

Due to the Council Chamber dome roof replacement and in accordance with the City's [Procedure By-law](#), the City of Pickering is holding electronic Council and Committee Meetings.

Members of the public may observe the meeting proceedings by viewing the [livestream](#). A recording of the meeting will also be available on the [City's website](#) following the meeting.

6:00 pm In Camera Council

	Page
1. Call to Order/Roll Call	
2. Moment of Reflection	
Mayor Ashe will call for a silent moment of reflection.	
3. Indigenous Land Acknowledgment Statement	
Mayor Ashe will read the Indigenous Land Acknowledgment Statement.	
4. Disclosure of Interest	
5. Adoption of Minutes	
Special Council – Education & Training Minutes, June 26, 2023	1
Council Minutes, June 26, 2023 (Confidential In Camera Council Minutes, June 26, 2023, provided under separate cover)	4
Special Council – Education & Training Minutes, July 18, 2023 (Confidential In Camera Special Council – Education & Training Minutes, July 18, 2023, provided under separate cover)	46
Special Council Minutes, August 3, 2023 (Confidential In Camera Special Council Minutes, August 3, 2023, provided under separate cover)	49
Special Council Minutes, August 16, 2023 (Confidential In Camera Special Council Minutes, August 16, 2023, provided under separate cover)	52
Executive Committee Minutes, September 5, 2023	61
Special Council Minutes, September 5, 2023	67
Planning & Development Committee Minutes, September 5, 2023	73

6. Presentations

7. Question Period

Due to the Council Chamber dome roof replacement, and the need to meet electronically, Question Period will not take place at the September 25, 2023 Council Meeting.

8. Delegations

Due to the Council Chamber dome roof replacement and the need to meet electronically, members of the public looking to provide a verbal delegation to Members of Council may do so through a virtual connection into the meeting. For more information, and to register as a delegate, visit www.pickering.ca/delegation, and complete the on-line delegation form or email clerks@pickering.ca.

The list of delegates who have registered to speak will be called upon one by one by the Chair in the order in which they have registered. Delegates are allotted a maximum of 5 minutes to make their delegation.

Please be advised that your name will appear in the public record and will be posted on the City's website as part of the meeting minutes.

8.1 Odessa Grignon, Pickering Resident (**Virtual**)
Re: Concerns regarding Photography and Filming of the Public at the June Council Meeting

8.2 Floyd Heath, Pickering Resident (**Virtual**)
Re: Asylum Seekers being Accommodated in Pickering

9. Correspondence

9.1 [Corr. 28-23](#) **85**
Jeff Abrams, Co-Principal, Principles *Integrity*, Integrity Commissioner for the City of Pickering
Janice Atwood-Petkovski, Co-Principal, Principles *Integrity*, Integrity Commissioner for the City of Pickering
Re: City of Pickering Integrity Commissioner's Recommendation Report Complaints against Councillor Robinson

Opening Remarks provided by:

Jeff Abrams, Co-Principal, Principles *Integrity*, Integrity Commissioner for the City of Pickering **(Virtual)**

Janice Atwood-Petkovski, Co-Principal, Principles *Integrity*, Integrity Commissioner for the City of Pickering **(Virtual)**

Recommendation:

Council direction required.

9.2 [Corr. 29-23](#) **98**

Andrea Horwath, Mayor, City of Hamilton

Re: City of Hamilton – Request to Abandon Greenbelt Development

Recommendation:

That Corr. 29-23, from Andrea Horwath, Mayor, City of Hamilton, dated September 11, 2023, regarding City of Hamilton – Request to Abandon Greenbelt Development, be received and endorsed.

10. Report EC 07-23 of the Executive Committee held on September 5, 2023

[Refer to Executive Committee Agenda pages:](#)

10.1 Director, Corporate Services & City Solicitor, Report CLK 08-23 2024 Committee and Council Meeting Schedule **1**

Recommendation:

1. That the 2024 Committee and Council Meeting Schedule appended as Attachment #1 to Report CLK 08-23 be approved; and,
2. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this Report.

10.2 Director, Community Services, Report CS 24-23 **5**
Draft Community Festivals and Events Policy, CUL 070
- Amendments to Community Festivals and Events Policy, CUL 070

Recommendation:

1. That Council endorse the revisions in CUL 070 Community Festivals and Events Policy, as set out in Attachment 1 to this report, subject to minor revisions acceptable to the Director, Community Services; and,
2. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

- 10.3 Director, Community Services, Report CS 25-23 **27**
City of Pickering Volunteer Program Update
- 2022/2023 Activities

Recommendation:

That Report CS 25-23, regarding the City of Pickering Volunteer Program Update, be received for information.

- 10.4 Director, Finance & Treasurer, Report FIN 14-23 **32**
Bill 23, *More Homes Built Faster Act, 2022*
- Development Charge Revenue Loss as of July 31, 2023

Recommendation:

That Report FIN 14-23 regarding an updated financial assessment related to Bill 23 be received for information.

11. Report PD 07-23 of the Planning & Development Committee held on September 5, 2023

[Refer to Planning & Development Agenda pages:](#)

- 11.1 Director, City Development & CBO, Report PLN 29-23 **49**
City Initiated Official Plan Amendment 49
- Changes to the policies and regulations for Additional Dwelling Units
- File: OPA 23-002/P

Recommendation:

1. That Official Plan Amendment Application OPA 23-002/P, initiated by the City of Pickering, to amend existing policies and introduce new policies related to additional dwelling units, as set out in Exhibit 'A' to Appendix I to Report PLN 29-23, be approved;

2. That the Draft By-law to adopt Amendment 49 to the Pickering Official Plan, to amend existing policies and introduce new policies to the Pickering Official Plan with regard to additional dwelling units, as set out in Appendix I to Report PLN 29-23, be enacted;
3. That Zoning By-law Amendment Application A 04/23, initiated by the City of Pickering, to implement Official Plan Amendment 49, be approved, and that the Recommended Draft Zoning By-law Amendments as set out in Appendices II to VII to Report PLN 29-23 be finalized and forwarded to Council for enactment;
4. That the Additional Dwelling Unit Registration By-law, as set out in Appendix VIII to Report PLN 29-23, be enacted; and,
5. That a copy of the staff report, the adopting by-law, and two copies of the adopted Amendment be forwarded to the Region of Durham.

11.2 Director, City Development & CBO, Report PLN 30-23
Draft Plan of Subdivision Application SP-2020-02
Zoning By-law Amendment Application A 10/20
Pickering Forest Inc.
450 Finch Avenue

113

Recommendation:

1. That Draft Plan of Subdivision Application SP-2020-02, submitted by Pickering Forest Inc., to establish a residential plan of subdivision, consisting of 31 lots for detached dwellings, 2 part blocks for future development, 1 parkland block, 1 environmental block, 2 public roads, and 1 block for a road widening, as shown on Attachment #4 to Report PLN 30-23, and the implementing conditions of approval, as set out in Appendix I, be endorsed; and,
2. That Zoning By-law Amendment Application A 10/20, submitted by Pickering Forest Inc., to implement Draft Plan of Subdivision SP-2020-02, on lands municipally known as 450 Finch Avenue, be approved, and that the draft Zoning By-law Amendment, as set out in Appendix II to Report PLN 30-23, be finalized and forwarded to Council for enactment.

- 11.3 Director, City Development & CBO, Report PLN 31-23 **164**
Zoning By-law Amendment Application A 09-16(R)
Draft Plan of Subdivision Application SP-2016-01(R)
Draft Plan of Condominium Application CP-2016-03(R)
702153 Ontario Limited
Southeast corner of Finch Avenue and Altona Road
(1985 and 1999 Altona Road, and 323, 327 and 331 Finch Avenue)

Recommendation:

1. That Zoning By-law Amendment Application A 09/16(R), submitted by 702153 Ontario Limited, to facilitate a residential common element condominium, development consisting of 48 townhouse units, on the lands located at the southeast corner of Finch Avenue and Altona Road, be approved subject to the zoning provisions contained in Appendix I to Report PLN 31-23, and that staff be authorized to finalize and forward an implementing Zoning By-law to Council for enactment; and,
2. That Draft Plan of Subdivision Application SP-2016-01(R), submitted by 702153 Ontario Limited, to establish a development block to facilitate a common element condominium; an open space block, and two road widening blocks, as shown in Attachment #6 to Report PLN 31-23, and the implementing conditions of approval, as set out in Appendix II, be endorsed.

12. New and Unfinished Business

- 12.1 [Director, Finance & Treasurer, Report FIN 15-23](#) **100**
2022 Year End Audit and Financial Statements (Final)

Consultant Delegation

Lilian Cheung, Partner, Deloitte (**Virtual**)

Recommendation:

1. That the Report on the results of the 2022 Audit as submitted by Deloitte LLP be received for information; and,

2. That the 2022 draft Audited Consolidated Financial Statements for the City of Pickering be approved.

- 12.2 [Director, Community Services, Report CS 26-23](#) **154**
Draft Respectful Conduct Policy (ADM 260)
- Rescind Zero Tolerance Policy (ADM 200)

Recommendation:

1. That Council endorse the draft Respectful Conduct Policy (ADM 260), as set out in Attachment 1, subject to minor revisions acceptable to the Director, Community Services and Chief Administrative Officer;
2. That Zero Tolerance Policy (ADM 200), as set out in Attachment 2, be rescinded; and,
3. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.

- 12.3 [Director, Finance & Treasurer, Report FIN 16-23](#) **176**
Write-off of Property Taxes and Vesting of Lands Related to Property Tax Sale

Recommendation:

1. That Report FIN 16-23 of the Director, Finance & Treasurer be received;
2. That the Treasurer be authorized to prepare and register a Notice of Vesting in the name of The Corporation of the City of Pickering;
3. That taxes totaling \$326,135.52 as set out in this report, of which the City's portion is \$95,136.06, to be written-off pursuant to the provisions of Subsection 354.3 of the *Municipal Act*, 2001;
4. That the corresponding penalty and interest be cancelled; and,
5. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.

12.4 [Director, Finance & Treasurer, Report FIN 17-23](#) **185**

Convenience Fee for Online Collection of Building Services Fees

Recommendation:

1. That Council provide authorization for the City to charge a convenience fee for online transactions for Building Services through the Pickering Residential Interface & Service Modernization (PRISM) portal;
2. That Council authorize the Director, Finance & Treasurer to set and adjust the convenience fee as required for optimal cost recovery of online for current term of Council; and,
3. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

12.5 [Director, Operations, Report OPS 23-23](#) **185**

Supply & Delivery of Five 1 Ton Trucks

- Quotation No. Q2023-33

Recommendation:

1. That Quotation No. Q2023-33 submitted by Blue Mountain Chrysler Ltd. in the amount of \$488,570.00 (HST excluded) be accepted;
2. That the total gross project cost of \$552,084.10 (HST included) and the total net project cost of \$497,169.00 (net of HST rebate) be approved;
3. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$497,169.00 as follows:
 - a) The sum of \$200,234.00 to be funded from the 5-year DC Debt as approved in the 2023 Capital Budget be revised to the DC – Other Highway Services Reserve Fund;
 - b) The sum of \$96,703.00 to be funded from the Vehicle Replacement Reserve as approved in the 2023 Capital Budget;

c) The sum of \$200,232.00 to be funded from DC – Parks & Recreation Reserve Fund as approved in the 2023 Capital Budget; and,

4. That the appropriate City of Pickering officials be authorized to take the necessary action to give effect hereto.

12.6 [Director, Operations, Report OPS 24-23](#)

189

Ontario Infrastructure and Lands Corporation Licence Renewal Agreement

Recommendation:

1. That Report OPS 24-23 regarding Ontario Infrastructure and Lands Corporation Licence Renewal Agreement be received;
2. That the Mayor and City Clerk be authorized to execute the License Renewal Agreement with Ontario Infrastructure and Lands Corporation to extend the term of the licence as set out in Attachment 1 to this Report, subject to the revisions agreeable to the Director, Operations and the Director, Corporate Services & City Solicitor; and,
3. That the appropriate City of Pickering officials be authorized to take the necessary actions to give effect hereto.

12.7 [Director, City Development & CBO, Report SUS 08-23](#)

195

City of Pickering's Blue Box Producer Responsibilities

Recommendation:

1. That the Mayor and City Clerk be authorized to execute the Executive Attestation form with the Resource Productivity and Recovery Authority as contained in Appendix I to this report, subject to minor revisions as may be required by the Director, Corporate Services & City Solicitor, Director, Finance & Treasurer, and/or Chief Administrative Officer;
2. That the Mayor and City Clerk be authorized to enter into a Producer Services Agreement with Circular Materials effective until December 2024 contained in Appendix II to this report, subject to

For information related to accessibility requirements please contact:

Committee Coordinator

905.420.4611

clerks@pickering.ca

minor revisions as may be required by the Director, Corporate Services & City Solicitor, Director, Finance & Treasurer, and/or Chief Administrative Officer;

3. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report; and,
4. That appropriate City staff undertake necessary associated actions.

13. Motions and Notice of Motions

13.1 Indoor Pickleball Courts Interim Solution

Moved by Councillor Brenner
Seconded by Councillor Pickles

WHEREAS, the construction of a multipurpose double Gymnasium which will include lines painted for indoor Pickleball is planned as part of the future construction of the Seaton Community Centre;

And Whereas, the construction of the Seaton Community Centre is forecasted to commence in 2026;

And Whereas, while Pickering is moving forward with plans to create additional outdoor Pickleball Courts it remains a challenge to meet this growing sport in suitable indoor space;

And Whereas, in discussions with a representative from 1st Pickering Pickleball, demand has demonstrated an urgent need now based on membership and potential use;

Now therefore be it resolved that the Council of The Corporation of the City of Pickering directs Staff, through the Office of the CAO to:

1. Explore opportunities to lease warehouse space that can be retrofitted to accommodate the construction of Indoor Pickleball Courts;
2. Consult with the 1st Pickering Pickleball in this review; and,

3. Report back to Council for Budget consideration, no later than Q1 2024.

13.2 Art Sculpture Pickering Council Chamber

Moved by Councillor Butt

Seconded by Councillor Brenner

WHEREAS, the Council Chamber which is located within the City of Pickering Civic Complex is a place of decision making based on the foundation of democracy;

And Whereas, the Council Chamber is a place that should represent Pickering as a culturally diverse City with a history dating back over 200 years;

And Whereas, a renovation of the Council Chamber is projected to occur sometime in 2026;

Now therefore be it resolved that the Council of The Corporation of the City of Pickering directs through the Office of the CAO:

1. That Notwithstanding CUL 130 Public Art Policy, that staff be directed to consult with Pickering resident and internationally renowned sculptor Dorsey James who carves images from world mythology to commission or purchase one of his pieces to be included as part of the Council Chamber renovation and that the costs for such work not exceed \$30,000.00 and be funded from the Public Art Reserve (8038); and,
2. That Council be updated no later than the end of Q2 2024.

13.3 Post Manor Art Gallery

Moved by Councillor Brenner

Seconded by Councillor Pickles

WHEREAS, Brock and Kingston Holdings Inc. submitted applications for an Official Plan (OPA 20-008/P) and Zoning By-law Amendment (A 13/20), proposing a high density, mixed-use development on the lands municipally known as 1970 Brock Road;

And Whereas, this development includes the retention of a designated heritage building, Post Manor, which is intended to be used for a non-residential use;

And Whereas, on March 27, 2023, Council approved site-specific Official Plan Amendment 47 and Zoning By-law Amendment 8005/23, to facilitate the proposed development, which includes an “art gallery/studio” as a permitted use on the subject lands;

And Whereas, the City of Pickering does not currently have a municipal art gallery within south Pickering;

Now therefore be it resolved that the Council of The Corporation of the City of Pickering:

1. Directs Staff, through the Office of the CAO, to:
 - a. enter into discussions with Brock and Kingston Holdings Inc. regarding the potential acquisition of Post Manor by the City or lease agreement of said property between the City and Brock and Kingston Holdings Inc.;
 - b. consult with relevant cultural organizations as part of the Feasibility Study; and,
 - c. report back to Council in Q3 2024.
2. That the Mayor be requested to consider the inclusion of funds in the 2024 budget to complete a Feasibility Study that establishes the business case of the Corporation operating a stand-alone art gallery that includes, but is not limited to the projected annual operating costs, revenues, staffing structure and operating structure.

13.4 Regional Boulevard Maintenance

Moved by Councillor Brenner
Seconded by Councillor Cook

WHEREAS, Region of Durham Works currently contracts out the maintenance of Regional boulevards in the City of Pickering;

And Whereas, the City of Pickering is the only lower-tier municipality in Durham that has not entered into an agreement with The Region of Durham to provide boulevard maintenance;

And Whereas, the quality of work provided by the current contractor hired by The Region of Durham has not been satisfactory and has resulted in complaints from residents due to lack of consistency with the quality of work where it abuts Pickering roads;

And Whereas, The Region of Durham has entered into contracts with all other lower-tier municipalities who provide boulevard maintenance in their respective Municipalities;

And Whereas, The City of Pickering Operations/Parks Staff provides excellent service maintaining public boulevards;

Now therefore be it resolved that the Council of The Corporation of the City of Pickering:

1. Direct the CAO to reach out to The Region of Durham to discuss a willingness of the City of Pickering to assume the boulevard maintenance on Regional Roads in Pickering on a contractual arrangement, similar to the other lower-tier municipalities in Durham; and,
2. That the CAO report back to Council in advance of the preparation of the Mayor's 2024 Current Operating Budget.

13.5 Celebration of Gordon Lightfoot – Steeple Hill

Moved by Councillor Brenner
Seconded by Councillor Nagy

WHEREAS, the late Gordon Lightfoot was an icon for Canadian music;

And Whereas, the Steeple Hill Community that was built in the late 1980's has streets named after Gordon Lightfoot songs in recognition of his talent;

Now therefore be it resolved that the Council of The Corporation of the City of Pickering:

1. That notwithstanding CUL 130 Public Art Policy, Staff be directed, through the Office of the CAO, to undertake a commission of public artwork to be installed in Ernie L. Stroud Park to celebrate the life of Gordon Lightfoot;
2. That the Mayor be requested to consider the inclusion of \$60,000 (including HST) in the 2024 Budget and be funded from the Public Art Reserve (8038);
3. That as per Section 8.01 of CUL 130 Public Art Policy, the artwork be commissioned through the issuance of an Open Call; and,
4. That community consultation be undertaken for the three top-ranked Public Art Jury selections prior to finalizing the artist selection.

14. By-laws

14.1 By-law 8033/23

Being a By-law to adopt Amendment 49 to the Official Plan for the City of Pickering (OPA 23-002/P). **[Refer to Item 5.1 Report PLN 29-23, page 49 of the Planning & Development Committee Agenda]**

14.2 By-law 8034/23

Being a by-law to amend Restricted Area (Zoning) By-law 2511, as amended, to implement the Official Plan of the City of Pickering, Region of Durham. **[Refer to Item 5.1 Report PLN 29-23, page 49 of the Planning & Development Committee Agenda]**

14.3 By-law 8035/23

Being a by-law to amend Restricted Area (Zoning) By-law 2520, as amended, to implement the Official Plan of the City of Pickering, Region of Durham. **[Refer to Item 5.1 Report PLN 29-23, page 49 of the Planning & Development Committee Agenda]**

14.4 By-law 8036/23

For information related to accessibility requirements please contact:

Committee Coordinator

905.420.4611

clerks@pickering.ca

Being a by-law to amend Restricted Area (Zoning) By-law 3036, as amended, to implement the Official Plan of the City of Pickering, Region of Durham **[Refer to Item 5.1 Report PLN 29-23, page 49 of the Planning & Development Committee Agenda]**

14.5 By-law 8037/23

Being a by-law to amend Restricted Area (Zoning) By-law 3037, as amended, to implement the Official Plan of the City of Pickering, Region of Durham. **[Refer to Item 5.1 Report PLN 29-23, page 49 of the Planning & Development Committee Agenda]**

14.6 By-law 8038/23

Being a by-law to amend Restricted Area (Zoning) By-law 7364/14, as amended, to implement the Official Plan of the City of Pickering, Region of Durham. **[Refer to Item 5.1 Report PLN 29-23, page 49 of the Planning & Development Committee Agenda]**

14.7 By-law 8039/23

Being a by-law to amend Restricted Area (Zoning) By-law 7553/17, as amended, to implement the Official Plan of the City of Pickering, Region of Durham. **[Refer to Item 5.1 Report PLN 29-23, page 49 of the Planning & Development Committee Agenda]**

14.8 By-law 8040/23

Being a by-law to provide for the registration of additional dwelling units in the City of Pickering. **[Refer to Item 5.1 Report PLN 29-23, page 49 of the Planning & Development Committee Agenda]**

14.9 By-law 8041/23

Being a by-law to amend Restricted Area (Zoning) By-law 3036, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, being Part of Lot 31, Concession 2, City of Pickering (A 10/20) (Pickering Forest Inc.). **[Refer to Item 5.2 Report PLN 30-23, page 113 of the Planning & Development Committee Agenda]**

14.10 [By-law 8042/23](#)

Being a By-law to amend Schedule A of By-law 7362/14 appointing Inspectors.

14.11 [By-law 8043/23](#) **238**

Being a by-law to appoint Carl Milanese as a Municipal Law Enforcement Officer for the purpose of enforcing the by-laws of The Corporation of the City of Pickering.

