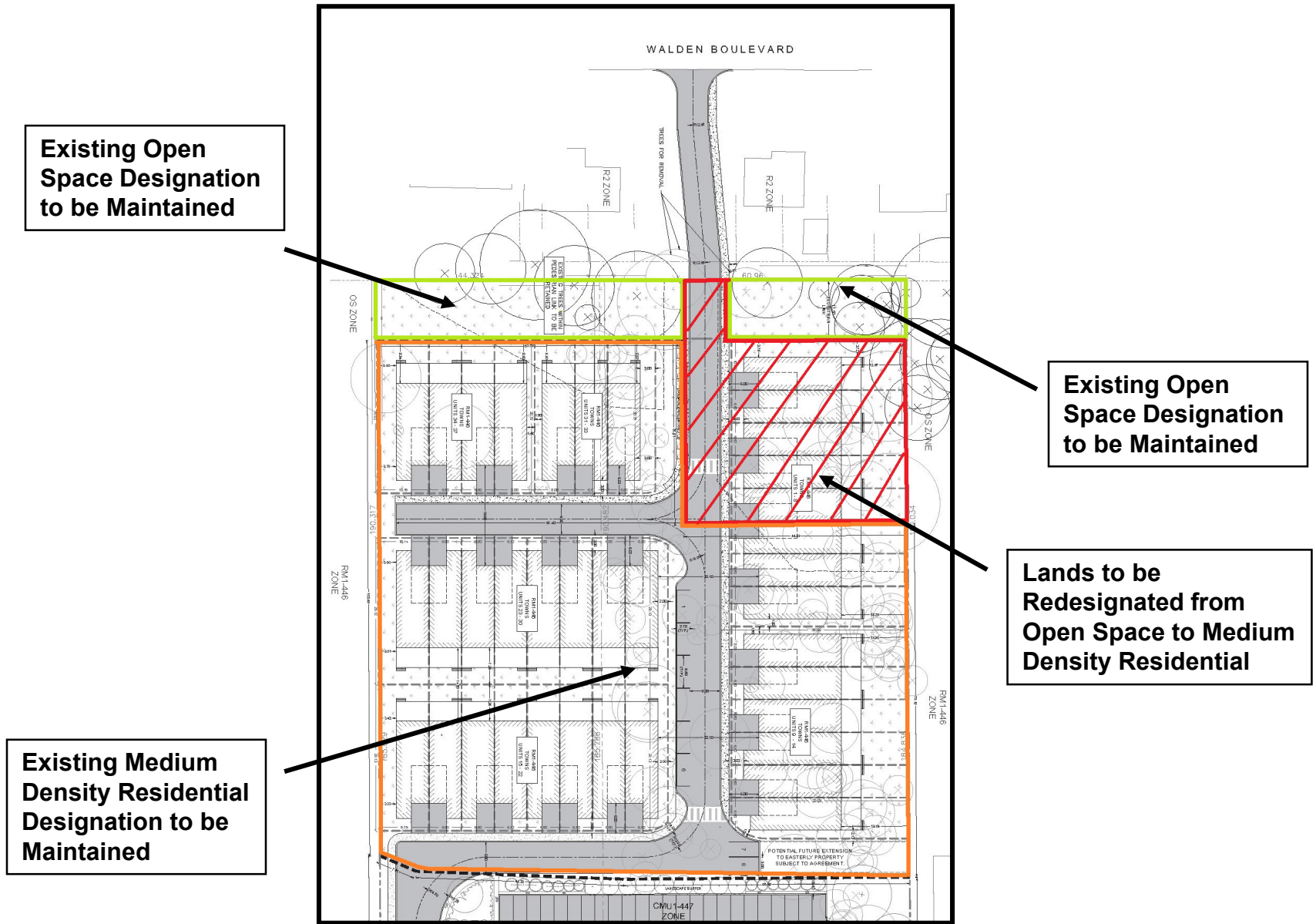
Client: Quark Group Inc.  
Drawing: 315 GARRISON ROAD COMMERCIAL DEVELOPMENT  
Scale: 1:200  
Date: 29 Jan 2021

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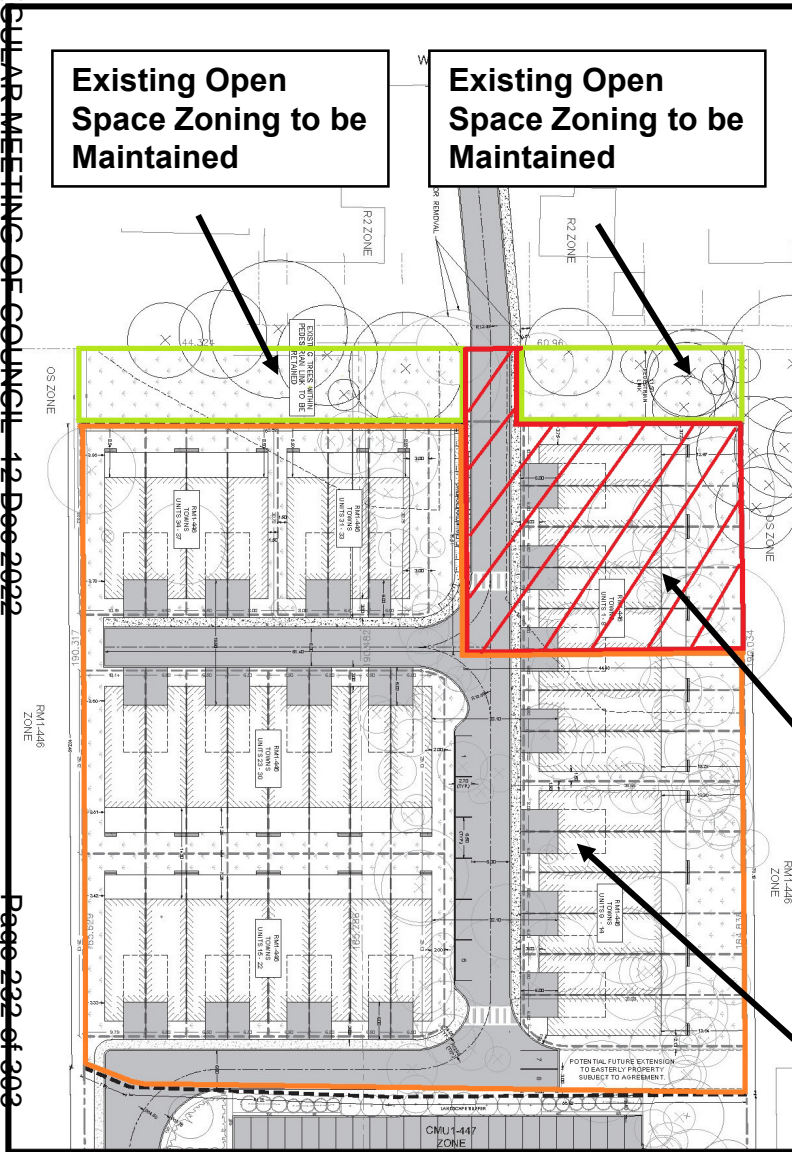
315 GARRISON ROAD  
COMMERCIAL  
DEVELOPMENT  
TOWN OF FORT ERIE

## SITE PLAN

Drawn by	designed by
JR	JR
Scale	Date
1:200	29 Jan 2021
Job number	Name
19160	F
Drawing number	
19160-SP	



**Proposed Official Plan Land Use Designation**

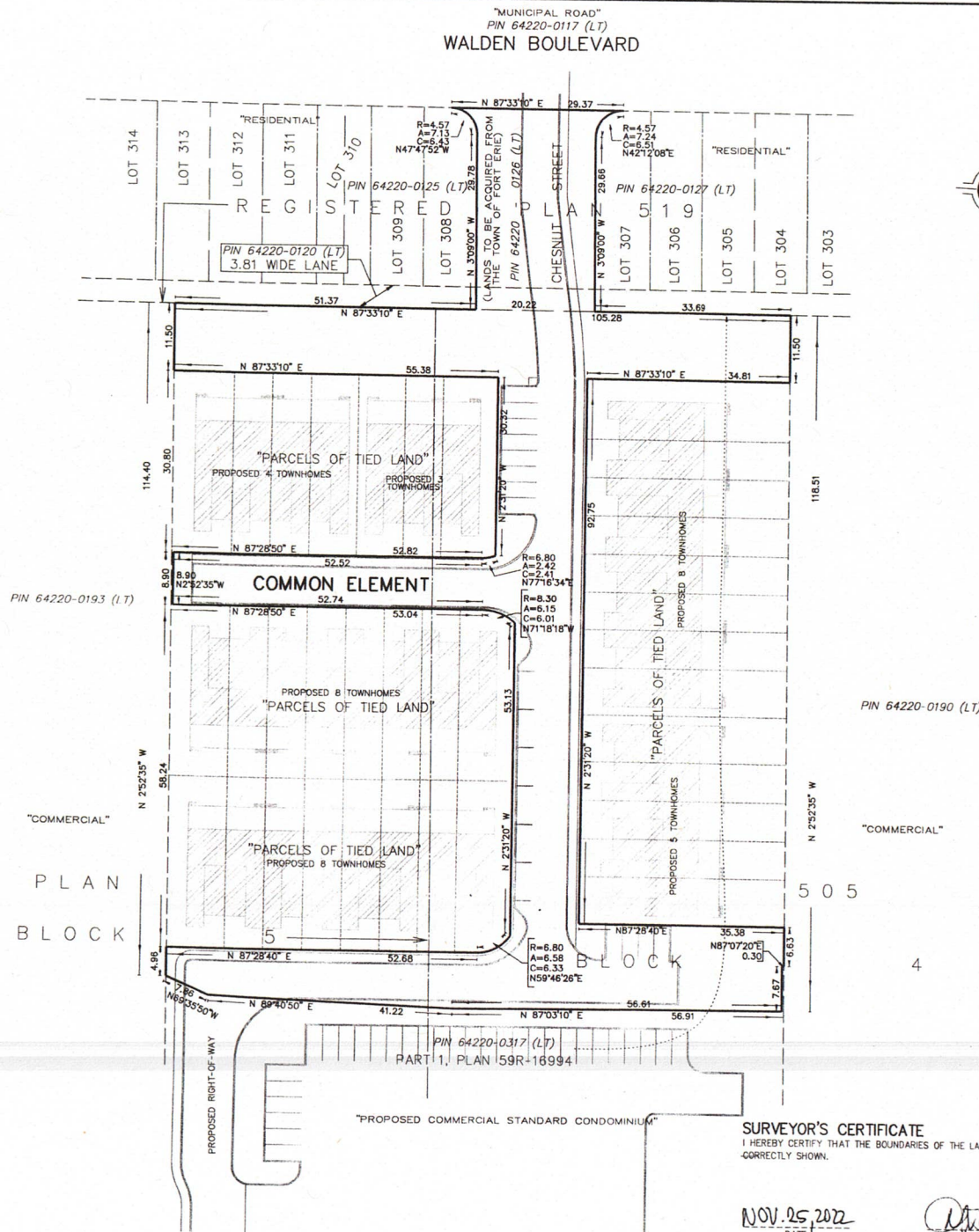


Provision	Required	Proposed
Minimum Lot Frontage	50.00 m	20.22 m

**Lands to be Rezoned from Open Space Zone to New Site-Specific Residential Multiple 1 Zone**

**Lands to be Rezoned from Residential Multiple 1 (RM1- 446) Zone to New Site-Specific RM1 Zone**

## Proposed Zoning



**J.D.BARNES** SURVEYING  
LIMITED MAPPING  
GIS  
LAND INFORMATION SPECIALISTS  
4318 PORTAGE ROAD - UNIT 2, NIAGARA FALLS, ON L2E 6A4  
T: (905) 358-3693 F: (905) 358-6224 www.jdbarnes.com

DRAWN BY: TW/JN CHECKED BY: X REFERENCE NO.: 20-16-102-02  
FILE: C:\2020\20-16-102-02\Drawing\20-16-102-02-Draft plan of Condo.dgn  
PLOTTED: 11/25/2022

**CONDITIONS OF DRAFT PLAN APPROVAL**  
**315 & 0-350 GARRISON ROAD**

The conditions of final approval and registration of the Condominium at 315 and 0-350 Garrison Road in the Town of Fort Erie (File No. 350303-0035) are as follows:

1. That this approval applies to the Draft Plan of Common Elements Condominium at 315 and 0-350 Garrison Road, being part of PIN 642200318, prepared by J.D Barnes Ltd., and dated and signed by Dasha Page on November 25, 2022.
2. That the Applicant/Developer prepare and register a Reference Plan creating the POTLs to which the ownership of the common elements will attach upon the registration of the Common Element Condominium.
3. That the Applicant/Developer register the individual Transfers creating each of the POTLs.
4. That the Applicant/Developer receive approval of a Common Element Condominium Plan and register the Common Element Condominium Plan.
5. The Applicant/Developer register the Common Element Condominium Declaration.
6. That the Owner agrees to deed any and all easements that may be required for access, utility and drainage purposes be granted to the appropriate authorities and utilities.
7. That the Applicant/Developer enter into a Site Plan Agreement pursuant to Section 41 of the Ontario Planning Act and deposit sufficient security to ensure the completion of all common element services pursuant to Section 158 of the Condominium Act, 1998.
8. That the Applicant/Developer submit an undertaking that the Condominium Corporation will enter into an assumption agreement with the municipality, once the condominium plan has been registered, which requires the Condominium Corporation to assume the maintenance and responsibilities contained in the site plan agreement and that the Condominium Corporation will not object to the registration of the agreement.
9. That immediately following the registration of the Condominium Plan the Condominium Corporation enter into an assumption agreement with the Municipality which requires the Condominium Corporation to:
  - Assume the maintenance and responsibilities outlined under the site plan control agreement to be approved by the Town of Fort Erie
  - Provide to the Town security deposits as necessary to ensure completion of all outstanding works.

10. The approval and registration of a Condominium Assumption Agreement in a form satisfactory to the Town, by which the Common Element Condominium agrees to be bound by the registered Subdivision Agreement (Condominium Approval Agreement) and Site Plan Agreement.
11. That all roads and driveways, water distribution, sewage collection, and storm drainage works within the subject lands shall be private.
12. That prior to approval of the final plan or any on-site grading, the owner submit to the Town of Fort Erie for review and approval two copies of a detailed stormwater management plan for the condominium and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of the Environment documents entitled "Stormwater Management Planning and Design Manual", March 2003, and "Stormwater Quality Guidelines for New Development", May 1991, and in accordance with Town of Fort Erie's Storm Drainage Guidelines, the Town of Fort Erie Lot Grading Policy, Town of Fort Erie Stormwater Management Facility Design, Operation and Maintenance Policy and Standards:
  - Detailed lot grading and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - Detailed sediment and erosion control plans.
13. That the site plan agreement between the owner and the Town of Fort Erie contain provisions whereby the owner agrees to implement the approved stormwater management plan required in accordance with Condition 12 above.
14. That no tree removal, grading or soil disturbance shall take place on the lands until the Site Plan Approval has been granted by the Director, Planning and Development Services; all of the servicing approvals have been given; and the owner has given to the Town all of the security deposits required by the site plan agreement or as determined by the Town of Fort Erie.
15. That the Applicant/Developer makes a payment of \$38,000.00 to the Town of Fort Erie as compensation for the removal of 76 trees in Fair to Excellent condition, as identified in the Tree Savings Plan.
16. That if final approval is not given to this plan within three years of the approval date and no extensions have been granted, draft approval shall lapse. If the Owner wishes to request an extension to the draft period, a written explanation with reasons why the extension is required must be received by the Town prior to the lapsing date.
17. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

- i) that the home/business mail delivery will be from a designated Centralized Mail Box.
- ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

18. The Owner further agrees to:

- i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision
- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
- iii) iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- iv) iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations

19. The Owner/Developer provides the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, for buildings and complexes with a common lobby, common indoor or sheltered space in accordance with Canada Post's multi-unit policy.

20. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

21. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

22. That an Addendum to the Phase Two Environmental Site Assessment (ESA) prepared by a Qualified Professional (QP) in accordance to the *Environmental Protection Act* and its associated regulations, as amended, describing the current conditions of the development lands, be submitted to the satisfaction of Niagara Region. A Letter of Reliance a QP shall be submitted to Niagara Region, to indicate that, despite any limitations or qualifications included in the above submitted

reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition.

23. That the Condominium Agreement contain provisions whereby the Owner agrees to implement the recommendations of the required Addendum to the Phase Two Environmental Site Assessment (if any) in accordance with the above condition.
24. That a Record of Site Condition (RSC) is filed on the Ministry of the Environment, Conservation and Parks' (MECP) Environmental Site Registry in accordance to the *Environmental Protection Act* and associated regulations, as amended. Copies of the completed Environmental Site Assessments, site remediation reports (if applicable), and the MECP's written acknowledgement of the filing of the RSC, together with a Letter of Reliance / certification from a Qualified Professional that the subject lands meet the applicable standard(s) of the intended residential land uses shall be submitted to Niagara Region.
25. That the Condominium Agreement between the Owner and the Town contain a provision whereby the Owner agrees to implement the following site and building design noise mitigation measures / devices:
  - Implementation of a 3m landscape buffer and solid board fencing along the entire property limit (south) between the residential area and commercial plaza.
  - That the positioning of private amenity spaces be away from the adjacent commercial use to ensure limited noise exposure.
  - Dwellings are constructed with triple pane windows for enhanced noise and energy efficiency.
26. That the Owner agrees to include the following warning clauses in the Condominium Agreement and in all Agreements of Purchase and Sale or Lease or Occupancy for Units:
  - *"Purchasers/tenants are advised that sound levels due to increasing road traffic on Garrison Road may occasionally interfere with some activities of the dwelling unit occupants as the sound level exceed the Municipality's and the Ministry of Environment, Conservation and Parks' noise criteria."*
  - *"Purchasers/tenants are advised that the dwelling unit may be exposed to noise, reduced air quality, odour, and/or dust from nearby commercial activities and/or vehicle traffic that may interfere with some activities of the dwelling unit occupants."*
27. That the Owner agrees to include the following warning clause in the Condominium Agreement with respect to the potential discovery of archaeological resources:
  - *"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must*

*cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries ("MHSTCI") at (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services at (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act."*

28. That the Condominium Agreement contain wording wherein the Owner agrees to implement the following mitigation measures as described in the Environmental Impact Study (EIS) prepared by Natural Resource Solutions Inc. (NRSI) (dated February 2022), included but not limited to:

- That vegetation removals be undertaken between October 1 and March 14, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Construction activities should be restricted to daylight hours when possible and artificial lighting used for construction purposes should be turned off or directed away from adjacent natural features following the completion of daily construction activities.
- Where possible, initial grading activities should be scheduled to occur between May 15 and October 15.
- Designated areas for construction lay-down, vehicle access and parking, equipment storage, materials stockpiling, and any on-site construction offices should be located entirely outside the retained natural features, and preferably located as far away as possible so as to limit potential to indirectly impact the adjacent natural features.
- That any security lighting to be installed on buildings should be directed away from natural areas to minimize ambient light exposure to the adjacent natural areas.
- A Spill Response Plan should be developed prior to commencement of construction and include a detailed response system to deal with events such as the release of petroleum, oils, and lubricants or other hazardous liquids and chemicals. A spill kit must be kept on site at all times and onsite workers must be trained in the use of this kit and be fully aware of the Spill Response Plan.

29. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good

condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.

30. That a Grading Plan be provided to the satisfaction of Niagara Region, that demonstrates that existing overland flow patterns are maintained and that no grading within the natural heritage features and/or their buffers will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers and a minimum of 10m from the dripline of any trees to be retained.
31. That permanent rear-lot fencing be provided adjacent to the natural heritage features, to the satisfaction of the Niagara Region. A No-Gate By-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
32. That a Landscape/Restoration Plan be provided to the satisfaction of the Niagara Region that addresses the recommended compensation identified in the Tree Saving Plan, prepared by Natural Resource Solutions Inc. (dated February 2022). The Landscape/Restoration Plan should identify an appropriate location on the subject lands or on an alternative property, ideally within the same subwatershed. The Landscape Plan should also consider the appropriateness of an edge management component adjacent to the retained treed features. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities, including thorny species to discourage human intrusion into sensitive areas. The removal of invasive species should also be incorporated, as appropriate.
33. That the Owner prepare an information package for new homeowners outlining the importance of the adjacent natural heritage features and steps they can take to protect the natural environment. This information package is to be reviewed and approved by the Niagara Region. The package should be provided as an appendix to all Offers of Purchase and Sale or Lease or Occupancy for properties within the condominium development.
34. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum, the Plan should assess the effectiveness of the sediment and erosion control fencing and monitor the success of the restorative plantings and any invasive species removals. The Report should also include photographs and advise actions necessary to address any deficiencies.
35. That the Owner agrees to implement the Tree Saving Plan, prepared by Natural Resource Solutions Inc. (dated February 2022).
36. That the Condominium Agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Landscape/Restoration Plan, Ecological Monitoring Plan and Information Package.

37. That the Owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
38. That the Owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease or Occupancy, which may be negotiated prior to registration of this condominium shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the condominium agreement between the Owner and the Town.
39. That prior to final approval for registration of this plan of condominium, the Owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment Compliance Approval under the Transfer of Review Program or future Consolidated Linear ECA.
40. That prior to approval of the final plan or any on-site grading, the Owner shall submit a detailed Stormwater Management Plan for the condominium, and the following plans are designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled *Stormwater Management Planning and Design Manual March 2003* and *Stormwater Quality Guidelines for New Development, May 1991*, or their successors to Niagara Region Planning and Development Services for review and approval:
  - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
  - b. Detailed erosion and sedimentation control plans.
41. That the Condominium Agreement between the Owner and the Town contain provisions whereby the Owner agrees to implement the approved plan(s) that are required in accordance with the condition above.
42. That the Owner/Developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
43. That the Owner/Developer will provide detailed plans showing the radii or truck turning templates at future submissions.

44. That the Owner/Developer for the proposed condominium and the commercial site to the south will be required to complete the indemnity agreements to allow truck to move through both sites for collection.
45. That in order to accommodate Regional Waste Collection service, waste collection pads are required to be provided by the Developer for 15 of the dwelling units.
46. The Owner is advised that some of the proposed development's internal roads do not meet the requirements of Niagara Region's Corporate Waste Collection Policy and therefore in order to receive Regional collection residents will be required to bring their containers to the their designated waste collection pads for collection. The following clause should be included in the Site Plan Agreement / Condominium Agreement and inserted into all Offers and Agreements of Purchase and Sale or Lease or Occupancy for the 15 dwelling units:
  - *"Owners/Purchasers/Tenants are advised that they will need to bring their waste and recycling containers to their designated waste collection pad on their designated collection day in order to receive curbside collection."*

### **Clearance of Conditions**

Prior to granting approval of the final plan, the Town will require written confirmation from the following agencies that their respective conditions have been met satisfactorily:

- Canada Post for Conditions 17-19 (inclusive)
- Bell Canada for Conditions 20 and 21
- Niagara Region Planning & Development Department for Conditions 22-46 (inclusive)

#### **1. THE LANDS REQUIRED TO BE REGISTERED UNDER THE LAND TITLES ACT:**

- a) Section 160(1) of the Land Titles Act requires all new plans to be registered in the Land Titles system.
- b) Section 160(2) allows certain exceptions.

#### **2. WATER AND SEWER SYSTEMS**

Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of the Environment, Conservation and Parks under Section 52 and 53 of the Ontario Water Resources Act, R.S.O. 1990.

#### **3. CONVEYING**

As the land mentioned above be conveyed to the Municipal Corporation may be more easily described in the conveyance by reference to a registered plan than by "metes and bounds" be it suggested that the description be so worded and be

it further suggested the Owner give to the Municipality an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the plan.

4. In order to assist the agencies listed above with clearing the conditions of final approval and registration of the plan, it may be useful to forward executed copies of the agreement between the Owner and the Town to these agencies. In this instance, this copy should be sent to:

Andrew Carrigan  
Officer, Delivery Planning  
Canada Post  
955 Highbury Avenue North  
London, Ontario N5Y 1A3  
Phone: 226-268-5914  
Email: andrew.carrigan@canadapost.ca

Ryan Courville  
Access Network Provisioning Manager  
Municipal Relations  
Bell Canada  
Phone: 416-570-6726  
Email: planninganddevelopment@bell.ca

Director, Development Approvals  
Planning and Development Services Department  
The Regional Municipality of Niagara  
1815 Sir Isaac Brock Way  
Thorold, ON, L2V 4T7  
Phone No: (905) 980-6000  
Toll Free: 1-(800) 263-7215  
Email: devtplanningapplications@niagararegion.ca

#### 5. REVIEW OF CONDITIONS

The applicants are advised that should any of the condition appear unjustified or their resolution appear to be too onerous, they are invited to bring their concerns to Council's attention. Council will consider a request to either revise or delete conditions.

#### 6. CONDOMINIUM AGREEMENT

Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to the Regional Planning and Development Department for verification that the appropriate clauses pertaining to any of these conditions of approval have been included

## 7. NOTES

- Written permission is required from the Town to remove trees on Town property
- Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.
- Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the Town of Fort Erie. The Town of Fort Erie is also responsible for circulating a copy of the Draft Agreement, and the Region is unable to provide a final clearance letter until the Draft Agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the Town of Fort Erie.
- The Owner is advised to contact Bell Canada at [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
- It is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.
- If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

RECEIVED

NOV 16 2022

Ruben Rodriguez  
Christine Roberts



Ethel Benner  
Brian Benner



MAYOR'S OFFICE  
TOWN OF FORT ERIE

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Mayor Wayne Redekop  
The Town of Fort Erie  
1 Municipal Drive  
Fort Erie  
L2A 2S6

Nov. 10, 2022

Dear Mayor Wayne Redekop,

Re: The proposed development for 315 and 0-350 Garrison Rd. and Part of Sixth Street Road Allowance  
and Part of Lane

Following the Open House (May 17, 2022) and the Public Meeting (Aug. 08, 2022) we have a better understanding of the impact the proposed development will have on our neighbourhood.

It is reasonable to provide affordable housing in order for Fort Erie to grow and continue to thrive, however, the proposal to build 37 townhouses at 315 and 0-350 Garrison Rd. has generated many concerns for the residents on Walden Blvd.

The long-standing residents on Walden Blvd. have had the luxury of living in a very quiet and serene neighbourhood. With the development of 37 townhouses in our backyard, there are growing concerns about an increase in noise, congestion and traffic.

A logical solution to address these concerns would be to decrease the number of townhouses on the property, in order to provide each unit with a larger, more family friendly backyard, a more useable front yard, and a paved driveway which can accommodate two vehicles.

Ideally, there would remain a buffer of approximately 15 m between the proposed housing development and the abutting homes on Walden Blvd. This would remain a green space with landscaping and no parking allowed.

Decreasing the number of townhouses would also eliminate the need for a second road access or additional parking spaces. The open space known as Part of Sixth Street Road Allowance could remain untouched. This would greatly decrease the impact of the building project on the residents who live on Walden Blvd.

If it is deemed necessary to provide a second access route using the Part of Sixth Street Road Allowance, this roadway should be placed in the centre of the parcel of land with landscaping on both sides, and no parking allowed.

As long-standing residents on Walden Blvd., we find it necessary to make suggestions that are in the best interest of our neighbourhood. We have to think about the future of our community and the next generations to come. If we all work together, anything is possible. We will be able to welcome new families to Fort Erie in a manner that is least disruptive to those who have lived here for decades. We hope you will take these ideas into consideration.

Sincerely,

*R. Rodriguez*  
*Christine Roberts*  
*Ethel M. Benner*  
*Brian Benner*

Ruben Rodriguez  
 Christine Roberts  
 Ethel Benner  
 Brian Benner

Cc: Mackenzie Ceci, Jr. Development Planner

Nick Dubanow, Town Council, Ward 2

Name	Address	Signature
Joselyn Flores	[REDACTED]	<i>J. Flores</i>
Daisy Carranza	[REDACTED]	<i>D. Carranza</i>
BILL REID	[REDACTED]	<i>B. Reid</i>
Linda Reid	[REDACTED]	<i>Linda Reid</i>
Wenay Reid	[REDACTED]	<i>W. Reid</i>
BKuh	[REDACTED]	<i>BKuh</i>
Dale Kuhn	[REDACTED]	<i>Dale Kuhn</i>
LINDA WILKINSON	[REDACTED]	<i>Linda Wilkinson</i>
Tracy Le Blanc	[REDACTED]	<i>Tracy Le Blanc</i>

Name	Address	Signature
MARIA DERBY	[REDACTED]	Maria Derby
Paul Keeping	[REDACTED]	Paul Keeping
Michele Keeping	[REDACTED]	Michele Keeping
Oscar Carranza	[REDACTED]	Oscar Carranza
R. Guy BLAIS	[REDACTED]	R. Guy Blais
ALAN TURKINGTON	[REDACTED]	Alan Turkington
Manuel Cuyugan	[REDACTED]	Manuel Cuyugan
Lesley Kinghorn	[REDACTED]	Lesley Kinghorn
Cliff Watts	[REDACTED]	Cliff Watts
LaIRD Kinghorn	[REDACTED]	LaIRD Kinghorn
Shawn CARABAROSA	[REDACTED]	Shawn Carabarosa
Danny Beauchamp	[REDACTED]	Danny Beauchamp
Gloria Earle	[REDACTED]	Gloria Earle
Andre Dubuc	[REDACTED]	Andre Dubuc
Nicholas Gwaert	[REDACTED]	Nicholas Gwaert
Janice Campbell	[REDACTED]	Janice Campbell
Laura Fick	[REDACTED]	Laura Fick

Name	Address	Signature
BOB DUMPER	[REDACTED]	[Signature]
BONNIE DUMPER	[REDACTED]	B. Dumper
AMANDA PLATO	[REDACTED]	Amanda Plato
H. VACCARO	[REDACTED]	H. Vaccaro
Mossie Timmer	[REDACTED]	[Signature]
Mary Cony	[REDACTED]	M. Cony
Melanie Timbers	[REDACTED]	M. Timbers
E. Erik Timbers	[REDACTED]	E. Erik
Randy Mac Donald	[REDACTED]	RANDY MAC DONALD
Dee Houghton	[REDACTED]	D.R. HARRINGTON
Andrea Carrel	[REDACTED]	[Signature]
FLORIANO MARTINS	[REDACTED]	[Signature]
Suzette Martins	[REDACTED]	[Signature]
Krysta martins	[REDACTED]	K. Martins
Sandra Cavers	[REDACTED]	S. Cavers
Roy Cavers	[REDACTED]	Roy Caver
NORMA PHOTOGRAPHER	[REDACTED]	[Signature]

Name

Address

Signature

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Theresa Borelli	[REDACTED]	Theresa Borelli
Carol Borelli	[REDACTED]	Carol Borelli
James Tustin	[REDACTED]	[REDACTED]
Tyler Burns	[REDACTED]	[REDACTED]
Brianna Nash	[REDACTED]	B. Nash
Violeta Mitaylova	[REDACTED]	[REDACTED]
Petko Delchev	[REDACTED]	[REDACTED]
Rob Spencer	[REDACTED]	[REDACTED]
Chelsea Spencer	[REDACTED]	Chelsea Spencer
Ramandeep Singh	[REDACTED]	Ramandeep Singh
Rumana Samra	[REDACTED]	R.A. Samra
Rob Zimark	[REDACTED]	[REDACTED]
Linda Ann Zimark	[REDACTED]	Linda Ann Zimark
Tony Monks	[REDACTED]	Tony Monks
Tim Morin	[REDACTED]	Tim Morin
Faith Dickison	[REDACTED]	Faith Dickison