14.12 [By-law 8044/23](#) **240**

Being a by-law to establish Part Lot 24, Plan 228 and Part Block 12, Plan 40M-2017, being Parts 5 and 6, Plan 40R-31779 as public highway. (Wiltshire Eccleston Developments Inc.)

14.13 [By-law 8045/23](#) **243**

Being a by-law to exempt Blocks 165 to 172, Plan 40M-2671, from the part lot control provisions of the *Planning Act*. (1133373 Ontario Inc.)

14.14 [By-law 8046/23](#) **246**

Being a by-law to exempt Blocks 1 to 55, Plan 40M-2731, Pickering from the part lot control provisions of the *Planning Act*. (Oak Ridges Seaton Inc.)

15. Confidential Council – Public Report

16. Regional Councillor Updates

17. Other Business

18. Confirmatory By-law

19. Adjournment

Present:

Mayor Kevin Ashe

Councillors:

M. Brenner
S. Butt
M. Nagy
D. Pickles
L. Robinson

Absent:

L. Cook

Also Present:

M. Carpino	- Chief Administrative Officer
K. Bentley	- Director, City Development & CBO
P. Bigioni	- Director, Corporate Services & City Solicitor
S. Boyd	- Fire Chief
S. Douglas-Murray	- Director, Community Services
B. Duffield	- Director, Operations
J. Eddy	- Director, Human Resources
R. Holborn	- Director, Engineering Services
F. Jadoon	- Director, Economic Development & Strategic Projects
S. Karwowski	- Director, Finance & Treasurer
S. Cassel	- City Clerk
C. Rose	- Chief Planner
R. Perera	- Deputy Clerk

1. Roll Call

The City Clerk certified that all Members of Council were present and participating in-person, save and except Councillor Cook.

2. Disclosure of Interest

No disclosures of interest were noted.

3. Education & Training

- 3.1 Presentation from Janice Atwood-Petkovsky, Co-Principal, Principles *Integrity*, Integrity Commissioner for the City of Pickering
Re: City of Pickering Lobbyist Registry

Janice Atwood-Petkovsky, Co-Principal, Principles *Integrity*, Integrity Commissioner for the City of Pickering, appeared before Council to provide a presentation on the City of Pickering Lobbyist Registry. Through the aid of a PowerPoint presentation, Ms. Atwood-Petkovsky commented on the various aspects of the Lobbyist Registry By-law including definitions, responsibilities of a lobbyist, enforcement of the by-law, and the Lobbyist Code of Conduct.

A question and answer period ensued between Members of Council and Ms. Atwood-Petkovsky regarding:

- whether applicants notifying Members of Council when planning applications were submitted to the City would be considered lobbying;
- whether a Public Office Holder seeking information or clarification from a delegate after a public meeting would be considered lobbying;
- whether constituents seeking support of Members of Council for land division applications would be considered lobbying;
- whether neighbouring properties asking Members of Council to oppose a planning application would be considered lobbying;
- the steps involved in declaring lobbying activity on the City's online lobbyist registry system; and,
- whether a phone conversation would be considered a method of communication.

4. Adjournment

Moved by Councillor Robinson
Seconded by Councillor Nagy

That the meeting be adjourned.

Carried

The meeting adjourned at 5:53 p.m.

Dated this 26th of June, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

Present:

Mayor Kevin Ashe

Councillors:

M. Brenner

S. Butt

L. Cook

M. Nagy

D. Pickles

L. Robinson – arrived at 9:29 p.m. and left at 9:46 p.m.

Also Present:

M. Carpino - Chief Administrative Officer

K. Bentley - Director, City Development & CBO

P. Bigioni - Director, Corporate Services & City Solicitor

S. Boyd - Fire Chief

S. Douglas-Murray - Director, Community Services

B. Duffield - Director, Operations

R. Holborn - Director, Engineering Services

F. Jadoon - Director, Economic Development & Strategic Projects

S. Karwowski - Director, Finance & Treasurer

S. Cassel - City Clerk

V. Plouffe - Division Head, Operations Services

C. Rose - Chief Planner

J. Litoborski - Manager, Municipal Law Enforcement Services

C. Whitaker - Manager, Sustainability & Strategic Environmental Initiatives

L. Narraway - Supervisor, Animal Services

R. Perera - Deputy Clerk

1. Roll Call

The City Clerk certified that all Members of Council were present and participating in-person, save and except Councillor Robinson.

2. Invocation

Mayor Ashe called the meeting to order and led Council in the saying of the Invocation.

3. Indigenous Land Acknowledgment Statement

Mayor Ashe read the Indigenous Land Acknowledgment Statement.

4. Disclosure of Interest

- 4.1 Councillor Pickles declared a conflict of interest under the *Municipal Conflict of Interest Act* with respect to Item 14.1, Confidential Memorandum from the Director, Corporate Services & City Solicitor, Re: A Proposed or Pending Acquisition or Disposition of Land by the Municipality, as the matter may involve an organization that he was affiliated with.

Councillor Pickles did not take part in the discussion or vote on this matter.

- 4.2 Councillor Cook declared a conflict of interest under the *Municipal Conflict of Interest Act* with respect to Item 12.3, Canada Day Sponsorship, Royal Canadian Legion, Branch 606, as it pertains to Grants to Organizations for Royal Canadian Legion Branch 606, as she is a volunteer for the Legion.

Councillor Cook did not take part in the discussion or vote on this matter.

5. Adoption of Minutes

Resolution #216/23

Moved by Councillor Butt
Seconded by Councillor Cook

Council Minutes, May 23, 2023
Executive Committee Minutes, June 5, 2023
Planning & Development Committee Minutes, June 5, 2023

Carried

6. Presentations

There were no presentations.

7. Delegations

- 7.1 Frank McGillan, Pickering Resident
Re: Concerns Regarding the Dynamics of City Council

Frank McGillan, Pickering Resident, appeared before Council to speak to concerns regarding the dynamics of City Council. Mr. McGillan spoke to Mayor Ashe's campaign platform during the 2022 Municipal Election noting that he was also a candidate in the 2022 City of Pickering Municipal Election. He discussed various matters that required Council's attention such as the need for a hospital, a new City Hall, water runoff on Bayly street, and petroleum contents in Pickering

water. Mr. McGillan added that when ideas did not make sense, it was time to conduct discussions with the constituents.

7.2 Edward Cunningham, Pickering Resident
Re: The Importance of Pride Celebrations

Edward Cunningham, Pickering Resident, appeared before Council to speak to the importance of Pride celebrations. Mr. Cunningham spoke to the comments made by a Member of Council at the May 23, 2023 Council Meeting and added that equality for the 2SLGBTQIA+ did not eliminate the rights of heterosexual individuals. Mr. Cunningham commented on his personal experience growing up as a straight man and stated that people of the 2SLGBTQIA+ community was not born with the same privileges as those who identified as heterosexual. He stated that his daughter identified as 2SLGBTQIA+ and spoke to instances of bullying that she had experienced at school due to her sexual orientation. He added that home and school should be places for children to be themselves and commented on the negative impact that bullying had on his daughter's mental wellbeing. He noted that pride events played an important role as they instilled confidence in kids and provided the ability to learn about the diverse society they lived in. He spoke to a Motion that a Member of Council had tried to bring forward regarding pride flags and added that belonging to the 2SLGBTQIA+ was not a belief system. In concluding his delegation, he thanked the Members of Council who supported the Motion regarding pride events.

7.3 Brandon Underwood, Pickering Resident
Re: Pride: A Lesson in Equity

Brandon Underwood, Pickering Resident, appeared before Council to speak to pride – a lesson in equity. Through the aid of a PowerPoint presentation, Mr. Underwood spoke to the meaning of 2SLGBTQIA+, the differences between equality, equity, and liberation. He commented on how the 2SLGBTQIA+ community was struggling and spoke to a study conducted by the Canadian Mental Health Association (CMHA) which noted that socio-economic factors or determinants played a key role in the mental health and wellbeing of individuals. He further provided remarks on studies which discussed a surge in hate crimes based on sexual orientation and added that in certain countries homosexuality was illegal and even punishable by death. He also provided information on the various ways to provide support to the 2SLGBTQIA+ community. Mr. Underwood spoke to his personal experience of being bullied for his sexual orientation and added that when he had asked Councillor Robinson whether she had attended a pride event or had consulted the 2SLGBTQIA+ community, he did not receive a response. In concluding his delegation, he thanked the Members of Council who supported the Motion regarding pride events.

7.4 Rick Troyan, Woodville Resident

Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Rick Troyan, Woodville Resident, appeared before Council to speak to the Motion to rescind part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. Mr. Troyan stated that while he was aware of Councillor Robinson's decision to step down from the Committee, he still had concerns regarding the Motion. He noted that rescinding the appointment of Councillor Robinson from the CSWBAC would impact everyone. He commented on previous City Council decisions pertaining to correspondence from the Ontario Big City Mayors, Hopes for Cradle, and the nuisance by-law, which were approved by City Council despite unanswered questions from Councillor Robinson. He commented on his trespass order from the Pickering Public Library and added that the nuisance by-law would allow for other similar instances to occur. He stated that Councillor Robinson was under attack by City Council and was being silenced from bringing Motions forward for debate. He spoke to the motions that Councillor Robinson had attempted to bring forward regarding universal changerooms and drag shows. Mr. Troyan also expressed his views on the 2015 Supreme Court Ruling of the removal of religious prayers from Council meetings and commented on government neutrality. He concluded his delegation by stating that other Members of Council were not suited to replace Councillor Robinson on the CSWBAC.

7.5 Rick Troyan, Woodville Resident
Re: Special Interest Flags at Government Buildings

Rick Troyan, Woodville Resident, appeared before Council to speak to special interest flags at government buildings. Mr. Troyan stated that Council was voting on the removal of the invocation from Council Meetings and that the same principal of neutrality was not being applied to other matters which created hierarchy in Council decisions. He commented on the creation of the Canadian national flag and how flags were seen as a proclamation of power. He added that it was hypocritical for City Council to remove the invocation and to not approve a motion on pride flags. He commented that June was also the month for other various matters such as Post-Traumatic Stress Disorder (PTSD), gun violence awareness, Indigenous history, and senior citizens and asked why there was no motion to support such groups. He noted that Council was bound to abide by the 2015 Supreme Court ruling and that the City was in violation of Section 04.1 b) of the City's Flag Raising Procedure. He requested the non-governmental flags be removed from City buildings.

7.6 Peter Kirwin, Pickering Resident

Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Peter Kirwin, Pickering Resident, appeared before Council to speak to the Motion to rescind part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. Mr. Kirwin commented on the process for constituents to bring their concerns to their Ward Councillors. He commented on recent events in City Council where Councillor Robinson attempted to bring forward a motion on pride events which followed with notice given by Councillor Brenner to rescind the appointment of Councillor Robinson from the CSWBAC which was then followed by three Council of Members lodging a complaint with the City's Integrity Commissioner on Councillor Robinson. He stated that such actions would discourage Councillors to bring forward matters to City Council in the future and expressed his disappointment with the negative and biased actions demonstrated by Members of Council. He noted that every Member of Council needed to accurately represent their constituents without action from other Members and that Members of Council are to be neutral and impartial, and represent the views of their constituents.

A brief question and answer period ensued between Members of Council and Mr. Kirwin regarding:

- the letters provided by community associations in Pickering asking for the removal of Councillor Robinson from the CSWBAC;
- laws in Ontario and Canada pertaining to supporting diverse communities; and,
- the process to bring forward motions to City Council for debate.

7.7 Paul White, President, Fairport Beach Neighbourhood Association
Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Paul White, President, Fairport Beach Neighbourhood Association, appeared before Council to speak to the Motion to rescind part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. He expressed his agreement with the Motion and spoke to instances of communication that he had sent to Councillor Robinson adding that in most instances a response was not provided by her. He also provided remarks on the important contributions the Fairport Beach Neighbourhood Association had made to the City, including work pertaining to the waterfront trail, sale of the waterfront, donations to food banks, and bringing Horizon House to Durham. He stated that Councillor Robinson owed an apology to all volunteers for recent comments made pertaining to volunteers and committees.

A brief question and answer period ensued between Members of Council and Mr. White regarding whether any Pickering Member of Council had any input on the letter sent by the Fairport Beach Neighbourhood Association requesting the removal of Councillor Robinson from the CSWBAC.

- 7.8 Karen Sloan, Pickering Resident
Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Karen Sloan, Pickering Resident, appeared before Council to speak to the Motion to rescind part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. Ms. Sloan noted that she was both a business owner and homeowner. She referred to a video by Councillor Robinson where she announced her decision to step down from the CSWBAC and provided comments on committees of Council. Ms. Sloan stated that committees were part of the democratic process and added that the City should either only fly governmental flags or provide for the flying of pride and veteran flags. She commented on how Members of Council were elected by constituents and should be inclusive of all opinions. Ms. Sloan advised that Councillors should not post videos on their personal opinions as comments made in such videos incite division in the community.

- 7.9 Janice Freund, Pickering Resident
Re: Animal Poisoning Prevention

Janice Freund, Pickering Resident, joined the meeting via electronic connection to speak to Animal Poisoning Prevention. She spoke to the dangers posed by rodenticides and the alternative methods offered by pest control companies. She added that by banning rodenticides, pest control companies would not suffer any financial loss and that alternative methods provided for long-term solutions. Ms. Freund commented that by prioritizing alternate methods of pest control, the City was setting a positive example for all of Ontario.

- 7.10 Allison Hansen, Minden Resident
Re: Animal Poisoning Prevention

Allison Hansen, Minden Resident, joined the meeting via electronic connection to speak to Animal Poisoning Prevention. Ms. Hansen spoke to her personal experience with losing her dog to rodenticides. She added that rodenticides were the go to method for many people, businesses, and governments. She noted that people experienced guilt in speaking of their personal experience with losing a pet to rodenticides and added that rodenticides were dangerous, ineffective, and

spread through the food chain. She also shared the story of Junior, a dog, who also had experienced a painful death due to rodenticides.

- 7.11 Michael Sauve, Whitby Resident
Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Michael Sauve, Whitby Resident, did not appear before Council to provide a delegation.

- 7.12 Jake Starratt-Farr, Pickering Resident, President, Pflag Durham Region
Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Jake Starratt-Farr, Pickering Resident, President, Pflag Durham Region appeared before Council to speak to the Motion to rescind part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. Mr. Starratt-Farr noted that he was before Council as a Ward 1 Pickering resident and the president of Pflag which was the largest resource of information, support, and advocacy for the 2SLGBTQIA+ individuals. He expressed his disappointment with Councillor Robinson attending the Durham District School Board meeting as opposed to the City of Pickering Civic Awards Ceremony. He spoke to a YouTube video made by Councillor Robinson and noted that the actions of Councillor Robinson did not represent an understanding for the safety and wellbeing of Pickering residents. He commented on the inclusivity of the pride community and added that removing youth from pride events was harmful and dangerous and that he had lost youth from his organization to suicide. Mr. Starratt-Farr also commented on how pride events were an economic driver to communities. He further expressed his disappointment with comments made by Councillor Robinson regarding committees and added that committee members took time to register and go through interview processes to be selected for the City's committees. He expressed that Councillor Robinson did not respect this process and that she was not in line with the City's Equity, Diversity, and Inclusivity strategy and had potential to inflict harm on Pickering residents.

A question and answer period ensued between Members of Council and Starratt-Farr regarding:

- percentage of people that were unhoused and from the pride community;
- the letters sent by Westshore Community Association and whether any Pickering Member of Council had any input on the letter; and,
- the membership number of the Westshore Community Association.

- 7.13 Jessica Wilkins, Pickering Resident
Janice Strasbourg, Durham Region Resident
Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Jessica Wilkins, Pickering Resident, and Janice Strasbourg, Durham Region Resident, appeared before Council to speak to the Motion to rescind part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. Ms. Wilkins commented on the letter she had sent to Members of Council on May 24, 2023 expressing her concerns on the equity and diversity program being introduced to the Durham District School Board and support for Councillor Robinson. She stated that Councillor Robinson heard and expressed the concerns of her constituents and added that she was concerned about the safety of children. Ms. Strasbourg expressed her support for Councillor Robinson and added that everyone's rights needed to be respected and noted that Members of Council's behavior represented bullying and that Councillor Robinson was the only Member to prioritize the safety and wellbeing of her community. She commented on a previous Motion brought forward by Councillor Robinson to remove the requirement for delegations to state their address into the public record adding that this Motion had allowed her to feel comfortable in making her delegation. She also spoke to a previous Motion brought forward by Councillor Robinson regarding geoengineering and that she was interested in learning what was being sprayed from the skies over Pickering. They added that neutrality was not favouring one side over the other and that there needed to be unity on Council. She further added that she had proof of Councillor Brenner solicited community organizations for support on the Motion to rescind the appointment of Councillor Robinson from the CSWBAC.

- 7.14 Mark Iogna, Senior Project Manager, Tribute (Liverpool) Limited
Re: By-law 8025/23

Mark Iogna, Senior Project Manager, Tribute (Liverpool) Limited, appeared before Council and added that he was available for questions pertaining to By-law Number 8025/23.

A question and answer period ensued between Members of Council and Mr. Iogna regarding:

- clarification that lifting of the H symbol was not the last requirement and that there were other requirements to be addressed; and,
- whether the applicant would be resolving the outstanding issues pertaining to the easements.

- 7.15 Dianna Robinson, Toronto Resident

Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Dianna Robinson, Toronto Resident, appeared before Council to speak to the Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. Ms. Robinson noted that between the weekend of May 16 and May 17, a Member of Council had approached community associations requesting letters to rescind the appointment of Councillor Robinson from the CSWBAC. She commented on the complaint that was filed with the Integrity Commissioner regarding Councillor Robinson by a number of Members of Council adding that there were inaccuracies in the complaint letter. She noted that Councillor Robinson was not in attendance at the recent Civic Awards Ceremony as she was attending a Meeting of the Durham District School Board and commented on the events that occurred at the Durham District School Board Meeting. She stated that Councillor Robinson was not against pride events and that she was concerned about the safety of children. Ms. Robinson further commented on the concerns expressed by constituents to Councillor Robinson regarding the diversity and inclusivity curriculum of the Durham District School Board.

7.16 Mario Caggianello, Oshawa Resident

Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Mario Caggianello, Oshawa Resident, withdrew their delegation and did not appear before Council.

7.17 Jessica Street, Whitby Resident

Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Jessica Street, Whitby Resident, appeared before Council to speak to the Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. Ms. Street commented on Councillor Robinson's opposition to new condominium buildings and added that such new development was not fair to the City's emergency services. She expressed her gratitude for Councillor Robinson expressing her views to protect the community and added that Councillor Robinson stood for restricting the age limit for attending a drag performance to those who were 19 years of age and older and that such performances were viewed as provocative and offensive. She commented that she had recently discovered that the Durham District School Board left it to the discretion of the school principal to decide whether individuals performing in drag

shows were police checked. She noted that the City should only display flags that were neutral such as the federal, provincial, and municipal flags.

- 7.18 Margaret Bowie, Pickering Resident
Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Margaret Bowie, Pickering Resident, appeared before Council to speak to the Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. She commented on the need to be thankful and inclusive, adding that Members of Council were expected to stand up for everyone.

A brief question and answer period ensued between Members of Council and Ms. Bowie regarding whether any Member of Council had any input on the letter sent by the Rougemount Community and Recreation Association requesting the removal of Councillor Robinson from the CSWBAC.

- 7.19 Reverend Jeffery Doucette, Enniskillen Tyrone United Church
Re: Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Reverend Jeffery Doucette, Enniskillen Tyrone United Church, appeared before Council to speak to the Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for CSWBAC. Reverend Jeffery Doucette expressed his support for Pflag and the pride community and that he was an ally of Pflag. He commented on previous struggles he had experienced on how the church treated individuals of the 2SLGBTQIA+ community. He spoke about his friend Leo, who was a fellow priest who had taught him that God's love was unconditional for all. He commented on his personal experience of his time in various churches and his support for the 2SLGBTQIA+ community. He stated that there was enough hate in the world and there was a need to resist words and actions of hate.

A brief question and answer period ensued between Members of Council and Reverend Doucette regarding the recent Motion approved by Council on supporting pride events.

- 7.20 Dianna Robinson, Toronto Resident
Re: Report CLK 07-23
Procedure By-law Review and Updates

Dianna Robinson, Toronto Resident, appeared before Council to speak to Report CLK 07-23. Ms. Robinson noted that City Councillors were elected to represent their constituents and carry out their duties in an impartial and respectful manner. She commented that Councillor Robinson was elected to serve the public and that her duty was not to conform to various ideologies that may cause public unrest. She stated that if the State was required to be neutral on religious prayers at meetings then the same principal of neutrality should be applied to gender and sexual orientation. She commented on the 2015 Supreme Court ruling on state neutrality regarding prayers at Council meetings adding that the inconsistency in applying this ruling by City Council eroded the public's trust. Ms. Robinson noted that Members of Council had not shown regard or compassion and that they were abusing their power by invoking division and hatred in the community. She added that Members were forcing children and communities to celebrate ideologies that may go against their faith and beliefs noting that Councillor Robinson championed the rule of law. Ms. Robinson added that the City was in violation of its own Flag Raising Procedure and asked that Council remove special interest flags from City buildings.

It was the consensus of Council to take a short recess.

Council recessed at 9:36 p.m. and reconvened at 9:47 p.m. Upon reconvening, Councillor Robinson was not in attendance.