Name	Address	Signature
DONALD WHEELER	[REDACTED]	Donald Wheeler
Wendy Pryor	[REDACTED]	Wendy Pryor
Brian Didorak	[REDACTED]	Brian Didorak
BIRDA CARPENTER	[REDACTED]	Birda Carpenter
Angie Gullotti	[REDACTED]	Angie Gullotti
PAUL SHERWOOD	[REDACTED]	Paul Sherwood
Mischelle Boutin	[REDACTED]	M. Boutin
VIRGINIA MILLER	[REDACTED]	V. M. Miller
TERESA DONOVAN	[REDACTED]	Teresa Donovan
Jessica Jackson	[REDACTED]	J. Jackson
Tyler Jackson	[REDACTED]	T. Jackson
MARK KUMER	[REDACTED]	M. Kumer
Jack Gill	[REDACTED]	Jack Gill
GEORGE MANOLIS	[REDACTED]	George Manolis
TOM FINCHER	[REDACTED]	T. Fincher
Carol Saunders	[REDACTED]	C. Saunders
BRENT SAUNDERS	[REDACTED]	Brent Saunders
WENDY GALLANT	[REDACTED]	Wendy Gallant



## Planning and Development Services

<b>Prepared for</b>	Council-in-Committee	<b>Report No.</b>	PDS-81-2022
<b>Agenda Date</b>	December 12, 2022	<b>File No.</b>	350309-0516

<b>Subject</b>	<b>PROPOSED ZONING BY-LAW AMENDMENT 0-13365 PETTIT ROAD D.C. MCCLOSKEY ENGINEERING LTD. - MARK MCCLOSKEY (AGENT) KRS HOLDINGS INC. - GARY SINGH (OWNER)</b>
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<b>Recommendation</b>	<p><b><u>THAT</u></b> Council approves the amendments to the Town's Zoning By-law as detailed in Report No. PDS-81-2022 for the lands known as 0-13365 Pettit Road, and further</p> <p><b><u>THAT</u></b> Council directs staff to submit the necessary By-law.</p>
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<b>Relation to Council's 2018-2022 Corporate Strategic Plan</b>	Priority: Managed Growth through Responsibility, Stewardship and Preservation
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<b>List of Stakeholders</b>	D.C. McCloskey Engineering Ltd. - Mark McCloskey (Agent) KRS Holdings Inc. - Gary Singh (Owner) Residents and Property Owners in the Town of Fort Erie
-----------------------------	--

Prepared by:	Reviewed by:	Submitted by:	Approved by:
<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>	<b>ORIGINAL SIGNED</b>
Daryl Vander Veen Intermediate Development Planner	Anamika Dilwaria, M.Pl., MCIP, RPP Manager, Development Approvals	Alex Herlovitch, MCIP, RPP Director, Planning & Development Services	Chris McQueen, MBA Chief Administrative Officer

**Purpose**

The purpose of this report is to provide a staff recommendation on the proposed Zoning By-law Amendment application for 0-13365 Pettit Road. Mark McCloskey of D.C. McCloskey Engineering Ltd (Agent) submitted the application on behalf of KRS Holdings Inc. (Gary Singh), the Owner of the subject property. This Zoning By-law Amendment intends to permit development of a card locked commercial refuelling station on the subject property.

**Background**

At the Council-in-Committee meeting on January 10, 2022 staff submitted Report No. [PDS-19-1-2021](#) outlining a revision to the development proposal and additional information from the Applicant in regards to feasibility and the number of jobs to be created by the development. This report was supplemental to the original report, Report No. [PDS-19-2021](#). Notably, two restaurants with drive thrus that were part of the original submission were removed in the revised proposal.

A second supplemental information report, Report No. [PDS-19-2-2021](#), was submitted to Council on October 3, 2022 confirming that there is a fuel supplier (Husky/Esso) in place that is ready to back the development proposal. The letter notes that the facility will be a card lock location that only serves users that have existing accounts for commercial fuel payment cards for the Esso network. There is a need for this facility in Fort Erie as there is currently no refuelling station for card locked Esso network users in the area.

For reference, a location map of the subject property is attached as **Appendix “1”** and the current site plan is attached as **Appendix “2”**.

**Nature of the Site**

The subject property is located in the Gilmore neighbourhood of the Town of Fort Erie near the highway interchange located at Pettit/Gilmore Road and the Queen Elizabeth Way (QEW). The subject property is bounded by Pettit Road to the north and east, North Service Road to the northwest, Travel Centre Court to the west and Gilmore Road to the south. The following summarizes the land uses surrounding the subject property:

- North:** Pettit Road, vacant industrial land, and a large commercial site with a commercial refuelling station, a truck wash, a restaurant, a convenience store and a gasoline bar.
- South:** Gilmore Road, ramps associated with the QEW highway interchange, and Frenchman’s Creek.

**East:** Vacant industrial land, Provincially Significant Wetlands and an existing industrial use.  
**West:** Vacant commercial land and an existing gasoline bar and convenience store.

## **Planning Context**

### **2020 Provincial Policy Statement**

Part IV of the Provincial Policy Statement focuses future growth and development within existing urban settlement areas and seeks to promote efficient development patterns that optimize the use of land, resources and infrastructure. The subject property is within the urban settlement area with access to full services, minimizing land consumption and servicing costs. The proposed development is located inside an industrial business park and will utilize the existing road network, including the 400-class Queen Elizabeth Way highway.

### **2020 Growth Plan for the Greater Golden Horseshoe**

The subject property is identified as Built-up Area in the Growth Plan. This proposal meets the general intent of the Growth Plan through efficient use of land and infrastructure in the designated Built-up Area. The subject property is also in close proximity to the Gateway Economic Zone. This proposal is an example of economic development that facilitates movement of goods.

### **2022 Niagara Official Plan (NOP)**

The Niagara Official Plan Regional Official Plan identifies the subject lands as Delineated Built-up Area and Employment Area. The subject property is within an area identified as FE-2 in the NOP, the International Peace Bridge Trade Hub. The proposed use is well situated inside the FE-2 employment area as it is located adjacent to the QEW major goods movement corridor. The proposed commercial refuelling station will facilitate the movement of goods via transport trucks throughout the Province and into the United States.

### **2011 Town of Fort Erie Official Plan**

The subject property is designated Commercial in the Town's Official Plan and is considered to fall under the Highway Commercial subcategory. An overview of the Official Plan policies that are relevant to this application are provided in Report No. [PDS-19-2021](#).

Planning staff also offer the following additional analysis of the Official Plan policies:

- The Applicant has provided documentation that there is need for the proposed facility for users of card locked commercial refuelling stations operated by the

Husky/Esso refuelling network. There is currently no Husky/Esso card lock facility for transport trucks in southeast Niagara.

- The subject property is well positioned being located adjacent to the QEW and within an existing industrial business park. The subject property has frontage onto travelled municipal roads. The revised traffic impact study has indicated that the proposed development will not significantly impact traffic in the area.
- Sufficient parking will be available on site. Only users of the Husky/Esso supply network will be able to utilize the site.
- Detailed servicing review will occur as part of the site plan approval process. The subject property has access to full municipal services.
- Impacts on natural heritage features will be fully addressed via an Environmental Impact Study (EIS) that will be completed at the site plan approval stage. The Town will work with the Niagara Peninsula Conservation Authority (NPCA) to ensure any impacts are adequately mitigated or addressed.

### **Town of Fort Erie Comprehensive Zoning By-law No. 129-90**

The subject property is currently zoned Highway Commercial Holding C3-173(H) Zone. The Holding (H) provision is in place to ensure that the lands have been serviced to the satisfaction of the Town and to require the Owner to enter into a site plan agreement. The proposed commercial refuelling station use is not currently permitted by the C3-173(H) zoning and so a Zoning By-law Amendment is required. A commercial refuelling station is typically permitted in the Automotive Service Station (C4) Zone.

This application proposes to change the zoning from Highway Commercial C3-173(H) Zone to a site specific Highway Commercial Holding (C3-758(H)) Zone that includes a commercial refuelling station as a permitted use. The Holding (H) provision will remain on the subject property until the proponent has entered into a site plan agreement with the municipality.

The new site specific C3-758(H) Zone will contain special provisions to permit a commercial refuelling station and an increased maximum access driveway width of 23.58 m for two-way traffic into a commercial property. Subsection 6.20 of Section 6 - General Provisions of the Zoning By-law normally limits the access driveway width into a commercial property for two-way traffic to a minimum of 7.50 m and a maximum of 12.00 m.

### *Planning Analysis*

Planning staff are in support of the proposal to rezone the property to C3-758(H) Zone to permit a commercial refuelling station on the subject property. The proposed use is compatible with other commercial and industrial land uses in the industrial business park that the subject lands are within. No undue impacts on sensitive land uses will result as the subject property is located away from any residential or agricultural areas. The Niagara Peninsula Conservation Authority (NPCA) has agreed that any potential impacts on natural heritage features can be addressed via an Environmental Impact

Study (EIS) to be completed at the site plan approval stage. Leaving the base zoning as Highway Commercial (C3) Zone is also appropriate as it will permit future development of other commercial uses on the northern portion of the property.

There is an existing commercial refuelling station to the north on 1640 North Service Road/1637 Pettit Road. The Applicant's supplier has clarified that this operation utilizes a different fuel supplier. Staff have visited the other site and note that the commercial refuelling station to the north is associated with Flying J/Shell whereas the supplier for this project is Husky/Esso. These stations are card locked, meaning only users with activated supplier-linked corporate credit cards may use them, and have a separate customer base from each other. As noted in Report No. [PDS-19-2-2021](#), Husky/Esso's website indicates that the nearest card locked commercial refuelling station associated with their network is located in Niagara-on-the-Lake at a distance of approximately 35 kilometres. The proposed commercial refuelling station on the subject property will therefore not affect the viability of the existing commercial refuelling station to the north.

Planning staff support the requested special provision to permit an increased driveway access width of 23.58 m. The increased width is required to accommodate the ingress and egress turning movements of transport trucks to and from the site. The general intent of regulations for access driveway widths in the Zoning By-law is to control vehicle speed and movements into a commercial property and enhance pedestrian movement and the streetscape. The increased width is not a significant issue as the access to the proposed development will be from Travel Centre Court, which is a dead-end road with very limited pedestrian and vehicle traffic. The development proposal otherwise complies with all of the other regulations of the Highway Commercial (C3) Zone.

Staff also note that upgrades are required to Travel Centre Court. The road will be required to be upgraded to an urban cross section. This will occur at the site plan control stage if this application is approved.

## **Studies**

### **Archaeological Assessment**

A summary of the Stage 1 and 2 Archaeological Assessment is contained in Report [PDS-19-2021](#). The Stage 2 Assessment concluded that the subject property no longer has any archaeological potential for archaeological sites or cultural heritage value.

Niagara Region did not object to the conclusions of the study. An acknowledgement letter from the Ontario Ministry of Tourism, Culture and Sport will be required prior to any site alteration.

## **Revised Transportation Impact Study**

A detailed analysis of the revised traffic study was provided in Report No. [PDS-19-1-2021](#). The study concluded that this proposal will not have significant impacts on traffic movements in the nearby intersections. The Town's Coordinator, Development Approvals and Niagara Region did not object to the conclusions of the revised traffic study.

Planning staff note that the revised development proposal and revised traffic study was circulated to the Ontario Ministry of Transportation (MTO) for comments. The MTO did not have any objections to the revised study and concluded that their traffic staff has no further concerns with this Zoning By-law Amendment application. If approved, the proposed development will proceed to the site plan control process. The MTO has placed additional intersection upgrade requirements at the site plan phase of another development in the vicinity of this approval. Further, the MTO has indicated that they may have additional requirements at that time including engineering plans, a stormwater management report, a landscape plan and an illumination plan.

## **Terms of Reference (TOR) for a future Environmental Impact Study (EIS)**

During pre-consultation the Niagara Peninsula Conservation Authority (NPCA) noted that potential impacts to natural heritage features under their regulation can be addressed via completion of an Environmental Impact Study (EIS) at the site plan approval stage if this application is approved. The subject property is in proximity to area under the regulation of the NPCA and a drainage feature associated with Frenchman's Creek. The NPCA is satisfied with the Terms of Reference (TOR) that was submitted by the Applicant for the future EIS. NPCA comments are attached in Report No. [PDS-19-1-2021](#) for reference.

### **Financial/Staffing Implications and Accessibility (AODA) Implications**

All costs associated with processing the application and the development of the property is the responsibility of the owner. No impediments to the AODA legislation are expected as a result of this proposal.

### **Policies Affecting Proposal**

Land use policies for the subject property are contained in the Town's Official Plan and applicable Regional and Provincial regulations.

### **Comments from Relevant Departments/Community and Corporate Partners**

This application was recirculated for comments on October 15, 2021 to relevant Departments/Community and Corporate Partners. Comments received to date can be

found on Report No. [PDS-19-2021](#) and [Report No. 19-1-2021](#). No additional comments have been received since January 2022.

## **Public Comments**

As of the writing of this report no comments from members of the public have been submitted. Further, no members of the public attended the information open house meeting that was held virtually via Zoom on February 17, 2021. Similarly, no members of the public participated in the formal Public Meeting that was held on March 8, 2021.

### **Communicating Results**

There are no communication requirements at this time.

### **Alternatives**

Council could choose not to approve the proposed Zoning By-law Amendment. This is not recommended as the proposal is consistent with Provincial and Regional Policies, conforms to relevant Town Policies and represents good land use planning. The Applicant has provided information that there is need for the proposed facility on the subject property to provide refuelling service to transport truck operators utilizing the Esso network of card locked commercial refuelling stations.

### **Second Opinion Clause**

Should a motion be placed before Council that does not support Planning Staff's Recommendation, Council is advised to table its decision to consider the matter further or until such time as a second planning opinion on the motion, from an independent planning consultant, can be obtained. If the applicant has an opinion from an independent planning consultant, then Council can consider their report as the second planning opinion. In the event that the second planning opinion, obtained by the clerk or provided by the applicant, is supported by Council, and Council makes a decision based on that second planning opinion, then the planner who has provided the second opinion shall be retained for the purpose of an Ontario Land Tribunal hearing. The procedures under PLA-06 shall be followed as well.

### **Conclusion**

Planning staff recommend approval of this Zoning By-law Amendment application. This proposal will permit development of a commercial refuelling station that is well situated to serve transport trucks utilizing the Husky/Esso fuel network and will facilitate the movements of goods through the Province and into the United States. The proposed amendments are consistent with Provincial, Regional and Town planning policy and the proposed use is similar to and compatible with the other land uses in the area.


<b>Attachments</b>
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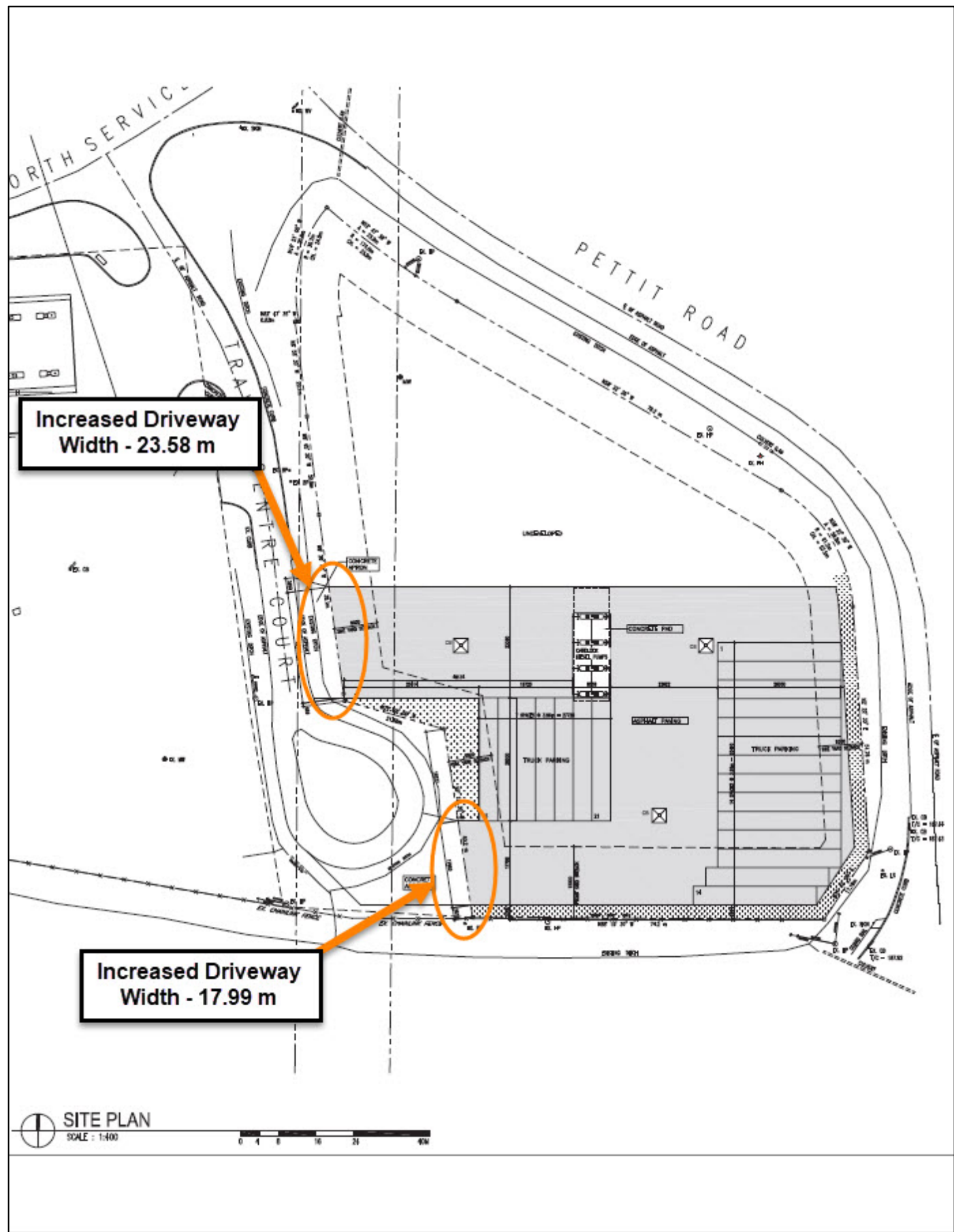
**Appendix “1”** - Location Plan

**Appendix “2”** - Revised Site Plan



LOCATION PLAN  
Zoning By-law Amendment - 0-13365 Pettit Road

 Subject Lands - 0-13365 Pettit Road



NB(e)

NB(e)



## Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

[www.niagararegion.ca](http://www.niagararegion.ca)

November 11, 2022

### **LOCAL AREA MUNICIPALITIES**

### **SENT ELECTRONICALLY**

### **Re: Appointments to Niagara Transit Commission Board**

In accordance with Regional By-law 2022-38, being a By-law to Establish the Niagara Transit Commission as a Municipal Service Board, it is requested your Council recommend a nominee(s) for appointment by Regional Council to the Niagara Transit Commission Board for the 2022-2026 term of Council.

In keeping with the Governance Strategy developed through the triple-majority process, please consider the following:

- Nominees must be an elected official, either a local or Regional Councillor; and
- Each municipally should forward the appropriate number of nominees in accordance with the 15 member board composition outlined in Report PW 55-2021 as follows:
  - (3) St. Catharines
  - (2) Niagara Falls
  - (1) All Other Municipalities

In selecting nominees, local area Councils may wish to consider candidates with particular expertise or background in areas such as business, finance, strategic planning, or transit operations. Meetings are typically being held once a month on a Tuesday afternoon.

All Commission Board Members will undergo mandatory orientation following appointment and prior to commencing their duties. The Orientation will include topics such as the role of Board and its relationship to the Region, diversity and equity, fiduciary duty, Code of Conduct, open meetings and other legislative requirements.

If you require additional information, please feel free to contact me.

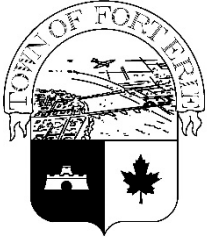
Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio

Regional Clerk

CLK-C 2022-144



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 147-2022

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### Being a By-law to Authorize the Execution of an Assumption Agreement for 315 Garrison Road with 2717041 Ontario Inc. (Vijaykumar Patel)

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File No. 350303-0033

**Whereas** it is deemed desirable to enter into an Assumption Agreement for the 315 Garrison Road Plan of Standard Condominium with Niagara South Standard Condominium Corporation No. 185 and 2717041 Ontario Inc. in order to control the development of the lands; and

**Whereas** the Draft Plan of Condominium was subject to various conditions and was considered and approved at the Council-in-Committee meeting of August 9, 2021 by Report No. PDS-72-2021; and

**Whereas** Condition No. 2 of the Draft Plan Approval requires the Condominium Corporation to enter into an Assumption Agreement with The Corporation of the Town of Fort Erie immediately following the registration of the Condominium; and

**Whereas** the Condominium was registered on October 31, 2022 as Niagara South Standard Condominium Corporation No. 185;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into an Assumption Agreement with Niagara South Standard Condominium Corporation No. 185 and 2717041 Ontario Inc. is authorized and approved.
2. **That** the Mayor and Clerk are authorized and directed to execute the said Assumption Agreement and affix the corporate seal thereto, and all other documentation necessary to effect the terms and conditions of the said Agreement.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 147-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_.



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 148-2022

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### Being a By-law to Authorize The Execution Of An Amending Subdivision Agreement With 2835033 Ontario Inc. (Mitchell Williams) (Alliston Woods Subdivision)

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File No. 350308-0058

**Whereas** By-law No. 81-2022, passed on July 18, 2022, authorized the entry into a Subdivision Agreement with 2835033 Ontario Inc. for Alliston Woods Subdivision; and

**Whereas** Report No. PDS-78-2022 was considered and approved at the Council-in-Committee meeting of December 5, 2022 and subsequently authorized and approved by Council to authorize the entry into an Amending Subdivision Agreement for Alliston Woods with 2835033 Ontario Inc.; and

**Whereas** the Municipal Council of the Town of Fort Erie at its meeting of June 21, 2004 passed Resolution No. 25 to establish a practice whereby the Standard Form of Agreement would not be attached to the By-law and circulated to each Member of Council in advance of the particular Council Meeting, with the knowledge that the Clerk of the Town of Fort Erie is in possession of the full agreement at the subject Council Meeting, and

**Whereas** it is deemed desirable to enter into an Amending Subdivision Agreement for Alliston Woods (East of Spears Road, North of Garrison Road) with 2835033 Ontario Inc. in order to control the development of the lands described in Schedule "A-1" of the Amending Subdivision Agreement attached hereto as Appendix "1" and forming part of this by-law;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into an Amending Subdivision Agreement with 2835033 Ontario Inc. (the "Developer"), substantially in the form attached as Appendix "1" and forming part of this by-law, is authorized and approved, subject to the Developer first satisfying the provisions of the Amending Agreement which are required to be satisfied prior to execution of the Amending Agreement.
2. **That** subject to Section 1 of this by-law, the Mayor and Clerk are authorized and directed to execute the said Amending Subdivision Agreement and affix the corporate seal thereto, and all other documentation necessary to effect the terms and conditions of the said Agreement.
3. **That** this by-law shall expire one (1) year from the date of passage should 2835033 Ontario Inc. fail to enter into the Amending Subdivision Agreement with the Town.

4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

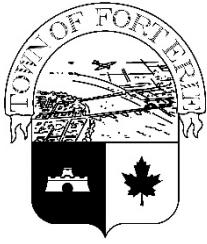
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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 148-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_.



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 149-2022

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### Being a By-law to Authorize the Execution of a Development Agreement with 1736106 Ontario Inc. (Connie Nothdurft) (Houck Crescent)

---

File No. 350309-0183

**Whereas** Report No. PDS-76-2022 was considered and approved at the Council-in-Committee meeting of December 5, 2022 to authorize the entry into a Development Agreement for the reconstruction of Houck Crescent with 1736106 Ontario Inc.; and

**Whereas** the Municipal Council of the Town of Fort Erie at its meeting of June 21, 2004 passed Resolution No. 25 to establish a practice whereby the Standard Form of Agreement would not be attached to the By-law and circulated to each Member of Council in advance of the particular Council Meeting, although Council has been informed under Report No. PDS-76-2022 of the Financial Schedule in the Agreement, with the knowledge that the Clerk of the Town of Fort Erie is in possession of the full Agreement at the subject Council Meeting; and

**Whereas** it is deemed desirable to enter into a Development Agreement for Houck Crescent (between Warwick Avenue and 275 m east) with 1736106 Ontario Inc. in order to control the development of the lands described in Schedule "A" of the Development Agreement attached hereto as Appendix "1" and forming part of this by-law;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the entry into a Subdivision Agreement with 1736106 Ontario Inc. (the "Developer"), substantially in the form attached as Appendix "1" and forming part of this by-law, is authorized and approved, subject to the Developer first satisfying the provisions of the Agreement which are required to be satisfied prior to execution of the Agreement.
2. **That** subject to Section 1 of this by-law, the Mayor and Clerk are authorized and directed to execute the said Subdivision Agreement and affix the corporate seal thereto, and all other documentation necessary to effect the terms and conditions of the said Agreement.
3. **That** this by-law shall expire one (1) year from the date of passage should 1736106 Ontario Inc. fail to enter into the Development Agreement with the Town.

4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022 .**

---

Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 149-2022 of the said Town. Given under my hand and the seal of the said Corporation, this day of \_\_\_\_\_, 20\_\_.

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# **The Municipal Corporation of the Town of Fort Erie**

## **By-law No. 150-2022**

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### **Being a By-law to Amend By-law No. 93-12, as amended To Adopt A Reserve Policy For The Town Of Fort Erie (Establish Heritage Reserve and Climate Change Reserve and Close Greater Fort Erie Secondary School Theatre, Battlefield Park Pavilion and Transit Capital Reserves)**

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**Whereas** By-law No. 93-12, as amended, was passed by the Municipal Council of the Town of Fort Erie on the 24<sup>th</sup> day of September, 2012 to adopt a Reserve Policy for the Town of Fort Erie and to repeal By-law No. 148-06, and

**Whereas** Report No. CS-18-2022 was approved, as amended, at the Council-in-Committee Meeting held on November 21, 2022 authorizing the establishment of a Heritage Reserve to fund the Designated Heritage Property Grant Program, and

**Whereas** Report No. CS-18-2022 was approved, as amended, at the Council-in-Committee Meeting held on November 21, 2022 authorizing the transfer of the \$869,612 remaining Greater Fort Erie Secondary School (GFESS) Theatre funds to the South Niagara Hospital Reserve and to close the GFESS Theatre Reserve, and

**Whereas** Report No. CS-18-2022 was approved, as amended, at the Council-in-Committee Meeting held on November 21, 2022 authorizing the transfer of the \$1,300 remaining Battlefield Park Pavilion Reserve funds to the Parkland Reserve and to close the Battlefield Park Pavilion Reserve, and

**Whereas** Report No. CS-18-2022 was approved, as amended, at the Council-in-Committee Meeting held on November 21, 2022 authorizing the transfer of the \$166,000 remaining Transit Capital Reserve funds to the IT Equipment Reserve and to close the Transit Capital Reserve, and

**Whereas** Report No. CS-18-2022 was approved, as amended, at the Council-in-Committee Meeting held on November 21, 2022 authorizing the establishment of Climate Change Reserve to fund Climate Change studies and initiatives, and

**Whereas** it is deemed necessary to further amend By-law No. 93-12 to establish the new Reserve Funds accordingly;

**Now therefore** the Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Heritage Reserve is established.
2. **That** the Greater Fort Erie Secondary School Theatre Reserve is closed.
3. **That** the Battlefield Park Pavilion Reserve is closed.
4. **That** the Transit Capital Reserve is closed.

5. **That** the Climate Change Reserve is established.
6. **That** By-law No. 93-12, as amended, is further amended by repealing Appendix “1” to Schedule “A” thereto and replacing it with Schedule “A” attached hereto and forming part of this by-law.
7. **That** the Clerk of the Town is authorized to effect any minor modifications corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

---

Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 150-2022 of the said Town. Given under my hand and the seal of the said Corporation, this                      day of                      , 20

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Reserve Name	Purpose	Source of Funding	Establishing By-law	Basis for Target Reserve Balance	Target Balance	Basis for Target Minimum Annual Contribution	Target Minimum Annual Contribution
<b>Discretionary Reserves</b>							
Working Capital Reserve	Working capital	General Levy		One months equivalent of tax revenues	\$ 1,500,000	n/a	n/a
<b>Discretionary Reserve Funds</b>							
<b>Operating</b>							
General Levy Rate Stabilization	Fund tax revenue shortfalls, one time expenditures, as well as other contingencies such as costs associated with major OMB hearings	Annual general levy operating budget surpluses	1996-042	5%-10% of previous years tax levy	\$ 1,000,000	n/a	n/a
Sewer Rate Stabilization	Fund revenue shortfalls, one time expenditures, as well as other contingencies	Established annual utility operating budget contribution	1988-067	5% - 10% of previous years gross sewer revenue	\$ 430,000	Current allocation	\$ 77,100
Water Rate Stabilization	Fund revenue shortfalls, one time expenditures, as well as other contingencies	Established annual utility operating budget contribution	2009-153	5% -10% of previous years gross water revenue	\$ 380,000	Current allocation	\$ 64,500
Self Insurance	To offset cost of insurance claims and deductibles	Established annual operating budget contribution	1998-197	One year's insurance budget	\$ 500,000	Current allocation	\$ 20,000
Emergency Mgmt	Emergency measures including inclement weather	Established annual operating budget contribution	2004-251	One year's winter control budget	\$ 750,000	Current allocation	\$ 10,000
Municipal Election	To mitigate the increase in operating budget every 4 years associated with election and strategic plan	Established annual operating budget contribution	1989-211	Election and strat plan budget	\$ 130,000	Current allocation	\$ 33,000
Building Permit Surplus	To offset cost of administration and enforcement of the Building code when fee revenues are less than costs of delivering building services	Year end surpluses from Building and Inspection services net of year end deficits funded from General Levy	2008-051	One year's Building Permit budget	\$ 360,000	Budget surplus allocation net of deficits	n/a
Community Health & Wellness	Community Health and Wellness purposes	Operating budget contribution	2004-256, 2009-074	One doctor retention commitment	\$ 60,000	Budget surplus allocation	\$ 20,000
Community Improvement Plan Financial Incentives	Funding of financial incentives in accordance with approved Community Improvement Plans	Annual operating budget surplus of BCIP annual budget allocation	2006-148, 2012-067	Estimate of cost of incentives	\$ 200,000	CIP grant surplus allocation	n/a