8. Correspondence

8.1 Corr. 26-23

Catalina Blumenberg, Clerk, County of Prince Edward
Re: The Proposed New Provincial Planning Statement (PPS)

Resolution #217/23

Moved by Councillor Butt
Seconded by Councillor Cook

That Corr. 26-23, from Catalina Blumenberg, Clerk, County of Prince Edward, dated May 10, 2023, regarding The Proposed New Provincial Planning Statement (PPS), be received and endorsed.

Carried

9. Report EC 06-23 of the Executive Committee held on June 5, 2023

9.1 Director, Corporate Services & City Solicitor, Report AS 01-23 Urban Farming

- Backyard Egg Production

Council Decision:

1. That Report AS 01-23 be received; and,
2. That an urban farming pilot project not be implemented at this time.

- 9.2 Chief Administrative Officer, Report CAO 04-23
Draft City Property Naming Procedure (ADM 110-006)
- Amendments to the Facility & Park Naming Procedure (ADM 110-006)

Council Decision:

1. That Report CAO 04-23 regarding amendments to the Facility & Park Naming Procedure (ADM 110-006) be received;
2. That Council endorse the draft City Property Naming Procedure (ADM 110-006), as set out in Attachment 1, subject to minor revisions acceptable by the Chief Administrative Officer; and,
3. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.

- 9.3 Director, Corporate Services & City Solicitor, Report CLK 07-23
Procedure By-law Review and Updates

Council Decision:

1. That Report CLK 07-23 regarding the Procedure By-law Review and Updates be received;
2. That the draft By-law, included as Attachment #1 to CLK 07-23, be approved and enacted; and,
3. That the appropriate City of Pickering Officials be authorized to take such actions as are necessary to give effect to the recommendations in this Report.

- 9.4 Director, Community Services, Report CS 16-23
Community Association Lease Agreements
- Tennis Clubs

Council Decision:

1. That the Mayor and City Clerk be authorized to execute the Lease Agreement with Amberlea Tennis Club set out in Attachment 1 to this report, subject to minor revisions as may be required by the Director, Community Services and the Director, Corporate Services & City Solicitor;
2. That the Mayor and City Clerk be authorized to execute the Lease Agreement with Dunmoore Tennis Club set out in Attachment 2 to this report, subject to minor revisions as may be required by the Director, Community Services and the Director, Corporate Services & City Solicitor;
3. That the Mayor and City Clerk be authorized to execute the Lease Agreement with Glendale Tennis Club set out in Attachment 3 to this report, subject to minor revisions as may be required by the Director, Community Services and the Director, Corporate Services & City Solicitor;
4. That the Mayor and City Clerk be authorized to execute the Lease Agreement with Rosebank Tennis Club set out in Attachment 4 to this report, subject to minor revisions as may be required by the Director, Community Services and the Director, Corporate Services & City Solicitor;
5. That the Mayor and City Clerk be authorized to execute the Lease Agreement with Maple Ridge Tennis Club set out in Attachment 5 to this report, subject to minor revisions as may be required by the Director, Community Services and the Director, Corporate Services & City Solicitor;
6. That the Mayor and City Clerk be authorized to execute the Lease Agreement with Sandy Beach Tennis Club set out in Attachment 6 to this report, subject to minor revisions as may be required by the Director, Community Services and the Director, Corporate Services & City Solicitor; and,
7. That the appropriate City officials be authorized to take the necessary actions as indicated in this report.

- 9.5 Director, Community Services, Report CS 17-23
Summer Community Events
- Request to Permit Esplanade Park

Council Decision:

1. That Council authorize staff to issue a park permit for the use of Esplanade Park by Jennifer O'Connell, MP Pickering-Uxbridge, on Friday, July 21, 2023 for the purpose of hosting a free movie in the park to the general public, subject to terms and conditions satisfactory to the Director, Community Services and the Chief Administrative Officer;

2. That Council authorize staff to issue a park permit for the use of Esplanade Park by Ontario Culture Days for the Dohl Music and Dance Performance on Sunday, September 17, 2023 as rehearsal date, and Sunday, September 24, 2023 for the purpose of providing a free music and dance performance in the park to the general public, subject to terms and conditions satisfactory to the Director, Community Services and the Chief Administrative Officer; and,
3. That the appropriate officials of the City of Pickering be authorized to take the necessary action to give effect hereto.

- 9.6 Director, Community Services, Report CS 18-23
West Shore Skate Spot
- Commission of Public Art (Community Mural)

Council Decision:

1. That Council endorse that the commission of public art for West Shore Community Centre Skate Spot be awarded to fatspatrol (Fathima Mohiuddin) & Mural Routes in the amount of \$31,979.00 (HST included);
2. That Council authorize the Director, Finance & Treasurer to finance the net project cost of \$28,798.00 by a transfer from the Public Art Reserve as provided for in the 2023 Current Budget;
3. That the Mayor and the City Clerk be authorized to execute the Letter of Understanding, between fatspatrol (Fathima Mohiuddin) & Mural Routes and the City of Pickering, set out in Attachment 1, subject to minor revisions acceptable to the Director, Community Services and the Director, Corporate Services & City Solicitor; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

- 9.7 Director, Community Services, Report CS 19-23
Request for Proposal
Recreation & Parks Master Plan

Council Decision:

1. That proposal for Request for Proposal No. RFP2023-3 submitted by Monteith Brown Planning Consultants for the Recreation & Parks Master Plan and Arena Strategy in the amount of \$224,820.00 (excluding HST) be accepted;

2. That Council authorize the Director, Finance & Treasurer to finance the Recreation & Parks Master Plan in the amount \$228,777.00 (net of HST rebate) from as approved in the 2023 Current Budget as follows:
 - a) The sum \$171,583.00 to be funded from the Development Charges – Parks & Recreation Reserve Fund;
 - b) The sum of \$57,194.00 to be funded from Property Taxes; and,
3. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

9.8 Director, Community Services, Report CS 20-23
Rotary Frenchman's Bay West Park
- Direct Commission of Public Art

Council Decision:

1. That Council endorse that the direct commission of public art for Rotary Frenchman's Bay West Park be awarded to SpruceLab Inc. in the amount of \$80,000.00 (HST included);
2. That Council authorize the Director, Finance & Treasurer to finance the net project cost of \$72,043.00 to be funded by a transfer from the Public Art Reserve as approved in the 2023 Current Budget;
3. That the Mayor and the City Clerk be authorized to execute the Letter of Understanding, between SpruceLab Inc. and the City of Pickering, set out in Attachment 1, subject to minor revisions acceptable to the Director, Community Services and the Director, Corporate Services & City Solicitor; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

9.9 Director, Community Services, Report CS 21-23
Millennium Square – Purchase of Public Art
- Commission of Public Art for Winter Wonderland

Council Decision:

1. That Council endorse that the commission of temporary public art for Millennium Square as part of the Winter Wonderland event be awarded to Studio Jordan Shaw in the amount of \$25,000.00 (HST included);

2. That Council authorize the Director, Finance & Treasurer to finance the net project cost of \$22,513.00 from Property Taxes, as provided for in the 2023 Current Budget
3. That the Mayor and the City Clerk be authorized to execute the Letter of Understanding, between Studio Jordan Shaw and the City of Pickering, set out in Attachment 1, subject to minor revisions acceptable to the Director, Community Services and the Director, Corporate Services & City Solicitor; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

- 9.10 Director, Engineering Services, Report ENG 06-23
Amendment to By-law 6604/05
- Schedule 12, Full Load Highways

Council Decision:

1. That the attached draft by-law be enacted to amend Schedule "12" to By-law 6604/05 to provide for the regulation of parking on highways or parts of highways under the jurisdiction of the Corporation of the City of Pickering, specifically to address an update to Schedule "12" Full Load Highways; and,
2. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

- 9.11 Director, Engineering Services, Report ENG 08-23
Waterfront Trail Reconstruction
- Bruce Handscomb Memorial Park to Elvira Court

Council Decision:

1. That Council approve retaining the services of the Toronto and Region Conservation Authority for project management and construction services for the Waterfront Trail Reconstruction, Bruce Handscomb Memorial Park to Elvira Court, in accordance with the City's Purchasing Policy Appendix 1 Exceptions, item 8;
2. That Council authorize staff to execute a letter of agreement with the Toronto and Region Conservation Authority for the project management and construction services for the Waterfront Trail Reconstruction, Bruce Handscomb Memorial Park to Elvira Court, on such terms as are

satisfactory to the Director, Engineering Services and the Director, Finance & Treasurer;

3. That Council authorize the Director, Finance & Treasurer, to finance the total net project cost of \$584,940.00 as follows:
 - a) The sum of \$500,000.00 in capital project C10305.2109 as approved in the 2021 Property Maintenance Capital Budget, to be funded by a transfer from the Parkland Reserve Fund, be increased to \$584,940.00; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

9.12 Director, Operations, Report OPS 15-23
Ontario Power Generation Licence Amending Agreement

Council Decision:

1. That Report OPS 15-23 regarding Ontario Power Generation Inc. Licence Amending Agreement be received;
2. That the Mayor and City Clerk be authorized to execute the Licence Amending Agreement with Ontario Power Generation Inc. to amend and extend the term of the licence as set out in Attachment 1 to this Report, subject to the minor revisions agreeable to the Director, Operations and the Director, Corporate Services & City Solicitor; and,
3. That the appropriate City of Pickering officials be authorized to take the necessary action to give effect hereto.

9.13 Director, City Development & CBO, Report PLN 19-23
Tree Protection By-law Update
- Status Update

Council Decision:

1. That Report PLN 19-23 providing an update on Phase 2 of the Tree Protection By-law Update be received;
2. That the proposed new draft Tree Protection By-law included as Appendix I to this report be received, and that staff be authorized to circulate it for comment; and,

3. That Council authorize the Corporate Working Group, led by City Development staff, to proceed with Phase 3 of the Tree Protection By-law Update.

- 9.14 Director, City Development & CBO, Report PLN 21-23
Proposed Memorandum of Understanding to govern the delivery of authorized programs and services offered by the Toronto and Region Conservation Authority to the City of Pickering under the *Conservation Authorities Act*

Council Decision:

1. That Council endorse in principle the draft Memorandum of Understanding between the City of Pickering and the Toronto and Region Conservation Authority, as set out in Appendix I to Report PLN 21-23, to secure the continuation of municipally requested programs and services TRCA offers to the City of Pickering in compliance with the *Conservation Authorities Act*;
2. That the Mayor and City Clerk be authorized to execute the Memorandum of Understanding, between the City of Pickering and the Toronto and Region Conservation Authority, as set out in Appendix I to this report, subject to any minor revisions as may be required by the Chief Administrative Officer, the Director, Corporate Services & City Solicitor, and/or the Director, City Development & CBO; and,
3. That the appropriate City officials be authorized to take the necessary actions as indicated in this report.

- 9.15 Director, City Development & CBO, Report PLN 22-23
Esri Enterprise Agreement for the Supply of ArcGIS Software and Services

Council Decision:

1. That Council supports the new Enterprise Agreement (EA) with Esri Canada for the supply of ArcGIS software and services, and the City's participation in the EA for a three year period, at a total cost of \$221,490.00 (plus applicable taxes) with annual payments of \$71,660.00 for year one (July 15, 2023 to July 14, 2024), \$73,810.00 for year two (July 15, 2024 to July 14, 2025), and \$76,020.00 for year three (July 15, 2025 to July 14, 2026), to be funded from the Current Budget Account 502700.10100.0000 of the City Development Department;
2. That the Director, City Development & CBO be authorized to sign the Esri Proposal to participate in, and commit to, the terms and payment, as set out in Appendix I;

3. That the Mayor and City Clerk be authorized to execute the License Agreement between the City of Pickering and Esri Canada, generally in the form provided as Appendix II to this report, subject to revisions as may be acceptable to the Chief Administrative Officer, the City Solicitor, and the Director, City Development & CBO; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

- 9.16 Director, City Development & CBO, Report SUS 05-23
Urban Farming
- Council Resolution #100/23

Council Decision:

1. That Report SUS 05-23 regarding Urban Farming be received;
2. That staff be directed to report back to Council with an update on urban farming actions as outlined in this report in the first quarter of 2024; and,
3. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Resolution #218/23

Moved by Councillor Brenner
Seconded by Councillor Butt

That Report EC 06-23 of the Executive Committee Meeting held on June 5, 2023 be adopted.

Carried

10. Report PD 06-23 of the Planning & Development Committee held on June 5, 2023

- 10.1 Director, City Development & CBO, Report PLN 13-23
Zoning By-law Amendment Application A 01/21
596857 Ontario Inc.
1279 and 1281 Commerce Street

Council Decision:

That Zoning By-law Amendment Application A 01/21, submitted by 596857 Ontario Inc., to permit a future severance of the subject lands to create a total of four lots for detached dwellings, on the lands municipally known as 1279 and 1281

Commerce Street be approved, and that the draft Zoning By-law Amendment, as set out in Appendix I to Report PLN 13-23, be finalized and forwarded to Council for enactment.

- 10.2 Director, City Development & CBO, Report PLN 14-23
Heritage Permit Application HP 02/23
- Request for Demolition and New Buildings
 - 459 Churchwin Street

Council Decision:

1. That Heritage Permit Application HP 02/23 to demolish the existing dwelling located at 459 Churchwin Street to facilitate the construction of a new detached dwelling and a detached accessory building (garage), as shown in Attachments #2 to #7 of this report, be approved; and,
2. That a copy of the Heritage Impact Assessment report is filed with the Pickering Library & Archives as a record of the property's history and documentation of changes.

- 10.3 Director, City Development & CBO, Report PLN 17-23
City of Pickering 2022 Annual Housing Monitoring Report

Council Decision:

1. That Council receive the City of Pickering 2022 Annual Housing Monitoring Report for information; and,
2. That Council re-affirms its authorization for the appropriate officials of the City of Pickering to continue to take the necessary actions as indicated in the Pickering Housing Action Plan 2021-2031.

- 10.4 Director, City Development & CBO, Report PLN 18-23
Cultural Heritage Evaluation, Documentation and Salvage Report for
3440 Elsa Storry Avenue (Intent to Demolish)
Seaton TFFM Inc.
Associated Applications: Draft Plan of Subdivision SP-2015-03 (R) and
Zoning By-law Amendment 05/15 (R)

Council Decision:

1. That Council does not object to Seaton TFFM Inc. demolishing a barn and agricultural outbuildings located at 3440 Elsa Storry Avenue;

2. That a copy of the Cultural Heritage Evaluation, Documentation and Salvage Report, dated February 2023 and updated April 2023, prepared by ASI, be filed with the Pickering Library & Archives as a record of the property's history and documentation of changes;
3. That the Owner make efforts to identify a project use (for example, a heritage carpentry program) for the salvaged lumber from the barn and agricultural outbuildings; and,
4. That the Municipal Heritage Register be updated to record the demolition of the barn and agricultural outbuildings for the lands located at 3440 Elsa Storry Avenue.

- 10.5 Director, City Development & CBO, Report PLN 20-23
Zoning By-law Amendment Application A 03/16
Pickering Islamic Centre
2065 and 2071 Brock Road

Council Decision:

1. That Zoning By-law Amendment Application A 03/16, submitted by Pickering Islamic Centre, to permit a place of worship and private school, and to facilitate the construction of a three-storey addition, on the lands municipally known as 2065 and 2071 Brock Road be approved, and that the draft Zoning By-law Amendment as set out in Appendix I to Report PLN 20-23, be finalized and forwarded to Council for enactment, save and except for Section 5 (3) b), Overflow Parking Requirement, be revised to read as:

"In addition to the minimum parking requirement in Section (3) a) above, a minimum of 25 parking spaces shall be provided on the lands, as shown on Schedule I to this By-law, or may be provided on another lot, where a legal easement or agreement exists."; and,

2. That Council direct staff to prepare a non-exclusive licence agreement with the Pickering Islamic Centre to allow the use of the Brock Ridge Community Park parking areas for overflow parking, the terms of such license agreement to be negotiated and brought to Council for approval.

- 10.6 Director, City Development & CBO, Report PLN 23-23
Zoning By-law Amendment Application A 07/22
Wildav International Developments Limited
1786 and 1790 Liverpool Road

Council Decision:

That Zoning By-law Amendment Application A 07/22, submitted by Wildav International Developments Limited, to permit a high-density, mixed-use development consisting of a 48-storey residential condominium building, containing 594 residential units and 190 square metres of commercial space at-grade, located at the southwest corner of the intersection of Liverpool Road and Pickering Parkway, be approved, and that the draft Zoning By-law Amendment, as set out in Appendix I to Report PLN 23-23, be finalized and forwarded to Council for enactment.

- 10.7 Director, City Development & CBO, Report PLN 24-23
Consolidated Zoning By-law Review
Phase 2, Status Update on Public Consultation

Council Decision:

That Report PLN 24-23, providing an update on the status of the City of Pickering Consolidated Zoning By-law Review, be received for information.

Resolution #219/23

Moved by Councillor Pickles
Seconded by Councillor Butt

That Report PD 07-23 of the Planning & Development Committee Meeting held on June 5, 2023 be adopted.

Carried

11. Reports – New and Unfinished Business

- 11.1 Chief Administrative Officer, Report CAO 09-23
Approval of Pickering Anti-Black Racism Taskforce (PABRT) Events for 2023

Resolution #220/23

Moved by Councillor Pickles
Seconded by Councillor Brenner

1. That Council approve the 2023 PABRT-led initiatives outlined in Report CAO 09-23 as per Committees and Taskforces of Council Policy (ADM 040) and on terms and conditions satisfactory to the Director, Community Services and the Chief Administrative Officer;
2. That Council authorize staff to issue a park permit for the use of Esplanade Park by PABRT, as per Community Festivals and Events Policy (CUL 070),

for a community event in honour of International Day for People of African Descent on August 31, 2023; and,

3. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

11.2 Director, Community Services, Report CS 23-23
Interim Program Space in Seaton

A question and answer period ensued between Members of Council and staff regarding:

- the timeframe for the construction of the plazas on the subject lands;
- the size of space and the types of programming that would be conducted in the space; and,
- the timing for the interim programs to begin.

Resolution #221/23

Moved by Councillor Pickles
Seconded by Councillor Butt

1. That Report CS 23-23, regarding Interim Program Space in Seaton, be received;
2. That staff be directed to further investigate opportunities for Interim Program Space in the Seaton Commercial Plaza at Taunton Road and Peter Matthews Drive including rental, fit out, and lease terms;
3. That staff develop a draft program plan budget for the proposed space;
4. That staff report back to Council in Q4, 2023; and,
5. That the appropriate City officials be authorized to take the necessary actions as outlined in this report.

Carried

11.3 Director, Economic Development & Strategic Projects, Report ECD 04-23
Local & Small Business Advisory Committee

A brief question and answer period ensued between Members of Council and staff regarding how the City communicated with the local businesses in Pickering.

Resolution #222/23

Moved by Councillor Brenner
Seconded by Councillor Cook

1. That Report ECD 04-23 regarding the proposed Local & Small Business Advisory Committee be received; and,
2. That a Local & Small Business Advisory Committee not be established at this time.

Carried

- 11.4 Director, Engineering Services, Report ENG 07-23
Lisgoold Stormwater Management Pond Retrofit
- Tender No. T2023-5

A question and answer period ensued between Members of Council and staff regarding:

- the timing and the duration of the project and placing signage on the subject lands regarding the work that was underway;
- the impact of heavy rainfall on the stormwater management system; and,
- when the next cleanup of the stormwater management pond would need to be conducted.

Resolution #223/23

Moved by Councillor Butt
Seconded by Councillor Cook

1. That Tender No. T2023-5 for Lisgoold Stormwater Management Pond Retrofit as submitted by GMR Landscaping Inc. in the total tendered amount of \$824,985.59 (HST included) be accepted;
2. That Council approve the hiring of TYLin International Canada Inc. as a consultant, in the amount of \$72,740.00 (HST excluded) to undertake contract administration and construction supervision of Tender No. T2023-5 for Lisgoold Stormwater Management Pond Retrofit in accordance with Purchasing Policy 10.03 (c), as the assignment is above \$50,000.00;
3. That the total gross project cost of \$1,016,044.00 (HST included), including the tendered amount, consulting costs, a contingency and other associated

costs, and the total net project cost of \$914,979.00 (net of HST rebate) be approved;

4. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$914,979.00 as follows:
 - a) the sum of \$671,393.00 available budget in capital project C10525.2203.01 as approved in the 2022 Capital Budget to be funded from the SWM Reserve Fund;
 - b) the sum of \$150,000.00 available budget in capital project C10525.2203.01 as approved in the 2023 Capital Budget to be funded from the SWM Reserve Fund;
 - c) the additional amount of \$93,586.00 required to be funded from the SWM Reserve Fund; and,
5. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

- 11.5 Director, Engineering Services, Report ENG 10-23
Asphalt Resurfacing on Various City Streets (Phase 2)
- Tender No. T2023-9

A brief question and answer period ensue between Members of Council and staff regarding the remainder of the streets that would be resurfaced in the year.

Resolution #224/23

Moved by Councillor Brenner
Seconded by Councillor Butt

1. That Tender No. T2023-9 for Asphalt Resurfacing on Various City Streets (Phase 2) as submitted by Four Seasons Site Development Ltd. in the total tendered amount of \$654,678.61 (HST included) be accepted;
2. That the total gross project cost of \$779,728.00 (HST included), including the tendered amount, material testing, a contingency and other associated costs, and the total net project cost of \$702,169.00 (net of HST rebate) be approved;
3. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$702,169.00 as approved in the 2023 Roads

Capital Budget to be funded by a transfer from the Federal Gas Tax Reserve Fund; and,

4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

- 11.6 Director, Engineering Services, Report ENG 11-23
Altona Road (Regional Road #27) New Asphalt and Concrete Sidewalk Installation
- Tender No. T2023-4

A brief question and answer period ensued between Members of Council and staff regarding:

- timelines for completing the project; and,
- timelines for the signalization of Pine Grove Avenue and Altona Road.

Resolution #225/23

Moved by Councillor Brenner
Seconded by Councillor Butt

1. That Tender No. T2023-4 for Altona Road (Regional Road #27) New Asphalt and Concrete Sidewalk Installation as submitted by Avion Construction Group Inc. in the total tendered amount of \$263,510.35 (HST included) be accepted;
2. That the total gross project cost of \$326,765.00 (HST included), including the tendered amount, material testing, a contingency and other associated costs, and the total net project cost of \$294,262.00 (net of HST rebate) be approved;
3. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$294,262.00 as follows:
 - a) The sum of \$180,000.00 (net of HST rebate) for capital project C10515.1603.01 Altona Road New Sidewalk Installation as approved in the 2016 Capital Budget to be funded by a transfer from:
 - i) Development Charges – Transportation Reserve Fund in the amount of \$90,000.00;
 - ii) Development Charges – City's Share Reserve in the amount of \$90,000.00;

b) Additional funds of \$114,262.00 for capital project C10515.1603.01 Altona Road New Sidewalk Installation to be approved by a transfer from:

i) Development Charges – Transportation Reserve Fund in the amount of \$57,131.00;

ii) Development Charges – City’s Share Reserve in the amount of \$57,131.00; and,

4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

11.7 Director, Finance & Treasurer, Report FIN 12-23
Annual Treasurer’s Statement Report – Summary of Activity for the Year Ended December 31, 2022

Resolution #226/23

Moved by Councillor Brenner
Seconded by Councillor Butt

1. That Report FIN 12-23 of the Director, Finance & Treasurer entitled “Annual Treasurer’s Statement Report: Summary of Activity for the Year Ended December 31, 2022” as required by the *Development Charges Act* and *Planning Act* be received for information;
2. That the City of Pickering’s “Annual Treasurer’s Statement Report” be made available to the public on the City of Pickering’s website; and,
3. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.

Carried

11.8 Director, Finance & Treasurer, Report FIN 13-23
Annual Indexing – Development Charges, Community Benefit Charges and Seaton Financial Impacts Agreement

Resolution #227/23

Moved by Councillor Brenner

Seconded by Councillor Butt

1. That Report FIN 13-23 of the Director, Finance & Treasurer be received;
2. That effective July 1 to July 11, 2023 as provided for in By-law No. 7953/22, the Development Charges referred to in Schedule "C" of that By-law be increased by 12.3 percent;
3. That effective July 12, 2023 the Development Charges referred to in Schedule "C" of that By-law No. 7953/22 be increased to 85 percent of the maximum fee as legislated by Bill 23, *More Homes, Built Faster Act*;
4. That effective July 1, 2023 as provided for in By-law No. 7954/22, the Community Benefit Charges referred to in Schedule "A" of that By-law be increased by 12.3 percent;
5. That effective July 1, 2023 the payments related to "10 percent Soft Services" as provided for by the Seaton Financial Impacts Agreement dated November 26, 2015 be increased by 12.3 percent; and,
6. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.

Carried

11.9 Director, Operations, Report OPS 17-23
Log Barn and Log House Restoration

Resolution #228/23

Moved by Councillor Brenner
Seconded by Councillor Butt

1. That the quotation for the Log Barn and Log House Restoration at the Pickering Museum Village as submitted by B.A. Construction & Restoration Inc. in the amount of \$436,180.00 (HST included) be received;
2. That single source approval for this purchase be approved in accordance with 09.03(c) of the Purchasing Policy, where the lowest compliant bid received exceeds the estimated cost and it is impractical to recall;
3. That the total gross project cost of \$605,341.00 (HST included), including the amount of the quotation, contingency, consulting and other associated costs, and the total net project cost of \$545,128.00 (net of HST rebate) be approved;

4. That the Director, Finance & Treasurer be authorized to finance the net project cost of \$545,128.00 as approved in the 2022 and 2023 Capital Budgets and additional transfer of \$246,128.00 from the Rate Stabilization Reserve; and,
5. That the appropriate City of Pickering officials be authorized to take the necessary action to give effect hereto.

Carried

- 11.10 Director, City Development & CBO, Report PLN 26-23
Amendment to General Municipal Fees – Planning Applications

Resolution #229/23

Moved by Councillor Brenner
Seconded by Councillor Butt

1. That the revised City Development Department – Planning Fees be approved, effective July 1, 2023;
2. That an amendment be made to Schedule “I” to By-law 6191/03, the General Municipal Fees and Charges By-law, as amended, by deleting the pages for City Development Department – Planning, and substituting the updated pages for City Development Department – Planning, as set out in Schedule “I” to the Draft By-law provided as Appendix I to Report PLN 26-23, be approved; and,
3. That the revised Draft By-law to amend Schedule “I” to the General Municipal Fees and Charges By-law 6191/03, as set out in Appendix I to Report PLN 26-23, be enacted.

Carried

- 11.11 Director, City Development & CBO, Report PLN 27-23
Heritage Permit Application HP 03/23
- Request for Demolition
 - 860 Whitevale Road

Resolution #230/23

Moved by Councillor Brenner
Seconded by Councillor Butt

1. That Heritage Permit Application HP 03/23 to demolish the existing dwelling and accessory buildings located at 860 Whitevale Road be approved;
2. That if there is the opportunity to salvage materials from the garage building for adaptive reuse or donation, should their condition allow it, the Owner make efforts to identify a project use; and,
3. That a copy of the final Cultural Heritage Review Recommendations Report is filed with the Pickering Library & Archives as a record of the property's history.

Carried

- 11.12 Director, City Development & CBO, Report SUS 06-23
Diabetes Canada Textile Drop Box License Agreement
Council Resolution #121/23

Resolution #231/23

Moved by Councillor Brenner
Seconded by Councillor Butt

1. That the Mayor and City Clerk be authorized to execute a Textile Recycling Bin License Agreement between the City of Pickering and National Diabetes Trust Corp., in its capacity as Trustee for the National Diabetes Trust, to install textile drop boxes on three City of Pickering properties, for a term of one-year, as set out in the draft License Agreement contained in Appendix I to this report, subject to minor revisions as may be required by the Director, Corporate Services & City Solicitor, Director, Finance & Treasurer, and/or Chief Administrative Officer; and,
2. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

- 11.13 Director, City Development & CBO, Report SUS 07-23
Enhanced Blue Box and Green Bin Availability
Council Resolution #143/23

Resolution # 232/23

Moved by Councillor Brenner
Seconded by Councillor Butt

1. That the City of Pickering staff continue to work with the Region of Durham, and be authorized to take the necessary actions to enhance residents' access to blue and green bins as outlined in this report, including to enable the sale of blue boxes, blue box lids, kitchen containers for food waste, and curbside green bins from the Chestnut Hill Developments Recreation Complex; and,
2. That staff be directed to report back to Council in Q2 2024 with an update on actions taken to address blue box and green bin availability.

Carried

- 11.14 Motion to Rescind Part of Council Resolution #152/23 as it pertains to the Council Representative for the Community Safety and Well-Being Advisory Committee (CSWBAC)

Further to the notice given by Councillor Brenner at the May 23, 2023 Meeting of Council, regarding the rescinding of part of Resolution #152/23, the following motion is before Council in accordance with the Rules of Procedure:

That the part of Resolution #152/23, adopted at the April 24, 2023 Meeting of Council, pertaining to the appointment of Councillor Robinson to the Community Safety and Well-Being Advisory Committee, be rescinded.

Note: On June 19, 2023, Councillor Robinson formally advised the City Clerk in writing, and subsequently all Members of Council, that she had decided to step down as the Council Representative on the CSWBAC. Therefore, Council did not dispose of the rescinding motion.

- 11.15 Appointment of a Council representative to the Community Safety & Well-Being Advisory Committee (CSWBAC)

Resolution #233/23

Moved by Councillor Brenner
Seconded by Councillor Cook

That leave be granted to suspend the rules of procedure in order to introduce a motion to enable an appointment to the Community Safety and Well-Being Advisory Committee (CSWBAC).

Carried on a Two-Thirds Vote

Resolution #234/23

Moved by Councillor Brenner
Seconded by Councillor Cook

That notwithstanding Policy ADM 045, Council Appointments to Committees, and due to the resignation of Councillor Robinson as the Council representative on the Community Safety and Well-Being Advisory Committee (CSWBAC), that Councillor Shaheen Butt be appointed as the Council representative on CSWBAC for a term ending November 14, 2026.

Carried

12. Motions and Notice of Motions

12.1 Recognizing the Intimate Partner Violence Epidemic

Brief discussion ensued between Members of Council regarding support from the Durham Region Police Services (DRPS) and other municipalities on recognizing intimate partner violence as an epidemic since the drafting of the Motion.

Resolution #235/23

Moved by Councillor Cook
Seconded by Councillor Brenner

WHEREAS, intimate partner violence (IPV) is physical, sexual and emotional abuse and aggression that occurs in an intimate relationship;

And Whereas, on the morning of September 22, 2015, Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam were murdered by a former partner;

And Whereas, on June 28, 2022, a five-person jury established as part of a coroner's inquest into the events of September 22, 2015 delivered 86 recommendations;

And Whereas, specific legislation addressing family and domestic violence has been passed by six provinces and three territories; however, Ontario has not implemented this type of legislation;

And Whereas, the Violence Prevention Coordination Council of Durham (VPCC), which represents 35 local agencies including Luke's Place, Herizon House, and the Durham Rape Crisis Centre, reported a significant increase in demand for assistance from local IPV support providers on behalf of member Victim Services of Durham Region, with IPV victim support up 32% over four years and sexual violence victim support up 277% over four years;

And Whereas, the City of Ottawa, Renfrew & Lanark Counties, Towns of Ajax & Whitby, and the Region of Durham have passed motions declaring an IPV epidemic, and acknowledging the 86 recommendations in the Renfrew County Inquest;

Now therefore be it resolved, that the Council of The Corporation of the City of Pickering:

1. Declare an IPV epidemic and call on the Ontario Government to do the same, as per recommendation #1 of the Renfrew County Inquest;
2. Integrate IPV into the City's Community Safety and Well-Being Plan, as per recommendation #10 of the Renfrew County Inquest; and,
3. That a copy of this motion be forwarded to all Durham MPPs, the Ministry of the Attorney General, the Ministry of Women's Social and Economic Opportunity, all lower tier Durham municipalities, Durham Regional Police Services Board, Renfrew County, and the Association of Municipalities of Ontario.

Carried

12.2 Outdoor Pickleball Options – South Pickering

Brief discussion ensued between Members of Council regarding information coming back to Council in Q4 regarding next steps.

Resolution #236/23

Moved by Councillor Brenner
Seconded by Councillor Pickles

WHEREAS, Pickleball is one of the fastest growing sport in North America;

And Whereas, although future parks in Central Pickering will ensure the availability of outdoor facilities for Pickleball, there is an urgent need to find available outdoor space to accommodate current needs which has outpaced available courts;

And Whereas, 1st Pickering Pickleball Club has taken on a lead role organizing Pickleball in the City of Pickering;

Now therefore be it resolved, that the Council of The Corporation of the City of Pickering recognizes the need to locate space and construct Pickering's first

dedicated outdoor Pickleball court in South Pickering and directs staff through the Office of the CAO to work with 1st Pickering Pickleball Club to:

1. Investigate the following 3 locations as possible options for the construction of 8 Pickleball courts (equivalent to the space required for 2 tennis courts):
 - (a) Alex Robertson Park;
 - (b) Diana Princess of Wales Park; and,
 - (c) Petticoat Creek Conservation Park; and,
2. Report back to Council in Q4 2023 on the recommended option, including a work plan for Community/Stakeholder engagement, that will enable engagement, design and construction to be considered during the 2024 Capital Budget process.

Carried

12.3 Canada Day Sponsorship, Royal Canadian Legion, Branch 606

Councillor Cook declared a conflict of interest under the *Municipal Conflict of Interest Act* with respect to Item 12.3, Canada Day Sponsorship, Royal Canadian Legion, Branch 606, as it pertains to Grants to Organizations for Royal Canadian Legion Branch 606, as she is a volunteer for the Legion.

Councillor Cook did not take part in the discussion or vote on this matter.

Brief discussion ensued between Members of Council regarding the motion addressing the unforeseen funding gap experienced by the Royal Canadian Legion, Branch 606, pertaining to the 2023 Canada Day Event.

Resolution #237/23

Moved by Councillor Pickles
Seconded by Councillor Nagy

WHEREAS, the freedoms enjoyed by all Canadians on a daily basis have been proudly defended by the men and women serving in all Branches of the Canadian Armed Forces;

And Whereas, the Royal Canadian Legion's mission is to proudly serve our honorable veterans who have served our Country and, in some situations, paid the ultimate sacrifice for the enjoyment of our daily freedoms;

And Whereas, the Royal Canadian Legion, Branch 606 (“the Legion”), holds an annual community Canada Day Event (“the Event”);

And Whereas, the Legion seeks third party funding for the Event, however, the previously secured funding from a private third party did not come to fruition for the 2023 Event;

And Whereas, the funds being sought were being used to provide free refreshments to the community who attend the Event;

And Whereas, the City of Pickering offers a Community Grant Program to provide funding for various community based organizations that promote and provide social and community spirit events and programs;

Now therefore be it resolved, that the Council of The Corporation of the City of Pickering, hereby approves a one-time funding grant of \$1,500.00 to the Royal Canadian Legion Branch 606 for their 2023 Community Canada Day Event (non-alcoholic beverages) and that the cost of this one time grant be charged to the Community Grant Account (503040).

Carried

12.4 Animal Poisoning Prevention

Brief discussion ensued between Members of Council regarding the tragedy of pets ingesting rodenticides and poisons, and the associated pain and suffering of losing a pet this way.

Resolution #238/23

Moved by Councillor Brenner
Seconded by Councillor Nagy

WHEREAS, Council acknowledges that rodenticide products are unreasonably dangerous, inhumane, and ineffective;

And Whereas, rodenticides are highly toxic, persistent and compounds of bioaccumulation used to eliminate rodent populations by causing death by preventing normal blood clotting, causing internal hemorrhaging, or disturbing nervous system functions;

And Whereas, rodenticides pose serious threats to Ontario’s wildlife (including raptors, songbirds, coyotes, snakes, and raccoons) and the environment

(including aquatic ecosystems) through primary and secondary poisoning of non-target species, and further threaten children and pets;

And Whereas, predators and scavengers are at a particularly high risk of secondary poisoning because of their dependence on rodents as a food source, with countless cases of poisoning across Ontario in the past decade;

And Whereas, rodenticides are an ineffective and counterproductive means of controlling long-term rodent populations because they fail to address the root of infestation problems (i.e., access to food, shelter and other attractants), and kill predators that serve as natural and chemical-free methods of pest control (i.e., a single owl eats around 1,000 rats per year);

And Whereas, the existing risk mitigation measures implemented by the federal and provincial government are incapable of adequately addressing the threats that rodenticides pose to the environment, wildlife, and human health;

And Whereas, preventative measures are the best method of vector control;

And Whereas, eliminating non-essential use of rodenticides is consistent with the precautionary principle;

And Whereas, Council wishes to enact a policy prohibiting the use of inhumane vector control products to address public concern for the environmental wellbeing of the Corporation, and the health, safety and well-being of its inhabitants;

And Whereas, Council deems it desirable and in the public interest to enact an Animal Poison Prevention Policy for protecting wildlife, pets, and people from unreasonable adverse effects caused by rodenticide use for the purpose of:

- Eliminating inhumane methods of pest control;
- Regulating and controlling the use, purchase, and sale of rodenticides;
- Sustaining a healthy natural environment by protecting biodiversity;
- Protecting significant and sensitive natural areas;
- Protecting human health;
- Maintaining water quality; and,
- Protecting fish habitat as defined in the *Fisheries Act*, Revised Statute of Canada 1985.

Now therefore be it resolved, that the Council of The Corporation of the City of Pickering directs staff through the Office of the CAO:

1. To prepare a draft Policy banning the use of rodenticides on all City of Pickering properties;

2. To include a communications strategy for educating residents and business on the harmful impacts of rodenticides and the availability of humane, ecologically sustainable alternatives;
3. To implement humane practices in regards to pest control on all City of Pickering properties;
4. To have staff report back to Council no later than Q4; and,
5. That Council requests that the Mayor write, on behalf of Council, to the provincial Ministry of the Environment, Conservation and Parks (MECP) requesting that the Province of Ontario introduce a Province wide ban on the use of rodenticides, to increase protection for wildlife species.

Carried

13. By-laws

13.1 By-law 8019/23

Being a by-law to govern the proceedings of Council, any of its Committees, the conduct of its Members, and the calling of meetings.

13.2 By-law 8020/23

Being a by-law to amend By-law 6604/05 providing for the regulating of traffic and parking, standing and stopping on highways or parts of highways under the jurisdiction of the City of Pickering and on private and municipal property.

13.3 By-law 8021/23

Being a by-law to amend Restricted Area (Zoning) By-law 2511, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, being Lot 6 and Part of Lots 5 and 7, Block E, Plan 65, City of Pickering (A 01/21). (596857 Ontario Inc.)

13.4 By-law 8022/23

Being a by-law to amend By-law No. 6191/03 to confirm General Municipal Fees.

13.5 By-law 8023/23

Being a By-law to amend Zoning By-law 7553/17, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, Part of Lot 23,

Concession 1, Now Parts 1 and 2, 40R-27085, in the City of Pickering (A 07/22).
(Wildav International Developments Limited)

13.6 By-law 8024/23

Being a By-law to amend Restricted Area (Zoning) By-law 3036, as amended, to implement the Official Plan of the City of Pickering, Region of Durham, Part of Lot 18, Concession 2, and Part 3, 40R-9710, City of Pickering (A 03/16). (Pickering Islamic Centre)

13.7 By-law 8025/23

Being a By-law to amend Zoning By-law 7553/17, as amended, to remove the holding provision "H3" (A 03/23). (Tribute (Liverpool) Limited)

13.8 By-law 8026/23

Being a By-law to amend Schedule A of By-law 7362/14 appointing Inspectors.

13.9 By-law 8027/23

Being a by-law to exempt Block 173, Plan 40M-2671, from the part lot control provisions of the Planning Act.

13.10 By-law 8028/23

Being a by-law to exempt Block 116, Plan 40M-2632, from the part lot control provisions of the Planning Act.

Resolution #239/23

Moved by Councillor Butt
Seconded by Councillor Brenner

That By-law Numbers 8019/23 through 8028/23 be approved.

Carried

14. Confidential Council – Public Report

Mayor Ashe stated that prior to the Regular Council Meeting, an In-camera session was held at 4:00 p.m. in accordance with the provisions of the Municipal Act and Procedure By-law 7926/22 to consider a proposed or pending acquisition or disposition of land, litigation or potential litigation, receipt of advice that is subject to solicitor-client privilege, a trade secret or scientific, technical, commercial or financial information that belongs to the

municipality and has monetary value or potential monetary, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality. The matters were discussed in closed session as they pertain to a proposed or pending acquisition or disposition of land, the Rosebank jog elimination, an Ontario Land Tribunal appeal by Brock Road Duffins Forest Inc., and an update on the High Frequency Rail.

- 14.1 Confidential Memorandum from the Director, Corporate Services & City Solicitor
Re: A Proposed or Pending Acquisition or Disposition of Land by the Municipality

Having previously declared a conflict of interest, Councillor Pickles did not vote on the following item.

Resolution #240/23

Moved by Councillor Brenner
Seconded by Councillor Nagy

1. That staff be directed to:
 - a) Commence negotiations with Pickering Harbour Company directly with regard to possible acquisition of Frenchman's Bay and adjacent lands owned by Pickering Harbour Company;
 - b) Investigate all opportunities for Provincial and Federal grant funding to defray the acquisition cost; and,
 - c) Report back to Council on this matter in the fourth quarter of 2023

Carried

- 14.2 Director, Corporate Services & City Solicitor, Confidential Report LEG 05-23
Rosebank Jog Elimination
- 1494 Rosebank Road, Pickering
 - Part of Lot 3, RCP 816, Pickering (Part 2, 40R-30470)

Resolution #241/23

Moved by Councillor Brenner
Seconded by Councillor Nagy

1. That Council approve the acquisition of that portion of 1494 Rosebank Road described as Part of Lot 3, RCP 816, Pickering, being Part 2, Plan

40R-30470, from Giuseppe Torcivia and GHR Investment Corporation for the purchase price of \$141,250.00, plus applicable HST;

2. That the Director, Corporate Services & City Solicitor be authorized to execute a Transfer of the said real property, as well as any other documents, instruments and agreements as may be necessary to give effect to the Transfer;
3. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$143,736.00 as follows:
 - a) the sum of \$57,351.00 to be funded from the Land Acquisition Reserve;
 - b) the sum of \$86,385.00 to be funded from the Rate Stabilization Reserve; and,
4. That appropriate City of Pickering officials be authorized to take the actions necessary to implement the recommendations in this report.