Reserve Name	Purpose	Source of Funding	Establishing By-law	Basis for Target Reserve Balance	Target Balance	Basis for Target Minimum Annual Contribution	Target Minimum Annual Contribution
<b>Discretionary Reserve Funds</b>							
<b>Operating continued</b>							
Affordable Housing Community Improvement Plan	Funding of financial incentives in accordance with approved Affordable Housing programs	Operating budget contribution	2022-112	Estimate of cost of incentives	n/a	Current allocation	\$ 400,000
South Niagara Hospital Reserve Fund	To accumulate the pledged funds of the new South Niagara Hospital.	Operating budget contribution	2014-023	\$3m commitment per July 15, 2013 Council Meeting Resolution #13	\$ 3,000,000	Current allocation	\$ 200,000
Heritage Reserve	Funding of financial incentives in accordance with approved Designated Heritage Property Grant Program	Operating budget contribution	2022-150	n/a	n/a	n/a	n/a
Climate Change Reserve	To fund Climate Change studies and initiatives savings	Operating budget contribution	2022-150	n/a	n/a	n/a	n/a
Encumbrance Reserve Fund	To allow for the transfer of budgeted funding for projects not yet completed	Operating project budget surpluses	2020-15		n/a	n/a	n/a

Reserve Name	Purpose	Source of Funding	Establishing By-law	Basis for Target Minimum Annual Contribution	Target Minimum Annual Contribution	Basis for Target Optimal Annual Contribution	Target Optimal Annual Contribution
<b>Discretionary Reserve Funds</b>							
<b>Capital</b>							
Fire Equipment Replacement	Replacement of fire apparatus	Established annual operating budget contribution	1985-090	Amortization	\$ 288,000	10% of estimated replacement cost	\$ 580,000
Fleet Equipment Replacement	Acquisition of vehicles and equipment	Established annual operating budget contribution, proceeds of sale and insurance claims	1985-90	Amortization	#REF!	10% of estimated replacement cost	\$ 400,000
Office Furniture and Equipment	New and replacement Municipal Centre office equipment	Established annual operating budget contribution	2007-46	Amortization	\$ 6,400	10% of estimated replacement cost	\$ 100,000
IT Equipment	New and replacement IT equipment	Established annual operating budget contribution	2012-93	Amortization	\$ 87,000	20% of estimated replacement cost	\$ 200,000
Major Capital Expenditure	New land and facility acquisition	Net proceeds of land sales in excess of Land Acquisition and Disposal dept net expenditure budget	1979-1077	n/a	\$ -	n/a	\$ -
Industrial Land Development	To finance the servicing and/or purchasing of industrial lands in the Town of Fort Erie.	Established annual operating budget contribution	2020-15	n/a	\$ -	n/a	\$ -
Facilities Maintenance	Facility upgrades and improvements	Established annual operating budget contribution	2006-148	Amortization	\$ 1,129,200	3% of estimated replacement cost	\$ 1,753,800
Cemetery Improvements	Cemetery improvements and beautification	Operating budget contribution	1989-207	Amortization	\$ 1,900	long term cemetery strategy pending	TBD
Zamboni Replacement	Life-cycle replacement of Zambonis	Facilities rental user surcharge	2004-157	Amortization	\$ 10,400	10% of estimated replacement cost	\$ 27,000
Waterfront & Tourism Development	Waterfront land acquisition and construction of related tourism infrastructure	Annual fee received for encroachments on Waterfront Road Allowances	2000-046	n/a	\$ -	n/a	\$ -
Museum	Museum Services Capital and extraordinary operating expenses	Donations	2002-189, 2010-054	Amortization	\$ 12,000	3% of estimated replacement cost	\$ 45,000
Storm Drainage Refurbishing	Storm drainage and municipal drain system refurbishing and expansion	Established annual operating budget contribution	1986-077	Amortization	\$ 481,800	2% of estimated replacement cost	\$ 2,020,000
Municipal Drain	Municipal drainage projects	Established annual operating budget contribution	98-2020	n/a	\$ -	n/a	\$ -
Road Refurbishing	Refurbishing and expansion of road, sidewalk and streetlight system	Established annual operating budget contribution	1994-012	Amortization	\$ 3,209,300	2% of estimated replacement cost	\$ 6,000,000

Reserve Name	Purpose	Source of Funding	Establishing By-law	Basis for Target Minimum Annual Contribution	Target Minimum Annual Contribution	Basis for Target Optimal Annual Contribution	Target Optimal Annual Contribution
<b>Discretionary Reserve Funds</b>							
<b>Capital continued</b>							
Bridges & Culverts Refurbishing	Refurbishing and expansion of bridge and culvert infrastructure	Established annual operating budget contribution	2009-153	Amortization	\$ 46,000	2% of estimated replacement cost	\$ 290,000
Parking	Parking lot acquisition and improvements	Annual net parking revenues	1971-105	Amortization	\$ 3,100	2% of estimated replacement cost	\$ 2,200
Sanitary Sewer Refurbishing	Refurbishing and expansion of the sanitary sewer system	Established annual utility operating budget contribution	1984-010	Amortization	\$ 544,300	2% of estimated replacement cost	\$ 2,040,000
Water Refurbishing	Refurbishing and expansion of the water system	Established annual utility operating budget contribution	1984-011	Amortization	\$ 516,200	2% of estimated replacement cost	\$ 1,940,000
Dedicated Water Meter Replacement	Replacement of commercial and residential water meters	Established annual utility operating budget contribution	2006-148	Amortization	\$ 67,000	10% of estimated replacement cost	\$ 480,000
<b>Discretionary Reserve Funds</b>							
<b>Specific use</b>							
Wayfinding Implementation	Signage initiatives of the Wayfinding study	Surplus capital funds	2006-148	n/a		included with Roads	\$ -

Reserve Name	Purpose	Source of Funding	Establishing By-law	Basis for Target Minimum Annual Contribution	Target Minimum Annual Contribution	Basis for Target Optimal Annual Contribution	Target Optimal Annual Contribution
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**Obligatory Reserve Funds****Operating**

Ridgeway BIA	Improvement, beautification, maintenance, advertising and special events of the Ridgeway BIA	Annual BIA operating budget surplus	2010-012	n/a	\$ -	n/a	\$ -
Bridgeburg BIA	Improvement, beautification, and maintenance activities of the Bridgeburg BIA	Annual BIA operating budget surplus	2005-023	n/a	\$ -	n/a	\$ -
Museum Memorial	Museum artifacts perpetual care reserve, to provide for interest allocations to fund museum operations	Donations	2002-188	n/a	\$ -	n/a	\$ -
Provincial Gas Tax	For transit operations in accordance with Provincial Gas Tax Agreement	Quarterly contributions from Province (MTO) as established on an annual basis	2006-148	n/a	\$ -	n/a	\$ -

**Obligatory Reserve Funds****Capital**

Parklands	For park or other public recreational purposes	Cash payments in lieu of the conveyance of lander under a plan of subdivision	1979-1074	Amortization	\$ 504,300	5% of estimated replacement cost	\$ 685,000
Development Charges	To fund growth related capital projects as identified in the DC Background Study	Direct allocation of development charges collected in accordance with by-law	1991-243	See DC background study	\$ -	n/a	\$ -
Major Capital-Garrison Village	Drainage improvements in the Garrison Village area	Developer contribution	2006-148	n/a	\$ -	n/a	\$ -
Canada Community Building Fund (formerly Federal Gas Tax)	Infrastructure supporting cleaner water, cleaner air or reduced greenhouse gas emissions in accordance with Canada Community Building Fund Agreement (formerly Federal Gas Tax)	Quarterly contributions from the Federal government as established in the agreement. Cannot exceed three years contributions	2004-247	n/a	\$ -	n/a	\$ -



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 151-2022

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### Being a By-law to Accept and Declare Lands as Public Highway on the East Side of Buffalo Road (448 Buffalo Road – Lea Anne Watson & Victoria James)

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**Whereas** pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B53/22 F.E., the owners are required to convey lands to The Corporation of the Town of Fort Erie for the purpose of a road widening on the east side of Buffalo Road, gratuitously, free and clear of all encumbrances; and

**Whereas** the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

**Whereas** it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Buffalo Road;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the acceptance of land from Lea Anne Watson and Victoria James, legally described as Part of Lot 627, Plan 440 and Part of Lot 628 Plan 440, Bertie; Fort Erie, designated as Part 3 on Reference Plan 59R-17471, being part of PIN 64206-0005(LT) (the "Lands"), for road widening purposes, free and clear of all encumbrances, is authorized and approved.
2. **That** the Lands are established, laid out, declared and assumed as public highway forming part of Buffalo Road, for public use.
3. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.
4. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.
5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

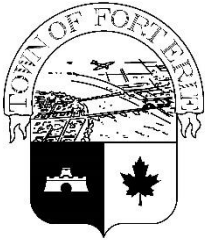
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Mayor

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Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, hereby certify the foregoing to be a true copy of By-law No. 151-2022 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 152-2022

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### Being a By-law to Amend Fees and Charges By-law No. 40-09, as amended (2023 Review)

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**Whereas** By-law No. 40-09, as amended, was passed by the Municipal Council of The Corporation of the Town of Fort Erie on March 9, 2009, to establish fees and charges for various services provided by the Town of Fort Erie; and

**Whereas** Report No. CBC-02-2023 was considered and approved at the Council-in-Budget-Committee meeting held on December 7, 2022, to approve user fee changes; and

**Whereas** it is deemed desirable to further amend By-law No. 40-09, as amended, to approve new fees and charges, and changes to previously established fees and charges;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following Schedules to By-law No. 40-09, as amended, are repealed:

#### **Fire & Emergency Services**

**Schedule "FIRE-B" Service Fees & Charges**

#### **Infrastructure Services**

**Schedule "IS-B" Arena Rental Fees**

**Schedule "IS-F" Other Facility Rental Fees**

**Schedule "IS-K" Cemetery & Park Memorial Programs**

#### **Planning & Development Services**

**Schedule "PDS-C" Planning Applications, Development Related Services & Committee of Adjustment Application Fees**

and replaced with the Schedules attached hereto as **Schedule "A"**, and the fees and charges contained therein are hereby authorized, approved, and established effective January 1, 2023.

2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

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Mayor

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Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 152-2022 of the said Town. Given under my hand and the seal of the said Corporation, this                      day of                      , 20

**SCHEDULE "FIRE-B"**  
to By-law No. 40-09

**FIRE & EMERGENCY SERVICES**

**Service Fees & Charges**

The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides municipalities with authority to establish and impose fees and charges.

The following fees shall be adjusted annually based on the Statistics Canada *Consumer Price Index (CPI)*, save and except *MTD Rates* and those identified with "*NCPI*".

CATEGORY	DESCRIPTION	FEE
<b><i>File Search</i></b>	Letter of Compliance	\$ 98.58
	Insurance Company Report	\$ 98.58
	Court Filing & Information	\$ 98.58
	L.L.B.O. Letter of Compliance	\$ 98.58
<b><i>Products</i></b>	Fire Department Access Lock Box	\$ 306.02
	Fire Safety Plan Box	\$ 196.02
<b><i>On Site Inspection: (As Requested)</i></b>	Residential & Rooming or House (Group Home)	\$ 137.61
	Multi-unit (apartment) (1-4 units)	\$ 229.78
	Each unit after 4 units (per unit)	\$ 51.68
<b><i>Commercial and Industrial (On Site Inspection)</i></b>	First 10,000 sq.ft. or any part thereof	\$ 261.42
	Additional 5,000 sq. ft. or part thereof	\$ 51.68
<b><i>Multi-Unit (Hotel/Motel) (On Site Inspection)</i></b>	1 – 10 units	\$ 261.42
	Over 10 units – per unit	\$ 39.16
<b><i>Burning Permit</i></b>	Includes Safety Plan Review and on-site Inspection and Burning	\$ 89.65
<b><i>Fire Safety Plan Review</i></b>	Assist with Fire Safety Plan Development	\$ 111.37
	Second and each additional Fire Safety Plan revision	\$ 112.08
<b><i>Fire Inspections for Trade Shows/Special Functions for after hour events</i></b>	Weekdays after 5 p.m. and all day on weekends and holidays	\$ 168.05
<b><i>Private Home Day Care (As Requested)</i></b>	On Site	\$ 131.46
<b><i>Accreditation Inspection</i></b>	Daycare Centre	\$ 157.79
	Care & Treatment Occupancy	\$ 229.78
	Retirement Home	\$ 229.78
<i>(Inspections that are required to be performed by the Fire Department pursuant to any Town of Fort Erie business licencing by-law in force from time to time, are not subject to the additional fees listed under Accreditation Inspections.)</i>		
<b><i>Compliance Evaluation</i></b>	Long Term Care Facility (required by the Fire Marshall's Office)	\$ 251.06
<b><i>Public Hall Inspection and Occupant Load (As Requested)</i></b>		\$ 118.67
<b><i>Fire Re-inspections for compliance</i></b>		\$ 112.08

## Schedule "FIRE-B" Page 2

<b>Fireworks Inspection and Approval:</b>	<b>Commercial Business:</b>	
	Site Inspection shooting (per inspection)	\$ 261.42
	Site Inspection sale and storage (per inspection)	\$ 261.42
	<b>Not-for-Profit Event (maximum one (1) week sale period:</b>	
	Site Inspection shooting (per inspection)	\$ 152.08
	Site Inspection sale and storage (per inspection)	\$ 152.08
<b>Bingo Hall Issuance of Licence Inspection:</b>	Yearly	\$ 314.42
<b>Propane Facility RSMP Approval:</b>	Review of Risk Safety Management Plan for TSSA licence application	\$194.96
<b>Legal Marihuana Grow Operation Inspection</b>	Residential	\$ 280.93
	Commercial	\$ 561.55
<b>Illegal Marijuana Grow Operation Inspection</b>	Residential or Commercial	\$2,183.98
<b>Fire Suppression</b>	Fire watch at suspicious fire (per hour/person)	\$ 69.47
<b>Secure Building:</b>		Cost + 15% admin fee
<b>Response to Vehicle Fire or Extrication (Non-Resident):</b>	MTO Rate - Per vehicle – 1 <sup>st</sup> hour	\$ 543.03
	MTO Rate - Per vehicle, per 30 minutes thereafter	\$ 271.52
<b>Out of Control Fire:</b>	MTO Rate - Per vehicle – 1 <sup>st</sup> hour	\$ 543.03
	MTO Rate - Per vehicle, per 30 minutes thereafter	\$ 271.52
<b>Prohibited Open Air Burning – Repeat Offender</b>	MTO Rate - Per vehicle – 1 <sup>st</sup> hour	\$ 543.03
	MTO Rate - Per vehicle, per 30 minutes thereafter	\$ 271.52
<b>On-Site Standby:</b>	MTO Rate - Per vehicle – 1 <sup>st</sup> hour	\$ 543.03
	MTO Rate - Per vehicle, per 30 minutes thereafter	\$ 271.52
<b>Clean up after a fire:</b> (not overhaul) (4 man crew)	MTO Rate - Per vehicle – 1 <sup>st</sup> hour	\$ 543.03
	MTO Rate - Per vehicle, per 30 minutes thereafter	\$ 271.52
<b>Hazardous materials clean up and/or mitigation</b>	MTO Rate - Per vehicle – 1 <sup>st</sup> hour	\$ 543.03*
	MTO Rate - Per vehicle, per 30 minutes thereafter	\$ 271.52*
	* Additional direct costs plus overhead may apply	
<b>Response to Natural Gas Incident relating to Ontario Underground</b>	MTO Rate - Per vehicle – 1 <sup>st</sup> hour	\$ 543.03
	MTO Rate - Per vehicle, per 30 minutes thereafter	\$ 271.52

**Schedule “A” to By-law No. 152-2022**

<b>Infrastructure Notification System Act, 2012</b>		
<b>Extraordinary Expenses:</b>	The Fire Chief may recover extraordinary expenses incurred to control or eliminate an emergency or to investigate the cause, such as retaining private contractors, renting special equipment, and using unusual consumable materials.	<b>Cost + 15% admin fee</b>

**Schedule “FIRE-B” Page 3**

<b>Smoke /Carbon Monoxide Alarm</b>	Supply and Installation ( <i>NCPI</i> )	<b>\$ 50.00</b>
<b>Boat Service:</b>	Per hour (plus 1 hour daily for servicing)	<b>\$ 108.67</b>
<b>Fire Inspection and Prevention: (Includes missed appointments)</b>	Per hour	<b>\$ 79.56</b>
<b>Fire Instructor Assistance: (Technical training to fire &amp; emergency responders)</b>	Per hour	<b>\$ 79.56</b>
<b>Fire Drills (As Requested)</b>	Industrial Establishments, Vulnerable Occupancies and other agencies	<b>\$ 168.05</b>
<b>Extinguisher Training (Industrial Establishments, Vulnerable Occupancies and other agencies)</b>	Up to 10 people	<b>\$ 224.12</b>
	Per person thereafter	<b>\$ 16.81</b>
<b>Fire Safety Training (As Requested)</b>	Per hour with 4 hour minimum	<b>\$ 56.06</b>
<b>Use of Fire Training Facility: (per day)</b>	Use of the Fire Training Centre which includes without limitation, the Training Tower, the Pumping Station Unit and the equipment, materials and facilities therein, used or intended for use in the operation of any part of the Fire Training Centre	<b>\$ 530.31</b>
	Use of the classroom only	<b>\$ 69.47</b>
<i>(The Fire Chief is delegated authority to waive or adjust the daily fee for joint training and reciprocal training exercises.)</i>		
<b>Fire Course Training</b>	For Non-Town of Fort Erie Personnel	<b>Cost</b>
<b>Rental of Frerotte-Wells Memorial Hall (Central Fire Station) (Rental includes tables and chairs)</b>	Active or Retired Firefighter	<b>No Charge</b>
	Town of Fort Erie Function	<b>No Charge</b>

**SCHEDULE "IS-B"**  
to By-law No. 40-09

**INFRASTRUCTURE SERVICES**

**Arena Rental Fees**

The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides municipalities with authority to establish and impose fees and charges.