Carried

- 14.3 Confidential Memorandum from the Director, City Development & CBO, and Carried
Director, Corporate Services & City Solicitor
Re: Appeal by Brock Road Duffins Forest Inc. of Council's refusal to pass an Official Plan Amendment,
Zoning By-law Amendment & Draft Plan of Subdivision and failure to make a decision on a Site Plan Application
Property Address: 2055 Brock Road
City Files: OPA 20-001/P; A 05/20; SP-2020-01; S07/23
OLT File: OLT-23-000498

Resolution #242/23

Moved by Councillor Brenner
Seconded by Councillor Nagy

That the City respond to the appeal of Official Plan Amendment Application OPA 20-001/P, Zoning By-Law Amendment Application A 05/20, Draft Plan of Subdivision Application SP-2020-01 and Site Plan Application S 07/23 by Brock Road Duffins Forest Inc., and that staff be directed to retain such external legal, planning and other consulting resources, including a transportation engineer, as are required to defend the decision of Council in this matter at the Ontario Land Tribunal.

Carried

15. Other Business

- 15.1 Councillor Butt gave Notice of a Motion that he would be bringing forward regarding sole sourcing of arts in City facilities.
- 15.2 Councillor Nagy gave Notice of a Motion that she would be bringing forward regarding vacant home and land lot tax.
- 15.3 Councillor Brenner gave Notice of a Motion that he would be bringing forward regarding Post Manor.
- 15.4 Councillor Brenner gave Notice of a Motion that he would be bringing forward regarding entering into discussions with Durham Region on providing services for cutting grass on Regional roads abutting City roadways.
- 15.5 Councillor Brenner gave Notice of a Motion that he would be bringing forward regarding Linton house.
- 15.6 Councillor Brenner requested an update from staff regarding the status of the Miller waste facility, request for expansion, and the impact of the previous Council decision on the matter.
- 15.7 Councillor Cook congratulated the Special Olympics athletes in the Durham Region who returned from the Special Olympics World Games in Berlin.

16. Confirmation By-law

By-law Number 8029/23

Councillor Nagy, seconded by Councillor Cook moved for leave to introduce a By-law of the City of Pickering to confirm the proceedings of June 26, 2023.

Carried

17. Adjournment

Moved by Councillor Butt
Seconded by Councillor Pickles

That the meeting be adjourned.

Carried

The meeting adjourned at 10:25 p.m.

Dated this 26th of June, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

Present:

Mayor Kevin Ashe

Councillors:

M. Brenner

S. Butt

L. Cook

M. Nagy (arrived at 9:46 a.m.)

D. Pickles

L. Robinson

Also Present:

M. Carpino - Chief Administrative Officer

K. Bentley - Director, City Development & CBO

P. Bigioni - Director, Corporate Services & City Solicitor

S. Douglas-Murray - Director, Community Services

B. Duffield - Director, Operations

S. Boyd - Fire Chief

J. Eddy - Director, Human Resources

J. Flowers - CEO & Director of Public Libraries, Pickering Public Library

F. Jadoon - Director, Economic Development & Strategic Projects

S. Karwowski - Director, Finance & Treasurer

S. Cassel - City Clerk

M. Guinto - Division Head, Public Affairs & Corporate Communication

1. Roll Call

The City Clerk certified that all Members of Council were present and participating in-person save and except for Councillor Nagy.

2. Disclosure of Interest

No disclosures of interest were noted.

3. Education & Training

Resolution #243/23

Moved by Councillor Butt

Seconded by Councillor Cook

That Council move into closed session in accordance with the provisions of Section 239(3.1) of the *Municipal Act* and the Procedure By-law for the purpose of educating and training Members of Council as it relates to Council and staff strategic relations and team building.

Carried

- 3.1 Presentation from Dr. JP Gedeon, President, Transformative Directions Ltd.
Re: Council & Staff Strategic Relations and Team Building

This portion of the Meeting was closed to the public. Refer to the In Camera meeting minutes for further information. [City Clerk has custody and control of the In Camera minutes.]

Resolution #244/23

Moved by Councillor Nagy
Seconded by Councillor Brenner

That Council rise from the closed session.

Carried

Mayor Ashe stated that during the closed portion of the Meeting, Council received training on Council and Staff Relations and Team Building, and noted that no decisions were made or considered by Council.

4. Adjournment

Moved by Councillor Robinson
Seconded by Councillor Butt

That the meeting be adjourned.

Carried

The meeting adjourned at 2:49 p.m.

Dated this 18th of July, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

Present:

Mayor Kevin Ashe

Councillors:

M. Brenner
S. Butt
L. Cook
D. Pickles
M. Nagy
L. Robinson

Also Present:

M. Carpino	- Chief Administrative Officer
K. Bentley	- Director, City Development & CBO
P. Bigioni	- Director, Corporate Services & City Solicitor
S. Douglas-Murray	- Director, Community Services
B. Duffield	- Director, Operations
R. Holborn	- Director, Engineering Services
F. Jadoon	- Director, Economic Development & Strategic Projects
S. Karwowski	- Director, Finance & Treasurer
S. Cassel	- City Clerk
N. Surti	- Division Head, Development Review & Urban Design
C. Rose	- Chief Planner
R. Perera	- Deputy Clerk
J. Miriampillai	- Government & Stakeholder Relations Specialist
Q. Annibale	- Loopstra Nixon LLP
A. Grunda	- Watson & Associates Economists Ltd.

1. Call to Order/Roll Call

The City Clerk certified that all Members of Council were present and participating electronically.

2. Disclosure of Interest

No disclosures of interest were noted.

Resolution #245/23

Moved by Councillor Robinson

Seconded by Councillor Pickles

That Council move into closed session in accordance with the provisions of Section 239(2) of the *Municipal Act* and the Procedure By-law, to consider a matter pertaining to Capital Program and Community Benefit Strategy for Cherrywood Area Lands. This matter is being discussed in-camera as it relates to:

- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- h) information explicitly supplied in confidence to the municipality or local board by Canada, a Province or territory or a Crown agency of any of them; and,
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Carried

Council took a brief pause to allow the livestream of the Meeting to be severed.

3. In Camera Matters

- 3.1 Confidential Verbal Update from the Chief Administrative Officer and the Director, Corporate Services & City Solicitor
Re: Capital Program and Community Benefits for Cherrywood Area Lands

This portion of the meeting was closed to the public. Refer to the In Camera meeting minutes for further information. [City Clerk has custody and control of the In Camera minutes.]

Resolution #246/23

Moved by Councillor Cook
Seconded by Councillor Butt

That Council rise from the closed session of the Special Meeting of Council.

Carried

Council took a brief pause to allow the livestream of the Meeting to be resumed.

Mayor Ashe stated that during the closed portion of the meeting, Council received a verbal update pertaining to information explicitly supplied in confidence by the Province, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality, and

received advice subject to solicitor-client privilege, as it pertains to the Capital Program and Community Benefits for Cherrywood Area Lands. He stated that no decisions were made and no direction was provided to staff.

4. Confirmatory By-law

By-law Number 8030/23

Councillor Brenner, seconded by Councillor Nagy moved for leave to introduce a By-law of the City of Pickering to confirm the proceedings of August 3, 2023.

Carried

5. Adjournment

Moved by Councillor Robinson
Seconded by Councillor Pickles

That the meeting be adjourned.

Carried

The meeting adjourned at 4:03 p.m.

Dated this 3rd day of August, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

Present:

Mayor Kevin Ashe

Councillors:

M. Brenner
S. Butt
L. Cook
M. Nagy
D. Pickles
L. Robinson

Also Present:

M. Carpino	- Chief Administrative Officer
K. Bentley	- Director, City Development & CBO
S. Douglas-Murray	- Director, Community Services
B. Duffield	- Director, Operations
R. Holborn	- Director, Engineering Services
S. Karwowski	- Director, Finance & Treasurer
S. Cassel	- City Clerk
C. Rose	- Chief Planner
D. Jacobs	- Manager, Policy & Geomatics
R. Perera	- Deputy Clerk
P. Wirch	- Principal Planner, Policy
B. Weiler	- Principal Planner, Policy

1. Roll Call

The City Clerk certified that all Members of Council were present and participating electronically.

2. Disclosure of Interest

No disclosures of interest were noted.

Resolution #247/23

Moved by Councillor Robinson
Seconded by Councillor Pickles

That Council move into closed session in accordance with the provisions of Section 239(2) of the *Municipal Act* and the Procedure By-law, to consider a matter pertaining to

an appeal before the Ontario Land Tribunal (OLT). This matter is being discussed in-camera as it relates to:

- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and,
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

3. In Camera Items

- 3.1 Confidential Memorandum from the Director, City Development & CBO, and Director, Corporate Services & City Solicitor
Re: Confidential Council Direction Regarding the Appeal of Official Plan Amendment 46 – Changes to the City's development application review process to avoid paying application refunds
City File: OPA 22-003/P
OLT Case Number: OLT-23-000606

This portion of the meeting was closed to the public. Refer to the In Camera meeting minutes for further information. [City Clerk has custody and control of the In Camera minutes.]

Resolution #248/23

Moved by Councillor Cook
Seconded by Councillor Robinson

That Council rise to the open session of the Special Meeting of Council.

Carried

4. In Camera Session – Public Report

Mayor Ashe stated that during the closed portion of the meeting, Council considered a confidential Memo from the Director, City Development & CBO and the Director, Corporate Services & City Solicitor, including the receipt of advice subject to solicitor-client privilege and litigation or potential litigation as it pertains to an appeal of Official Plan Amendment 46 to the Ontario Land Tribunal (OLT).

Resolution #249/23

Moved by Councillor Pickles
Seconded by Councillor Brenner

That the City protect its financial interest and preserve the integrity of public engagement in the evaluation of development proposals by responding to the appeal of Official Plan Amendment OPA 22-0003/P, and directing staff to retain such external legal and other consulting resources as are required to defend the decision of Council in this matter at the Ontario Land Tribunal.

Carried

5. Delegations

There were no delegations.

6. Correspondence

6.1 Corr. 27-23

Cheryl Matthews, CEO, Tema Foundation

Re: Use of Chestnut Hill Developments Recreation Complex Banquet Hall for an Education Day and Mental Awareness Training and Support Event

Resolution #250/23

Moved by Councillor Pickles

Seconded by Councillor Brenner

1. That Corr. 27-23, from Cheryl Matthews, CEO, Tema Foundation, dated July 21, 2023, regarding Use of Chestnut Hill Developments Recreation Complex Banquet Hall for an Education Day and Mental Awareness Training and Support Event, be received; and,
2. That the Council of The Corporation of the City of Pickering approves a one-time funding grant of \$2,703.00 to the Tema Foundation to cover CHDRC banquet hall permit fees for November 14, 2023 and November 15, 2023 to host an Education Day and Mental Awareness Training and Support Event and that the cost of this one-time grant be charged to the Community Grant Account (503040.11100).

Carried

7. Matters for Consideration

7.1 Director, Engineering Services, Report ENG 13-23

Waterfront Visionary Advisory Committee

- Revised Terms of Reference

Resolution #251/23

Moved by Councillor Brenner
Seconded by Councillor Cook

1. That Report ENG 13-23, regarding approval of revised Terms of Reference for the Waterfront Advisory Committee, be received;
2. That the revised Terms of Reference for the Waterfront Visionary Advisory Committee, as set out in Attachment #1 to ENG 13-23, be approved; and,
3. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

- 7.2 Director, Operations, Report OPS 18-23
Supply & Delivery of Garbage Packer with Crane – Replacement

Resolution #252/23

Moved by Councillor Cook
Seconded by Councillor Nagy

1. That Quotation No. RFQQ2023-12 submitted by NexGen Municipal Inc. in the amount of \$272,704.86 (HST excluded) be accepted;
2. That the total gross project cost of \$308,835.00 (HST included), and the total net project cost of \$278,116.00 (net of HST rebate) be approved;
3. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$278,116.00, to be funded from the Vehicle Replacement reserve fund as approved in the 2023 Capital Budget; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

- 7.3 Director, Operations, Report OPS 19-23
Road Grader with Automatic Grade Control - Replacement

Resolution #253/23

Moved by Councillor Pickles
Seconded by Councillor Brenner

1. That Quotation No. RFQQ2023-11 submitted by Toromont CAT in the amount of \$555,640.00 (HST excluded) be accepted;
2. That the total gross project cost of \$628,551.00 (HST included), and the total net project cost of \$566,030.00 (net of HST rebate) be approved;
3. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$566,030.00 as follows:
 - a. The sum of \$550,000.00, as provided for in the 2023 Capital Budget, be increased to \$566,030.00, to be financed by the Major Equipment Reserve;
 - b. The Treasurer be authorized to make any changes, adjustments, and revisions to amounts, terms, conditions, or take any actions necessary in order to effect the foregoing; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

7.4 Director, Operations, Report OPS 20-23
Supply & Delivery of Two Sidewalk Plows with Attachments

Resolution #254/23

Moved by Councillor Pickles
Seconded by Councillor Brenner

1. That Quotation No. RFQQ2022-13 submitted by York Region Equipment Centre in the amount of \$407,800.00 (HST excluded) be accepted;
2. That the total gross project cost of \$460,814.00 (HST included), and the total net project cost of \$414,977.00 (net of HST rebate) be approved;
3. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$414,977.00 as follows:
 - a. The sum of \$175,000.00 to be funded from the Major Equipment Reserve as approved in the 2022 Capital Budget be increased to \$207,489.00;

- b. The sum of \$175,000.00 to be funded through a 5-year debenture, as approved in the 2023 Capital Budget, be increased to \$207,488.00 and the funding source to be revised to the Rate Stabilization Reserve; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

7.5 Director, Operations, Report OPS 21-23
Supply & Delivery of Two Wide Area Mowers

Resolution #255/23

Moved by Councillor Pickles
Seconded by Councillor Brenner

1. That Quotation No. RFQQ2023-18 submitted by Turf Care Products in the amount of \$366,940.00 (HST excluded) be accepted;
2. That the total gross project cost of \$414,642.20 (HST included), and the total net project cost of \$373,398.00 (net of HST rebate) be approved;
3. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$373,398.00 as follows:
 - a. The sum of \$135,000.00 be funded from the Major Equipment Reserve as approved in the 2022 Capital Budget to be increased to \$186,699.00;
 - b. The sum of \$140,000.00 be funded from the Development Charges – Parks & Recreation Reserve Fund, as approved in the 2023 Capital Budget to be increased to \$186,699.00; and,
4. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

7.6 Director, City Development & CBO, Report PLN 28-23
Canada Mortgage and Housing Corporation Housing Accelerator Fund
- City of Pickering Action Plan and Housing Accelerator Fund Application

A discussion and question and answer period ensued between Members of Council and staff regarding:

- whether there were any conditions attached to the funding that may be provided to the successful applicants;
- concerns regarding the Canadian Mortgage and Housing Corporation's (CMHC) policies related to the creation of 15-minute cities and such initiatives restricting mobility and isolating residents;
- clarification that the grant application was about initiatives that the City has undertaken to aid in building more homes, not the physical construction of those homes;
- whether the funding could offset costs related to the implementation of the City's Office of Affordability;
- clarification that the grant application was not referencing the creation of 15-minute cities and not restricting the mobility of residents;
- timelines for hearing back on the status of the City's grant application;
- using the grant application as an opportunity to promote the need for affordable and accessible housing in Pickering;
- the funding opportunity being open to all municipalities in Canada and the chances of the City being successful in receiving the funding; and,
- how the City would utilize the funding should the City be successful in receiving the grant.

Resolution #256/23

Moved by Councillor Brenner
Seconded by Councillor Pickles

1. That Council endorse the City of Pickering Housing Accelerator Fund Action Plan, as contained in Appendix I to Report PLN 28-23, for the purpose of submitting an application for the Housing Accelerator Fund Program, administered by the Canada Mortgage and Housing Corporation;
2. That staff be authorized to submit a Housing Accelerator Fund application to the Canadian Mortgage and Housing Corporation, on behalf of the City of Pickering;
3. That staff be directed to bring back to Council the Housing Accelerator Fund Contribution Agreement with the Canadian Mortgage and Housing Corporation, for endorsement and execution, should the City of Pickering be successful in its Housing Accelerator Fund application;
4. That staff be authorized to initiate the necessary work programs required to complete the initiatives outlined in the Pickering Housing Accelerator Fund Action Plan, should the City of Pickering be successful in its Housing Accelerator Fund application; and,

5. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried on a Recorded Vote as Follows:

Yes

Councillor Brenner

Councillor Butt

Councillor Cook

Councillor Nagy

Councillor Pickles

Mayor Ashe

No

Councillor Robinson

- 7.7 Director, Engineering Services, Report ENG 12-23
School Crossing Guard Program
- Quotation No. Q2023-37

A question and answer period ensued between Members of Council and staff regarding:

- past issues related to the City's previous crossing guard supplier and ensuring that the City does not face similar issues with the new supplier;
- whether the new supplier adhered to a fair wage policy and whether the wage that was being recommended by the City was consistent with other municipalities;
- whether the new supplier provided services other than crossing guards; and,
- the increase in inflation and ensuring that the wages provided to the crossing guards were in line with the wages being provided to crossing guards in Durham Region.

Richard Holborn, Director, Engineering Services, provided Council with some additional details pertaining to the vendor that staff were in the midst of confirming for the contract and noted that they had extensive experience in providing crossing guard services and that the City had received favourable references in this regard from other municipalities that had used them in this capacity.

Resolution #257/23

Moved by Councillor Brenner
Seconded by Councillor Cook

1. That Council delegate the authority to the Director, Engineering Services and the Director, Finance & Treasurer to award a contract in accordance with the terms and conditions in Request for Quotation No. Q2023-37 for School Crossing Guard Services, to the lowest compliant response bidder

at a total cost not to exceed \$734,500.00 (HST included) and a net project cost not to exceed \$661,640.00 (net of HST rebate) for the school year period from September 2023 to June 2024; and,

2. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

8. Confirmatory By-law

By-law Number 8031/23

Councillor Pickles, seconded by Councillor Cook moved for leave to introduce a By-law of the City of Pickering to confirm the proceedings of August 16, 2023.

Carried

5. Adjournment

Moved by Councillor Butt
Seconded by Councillor Cook

That the meeting be adjourned.

Carried

The meeting adjourned at 11:01 a.m.

Dated this 16th of August, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

Present:

Mayor Kevin Ashe

Councillors:

M. Brenner

S. Butt

L. Cook

M. Nagy

D. Pickles

L. Robinson

Also Present:

M. Carpino	- Chief Administrative Officer
K. Bentley	- Director, City Development & CBO
P. Bigioni	- Director, Corporate Services & City Solicitor
S. Boyd	- Fire Chief
S. Douglas-Murray	- Director, Community Services
B. Duffield	- Director, Operations
J. Eddy	- Director, Human Resources
R. Holborn	- Director, Engineering Services
F. Jadoon	- Director, Economic Development & Strategic Projects
S. Karwowski	- Director, Finance & Treasurer
S. Cassel	- City Clerk
V. Plouffe	- Division Head, Operations Services
C. Rose	- Chief Planner
R. Perera	- Deputy Clerk
J. Bekramchand	- Senior Financial Analyst, Capital & Debt Management.

1. Call to Order/Roll Call

The City Clerk certified that all Members of Council were present and participating electronically.

2. Disclosure of Interest

No disclosures of interest were noted.

3. Delegations

3.1 Peter Moreira, Chief of Police, Durham Regional Police Service

Bill Clancy, Executive Director, Durham Regional Police Services Board
Garry Cubitt, Vice Chair, Durham Regional Police Services Board
Vidal Chavannes, Director – Strategy, Research & Organizational Performance,
Durham Regional Police Service
Amanda Couture-Carron, Senior Strategic Planner, Durham Regional Police
Service
Re: Durham Regional Police Service’s 2024 Strategic Plan

Peter Moreira, Chief of Police, Durham Regional Police Service, Bill Clancy, Executive Director, Durham Regional Police Services Board, Garry Cubitt, Vice Chair, Durham Regional Police Services Board, Vidal Chavannes, Director – Strategy, Research & Organizational Performance, Durham Regional Police Service, and Amanda Couture-Carron, Senior Strategic Planner, Durham Regional Police Service, joined the electronic meeting to speak to the Durham Regional Police Service’s (DRPS) 2024 Strategic Plan. Through the aid of a PowerPoint presentation, the delegates stated that the draft strategic goals were innovative and modernized policing, strong and strategic partnerships, and enhanced trust and confidence in the DRPS. They commented on the community and member feedback received during the consultation process which identified issues pertaining to road crime and neighbourhood crime and a need for resources pertaining to staffing, skill development, training, health, facilities, and technology. The delegates further spoke about the strategic goals and objectives and the format and content of the strategic plan. They concluded their delegation by noting that they were available for questions and feedback from the Committee.

A question and answer period ensued between Members of the Committee and the delegates regarding:

- assurances that would be provided to municipalities that issues relating to staffing resources and the need for greater community policing would be resolved;
- whether the DRPS Board had the ability to identify and communicate the impact of growth and development resulting from Bill 23 to upper levels of government;
- whether there was a plan to address infrastructure issues that were identified during the strategic plan review;
- whether the challenges relating to staffing resources had been a longstanding issue;
- how the officers that would have traditionally addressed house calls were now being allocated due to the new online reporting portal; and,
- challenges faced by officers when addressing calls pertaining to mental health issues.

4. Matters for Consideration

4.1 Director, Corporate Services & City Solicitor, Report CLK 08-23
2024 Committee and Council Meeting Schedule

A discussion and question and answer period ensued between Members of Committee and staff regarding:

- the use of strong mayor powers as it relates to deciding the budget leading to a lack of accountability, representation, transparency, and risk of bias;
- clarification that the staff report was seeking approval for the 2024 Meeting Schedule to set the meeting dates for the City's Council and Standing Committee meetings; and,
- the 2024 budget being presented to Members of Council in January 2024 and Members having an opportunity to bring forward amendments to the budget in accordance with the *Strong Mayors, Building Homes Act*.

Recommendation:

Moved by Councillor Brenner
Seconded by Councillor Pickles

1. That the 2024 Committee and Council Meeting Schedule appended as Attachment #1 to Report CLK 08-23 be approved; and,
2. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this Report.

Carried on a Recorded Vote as Follows:

Yes:
Councillor Brenner
Councillor Butt
Councillor Cook
Councillor Nagy
Councillor Pickles
Mayor Ashe

No:
Councillor Robinson

4.2 Director, Community Services, Report CS 24-23
Draft Community Festivals and Events Policy, CUL 070
- Amendments to Community Festivals and Events Policy, CUL 070

A discussion and question and answer period ensued between Members of Committee and staff regarding:

- whether social media communication for City events could include a note on whether pets were permitted;
- the policy providing the CAO with the authority to approve events in the Esplanade Park during summer recess and during emergency and extenuating circumstances and whether Council could hold Special Council meetings to approve such events instead;
- clarification regarding the meaning of an extenuating circumstance which would allow for the use of the CAO's discretion to approve an event request for Esplanade Park; and,
- negative implications with providing the CAO the authority to approve events in special circumstances as noted in the Policy and the need for a collaborative governance model as it relates to the approval of events.

Recommendation:

Moved by Councillor Brenner
Seconded by Councillor Pickles

1. That Council endorse the revisions in CUL 070 Community Festivals and Events Policy, as set out in Attachment 1 to this report, subject to minor revisions acceptable to the Director, Community Services; and,
2. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried on a Recorded Vote as Follows:

Yes:
Councillor Brenner
Councillor Butt
Councillor Cook
Councillor Nagy
Councillor Pickles
Mayor Ashe

No:
Councillor Robinson

- 4.3 Director, Community Services, Report CS 25-23
City of Pickering Volunteer Program Update
- 2022/2023 Activities

Recommendation:

Moved by Councillor Brenner
Seconded by Councillor Pickles

That Report CS 25-23, regarding the City of Pickering Volunteer Program Update, be received for information.

Carried

- 4.4 Director, Finance & Treasurer, Report FIN 14-23
Bill 23, *More Homes Built Faster Act, 2022*
- Development Charge Revenue Loss as of July 31, 2023

A question and answer period ensued between Members of Committee and staff regarding:

- the staff report identifying loss of revenue streams for 2024 and Seaton being identified as a cause for not being able to meet projected revenues related to development charges;
- staff's recommendations as it relates to the 2024 Budget to minimize negative impact to taxpayers;
- negative impacts of Bill 23 to the City and implications associated with the Province not making the City whole;
- the need to explore ways to reduce expenditures without compromising on essential services;
- the City receiving approximately \$5 million from the Province for housing achievements and whether there were any conditions related to how the City could spend the funds and when the funding would be received; and,
- 22% of casino revenues being allocated to fund the shortfalls due to Bill 23.

Recommendation:

Moved by Councillor Brenner
Seconded by Councillor Pickles

That Report FIN 14-23 regarding an updated financial assessment related to Bill 23 be received for information.

Carried Unanimously on a Recorded Vote

5. Member Updates on Committees

There were no Committee updates from Members.

6. Other Business

There was no other business.

7. Adjournment

Moved by Councillor Brenner
Seconded by Councillor Cook

That the meeting be adjourned.

Carried

The meeting adjourned at 3:39 p.m.

Present:

Mayor Kevin Ashe

Councillors:

M. Brenner

S. Butt

L. Cook

M. Nagy

D. Pickles

L. Robinson

Also Present:

M. Carpino	- Chief Administrative Officer
K. Bentley	- Director, City Development & CBO
P. Bigioni	- Director, Corporate Services & City Solicitor
S. Boyd	- Fire Chief
S. Douglas-Murray	- Director, Community Services
B. Duffield	- Director, Operations
J. Eddy	- Director, Human Resources
J. Flowers	- CEO & Director of Public Libraries, Pickering Public Library
R. Holborn	- Director, Engineering Services
F. Jadoon	- Director, Economic Development & Strategic Projects
S. Karwowski	- Director, Finance & Treasurer
S. Cassel	- City Clerk
V. Plouffe	- Division Head, Operations Services
C. Rose	- Chief Planner
R. Perera	- Deputy Clerk

1. Call to Order/Roll Call

The City Clerk certified that all Members of Council were present and participating electronically.

2. Disclosure of Interest

No disclosures of interest were noted.

3. Delegations

There were no delegations.

4. Matters for Consideration

4.1 Director, Economic Development & Strategic Projects, Report ECD 05-23
William F White International Inc. (Filming Backlot) Location Agreement

A question and answer period ensued between Members of Council and staff regarding:

- safety concerns regarding the use of the existing structures on site and traffic issues that would be generated from the event and whether efforts were underway to resolve these issues;
- ensuring that the hosting of subsequent events under the amended agreement would be subject to a safety, parking, and traffic mitigation review;
- the number of food trucks that would be on site and access to the food trucks being limited to the attendees of the event;
- revenue generated through the lease of the subject lands and clarification that the City was not requesting further funding for the event due to the ongoing strike in the film industry;
- whether the responsibility of maintaining Sideline 32, providing access to the site, would rest on the event organizer or the City;
- ensuring that there was no stacking of vehicles and potential expenditures to the City's enforcement and operations staff; and,
- ensuring that there were cost recovery measures for the City should there be any damage to the roadways and ensuring that cost recovery was above and beyond the monthly lease costs.

Staff were requested to provide Council with a memorandum on the cost recovery measures undertaken by the City with regards to the operation of the event.

Resolution #258/23

Moved by Councillor Cook

Seconded by Councillor Brenner

1. That consent be given pursuant to Paragraph 2 of the Location Agreement dated June 1, 2021 to an additional use, as more particularly set out in this Report, of the property at 3800 Sideline 32, Pickering, subject to such conditions as are imposed by the Director, Economic Development & Strategic Projects, Director, Corporate Services & City Solicitor, Director, City Development and Chief Administrative Officer; and,
2. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.

Carried

4.2 Director, Operations, Report OPS 22-23
T2023-6 Construction of the Pickering Heritage & Community Centre

A question and answer period ensued between Members of Council and staff regarding:

- ensuring that there was a definitive timeline to commence construction of the Pickering Heritage & Community Centre (PHCC);
- whether feedback would be solicited again from the community;
- clarification on the need for further budget approval for the Project with it previously being approved through the 2024 budget;
- the Project being funded largely through grants from upper levels of government and the PHCC being a much needed facility for the community;
- possibility of delaying the Project until Seaton was completed in order to receive revenues to fund the PHCC project;
- prioritizing projects that were urgent and essential to ensure that there was no undue financial burden to the residents of Pickering;
- the Seaton community lacking schools, retail spaces, and a community centre and feedback received from residents regarding the need for such amenities;
- making use of the grants from the upper levels of government and moving forward with the Project;
- money already being allocated for the PHCC project in the 2023 Budget;
- the potential impact of reducing the footprint of the facility; and,
- community centres such as the PHCC having a positive impact on the mental wellbeing of a community.

Resolution #259/23

Moved by Councillor Butt
Seconded by Councillor Cook

1. That Report OPS 22-23 regarding T2023-6 Construction of the Pickering Heritage & Community Centre (PHCC) be received;
2. That Tender No. T2023-6 for Construction of PHCC be cancelled without award due to all bids exceeding approved budget in accordance with Appendix, item B and Part 3, section 3.6.1, item (I) of the bid document;
3. That staff be directed to explore options to reduce overall project costs for PHCC by:
 - a) Obtaining an updated Class A cost estimate from Hanscomb Quantity Surveyors in the amount of \$11,704.00 (HST included), for comparison

to the previous Class A cost estimate received from the same firm in December 2022, to be retained as sub-consultants to Hariri Pontarini Architects;

- b) Working with the project consultants, Hariri Pontarini Architects, to reduce the project scope and related costs, then re-tender the project in time to secure new pricing prior to the approval of the 2024 Capital Budget;
4. That a proposal for additional fees submitted by Hariri Pontarini Architects for consulting and professional services required to reduce the scope of the project to meet budget objectives in the amount of \$108,762.50 (HST included) be approved;
5. That the Director, Finance & Treasurer be authorized to finance \$97,944.00 (net of HST rebate) for additional consulting fees to Hariri Pontarini Architects and \$9,973.00 (net of HST rebate) for Class A cost estimating to Hanscomb Quantity Surveyors from the previously approved PHCC design Capital Budget as follows:
 - a) The sum of \$49,642.00 to be funded from the Rate Stabilization Reserve;
 - b) The sum of \$4,317.00 to be funded from the City Share DC Reserve;
 - c) The sum of \$14,029.00 to be funded from the DC – Parks & Recreations Reserve Fund;
 - d) The sum of \$39,929.00 to be funded from the DC – Library Reserve Fund;
6. That the Director, Operations and Treasurer be authorized to award required Stage 4 archeological work to Toronto Region Conservation Authority using uncommitted funds previously allocated for this purpose through Report OPS 03-23;
7. That the Director, Operations and Treasurer be authorized to award required Indigenous monitoring services to the Haudenosaunee Development Institute for additional work required to monitor the Stage 4 archeological work;
8. That the Director, Operations and Treasurer be authorized to award required Indigenous monitoring services to the Huron-Wendat Nation for additional work required to monitor the Stage 4 archeological work;

9. That the Director, Finance & Treasurer be authorized to reallocate uncommitted funds approved in Report OPS 03-23 to complete required Stage 4 archaeological work;
10. That the Director, Finance & Treasurer be authorized to approve up to an additional \$113,000.00 (HST included) in funds to complete required Stage 4 archaeological work and finance the net costs of \$101,760.00 from the previously approved PHCC construction Capital Budget as follows:
 - a) The sum of \$32,492.00 to be funded from the DC – Parks & Recreation Reserve Fund;
 - b) The sum of \$2,921.00 to be funded from the DC – Library Reserve Fund;
 - c) The sum of \$65,065.00 to be funded from the Rate Stabilization Reserve;
 - d) The sum of \$1,282.00 to be funded from the Community Benefit Charge Reserve fund; and,
11. That the appropriate City of Pickering officials be authorized to take the necessary action to give effect hereto.

Carried on a Recorded Vote as Follows:

Yes:
Councillor Brenner
Councillor Butt
Councillor Cook
Councillor Nagy
Councillor Pickles
Mayor Ashe

No:
Councillor Robinson

5. Confirmatory By-law

By-law Number 8032/23

Councillor Cook, seconded by Councillor Nagy moved for leave to introduce a By-law of the City of Pickering to confirm the proceedings of September 5, 2023.

Carried

6. Adjournment

Moved by Councillor Cook
Seconded by Councillor Robinson

That the meeting be adjourned.

Carried

The meeting adjourned at 4:42 p.m.

Dated this 5th of September, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

Present:

Mayor Kevin Ashe

Councillors:

M. Brenner

S. Butt

L. Cook

M. Nagy

D. Pickles

L. Robinson

Also Present:

M. Carpino	- Chief Administrative Officer
K. Bentley	- Director, City Development & CBO
P. Bigioni	- Director, Corporate Services & City Solicitor
S. Cassel	- City Clerk
N. Surti	- Division Head, Development Review & Urban Design
C. Rose	- Chief Planner
R. Perera	- Deputy Clerk
C. Celebre	- Principal Planner, Strategic Initiatives
C. Morrison	- Principal Planner, Development Review
P. Wirch	- Principal Planner, Policy
L. Crawford	- Planner II
I. Lima	- Planner II

1. Call to Order/Roll Call

The City Clerk certified that all Members of Council were present and participating electronically.

2. Disclosure of Interest

No disclosures of interest were noted.

3. Statutory Public Meetings

Councillor Cook, Chair, gave an overview of the requirements for a Statutory Public Meeting under the *Planning Act*. She outlined the notification process procedures and also noted that if a person or public body does not make oral or written submissions to the City before the By-law is passed, that person or public body are not entitled to appeal

the decision of City Council to the Ontario Land Tribunal (OLT), and may not be entitled to be added as a party to the hearing unless, in the opinion of OLT, there are reasonable grounds to do so.

Catherine Rose, Chief Planner, appeared before the Committee to act as facilitator for the Statutory Public Meeting portion of the meeting, explaining the process for discussion purposes as well as the order of speakers.

- 3.1 Information Report No. 08-23
Request for Red-Line Revision of Draft Plan of Subdivision
Application SP-2009-11 (R2)
Revised Zoning By-law Amendment Application A 08/23
Mattamy (Seaton) Limited
Part of Lots 21 and 22, Concession 4
Seaton Community

A statutory public meeting was held under the *Planning Act*, for the purpose of informing the public with respect to the above-noted application.

Cristina Celebre, Principal Planner, Strategic Initiatives, joined the electronic meeting to speak to Zoning By-law Amendment Application A 08/23. Through the aid of a PowerPoint presentation, Ms. Celebre outlined the subject lands and stated that the applicant was requesting a second revision to the draft approved plan of subdivision, along with an amendment to the existing Zoning By-law, to implement the revisions to the Draft Plan. She added that the applicant was requesting these revisions to address grading constraints located on the westerly portion of the Plan, and to introduce townhouses in the northerly portion of the Plan. She provided details of the development proposal, planning policy framework, planning & design comments, and next steps in the application process.

Andrew Scott, Land Development Manager, Mattamy Homes, and Connor Rudka, Junior Planner, Korsiak Urban Planning, joined the electronic meeting and stated that they were available for questions from the Committee.

There were no delegations from the public.

A question and answer period ensued between Members of Committee, staff, Mr. Scott, and Mr. Rudka regarding:

- clarification that the revised application did not remove any lands designated for commercial space, schools, or parks;
- ensuring that the school and park sites were appropriately sized for the expected population and appropriately fronted on to the streets;

- ensuring that the proposed development included various types of amenities for different age groups;
- clarification on the location of the parks that would be situated on the subject lands;
- whether the parks were large enough to construct a soccer or baseball field;
- whether the subject lands could provide a leash free area for dogs; and,
- clarification that the original application only contained residential uses and that the revised application was to address grading changes on the lands.

3.2 Information Report No. 09-23
Draft Plan of Subdivision Application SP-2023-02
Zoning By-law Amendment Application A 05/23
Seaton TFPM Inc.
Part of Lots 21 and 22, Concession 5
Seaton Community

A statutory public meeting was held under the *Planning Act*, for the purpose of informing the public with respect to the above-noted application.

Cristina Celebre, Principal Planner, Strategic Initiatives, joined the electronic meeting to speak to Zoning By-law Amendment Application A 05/23. Through the aid of a PowerPoint presentation, Ms. Celebre outlined the subject lands and stated that the applicant was requesting to facilitate a residential plan of subdivision with a total of 381 residential units. She added that a residential block was also proposed to be rezoned and anticipated to be a condominium development containing a minimum of 33 townhouse units. She provided details of the development proposal, planning policy framework, planning & design comments, and next steps in the application process.

Andrew Scott, Land Development Manager, Mattamy Homes, and Connor Rudka, Junior Planner, Korsiak Urban Planning joined the electronic meeting and stated that they were available for questions from the Committee.

There were no delegations from the public.

A question and answer period ensued between Members of Committee, staff, Mr. Scott, and Mr. Rudka regarding:

- ensuring that sufficient space was provided within the garages for storage;
- whether the roads within the proposed development would contain sidewalks on both sides of the roads and the need for sidewalks on both sides of the road near the school block;

- clarification that the application did not remove any lands designated for commercial space, schools, or parks;
- ensuring that the School Board was satisfied with the school block size and frontage, given the limited frontage along municipal roads; and,
- timelines for when the environmental impact statement would be provided and whether there was any update regarding the stormwater management plan.

3.3 Information Report No. 10-23
Zoning By-law Amendment Application A 06/23
Taccgate Developments Inc.

North and south sides of Taunton Road between Burkholder Drive and Peter Mathews Drive, and on the east side of Peter Mathews Drive
Seaton Community

A statutory public meeting was held under the *Planning Act*, for the purpose of informing the public with respect to the above-noted application.

Liam Crawford, Planner II, joined the electronic meeting to speak to Zoning By-law Amendment Application A 06/23. Through the aid of a PowerPoint presentation, Mr. Crawford outlined the subject lands and stated that the applicant was requesting to facilitate future residential condominium developments on three separate properties in the area of Taunton Road and Peter Mathews Drive, within the Lamoreaux Neighbourhood. He provided details of the development proposal, planning policy framework, planning & design comments, and next steps in the application process.

Duncan Webster, Senior Development Manager, TACC Developments, Vince Figliomeni, Development Coordinator, TACC Developments, and Connor Rudka, Junior Planner, Korsiak Urban Planning, joined the electronic meeting and stated that they were available for questions from the Committee.

There were no delegations from the public.

A question and answer period ensued between Members of Committee, staff, Mr. Webster, Mr. Figliomeni, and Mr. Rudka regarding:

- clarification that the application did not remove any lands designated for commercial space, schools, or parks;
- timelines for construction to begin for the proposed development and the type of retail components that would be included;
- whether gas stations were permitted along the Taunton Road corridor or anywhere within the subject lands;

- whether the parks would be accessible to all residents and not limited to the residents of the proposed development;
- whether the townhomes would be occupied prior to the construction of the apartment buildings;
- placing signage on the adjacent sites to notify the public and future residents of the townhomes of the proposed apartment style buildings that would be constructed in the future;
- whether the residents of the apartment building would be sharing the parkland placed near the townhomes;
- ensuring that commercial components such as grocery stores would be included on the subject lands;
- number of units and visitor parking spaces that would be included on site 'C';
- number of accessible parking spaces that would be provided within the development; and,
- whether there was an opportunity to name the roads on the proposed site after firefighters and veterans in accordance with the existing Street Naming Policy.

4. Delegations

- 4.1 Robert Montemarano, President, Pickering Forest Inc. and Beachview Homes
Scott Waterhouse, Planning Manager, GHD
Re: Report PLN 30-23
Draft Plan of Subdivision Application SP-2020-02
Zoning By-law Amendment Application A 10/20
Pickering Forest Inc.
450 Finch Avenue

Robert Montemarano, President, Pickering Forest Inc. and Beachview Homes and Scott Waterhouse, Planning Manager, GHD, joined the electronic meeting to speak to Report PLN 30-23. Mr. Waterhouse noted that they were in support of the staff recommendation and added that the relocation and retention of the heritage farmhouse was in response to feedback received by staff and the City's Heritage Advisory Committee.

A question and answer period ensued between Members of Committee, Mr. Montemarano, and Mr. Waterhouse regarding:

- information on the relocation of the heritage farmhouse and how it would be used within the development;
- ensuring that the heritage farmhouse was safeguarded following the relocation;

- whether there would be restrictions placed on the type of modifications that could be done to the farmhouse;
- when the agency comments were received and whether the applicant would re-solicit agencies for comment;
- not using Rougewalk Drive and Mahogany Court for construction access and parking of construction vehicles; and,
- how the construction on the site would be managed by the City.

4.2 Wayne Madden, Pickering Resident

Re: Report PLN 29-23

City Initiated Official Plan Amendment 49

- Changes to the policies and regulations for Additional Dwelling Units
- File: OPA 23-002/P

Wayne Madden, Pickering Resident, did not connect to the electronic meeting to provide their delegation.

4.3 Alexey Soldatenko, Pickering Resident

Re: Report PLN 31-23

Zoning By-law Amendment Application A 09-16(R)

Draft Plan of Subdivision Application SP-2016-01(R)

Draft Plan of Condominium Application CP-2016-03(R)

702153 Ontario Limited

Southeast corner of Finch Avenue and Altona Road

(1985 and 1999 Altona Road, and 323, 327 and 331 Finch Avenue)

Alexey Soldatenko, Pickering Resident, did not connect to the electronic meeting to provide their delegation.

4.4 Amanda Lazaridis, Louisville Homes Limited

Re: Report PLN 30-23

Draft Plan of Subdivision Application SP-2020-02

Zoning By-law Amendment Application A 10/20

Pickering Forest Inc.

450 Finch Avenue

Amanda Lazaridis, Louisville Homes Limited, joined the electronic meeting to speak to Report PLN 30-23. Ms. Lazaridis noted that she was representing the property owner adjacent to the east of the proposed development and that their lot currently had a holding provision until an easement in favour of the applicant was released. She stated that there were no guarantees that the easement would be released or timelines for the release and requested that the release of the

easement be a condition of the draft plan approval. She further stated that both parties were in agreement to the easement being lifted.

A brief question and answer period ensued between Members of Committee and Ms. Lazaridis on clarifying that she was looking to have the easement lifted at the earliest opportunity available.