The following fees shall be adjusted annually based on the Statistics Canada *Consumer Price Index (CPI)*.

**NOTE: Resident Fees for the year 2023 shall be adjusted by a 2% increase and not by CPI**

Arena Ice Time Rental Rates								
Arena Facility	Youth Rate / Hour		Adult Rate / Hour			Other Rates / Hour		
	Prime Time (1)	Non-Prime Time (2)	Prime Time (1)	Preferred Prime Time (3)	Non-Prime Time (2)	Non-Resident	Pay As You Play (4)	Public Skate Room
Leisureplex Kinsmen Rink	\$140.84	\$69.60	\$196.59	\$171.42	\$99.56	\$219.63	\$4.42	\$72.80
Leisureplex Jaycee Rink	\$140.84	\$69.60	\$196.59	\$171.42	\$99.56	\$219.63	\$4.42	\$72.80
Crystal Ridge Arena	\$140.84	\$69.60	\$196.59	\$171.42	\$99.56	\$219.63	\$4.42	\$72.80

**All hourly rates include a 3% Ice Resurfacing Machine Replacement Surcharge.**

- (1) **Prime Time** hours are between the hours of 5:00 p.m. to 12:00 a.m. on weekdays and 6:00 a.m. to 12:00 a.m. on weekend days.
- (2) **Non-Prime Time** hours are between the hours of 6:00 a.m. to 5:00 p.m. on weekdays only, from Labour Day to June 30<sup>th</sup>.
- (3) **Preferred Adult Prime Time** hours are between the hours of 5:00 p.m. to 12:00 a.m. on weekdays and 6:00 a.m. to 12:00 a.m. on weekend days for high volume user groups that book over 100 hours of ice time per contract.
- (4) **Pay As You Play** rates shall not be automatically adjusted annually.

School Board Arena Ice Time Rental Rates – All Facilities	
Classroom Skating 9:00 a.m. to 5:00 p.m.	No charge
Sanctioned Hockey 9:00 a.m. to 5:00 p.m.	\$69.60 per hour

<b>Skybox Rental - Leisureplex</b>	<b>\$138.01 per event</b>
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The following fees shall not be adjusted annually:

Public Skating – All Facilities		
Public Skating	Matinee	\$1.77 – per person
Public Skating	Evening	\$2.65 – per person

Public Skating rates, as scheduled in the Leisure Guide and Town website, apply to all arena facilities.

**SCHEDULE "IS-F"**  
to By-law No. 40-09

**INFRASTRUCTURE SERVICES**

**Other Facility Rental Fees**

The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides municipalities with authority to establish and impose fees and charges.

The following fees shall **NOT** be adjusted annually based on the Statistics Canada ***Consumer Price Index (CPI)***.

<b>LEISUREPLEX &amp; STEVENSVILLE MEMORIAL HALL</b>				
<b>Purpose</b>	<b>Leisureplex Banquet Hall</b>		<b>Stevensville Memorial Hall</b>	
	<b>FRI-SAT</b>	<b>SUN-THU</b>	<b>FRI-SAT</b>	<b>SUN-THU</b>
Floor Only (non-sport)	\$233.63/day	\$180.53/day	\$203.54/day	\$153.10/day
Chairs (Set-up Only)	\$285.84/day	\$238.94/day	\$230.09/day	\$210.62/day
Chairs, Tables & Bar	\$476.11/day	\$366.37/day	\$407.08/day	\$305.31/day
Chairs, Tables, Bar, Kitchen - Including Dishes & Cutlery	\$667.26/day	\$519.47/day	\$535.40/day	\$382.30/day
Meeting Room	\$53.10/day	\$53.10/day	\$53.10/day	\$53.10/day
Cash Bar	\$203.54/day	\$203.54/day	n/a	n/a

<b>CRYSTAL RIDGE COMMUNITY CENTRE - UPSTAIRS HALL</b>	
<b>Hall Rental – Floor Only</b>	<b>\$101.77/day</b>

The following fees **shall** be adjusted annually based on the Statistics Canada ***Consumer Price Index (CPI)***.

<b>LEISUREPLEX &amp; CRYSTAL RIDGE ARENAS</b>	
<b>Multi-Purpose Floor Rentals</b>	
<b>Purpose</b>	<b>Rate</b>
<b>Sport</b> (e.g. Floor hockey/lacrosse)*	<b>\$68.10/hour*</b>
<b>Spectator Event</b> (e.g. Boxing) 60/40 gate split in favour of promoter	<b>\$1,109.91</b> Minimum Charge
<b>Event</b> (e.g. Home Show, Trade Show, etc.)	<b>\$1,109.91/day</b> – Kinsmen Arena
	<b>\$717.92/day</b> – Jaycee Arena
	<b>\$717.92/day</b> – C.R.C.C.
* <b>Sport</b> has been adjusted by a 2% and not by CPI	
<b>USER GROUP PER SEASON: Minor Ball, Soccer Organizations, Tennis Club, Football Club</b>	
<b>Adult Group:</b>	<b>\$197.08</b> Per Team
<b>Youth Group:</b>	<b>\$5.00</b> Per Person

**Schedule “A” to By-law No. 152-2022**

<b>MEMORIAL HALL</b>	
<b>Floor Rental for Sport multiple courts (eg. Pickleball)</b>	<b>\$32.48/hr (minimum 2 hour rental)</b>
<b>Floor Rental for Sport single court (eg. Pickleball)</b>	<b>\$16.24/hr (minimum 2 hour rental)</b>

**SCHEDULE "IS-K"**  
to By-law No. 40-09

**INFRASTRUCTURE SERVICES**

**Cemetery & Park Memorial Programs**

The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides municipalities with authority to establish and impose fees and charges.

<b>Memorial Bench Program*</b> (includes plaque and installation of concrete pad)	<b>\$ 2,500.00</b>
<b>Memorial Tree Program*</b> (includes corian plaque)	<b>\$ 500.00</b>

\* A charitable tax receipt will be issued prior to the end of the dedication year.

**SCHEDULE "PDS-C"**  
to By-law No. 40-09

**PLANNING & DEVELOPMENT SERVICES**

**Planning Applications, Development Related Services  
& Committee of Adjustment Application Fees**

The *Planning Act*, R.S.O. 1990, c.p.13, as amended, provides municipalities with authority to establish and impose fees and charges.

The following fees shall be adjusted annually based on the Statistics Canada *Consumer Price Index* (CPI), *save and except those identified with "NCPI"*.

**Planning Applications & Development Related Services**

PLANNING APPLICATION	FEE
<b>Subdivision/Condominium Application</b>	<b>\$ 9,429.00</b> Draft Plan Application, Plan of Condominium and Condominium Conversion ( <b>plus \$50 per lot after the 1<sup>st</sup> 50 lots and/or blocks</b> ) <b>\$ 1,451.00</b> Pre-consultation Fee (discounted from full application) <b>\$ 727.00</b> Re-circulation
<b>Final Subdivision Agreement Processing</b>	<b>\$ 5,078.00</b> (plus legal costs)
<b>Subdivision Engineering Plan Review up to 4<sup>th</sup> submission</b>	(discounted from full engineering fees) <b>\$ 1,824.00</b> for plans 3 to 10 lots <b>\$ 3,648.00</b> for plans 11 to 20 lots <b>\$ 7,420.00</b> for plans 21 to 40 lots <b>\$14,593.00</b> for plans over 40 lots
<b>Subdivision Engineering Plan Review beyond 4<sup>th</sup> submission</b>	(discounted from full engineering fees) <b>\$ 457.00</b> for plans 3 to 10 lots <b>\$ 912.00</b> for plans 11 to 20 lots <b>\$ 1,856.00</b> for plans 21 to 40 lots <b>\$ 3,649.00</b> for plans over 40 lots
<b>Amendment to Subdivision Agreement</b>	<b>\$ 2,744.00</b> (plus legal costs)
<b>Modification to Draft Approval</b>	<b>\$ 2,073.00</b> (no circulation) <b>\$ 4,701.00</b> (with circulation)
<b>Draft Plan Extension</b>	<b>\$ 1,184.00</b>
<b>Site Plan Application</b>	<b>\$ 4,351.00</b> Minor <b>\$ 8,360.00</b> Major <b>\$ 637.00</b> Pre-consultation (discounted from full application)

## Schedule "PDS-C" Page 2

<b>Site Plan Engineering Plan Review up to 4<sup>th</sup> submission</b>	(Discounted from full engineering fees) \$ <b>1,460.00</b> for plans under 1,000 square metres \$ <b>2,191.00</b> for plans 1,000 to 1,999 square metres \$ <b>3,284.00</b> for plans 2,000 to 2,999 square metres \$ <b>4,500.00</b> for plans 3,000 to 3,999 square metres \$ <b>8,997.00</b> for plans over 4,000 square metres
<b>Site Plan Engineering Plan Review beyond the 4th submission</b>	(Discounted from full engineering fees) \$ <b>364.00</b> for plans under 1,000 square metres \$ <b>547.00</b> for plans 1,000 to 1,999 square metres \$ <b>819.00</b> for plans 2,000 to 2,999 square metres \$ <b>1,125.00</b> for plans 3,000 to 3,999 square metres \$ <b>2,250.00</b> for plans over 4,000 square metres
<b>Site Plan Revision &amp; Site Plan</b>	\$ <b>853.00 without Site Plan Agreement</b>
<b>Site Plan Converted Shipping/Cargo Containers</b>	\$ <b>853.00</b>
<b>Development Agreement Pre-servicing Agreement</b>	\$ <b>2,976.00</b> (plus legal costs)
<b>Amendment to Site Plan Agreement Amendment to Development Agreement</b>	\$ <b>1,451.00</b> (plus legal costs)
<b>Assumption Agreement associated with a Plan of Condominium</b>	\$ <b>1,451.00</b> (plus legal costs)
<b>All other Assumption Agreements</b>	\$ <b>274.00</b> (plus registration costs)
<b>Other Agreements arising out of conditions of Consent or other Planning Act approvals</b>	\$ <b>500.00 minimum (NCPI)</b> \$ <b>2,000.00 maximum (NCPI)</b> (at the discretion of Town Solicitor or in his absence, CAO or designate)
<b>Legal Costs Deposits</b>	
<b>Site Plan Agreement</b>	\$ <b>2,565.00 (NCPI)</b>
<b>Development Agreement</b>	\$ <b>2,565.00 (NCPI)</b>
<b>Subdivision Agreement</b>	\$ <b>2,565.00 (NCPI)</b>
<b>Town Solicitor Legal Costs</b>	
<b>Site Plan Agreement</b>	\$ <b>2,191.00</b> \$ <b>913.00</b> (preparation & registration of Agreement only)
<b>Development Agreement</b>	\$ <b>2,191.00</b> \$ <b>913.00</b> (preparation & registration of Agreement only)
<b>Subdivision Agreement</b>	\$ <b>3,039.00</b>
<b>Zoning By-law Amendment</b>	\$ <b>3,743.00 Minor Application</b> \$ <b>9,359.00 Major Application</b> \$ <b>954.00 Pre-consultation</b> (discounted from full application) \$ <b>727.00 Re-circulation</b>
<b>Official Plan Amendment</b>	\$ <b>8,661.00</b> \$ <b>1,271.00 Pre-consultation</b> (discounted from full application)

**Schedule “A” to By-law No. 152-2022**

	<b>\$ 727.00 Re-circulation</b>
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**Schedule “PDS-C” Page 3**

<b>Combined Official Plan &amp; Zoning Amendment</b>	<b>\$ 9,878.00</b> <b>\$ 1,463.00 Pre-consultation</b> (discounted from full application) <b>\$ 727.00 Re-circulation</b>
<b>Review of Regional Policy Plan Amendment</b>	<b>\$ 1,907.00 small</b> <b>\$ 6,357.00 large</b>
<b>Telecommunications Tower</b>	<b>\$ 1,623.00 With public consultation</b> <b>\$ 376.00 Without public consultation</b>
<b>Removal of Part Lot Control Validation Order By-law Supplemental Administrative Report</b>	<b>\$ 828.00</b>
<b>Removal of Holding Provision</b>	<b>\$ 583.00</b>
<b>Zoning Compliance Letters:</b>	
<b>Simple Letter</b> (confirms Official Plan and Zoning By-law designations, and existing and/or proposed <u>use</u> does or does not conform)	<b>\$ 82.00</b>
<b>Simple Letter Accelerated Service</b> (1 to 2 days response)	<b>\$ 164.00</b>
<b>Detailed Letter</b> (Simple Letter plus confirms buildings & other site characteristics conform to current designations)	<b>\$ 222.00</b>
<b>Detailed Letter Accelerated Service</b> (1 to 2 days response)	<b>\$ 444.00</b>
<b>Inspection and Compliance Letter (Development, Subdivision, Site Plan Agreement)</b>	<b>\$ 287.00</b>
<b>Deeming By-law</b>	<b>\$ 659.00</b>
<b>Dedication of One Foot Reserves</b>	<b>\$ 362.00</b> (includes registration costs)
<b>Conveyance of lands for Reserves</b>	<b>\$ 362.00</b> (includes registration costs)
<b>Easement, or partial or full release</b>	<b>\$ 362.00</b> (includes registration costs)
<b>Road Widening Conveyance</b>	<b>\$ 449.00</b> (includes registration costs)
<b>Partial Release of Subdivision/ Development Agreement</b>	<b>\$ 1,368.00</b> (plus registration costs)