4.5 Rumeal Evans, Pickering Resident

Re: Report PLN 29-23

City Initiated Official Plan Amendment 49

- Changes to the policies and regulations for Additional Dwelling Units
- File: OPA 23-002/P

Rumeal Evans, Pickering Resident, joined the electronic meeting to speak to Report PLN 29-23. He noted that the proposed amendment would exclude homes from constructing Additional Dwelling Units (ADUs) as it was contingent upon the distance to Kingston Road and required homes that were outside a 500 metre radius to provide one parking unit for ADUs, which was further restricted due to the requirement of a minimum landscaping and a maximum driveway area size. He added that the proposed requirements for parking spaces restricted most residents from constructing ADUs as many residents did not have the additional landscape space to construct additional parking. He stated that the proposal could be better aligned with the intent of Bill 23 and provided recommendations including removing the 500 metre radius requirement or expanding the radius requirement to 4 kilometres and requiring homeowners who were unable to accommodate additional parking to pay a monthly premium separate from property taxes. He added that a monthly premium would provide revenue to the City to fund any infrastructure that would be needed to address on street parking.

4.6 Steve Edwards, Planning Lead, GHD

Tony Mauro, President, 702153 Ontario Limited

Daniel Ronco, Planner, 702153 Ontario Limited

Re: Report PLN 31-23

Zoning By-law Amendment Application A 09-16(R)

Draft Plan of Subdivision Application SP-2016-01(R)

Draft Plan of Condominium Application CP-2016-03(R)

702153 Ontario Limited

Southeast corner of Finch Avenue and Altona Road

(1985 and 1999 Altona Road, and 323, 327 and 331 Finch Avenue)

Steve Edwards, Planning Lead, GHD, Tony Mauro, President, 702153 Ontario Limited, Daniel Ronco, Planner, 702153 Ontario Limited, joined the electronic

meeting and stated that they were in support of the staff recommendation and were available for questions from the Committee.

A question and answer period ensued between Members of Committee, Mr. Edwards, and Mr. Mauro regarding:

- whether Altona Road and Finch Road would be urbanized or whether the area would include a rural cross section;
- ensuring that the frontage of the units were maintained and kept in good condition;
- whether the existing trees on site were being removed and whether these trees would be replaced;
- ensuring that previously expressed concerns regarding the play areas were addressed; and,
- the type of sustainable features that would be included in the proposed development.

4.7 Bradley Reynolds, Pickering Resident

Re: Report PLN 31-23

Zoning By-law Amendment Application A 09-16(R)

Draft Plan of Subdivision Application SP-2016-01(R)

Draft Plan of Condominium Application CP-2016-03(R)

702153 Ontario Limited

Southeast corner of Finch Avenue and Altona Road

(1985 and 1999 Altona Road, and 323, 327 and 331 Finch Avenue)

Bradley Reynolds, Pickering Resident, joined the electronic meeting to speak to Report PLN 31-23. Mr. Reynolds enquired about the privacy fencing that would be constructed around the development and stated that there was a need for additional trees on the subject lands. He further spoke to the need to maintain the frontage of the properties and the need for parkland and infrastructure to accommodate the expected growth.

Moved by Mayor Ashe

Seconded by Councillor Brenner

That the Committee take a short recess.

Carried

Committee recessed at 9:02 p.m. and reconvened at 9:09 p.m.

5. Planning & Development Reports

- 5.1 Director, City Development & CBO, Report PLN 29-23
City Initiated Official Plan Amendment 49
- Changes to the policies and regulations for Additional Dwelling Units
 - File: OPA 23-002/P

A question and answer period ensued between Members of Committee and staff regarding:

- ensuring that the parking capacity would not negatively impact both established and new neighbourhoods;
- how sustainability targets would be achieved and concerns regarding the loss of greenspace for parking;
- the need for a communication strategy to bring illegal ADUs to conformity with the City's policies and regulations;
- whether the individuals who spoke in favour of the ADUs at the statutory public meeting were developers;
- whether the amendment would be used as a tool by developers to build additional homes on residential units;
- potential for neighbourhood conflict with more people living in an area;
- constraints that would be placed on existing infrastructure by the ADUs;
- whether there would be any restraints placed on the type of construction material that could be used;
- whether a camping trailer could be used as an ADU; and,
- whether there would be any further community consultation on the matter.

Recommendation:

Moved by Councillor Nagy
Seconded by Councillor Pickles

1. That Official Plan Amendment Application OPA 23-002/P, initiated by the City of Pickering, to amend existing policies and introduce new policies related to additional dwelling units, as set out in Exhibit 'A' to Appendix I to Report PLN 29-23, be approved;
2. That the Draft By-law to adopt Amendment 49 to the Pickering Official Plan, to amend existing policies and introduce new policies to the Pickering Official Plan with regard to additional dwelling units, as set out in Appendix I to Report PLN 29-23, be enacted;
3. That Zoning By-law Amendment Application A 04/23, initiated by the City of Pickering, to implement Official Plan Amendment 49, be approved, and that the Recommended Draft Zoning By-law Amendments as set out in

Appendices II to VII to Report PLN 29-23 be finalized and forwarded to Council for enactment;

4. That the Additional Dwelling Unit Registration By-law, as set out in Appendix VIII to Report PLN 29-23, be enacted; and,
5. That a copy of the staff report, the adopting by-law, and two copies of the adopted Amendment be forwarded to the Region of Durham.

Carried

- 5.2 Director, City Development & CBO, Report PLN 30-23
Draft Plan of Subdivision Application SP-2020-02
Zoning By-law Amendment Application A 10/20
Pickering Forest Inc.
450 Finch Avenue

A brief question and answer period ensued between Members of Committee and staff regarding:

- ensuring that Rougewalk Drive and Mahogany Court would not be used to provide access for construction vehicles; and,
- when the easement on the adjacent property would be removed.

Recommendation:

Moved by Councillor Nagy
Seconded by Councillor Brenner

1. That Draft Plan of Subdivision Application SP-2020-02, submitted by Pickering Forest Inc., to establish a residential plan of subdivision, consisting of 31 lots for detached dwellings, 2 part blocks for future development, 1 parkland block, 1 environmental block, 2 public roads, and 1 block for a road widening, as shown on Attachment #4 to Report PLN 30-23, and the implementing conditions of approval, as set out in Appendix I, be endorsed; and,
2. That Zoning By-law Amendment Application A 10/20, submitted by Pickering Forest Inc., to implement Draft Plan of Subdivision SP-2020-02, on lands municipally known as 450 Finch Avenue, be approved, and that the draft Zoning By-law Amendment, as set out in Appendix II to Report PLN 30-23, be finalized and forwarded to Council for enactment.

Carried

- 5.3 Director, City Development & CBO, Report PLN 31-23
Zoning By-law Amendment Application A 09-16(R)
Draft Plan of Subdivision Application SP-2016-01(R)
Draft Plan of Condominium Application CP-2016-03(R)
702153 Ontario Limited
Southeast corner of Finch Avenue and Altona Road
(1985 and 1999 Altona Road, and 323, 327 and 331 Finch Avenue)

A question and answer period ensued between Members of Committee and staff regarding:

- ensuring that future homeowners were made aware of the noise and vibration that would result from the close proximity to the CP railway;
- whether there had been any discussion with the Region to transfer Finch Avenue, east of Altona Road, to the City;
- whether there was an opportunity to urbanize the subject area in collaboration with the Region and the applicant; and,
- when the Rouge Park Neighbourhood Development Guidelines were approved.

Recommendation:

Moved by Councillor Nagy
Seconded by Councillor Pickles

1. That Zoning By-law Amendment Application A 09/16(R), submitted by 702153 Ontario Limited, to facilitate a residential common element condominium, development consisting of 48 townhouse units, on the lands located at the southeast corner of Finch Avenue and Altona Road, be approved subject to the zoning provisions contained in Appendix I to Report PLN 31-23, and that staff be authorized to finalize and forward an implementing Zoning By-law to Council for enactment; and,
2. That Draft Plan of Subdivision Application SP-2016-01(R), submitted by 702153 Ontario Limited, to establish a development block to facilitate a common element condominium; an open space block, and two road widening blocks, as shown in Attachment #6 to Report PLN 31-23, and the implementing conditions of approval, as set out in Appendix II, be endorsed.

Carried

6. Member Updates on Committees

There were no Committee updates from Members.

7. Other Business

7.1 Councillor Robinson gave Notice of a Motion that she would be bringing forward regarding amending the Street Naming Policy to include a provision regarding the use of a poppy symbol on street name signage.

A brief question and answer period ensued between Members of Committee and Kyle Bentley, Director, City Development & CBO, regarding the City's Street Naming Policy and whether it already contained a provision for a poppy symbol on street name signage.

7.2 Councillor Robinson gave Notice of a Motion that she would be bringing forward regarding a requirement for recorded votes for all future Council and Committee Meeting items.

7.3 Councillor Brenner gave Notice of a Motion that he would be bringing forward regarding indoor pickleball facilities.

8. Adjournment

Moved by Councillor Brenner
Seconded by Councillor Butt

That the meeting be adjourned.

Carried

The meeting adjourned at 10:02 p.m.

Principles
Integrity

City of Pickering
Integrity Commissioner's
Recommendation Report
Complaints against Councillor Robinson
August 14, 2023

Introductory Comments

- [1] Principles *Integrity* was appointed the Integrity Commissioner for the City of Pickering on November 15, 2022. We are also privileged to serve as Integrity Commissioner for a number of other Ontario municipalities. The operating philosophy which guides us in our work with all of our client municipalities is this:

The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an integrity commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.

- [2] The City has as part of its ethical framework a Code of Conduct which is the policy touchstone underlying the assessments conducted in this report. It represents the standard of conduct against which all members of Council are to be measured when there is an allegation of breach of the ethical responsibilities established under the Code of Conduct. The review mechanism contemplated by the Code, one which is required in all Ontario municipalities, is an inquiry/complaints process administered by an integrity commissioner.
- [3] Integrity commissioners carry out a range of functions for municipalities (and their local boards). They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for members of council and outreach for members of the community. One of the most important functions is the provision of advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance. And finally, but not principally, they investigate allegations that a person has fallen short of compliance with the municipality's ethical framework and where appropriate they submit public reports on their findings, and make recommendations, including recommending sanctions, that council for the municipality may consider imposing in giving consideration to that report.

Principles *Integrity*

- [4] It is important that this broad range of functions be mentioned at the outset of this investigation report. Our goal, as stated in our operating philosophy, is to help members of the community, indeed the broader municipal sector and the public, to appreciate that elected and appointed representatives generally carry out their functions with integrity. In cases where they do not, there is a proper process in place to fairly assess the facts and, if necessary, recommend appropriate sanctions. In every case, including this one, the highest objective is to make recommendations that serve the public interest, if there are recommendations to be made.
- [5] Our role differs from other ‘adjudicators’ whose responsibilities generally focus, to state it colloquially, on making findings of fact and fault. While that is a necessary component when allegations are made, it is not the only component.
- [6] Our operating philosophy dictates the format of this report. The tenets of procedural fairness require us to provide reasons for our conclusions and recommendations, and we have done that. Procedural fairness also requires us to conduct a process where parties can participate in the review and resolution of a complaint.
- [7] In this regard, we have assessed the information fairly, in an independent and neutral manner, and have provided an opportunity to the respondents named in this Report to respond to the allegations, and where findings are made, to review and provide comment on the preliminary findings

The Complaints

- [8] This Report responds to several complaints we received against Councillor Robinson on May 10 and May 11, 2023 arising out of a Facebook post by the Respondent Councillor.
- [9] That post which the Respondent posted on her own Facebook page, identifying individual citizens by name, read as follows:

Tonight It is with great sadness that I announce that this years Robinsons Charity Halloween Haunt and corn maze will have to be cancelled.
A big Thank you to [redacted], [redacted], and [redacted] for your neighbourly kindness.

- [10] The complaints can be summarized as follows:

- The Respondent’s post was an inappropriate attack against individual residents who had simply participated in a public planning process by

Principles *Integrity*

attending a Committee of Adjustment meeting to oppose her minor variance application which would have allowed permanent placement of a shipping container on her residential property.

- The Respondent's post incites her supporters to attack these residents on social media.
- The Respondent's post may intimidate and discourage others from expressing views which do not align with the Respondent's, for fear of similar singling out with attacks on social media.

[11] One of the complainants raised a further, separate matter, where it appeared that the Councillor's mother had collected and retained contact information of attendees at a Town Hall meeting she hosted, contrary to the municipality's obligations to maintain confidentiality around personal information.

[12] It was alleged that the contact information was used for improper purposes (real estate solicitations) by the real estate broker where the Councillor is employed.

Process Followed for this Investigation

[13] In conducting this investigation, Principles Integrity applied the principles of procedural fairness and was guided by the complaint process set out under the Code of Conduct.

[14] This fair and balanced process includes the following elements:

- Reviewing the complaints to determine whether they are within scope and jurisdiction and in the public interest to pursue, including giving consideration to whether the complaints should be restated or narrowed, where this better reflects the public interest
- Notifying the Respondent, and providing her with an opportunity to respond in full to the allegations
- Providing the complainants with an opportunity to review the Respondent's response, and provide further submissions
- Reviewing the Code of Conduct and other relevant documentation and interviewing relevant witnesses as necessary
- Providing the Respondent with the opportunity to review and provide comments to the Integrity Commissioner's Preliminary Findings Report, and taking those comments into consideration prior to finalizing and submitting this Recommendation Report.

Principles *Integrity*

Background and Context:

- [15] The Respondent Councillor lives in a bungalow at the North West corner of Rosebank and Toynevale Roads, kitty-corner the Rosebank Public School, having purchased the property some 12 years ago.
- [16] The Respondent was elected to Council on October 24, 2022.
- [17] In that same month, a steel shipping container appeared in her yard. The shipping container measures approximately 20' long, 8' wide and 8 ½' high.
- [18] In January 2023 there were complaints received by the City's By-law Enforcement Dept. about the shipping container located in the exterior side yard of her property.
- [19] In mid-February 2023 the Councillor began the process of applying for a minor variance to allow the shipping container to remain in her yard, ultimately completing the filing in late April.
- [20] On May 10, 2023 the Councillor's application for minor variance was before the City of Pickering's Committee of Adjustment.
- [21] The Councillor attended and spoke on her own behalf.
- [22] The Councillor explained that she has been putting on a Halloween Haunted House event for the past 12 years, with all proceeds going to a Charity.
- [23] She explained that the volume of Halloween paraphernalia – mostly large animatronics – has grown over the years.
- [24] Up until then, she told the Committee, she has been storing everything in the basement of her bungalow, which she described as half crawl space.
- [25] She would like to be able to store the items elsewhere than her basement, and the cost of renting storage space is excessive, so she arranged to purchase a shipping to store the Halloween items.
- [26] She purchased the shipping container for \$4,000 and had it delivered to her home. She arranged for a grey container as it matches the colour of her house.
- [27] She has no room for the container in her rear yard. She acquired the property about 12 years ago, because she became aware it might be severed (it is essentially double the width of other lots in the area) and she has planted extensively, so there is insufficient rear yard available to accommodate a shipping container.

Principles *Integrity*

- [28] She had the container placed on her exterior side and front yard which faces Rosebank Road.
- [29] Planning Staff supported the minor variance but only if the shipping container were re-located to the interior side yard (between hers and the house next door) and moved it back so that it would be flush with the front wall of the house.
- [30] Three residents spoke (audio only) at the virtual meeting in opposition to the variances requested, and a fourth resident sent in a letter, asking to remain anonymous, which the Chair of the Committee read into the record. They objected to having a shipping container permitted as a permanent additional structure on the front or side yard of the house in a residential neighbourhood.
- [31] After some discussion, the Committee of Adjustment denied the Councillor's minor variance application.
- [32] Within hours, the Councillor posted the following to her Facebook page:



- [33] By the next day, a screenshot of the Councillor's Facebook post - calling out the three residents who had attended the Committee of Adjustment in opposition to the Councillor's application - was circulating on social media.

Principles *Integrity*

[34] This report is our findings following investigation of the complaints subsequently filed with us, objecting to the Councillor's conduct in this regard.

Code of Conduct:

[35] Some of the relevant provisions of the Council Code of Conduct are set out below:

Policy Objective:

2. Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members of Council are held to a high standard as leaders of the community and are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent, professional, and respectful manner.

3. All Members of the Council of the City of Pickering are committed to protecting and promoting the well-being and best interests of the citizens of the City with the highest standards of integrity and ethical conduct. This Code is an affirmation of this commitment. It recognizes and is based on the following key statements of principle:

a) Members are committed to performing their duties of office, and arranging private affairs, in a manner that promotes public confidence in the integrity of Member and respect for Council as a whole.

b) Members are committed to acting and being seen to act with integrity and impartiality that will bear the closest scrutiny.

c) Members are committed to serving their constituents in a conscientious and diligent manner.

d) Members are committed to working with City officials and staff in a conscientious and respectful manner.

...

05 Interaction with the Public, Other Members, and Council/Staff Relations

05.01 Members have a duty to treat members of the public, one another, and staff, with respect and dignity and without abuse, bullying, or intimidation.

06 Influence

06.01 No Member shall use his or her office to seek to influence any decision made or to be made by Council, any Member, or any other person to the Member's private advantage or to the advantage of another person.

Principles *Integrity*

06.02 No Member shall use his or her office to seek to influence or interfere with the administration or enforcement of the City's regulatory By-laws or other laws enforced by the City. Notwithstanding this, it is recognized that Members of Council may, in good faith, raise the concerns of residents with City staff for the purpose of determining if those concerns can be resolved, having due regard for the public interest in fair and impartial By-law enforcement.

08 Confidential Information

08.04 No Member shall release, make public, or in any way divulge any such confidential information acquired by virtue of his or her office, unless expressly authorized or required by law.

08.05 No Member shall use information gained in the execution of his or her office that is not available to the general public, for any purpose other than his or her official duties.

08.06 No Member shall access or attempt to gain access to confidential information in the custody of the City except to the extent necessary for the performance of his or her duties as a Member.

11 Use of City Property

11.01 A Member who has care or custody of City property shall ensure that such property is properly used, maintained, and secured. Members shall be held personally responsible for loss or damage if, in the opinion of the Chief Administrative Officer, City property under their care or custody has been used, maintained, or secured in a negligent or abusive manner.

...

11.03 A Member shall not use, or permit the use of, City property or any other City resource for activities not associated with the discharge of his or her duties of office.

Analysis and Findings:

Facebook Post

[36] The Councillor readily admitted to having made the post. Her position is that she posted it on her personal Facebook which can only be seen by those to whom she grants access.

[37] She asserts that by using her full legal name (which includes a middle name) as opposed to just her first and last name, and a different profile photo, there can be

Principles *Integrity*

no confusion with her public role as an elected official. At least from her perspective, her constituents only know her as Lisa Robinson.

- [38] She also has a disclaimer on her personal Facebook page stating that it has no relation to the City of Pickering, or the Law Society of Ontario (she is a paralegal) or International Realty (her employer).
- [39] In making the Committee of Adjustment application, she asserts that she fastidiously took steps so as not to be seen as abusing her power or influence: she insisted on having staff not address her as Councillor; she used her personal email for all correspondence; she made no mention on her Councillor Facebook page about the application.
- [40] She has advised that “I made a comment on my private, personal Facebook page that it is not open to the public, to my friends and family with respect to not going ahead with my Halloween Haunt this year, and thanked [the three named residents] for their neighbourly kindness”.
- [41] On the contrary, we consider her ‘thanks’ to these residents, who dared to oppose a shipping container as permanent storage in a residential area, to be intended as sarcastic, blaming them for the loss of this annual event.
- [42] The Councillor has hosted a ‘Halloween Haunt’ event in the yard at her house for the past 12 years, donating the proceeds to charity, but that in recent years, she extended the event from a single day/evening to 9 days.
- [43] Although her application was simply to accommodate a shipping container in order to store the paraphernalia which, up until now she advised the Committee of Adjustment had been stored in her basement, her Facebook post implies that she now must discontinue the Halloween Haunt.
- [44] There was nothing within her application, nor in the decision of the Committee of Adjustment, which would compel her to discontinue the event.
- [45] We do not accept that the ‘Thank you’ was sincere but rather sarcastic.
- [46] There is nothing in the evidence we reviewed to suggest that the three residents had contributed in any special way to the holding of the Halloween Haunt, certainly not to the extent that they were due a ‘thank you’ when other residents were not.
- [47] On a reasonable reading of the Facebook post, the Respondent is blaming these three residents for causing the demise of her event.
- [48] The Committee’s refusal to allow the shipping container merely meant that she would have to continue to store items in her basement or source off-site storage. It

Principles *Integrity*

had no bearing whatsoever on the on-site event which she has hosted annually for the past dozen years.

- [49] If she wishes to discontinue the event, that is certainly her prerogative, but to blame those who oppose the permanent location of a shipping container on her property for that decision is disingenuous, and patently unfair.
- [50] It is reasonable to conclude that she was aware she was speaking to a broader audience than just ‘family and friends’...certainly, she must have expected the information would be cascaded to others.
- [51] In the course of our investigation, we were made aware of an incident occurring just this spring in which a similar post to her personal Facebook became widely circulated, and the subject of public criticism: on March 2, 2023, in the online publication DurhamRegion.com, Councillor Robinson was criticized for attending the event of a German MP whose support for anti-Islamist views was widely acknowledged.
- [52] As noted in the article, “Although it was posted to her personal Facebook page, a screenshot of the image has been circulated and criticized.”
- [53] It does not lie in her mouth to now claim that she believes posting to her personal Facebook acted as some kind of firewall, limiting the information to friends and family.
- [54] Identifying the individuals by name enabled her followers to take up the torch, so to speak, on social media.
- [55] Her post may be seen as inviting others to blame, and perhaps attack on social media, those named.
- [56] Whether or not such attacks materialized, the fact that her post enabled and potentially fueled conflict merely because these individuals opposed her minor variance is irresponsible.
- [57] We find that her post must be understood as social media targeting in retaliation against those who dared to oppose her.
- [58] We note that at least one resident, who requested anonymity, stated that there was apprehension about expressing opposition to the Councillor’s application.
- [59] One of the concerns raised in the complaints was that the Councillor’s post may intimidate and discourage others from expressing views which do not align with hers, for fear of similar singling out with attacks on social media.