## Schedule "PDS-C" Page 4

<b>Consent to Release Restrictions, Options, Inhibiting Orders</b>	<b>\$ 362.00 per consent</b> (includes registration costs)
<b>Consent to registrations re: Inhibiting Orders (subsequent to initial development)</b>	<b>\$ 128.00</b>
<b>Servicing Agreement</b>	<b>\$ 2,976.00</b> (plus registration costs)
<b>Lot Grading Agreement</b>	<b>\$ 362.00</b> (includes registration costs)
<b>Variance from Fence By-law Regulations</b>	
Application Fee	<b>\$ 517.00</b>
Appeal Fee	<b>\$ 517.00</b>
<b>Urban Tree Contribution (per tree required as a part of Consent Application approval, to create a new lot(s))</b>	<b>\$ 1,000.00</b> (per tree required) (NCPI)

## Committee of Adjustment Application Fees

<b>Minor Variance</b>	<b>\$ 1,057.00*</b> (single, semi detached or duplex dwelling) OR <b>\$ 1,992.00*</b> (constructing single, semi detached or duplex dwelling without building permit) <b>\$ 1,334.00*</b> (multiple dwelling, commercial and industrial) OR <b>\$ 2,647.00*</b> (constructing multiple dwelling, commercial and industrial without building permit) *Full fee for first application plus 50% of fee per additional application. (Multiple applications within Plan of Subdivision/Condominium)
<b>Consent</b>	<b>Residential:</b> <b>\$ 1,532.00*</b> per lot and <b>\$ 197.00</b> per easement <b>\$ 254.00 Pre-consultation</b> (discounted from full application) <b>Commercial/Industrial/Institutional:</b> <b>\$ 1,992.00*</b> per lot and <b>\$ 270.00</b> per easement <b>\$ 320.00 Pre-consultation</b> (discounted from full application)
	<b>Boundary Adjustment:</b> <b>\$ 1,138.00*</b> Residential <b>\$ 1,300.00*</b> Commercial/Industrial/Institutional <b>\$ 192.00 Pre-consultation</b> (discounted from full application) <b>Deed Certification: \$ 197.00</b>
<b>Special Hearing</b>	<b>\$ 683.00</b>
<b>Adjournment Fee</b>	<b>50% of application fee</b>

## Schedule "PDS-C" Page 5

Request Change in Condition of Consent	\$ 395.00
	* Includes surcharge of \$10.00 for Lot Identification Poster

## All Planning &amp; Committee of Adjustment Applications

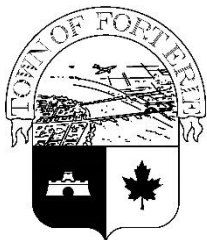
Ontario Municipal Board/Local Planning Appeal Tribunal Appeal & Hearing (with Council support)	\$ 2,870.00 (plus all planning, engineering and legal fees) ** See below
--	--

\*\* If an Ontario Municipal Board/Local Planning Appeal Tribunal Appeal is lodged as a result of a By-law and/or Approval of the Council or Committee of Adjustment arising from any application listed above, this fee shall be paid to the Town by the applicant within 14 days after the date of the notice of Appointment of Hearing. The applicant must also remit to the Town all costs incurred by the Town in association with the appeal for planning, engineering and legal fees. Failure to submit the requisite fee may result in Counsel not appearing before the Ontario Municipal Board in support of the matter.

Notwithstanding the foregoing Fees, the Council of the Town of Fort Erie and the Committee of Adjustment of the Town of Fort Erie may waive all or part of the prescribed fees where Council or the Committee is satisfied that it would be unreasonable to require payment and such waiving shall be at the sole discretion of the Council or the Committee.

The following fees shall **NOT** be adjusted annually based on the Statistics Canada *Consumer Price Index (CPI)*.

<b>By-law Enforcement Administrative Fee – Repeat Complaints</b> (Charged to property owner in violation of By-law)	<b>Cost + 15% admin fee (minimum \$ 150.00)</b>
<b>Discharge of an Ontario Building Code Order registered on title</b>	<b>\$ 350.00</b>
<b>File Notice of Appeal of Property Standards Order</b>	<b>\$ 250.00</b>
<b>Certificate of Compliance</b> (with provisions of the Town's Property Standards By-law)	<b>\$ 205.00</b>



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 153-2022

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### Being a By-law to Amend By-law No. 60-2017 Sale of Land Policy

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**Whereas** By-law No. 60-2017 establishes a policy for the sale of land owned by The Corporation of the Town of Fort Erie (the "Sale of Land Policy"); and

**Whereas** the Sale of Land Policy provides for a fee of \$310.00 for requests to purchase limited marketability land (the "Application Fee"); and

**Whereas** By-law No. 40-09, as amended (the "Fees and Charges By-law"), was passed by the Municipal Council of The Corporation of the Town of Fort Erie on March 9, 2009, to establish fees and charges for various services provided by the Town of Fort Erie; and

**Whereas** By-law No. 152-2022 to amend Fees and Charges By-law No. 40-09, as amended, was passed by the Municipal Council of The Corporation of the Town of Fort Erie on December 12, 2022, to approve changes to previously established fees and charges, and approved an increase to the Application Fee for the sale of limited marketability land to \$750.00; and

**Whereas** it is deemed desirable to amend By-law No. 60-2017 Sale of Land Policy, to reflect the increase in the Application Fee;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** paragraph 7.1 of Schedule "A" to By-law No. 60-2017 Sale of Land Policy, is amended by changing the amount of the Application Fee to \$750.00.
2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

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Mayor

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Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 153-2022 of the said Town. Given under my hand and the seal of the said Corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 154-2022

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### Being a By-law to Waive Business Licensing Fees for 2023 (Excluding Short Term Rentals)

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**Whereas** due to the COVID-19 pandemic, Fort Erie businesses continue to face historic challenges that require the ability to balance competitive business practices, workforce stability and customer/employee health and safety; and

**Whereas** Report No. CBC-02-2023 was considered and approved at the Council-in-Budget-Committee Meeting held on December 7, 2022, to inter alia waive Town of Fort Erie Business Licensing Fees, save and except for Short Term Rental Licensing Fees, for 2023;

**Whereas** it is deemed desirable to waive Business Licensing Fees, save and except the Short-Term Rental Fees, for the 2023 business licensing year; and

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the Business Licensing Fees established by Schedule "CS-A" to By-law No. 40-09, as amended or as may be replaced, save and except the Short-Term Rental Licensing Fees, are waived for the 2023 business licensing year.
2. **That** any provision of any other by-law of the Town of Fort Erie that is inconsistent with the provisions of this by-law shall be of no force or effect.
3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

---

Mayor

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Clerk

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 154-2022 of the said Town. Given under my hand and the seal of the said Corporation, this                      day of                      , 20   .



# **The Municipal Corporation of the Town of Fort Erie**

## **By-law No. 155-2022**

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### **Being a By-law to Deem Part of a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision 3815 Mathewson Avenue Seguro Import Export Ltd. c/o Rhayan El Fakih (Owner)**

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**Whereas** subsection 50(4) of the *Planning Act*, R.S.O. 1990, c. P.13 (the "*Planning Act*") authorizes the Council of a municipality to designate by by-law any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of the subdivision control provisions of subsection 50(3) of the *Planning Act*; and

**Whereas** Lots 286 and 287, Plan 417 are within a plan of subdivision registered for more than eight years; and

**Whereas** the applicant has made an application to designate these lands pursuant to the provisions of subsection 50(4) of the *Planning Act* to merge two full lots on title;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the following lands are designated and hereby deemed not to be within a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*:

Lots 286 and 287 Plan 417 Bertie; Fort Erie, being all of PIN 64186-0055 (LT)

2. **That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
3. **That** this by-law shall come into force and take effect when registered in the local Land Registry Office by the Town Law Clerk.
4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical,

semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

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**Mayor**

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**Clerk**

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 155-2022 of the said Town. Given under my hand and the seal of the said Corporation, this      day of      , 20      .



## Interoffice Memorandum

December 12, 2022

File No. 350311

To: Mayor and Council

From: Anamika Dilwaria, Manager, Development Approvals  
Planning and Development Services

Subject: **Deeming By-law No. 155-2022**  
**3815 Mathewson Avenue**  
**Agent: Mitchell Baker**  
**Owner: Seguro Import Export Ltd. (Rhayan El Fakih)**

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Included in the Council package for December 12, 2022 is By-law No. 155-2022 deeming Lots 286 and 287, Plan 417, being all of PIN 64186-0055 (LT). An application for a Deeming By-law has been received from Mitchell Baker on behalf of the owner, to deem certain lots located on Mathewson Avenue not to be lots within a registered plan of subdivision pursuant to the provisions of the *Planning Act*, R.S.O. 1990, c. P.13.

Lots that are located within a registered plan of subdivision are individual, conveyable parcels of land. The property municipally known as 3815 Mathewson Avenue consists of two separate, conveyable lots within a registered plan of subdivision (Lots 286 and 287, Plan 417) with the divisional lot line running east to west and crossing over the existing detached dwelling. The intent is to have Lots 286 and 287, Plan 417 merge in title in order to alter the divisional lot line to run north to south which will result in the existing dwelling being maintained on its own parcel. The remnant parcel will be conveyed following finalization of the provisional consent approval.

Pursuant to subsection 50(4) of the *Planning Act*, the Town Council is authorized to designate by by-law, any plan of subdivision, or part thereof, that has been registered for eight years or more, not be a registered plan of subdivision for the purposes of subsection 50(3) of the *Planning Act*.

A certified copy of the Deeming By-law is registered by the Town Law Clerk in the Land Registry Office for Niagara South and does not come into effect until such time as the by-law has been registered. All costs associated with the processing of the Deeming By-law are the responsibility of the applicant and are covered by the application fee.

All of which is respectfully submitted,



Anamika Dilwaria, M.A, M.Pl., MCIP, RPP  
Manager, Development Approvals, Planning and Development Services

Attach:        Appendix "1" – Location Map


Cc:     Chris McQueen, Chief Administrative Officer  
         Alex Herlovitch, Director of Planning and Development Services  
         Carol Schofield, Town Clerk  
         Rosanna Firenze, Law Clerk

APPENDIX 1





**PROPOSED DEEMING BY-LAW**  
**3815 Mathewson Avenue**  
**PLAN 77 LOT 286 LOT 287**  
**NP417**

Subject Lands - 3815 Mathewson Avenue

 Lot Proposed to be Deemed (Lot 286, 287)

Planning and Development Services, Map Created December 6, 2022

  
  
Our Focus: Your Future



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 156-2022

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### Being a By-law to Exempt Certain Lots and Blocks in Plan 59M-483 from Part Lot Control, Blocks 49 & 50 (Mitchell Crescent) Blackcreek Signature Subdivision Rinaldi Homes (Niagara) Inc.

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**Whereas** the Municipal Council of The Corporation of the Town of Fort Erie deems that the lands described in section 1 of this by-law should be exempted from the provisions of subsection 50(5) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*"), since such lands are to be used for dwelling units as permitted by Zoning By-law No. 129-90, as amended;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the provisions of subsection 50(5) of the *Planning Act* shall not apply to the lands described as follows:

- (a) Block 49, Plan 59M-483, Fort Erie,  
being all of PIN 64252-0266 (LT)

- (b) Block 50, Plan 59M-483, Fort Erie  
being all of PIN 64252-0267 (LT)

for the purpose of creating 8 lots for residential development as follows:

- i) Part 1 on Reference Plan 59R-17434; and
    - ii) Part 2 on Reference Plan 59R-17434; and
    - iii) Part 3 on Reference Plan 59R-17434; and
    - iv) Part 4 on Reference Plan 59R-17434; and
    - v) Part 1 on Reference Plan 59R-17430; and
    - vi) Part 2 on Reference Plan 59R-17430; and
    - vii) Part 3 on Reference Plan 59R-17430; and
    - viii) Part 4 on Reference Plan 59R-17430; and

2. **That** in accordance with subsection 50(7.3) of the *Planning Act*, this by-law shall expire one year from the date of the registration of this by-law in the Land Registry Office at which time subsection 50(5) of the *Planning Act* shall apply to those lands in the registered plan described in Section 1 of this by-law.

3. **That** upon final passage of this by-law, the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.
4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

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**Mayor**

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**Clerk**

I, Carol Schofield, Clerk of The Corporation of the Town of Fort Erie, certify the foregoing to be a true copy of By-law No. 156-2022 of the said Town. Given under my hand and the seal of the said Corporation, this       day of       , 20

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## Interoffice Memorandum

December 12, 2022  
File No. 350304

To: Mayor and Council  
From: Anamika Dilwaria, Manager, Development Approvals,  
Subject: **Removal of Part Lot Control  
By-law No. 156-2022  
Blocks 49 & 50 Plan 59M-483  
Mitchell Crescent, Blackcreek Signature Subdivision**

---

Included in the Council package for December 12, 2022 is By-law No. 156-2022 exempting Blocks 49 and 50, Plan 59M-483 from the Part Lot Control provisions of *The Planning Act*, R.S.O. 1990, c. P.13, as amended (the "*Planning Act*").

Attached, as Appendix 1 and Appendix 2 is a copy of Registered Plans 59R-17434 and 59R-17430 (respectively) indicating the proposed parts to be created for residential development. The current application will allow the conveyance for 2 townhouse blocks with 4 townhouse dwelling units per block and the associated lands as shown as Parts 1 to 4 (59R-17434) and Parts 1 to 4 (Plan 59R-17430).

*The Planning Act* also allows the Part Lot Control By-law to expire at the end of a specified time period. The purpose of the specified time period is to provide a time window to sell the lots and register the reference plan. In this case, a one-year time frame is sufficient to allow the owner to complete the transactions necessary to convey the subject properties.

In order to permit the conveyance, staff recommends that the By-law No. 156-2022 exempting Blocks 49 and 50, Plan 59M-483 from the provisions of Part Lot Control be passed.

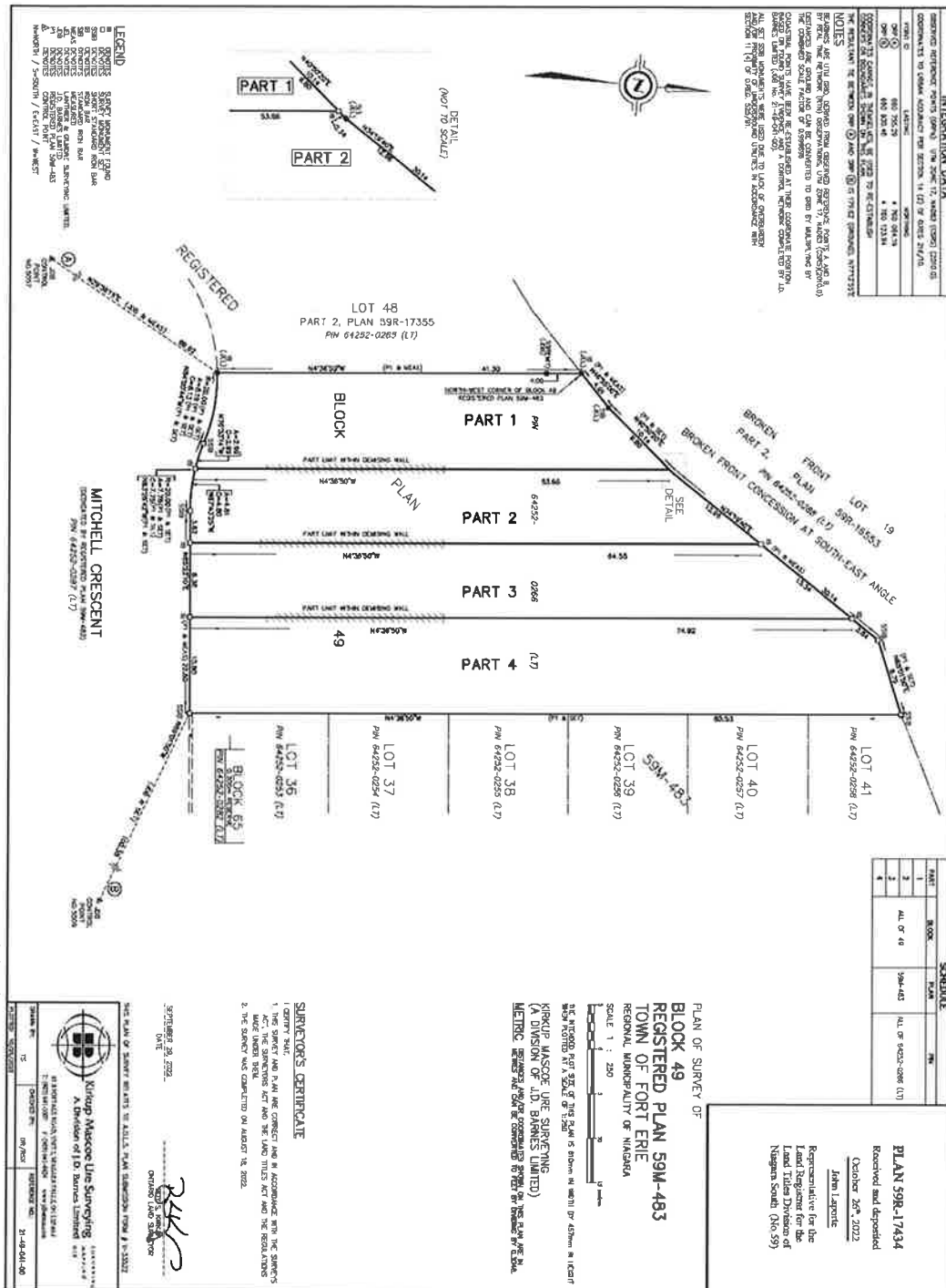
All of which is respectfully submitted,

Anamika Dilwaria, M.A., M.Pl., MCIP, RPP  
Manager, Development Approvals

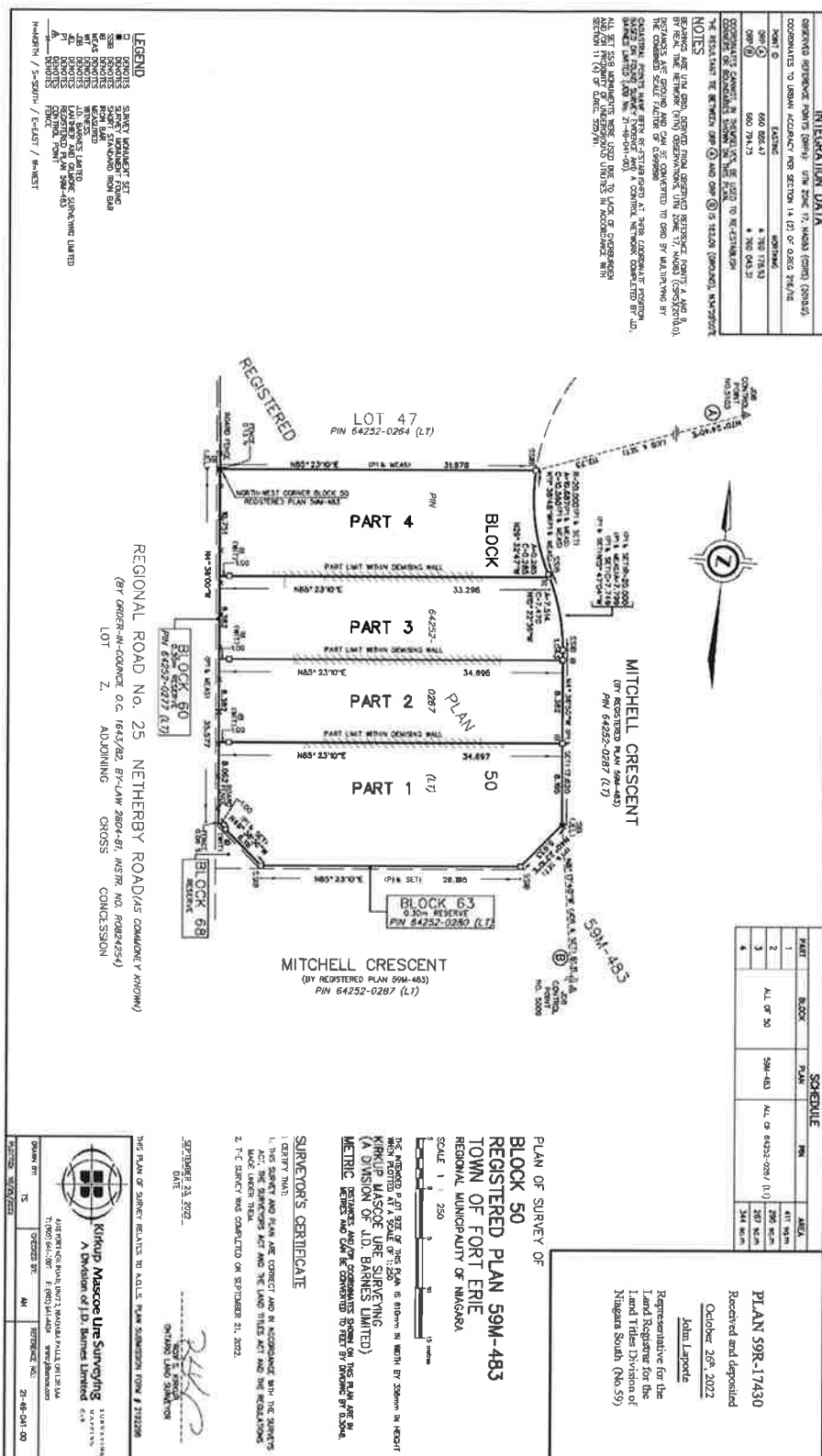
Attachment: Appendix "1" – Registered Plan 59R-17434  
Appendix "2" – Registered Plan 59R-17430

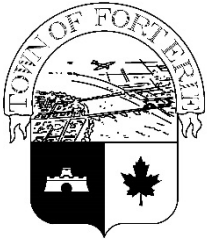
cc: Chris McQueen, Chief Administrative Officer  
Alex Herlovitch, Director of Planning and Development Services  
Rosanna Firenze, Law Clerk  
Carol Schofield, Town Clerk

## Appendix 1



## Appendix 2





# The Municipal Corporation of the Town of Fort Erie

## By-law No. 157-2022

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### Being a By-law to Adopt the Preliminary Capital Budget for the Town of Fort Erie for the Year 2023

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**Whereas** Section 290 of the *Municipal Act, 2001* provides that a local municipality shall for each year prepare and adopt a budget including estimates of all sums required during the year for the purposes of the municipality; and

**Whereas** Report No. CBC-01-2023 was considered at the Council-in-Budget Committee Meeting held on December 7, 2022 and subsequently authorized and approved by Council, to approve the 2023 Preliminary Capital Budget and defer approval of the balance of the 2023 Capital Budget to February 27, 2023 with the consideration of the 2023 General Levy Budget By-law; and

**Whereas** in accordance with Public Notice Policy By-law No. 206-07 public notice of the budget meeting schedule and by-law adoption was published in the Fort Erie Post on November 24<sup>th</sup>, 2022, posted on the Town of Fort Erie website and listed on Council and Council-in-Committee Agendas; and

**Whereas** it is deemed desirable to adopt the Preliminary Capital Budget for the Town of Fort Erie for the Year 2023 as set out herein;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the 2023 Preliminary Capital Budget attached as Schedule "A" and forming part of this by-law is approved and adopted.
2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12th day of December, 2022.**

---

Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 157-2022 of the said Town. Given under my hand and the seal of the said Corporation, this       day of       , 20

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# Schedule "A" to By-law No. 157-2022

## CORPORATION OF THE TOWN OF FORT ERIE PRELIMINARY CAPITAL BUDGET

Run Date: 07/12/22 4:01 PM

	2023 Budget	Reserves	Development Charges	Gas Tax	Debenture	Donations & Other Contributions	Fed/Prov Reg/ Grants
<b>ACTIVE CAPITAL</b>							
<b>CORPORATE &amp; COMMUNITY SERVICES</b>							
Digital Capital							
IMIS23 IT Computer Hardware	107,000	107,000					
MSQL23 MS SQL Server	18,000	18,000					
PHON23 Phone Replacement	20,600	20,600					
SERV23 Server & Core Infrastructure Replacement	35,000	35,000					
SWCH22 Town Hall Switches Replacement	25,000	25,000					
<b>Total Digital Capital</b>	<b>205,600</b>	<b>205,600</b>					
Municipal Centre Capital							
COPY23 2023 Photocopier Replacement	16,000	16,000					
<b>Total Municipal Centre Capital</b>	<b>16,000</b>	<b>16,000</b>					
<b>Total CORPORATE &amp; COMMUNITY SERVICES</b>	<b>221,600</b>	<b>221,600</b>					
<b>PLANNING &amp; DEVELOPMENT SERVICES</b>							
Parks & Open Space Capital							
ACQW23 Waterfront Land Acquisition	635,000	635,000					
BCON24 Bill Connolly Field Playground Replacement	150,000	132,784	17,216				
DOUG20 Douglas Park Revitalization	2,300,000	2,047,000	253,000				
ENHA23 Neighbourhood Park Enhancements	40,000		40,000				
FETC23 Fort Erie Tennis Club Court 7 Replacement	150,000	150,000					
GODR22 Goderich Street Park Playground Replacement	150,000	132,784	17,216				
PPLT23 Park Parking Lot Resurfacing	100,000	100,000					
RBAT23 Ridgeway Battlefield Park Washroom Enclosure	20,000	20,000					
SUGP23 Lions Sugarbowl Park Pavilion	200,000	130,000				70,000	
SUGR24 Sugarbowl Park Renewal	100,000	100,000					
WFAQ22 Waterfront Land Acquisition	320,000	320,000					
<b>Total Parks &amp; Open Space Capital</b>	<b>4,165,000</b>	<b>3,767,568</b>	<b>327,432</b>			<b>70,000</b>	
<b>Total PLANNING &amp; DEVELOPMENT SERVICES</b>	<b>4,165,000</b>	<b>3,767,568</b>	<b>327,432</b>			<b>70,000</b>	
<b>FIRE &amp; EMERGENCY SERVICES</b>							
Fire & Emergency Capital							
AUTX23 Auto Extrication Tool Replacement Pump & Hose	75,000	75,000					
BKGR23 Bunker Gear Replacement	65,000	65,000					
RECR23 Recruit PPE	40,000	40,000					
<b>Total Fire &amp; Emergency Capital</b>	<b>180,000</b>	<b>180,000</b>					
<b>Total FIRE &amp; EMERGENCY SERVICES</b>	<b>180,000</b>	<b>180,000</b>					
<b>INFRASTRUCTURE SERVICES</b>							
Bridges & Culverts Capital							
BRIG23 2023 Bridge & Culvert Replacement	1,000,000			1,000,000			
BRIG24 2024 Bridge & Culvert Replacement	195,000	195,000					
<b>Total Bridges &amp; Culverts Capital</b>	<b>1,195,000</b>	<b>195,000</b>		<b>1,000,000</b>			
Sidewalk Capital							

# Schedule "A" to By-law No. 157-2022

## CORPORATION OF THE TOWN OF FORT ERIE PRELIMINARY CAPITAL BUDGET

Run Date: 07/12/22 4:01 PM

	2023 Budget	Reserves	Development Charges	Gas Tax	Debenture	Donations & Other Contributions	Fed/Prov Reg/ Grants
SIDE23 2023 Sidewalk Repair Program	375,000	375,000					
<b>Total Sidewalk Capital</b>	375,000	375,000					
Storm Sewer Capital							
ASTP20 Point Abino Rd S. Storm PS	250,000	250,000					
EBCH19 Erie Beach Area Storm Drainage - L3	303,620		303,620				
RTWI23 River Trail Storm Outlet Improvement	106,250	106,250					
STOL23 Storm Outlet Repairs	380,676						380,676
STRM23 2023 Storm Sewer Repairs	100,000	100,000					
<b>Total Storm Sewer Capital</b>	1,140,546	456,250	303,620				380,676
Fleet Capital							
R43623 2023 Roads Dump/Plow Truck	400,000	400,000					
<b>Total Fleet Capital</b>	400,000	400,000					
Wastewater Capital							
SSFM23 2023 Sanitary Sewer Flow Monitors	60,000	60,000					
TBLL23 Thunder Bay Lateral Spot Repair	650,000						650,000
<b>Total Wastewater Capital</b>	710,000	60,000					650,000
Water Capital							
ASWE23 Albany Street Watermain Extension	350,000	175,000					175,000
DISW20 Disher St Watermain Replacement	400,000						400,000
WDWS23 2023 Infrastructure Leak Detection - Hydra	45,000	45,000					
WMET23 2023 Water Meter Replacement Program	1,100,000	1,050,000				50,000	
<b>Total Water Capital</b>	1,895,000	1,270,000				50,000	575,000
Cemeteries Capital							
CRCN23 Ridgeway Memorial Cemetery New Colum	80,000	80,000					
<b>Total Cemeteries Capital</b>	80,000	80,000					
Facilities Capital							
ASNR24 Arena Spectator Netting Replacement	45,000	45,000					
CRAW16 Crystal Ridge Accessible Washrooms	20,000	20,000					
CRPD23 Crystal Ridge Park Pavilion Demo	25,000	25,000					
EJFM23 EJ Freeland Centre Mechanical Upgrades	215,000	215,000					
EJFW23 EJ Freeland Centre Window and Door Rep	240,000	240,000					
GCRH21 Gibson Centre Heater Replacement	50,000	50,000					
LPPR23 Leisureplex Refrigeration Receiver Replac	95,000	95,000					
PALR23 Point Abino Lighthouse Repairs	20,000	20,000					
THAS23 Town Hall Building Automation System Rej	45,000	45,000					
<b>Total Facilities Capital</b>	755,000	755,000					
<b>Total INFRASTRUCTURE SERVICES</b>	6,550,546	3,591,250	303,620	1,000,000		50,000	1,605,676
<b>Total ACTIVE CAPITAL</b>	11,117,146	7,760,418	631,052	1,000,000		120,000	1,605,676
<b>Total Preliminary Approval</b>	11,117,146	7,760,418	631,052	1,000,000		120,000	1,605,676



# The Municipal Corporation of the Town of Fort Erie

## By-law No. 158-2022

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**Being a By-law to Confirm the Actions of Council at its  
Council-in-Committee Meeting Held on November 21, 2022,  
Special Council Meeting Held on December 1, 2022, Council-in-  
Committee Meeting held on December 5, 2022, Council-in-  
Budget Committee Meeting No. 1 Held on December 7, 2022,  
and its Council Meeting Held on December 12, 2022**

---

**Whereas** it is desirable to have the actions and proceedings of Council adopted, ratified and confirmed by by-law;

**Now therefore** the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

- 1. That** the actions of Council at its Council-in-Committee Meeting held on November 21, 2022, Special Council Meeting Held on December 1, 2022, Council-in-Committee Meeting held on December 5, 2022, Council-in-Budget Committee Meeting No. 1 Held on December 7, 2022, and its Council Meeting Held on December 12, 2022 including all motions, resolutions and other actions are adopted, ratified and confirmed as if they were expressly embodied in this by-law, except where the law requires the prior approval of the Ontario Municipal Board or other authority.
- 2. That** where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
- 3. That** the Mayor and officers of The Corporation of the Town of Fort Erie are authorized and directed to do all things necessary to give effect to such actions or to obtain approvals where required.
- 4. That** except where otherwise provided, the Mayor and the Clerk are authorized and directed to execute all documents arising from such actions.
- 5. That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

**Read a first, second and third time and finally passed this 12<sup>th</sup> day of December, 2022.**

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Mayor

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Clerk