Principles *Integrity*

[60] That apprehension appears well-founded.

[61] The Councillor has defended by referencing the Black's Law Dictionary definitions of 'bully' and 'intimidation', denying that her conduct meets these definitions.

[62] We would reference the definition of bullying in the Oxford Learner's Dictionary, which provides a simple, plain-language definition for children: 'the use of strength or power to frighten or hurt weaker people'.

In the still-evolving sphere of cyberbullying, memes and other posts can be used to invite targeting of others on social media, opening victims to on-line harassment and attack by persons unknown to them.

[63] The National Crime Prevention Council¹ defines cyberbullying as 'the process of using the internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person'.

[64] The Councillor defends her post as simply 'a sarcastic remark'.

[65] Studies on harassment recognize sarcasm as passive-aggressive, mean-spirited, and thinly-veiled meanness².

[66] In the circumstances of this matter, her sarcastic remark had the arguably intended consequence of inviting her followers to blame the named individuals for cancellation of her event, setting them up for targeting on social media.

[67] If Lisa Robinson were just any homeowner who is disgruntled by the refusal of a minor variance application, her conduct would be regrettable.

[68] As a Councillor it must be recognized as a bully tactic. It shows a flagrant disregard for the well-being of others.

[69] We find that in making the post, her conduct contravened the Code of Conduct, in particular, paragraph 05.01 which provides that:

Members have a duty to treat members of the public, one another, and staff, with respect and dignity and without abuse, bullying, or intimidation.

Staff Advice

[70] The Councillor claimed that she had received advice from some member of City staff that the shipping container was permitted on her property, before she went about buying it.

¹ The National Crime Prevention Council is an American educational non-profit organization based in [Washington, D.C.](#) whose [mission](#) is to enable people to create safer and more caring communities.

² Sarcasm...is connected to Toxic Behaviors and Hostile Workplace, Claire Knowles B.S./HR, S.A.S, Feb 2, 2019

Principles *Integrity*

- [71] There is no record of the Councillor speaking with anyone at the City prior to the arrival of the shipping container. We understand that no staff member in a position to provide such advice within any of the relevant departments would have given such binding oral advice in response to a request from a resident.
- [72] It appears that other residents who contacted the City, questioning the legality of the shipping container under the By-laws when it appeared, were advised without hesitation that it was not permitted.
- [73] The Councillor has suggested that there is no evidence that she did *NOT* obtain staff advice prior to purchasing the shipping container and placing it on her property. She advised us that her C/A application fee was refunded as evidence to us that she had received prior advice.
- [74] While the Councillor protests that we have not proven that she did *NOT* obtain such advice (essentially proving a negative), we have seen no evidence of such advice having been given.
- [75] For a professional Paralegal, engaged in the real estate industry, we find it not credible that the Councillor would not have ensured such information was documented prior to purchasing and installing the shipping container.

Privacy Breach

- [76] One of the complainants raised a concern that the Councillor's mother had collected and retained contact information of attendees at a Town Hall meeting, contrary to the municipality's obligations to maintain confidentiality around personal information that is collected.
- [77] It has been alleged that the contact information was used for improper purposes (real estate solicitations) by the real estate broker where the Councillor is employed.
- [78] In her response, the Councillor advised that all information from all Town Hall meetings she held is now under the care of the City of Pickering and confirmed that she does not have any personal information of any attendees, nor has she made copies of any personal information of any attendees.
- [79] However, it is evident that information was being collected at Town Hall meetings by the Councillor's mother and that information remained in the Councillor's possession for some period of time following the Town Hall.
- [80] By involving her mother in the collection of such information, the Councillor erroneously allowed her mother access to the personal information of her constituents.

Principles *Integrity*

- [81] Making it possible that constituents' personal information thus collected might be used for an improper purpose, such as 'cold-calling' a constituent whose phone number was otherwise unlisted, represents a breach of the Code.
- [82] It is inappropriate for members of Council, much less their family members, to improperly collect and use personal information about attendees at municipal meetings, whether Town Halls or otherwise.
- [83] Such conduct breaches both the Confidentiality provision (paragraph 08) and the Use of City Property provision (paragraph 11) of the Code of Conduct.
- [84] We have confirmed that the Councillor has turned the collected information over to the City Clerk. She appears to have recognized the impropriety of doing this again in the future.
- [85] Given that Councillor Robinson is an inexperienced member of Council, and this would appear to be a rookie mistake, while it constituted a breach, we do not believe this instance warrants a sanction.

Findings:

- [86] For the above reasons, we find that the Councillor bullied and intimidated individual residents contrary to the Code of Conduct when she made her sarcastic post to her personal Facebook page.
- [87] We find that the Councillor breached the Code of Conduct in collecting and retaining constituent personal information, even if she did eventually turn these over to City administration, personal information of the attendees at a Town Hall.

Recommendations and Concluding Remarks

- [88] An Integrity Commissioner's investigation report is not simply the conclusion of a technical exercise to determine whether there has been a breach of codified standards of behaviour. Our role is more than simply the task of bringing adjudication to grievances between individuals. As noted at the outset, we see as our highest objective in concluding an investigation to be the making of recommendations that serve the public interest.
- [89] As detailed above, we are of the view that the Respondent's conduct breached the Code of Conduct.
- [90] The Facebook post, regardless of whether made on the Councillor's *personal* page or elsewhere, was a bully tactic targeting those residents who dared oppose her C/A application and falsely blaming them for cancellation of her annual Halloween event.

Principles *Integrity*

- [91] The Councillor has defended her conduct throughout, refusing to recognize any legitimacy to the complainants' concerns, and demonstrating no contrition.
- [92] The sanctions that may be imposed following a finding of contravention by an Integrity Commissioner are a reprimand, or a suspension of remuneration for up to 90 days.
- [93] The purpose of a sanction is to reinforce Council's ethical framework when education, or acknowledgement, is insufficient. In other words, the Code of Conduct must ultimately have 'teeth'.
- [94] A monetary penalty, although not remedial, can have a salutary effect and serve as a deterrent. In the matter at hand the Councillor's behaviour had real impact on the targets of her sarcastic remark and this Report must stand at minimum for the principle that municipal elected officials must avoid similar behaviour.
- [95] We therefore recommend:
1. That the remuneration paid to Councillor Robinson be suspended for a period of 30 days;
- [96] We wish to conclude by publicly thanking the parties and administrative staff, and all those who participated in our investigation. We express genuine appreciation for the sharing of time, knowledge and perspective by everyone concerned.
- [97] We will be available to introduce this report and respond to questions during the Council meeting at which this report is considered.



OFFICE OF THE MAYOR
CITY OF HAMILTON

VIA: Mail

The Honourable Paul Calandra
Ministry of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M7A 2J3

September 11, 2023

Dear Minister Calandra:

On August 18, 2023, Hamilton City Council approved Item 7.5 which reads as follows:

7.5 City of Hamilton – Request to Abandon Greenbelt Development

WHEREAS, the City of Hamilton is committed to reducing the cost of housing and has pledged to facilitate the construction of 47,000 housing units by 2031;

WHEREAS, City of Hamilton staff have concluded that residential housing development within the former Greenbelt lands is unnecessary to facilitate construction of the pledged housing units;

WHEREAS, on February 8, 2023, Hamilton City Council declared “The Minister’s decision to remove 795 hectares of land from the Greenbelt Plan is unnecessary and is not supported by the City of Hamilton”;

WHEREAS, the Auditor General for the Province of Ontario has confirmed Hamilton’s conclusion that “Greenbelt land was not needed to meet the current housing targets assigned to them by the Housing Ministry”;

WHEREAS, development of the Greenbelt would be a significant financial liability to Hamilton taxpayers;

WHEREAS, the Auditor General for the Province of Ontario stated: “Land sites removed from the Greenbelt in December 2022 were largely not serviced, were not in their servicing plans, and that many of the sites would be challenging to prioritize and service in the near future...” and “Some of these sites would require considerable infrastructure to prepare them for housing development”; and

WHEREAS, the Greenbelt should be protected as a vital element of Hamilton's environmental and agricultural resources.

THEREFORE, BE IT RESOLVED:

(a) That the City of Hamilton requests the Province of Ontario abandon its plan to develop the Greenbelt and that all lands within the City of Hamilton removed from the Greenbelt be reinstated; and

(b) That this resolution be circulated to all Ontario municipalities where Greenbelt lands were slated for development for support and a similar declaration to the Province of Ontario.

Your consideration of Council's request is appreciated. We would ask that you reference File #C23-015 when responding to this correspondence.

Sincerely,



Mayor Andrea Horwath

File #C23-015

c.c. Association of Municipalities Ontario (AMO)
Federation of Canadian Municipalities
Rural Ontario Municipal Association
All Ontario Municipalities (by email)

From: Stan Karwowski
Director, Finance & Treasurer

Subject: 2022 Year End Audit and Financial Statements (Final)
- File: F-3300-001

Recommendation:

1. That the Report on the results of the 2022 Audit as submitted by Deloitte LLP be received for information; and
 2. That the 2022 draft Audited Consolidated Financial Statements for the City of Pickering be approved.
-

Executive Summary: Attached to Report FIN 15-23 is the auditor's Report on the results of the 2022 Audit and the draft Audited Consolidated Financial Statements for the year ended December 31, 2022. The auditor has provided an unmodified audit report on the financial statements. This means that the financial statements present fairly, in all material respects, the financial position of the City and its operations, changes in its net financial assets and its cash flows in accordance with Canadian public sector accounting standards. The auditor did not identify any significant deficiencies during the audit to formally report to Council.

Financial Implications: The City's financial position is healthy and strong and the City is able to meet its current financial commitments and in the future.

Discussion: The audit of the consolidated financial statements for the year ended December 31, 2022 has now been completed. The auditor's Report on the results of the 2022 Audit is included as Attachment 1. This Report, prepared by Deloitte, summarizes its findings from the December 31, 2022 audit and comments on significant matters regarding the audit.

Appendix 1 provides a summary of communication requirements which Deloitte is required to bring to Council's attention. The independence letter in Appendix 2 confirms that Deloitte is independent from the City. Appendix 3 is the draft management representation letter which is provided by the City to the auditors. This letter indicates that the financial statements are management's responsibility and that management has provided and disclosed all necessary information to ensure that the financial statements are not materially misstated. This letter will be signed by the appropriate authorities upon approval of the financial statements.

The scope of the audit does not include an in-depth evaluation of all systems or internal controls, however, the auditors may report on matters that come to their attention during the course of their review. No significant matters came to their attention to report.

The draft Audited Consolidated Financial Statements for the year ended December 31, 2022 are included as Attachment 2. These statements are the responsibility of management and have been prepared by City accounting staff under the direction of the Director, Finance & Treasurer. The auditors are responsible to express an opinion on these Consolidated Financial Statements based on their audit. An unmodified audit report has been issued which means the auditors have indicated that in their opinion, the consolidated financial statements are fairly presented, in all material respects. **In other words the City has a clean report.** The Consolidated Financial Statements include the activities of the City of Pickering Public Library Board. The City’s investment in Elexicon Corporation is accounted for on a modified equity basis, which means the City includes its share of Elexicon’s income or loss in the Consolidated Financial Statements.

Attachments:

1. Report on the Results of the 2022 Audit
2. 2022 Draft Audited Consolidated Financial Statements

Prepared By:

Approved/Endorsed By:

Original Signed By:

Original Signed By:

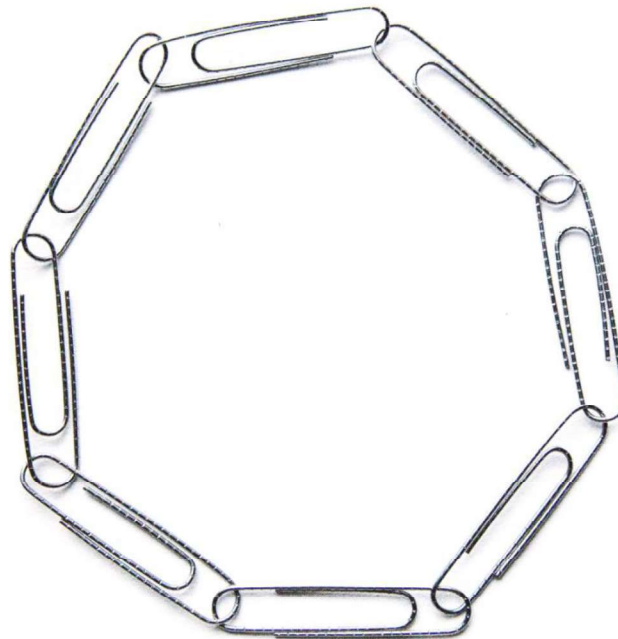
Kristine Senior
Manager, Accounting Services

Stan Karwowski
Director, Finance & Treasurer

Recommended for the consideration
of Pickering City Council

Original Signed By:

Marisa Carpino, M.A.
Chief Administrative Officer



**The Corporation of the City of
Pickering**
Report on the results of the 2022 audit

To be presented on September 25, 2023

September 25, 2023

Private and confidential

To the Members of Council
The Corporation of the City of Pickering
1 The Esplanade
Pickering ON L1V 6K7

Report on audited annual consolidated financial statements

Dear Council Members:

We are pleased to submit this report on the status of our audit of the consolidated financial statements (the "financial statements") of the Corporation of the City of Pickering (the "City") and the financial statements of the related City entities for the fiscal year ended December 31, 2022. This report summarizes the scope of our audit, our findings and reviews certain other matters that we believe to be of interest to you.

As agreed in our Master Services Agreement dated April 16, 2023, , we have performed an audit of the financial statements of the City, the City of Pickering Library Board (the "Library") and the City of Pickering Trust Funds (the "Trust Funds"), as at, and for the year ended December 31, 2022, in accordance with Canadian generally accepted auditing standards ("Canadian GAAS") and expect to issue our Independent Auditor's Report thereon upon completion of outstanding matters highlighted in this report, and upon approval of the financial statements by yourself.

This report is intended solely for the information and use of Council, management and others within the City and is not intended to be, and should not be, used by anyone other than these specified parties. Accordingly, we disclaim any responsibility to any other party who may rely on it.

We would like to express our appreciation for the cooperation we received from employees of the City with whom we worked to discharge our responsibilities.

We look forward to discussing this report summarizing the outcome of our audit with you and answering any questions you may have.

Yours truly,



Chartered Professional Accountants
Licensed Public Accountants

Table of contents

Executive summary	1
Significant audit risks, other audit risks and events	3
Significant accounting policies, judgments and estimates	5
Appendix 1 – Communication requirements and other reportable matters	6
Appendix 2 – Independence letter	8
Appendix 3 – Draft management representations letter	11

Executive summary



Audit scope and terms of engagement

We have been engaged to perform the audits of the City’s, Library’s, and Trust Funds’ financial statements (the “financial statements”) prepared in accordance with Canadian Public Sector Accounting Standards for the City and the Library Board and Canadian Accounting Standards for Not-For-Profit Organizations for the Trust Funds as at and for the year ended December 31, 2022. Our audit was conducted in accordance with Canadian generally accepted auditing standards (“Canadian GAAS”).

The terms and conditions of our engagement are described in the Master Services Agreement dated April 16, 2023.

We have developed appropriate safeguards and procedures to eliminate threats to our independence or to reduce them to an acceptable level.

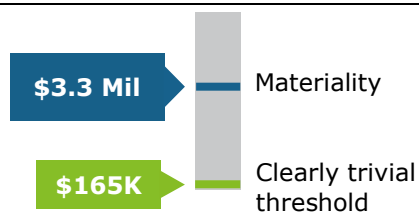


Significant audit risks

- 1 Management override of controls
- 2 Revenue recognition
- 3 Management judgments and accounting estimates
- 4 Preparation for new PSAS accounting standards



Uncorrected misstatements



We are required to communicate to those charged with governance any uncorrected misstatements identified during our audit exceeding the clearly trivial threshold.

We do not have any uncorrected misstatements to report.



Outstanding matters & next steps

Completion of minor audit documentation items

Receipt of signed management representations letter

Receipt of legal letters

Receipt of component audit response from auditors of Elexicon Corporation

Completion of our subsequent events procedures



Highlights

No changes in the significant risks identified.

We have provided a few recommendations relating to internal controls over the SAP financial system under separate cover. There were no significant deficiencies identified as part of our audit.



Going concern

Management has completed its assessment of the ability of the City to continue as a going concern and in making its assessment did not identify any material uncertainties related to events or conditions that may cast significant doubt upon the City's ability to continue as a going concern. We agree with management's assessment.



Results

We intend to issue an unmodified audit report on the consolidated financial statements of the City, the Library Board and the Trust Funds, for the year ended December 31, 2022 once the outstanding items referred to above are completed satisfactorily and the financial statements are approved.

Significant audit risks, other audit risks and events

The significant audit risks identified as part of our risk assessment, together with our audit responses and conclusions, are described below.

Significant audit risks

Management override of controls*

Analysis of risk	Audit response and results
<p>Under Canadian Auditing Standards, it is the responsibility of the management, with the oversight of those charged with governance to place a strong emphasis on fraud prevention and detection. Oversight by those charged with governance includes considering the potential for override of controls or other inappropriate influence over the financial reporting process.</p> <p>Management override of controls is present in all entities. It is a risk of material misstatement resulting from fraud and therefore is considered as a significant risk.</p>	<ul style="list-style-type: none"> • We engaged in periodic fraud discussions with certain members of senior management and others. • We tested journal entries that exhibit characteristics of possible management override of controls, identified using manual techniques. • We evaluated the business rationale for any significant unusual transactions. • We considered the potential for bias in judgments and estimates, including performing retrospective analysis of significant accounting estimates. • We evaluated the City’s fraud risk assessment and consider entity-level internal controls and internal controls over the closing and reporting process. • We obtained sufficient audit evidence to conclude that there were no material misstatements.

Revenue recognition*

Analysis of risk	Audit response and results
<p>Under Canadian GAAS, we are required to evaluate the risk of fraud in revenue recognition.</p> <p>For municipalities, there is a risk around the occurrence, completeness and accuracy of revenue, deferred revenue, and classification of recognition related to government transfer/grants.</p>	<ul style="list-style-type: none"> • We tested the design and implementation of controls in the significant revenue streams and performed detailed testing in these areas. • We performed substantive testing to determine if restricted grants/contributions (i.e., development charges, gas tax, etc.) and government transfers have been recognized as revenue in the appropriate period. • We performed testing on casino revenue to ensure its recognition is in line with the contribution agreement between the City and the OLG. We noted this is the first full year in which casino revenue was earned by the City. • We obtained sufficient audit evidence to conclude that there were no material misstatements.

*These areas were identified as areas of significant risk, as required by Canadian Auditing Standards.

Management judgments and accounting estimates

Analysis of risk

Management judgments and accounting estimates may be subject to estimation uncertainty.

Significant judgments and estimates

Accounts involving significant estimates include allowance for doubtful accounts, certain accrued liabilities including payroll-related liabilities, post-employment benefits liability, WSIB liabilities and estimates relating to the useful lives of tangible capital assets.

Judgments and estimates also include considerations made with respect to the capitalization of costs incurred for capital assets and assets under construction. Such capitalization should only occur if it is anticipated that these costs will give rise to future benefits.

Audit response and results

- We obtained an understanding of how management makes the accounting estimates and the underlying data on which those estimates are based.
 - We reviewed the support for significant assumptions made by management.
 - We evaluated the significant assumptions made by management for accounting estimates.
 - We assessed the reasonableness of the estimates made at year-end.
 - We assessed the consistency of assumption made by management.
 - We performed lookback testing on significant estimates from prior year to assess the reasonableness of actual outcomes compared to management’s prior period estimates and found no issues.
 - We noted certain costs were written off in the current year relating to capital assets and assets under construction capitalized in prior years. We have assessed the reasonableness of their write-off and consider them to be appropriate given changes to circumstances around their expected future benefits that arose in the current year.
 - We obtained sufficient audit evidence to conclude that there were no material misstatements.
-

Preparation for new PSAS accounting standards

Analysis of risk

In fiscal 2023, two new significant accounting standards, PS 3280 Asset retirement obligations, and PS 3450 Financial instruments, will come in effect. Both standards will require early preparation by the City, including development of accounting policies, information gathering with various City departments, engagement of external consultants to assist with valuation, and development of go-forward processes for policy maintenance.

Audit response and results

- We have been in early stages of discussion with management regarding their implementation plans for the new standards
-

Significant accounting policies, judgments and estimates

The accounting policies of the City, the Library Board and the Trust Funds are set out in Note 1 of their respective financial statements.

In the course of our audits of the financial statements, we considered the qualitative aspects of the financial reporting process, including items that have a significant impact on the relevance, reliability, comparability and understandability of the information included in the financial statements.

Significant accounting policies

There were no other changes to previously adopted accounting policies or their application at the City, the Library Board or the Trust Funds.

In our judgment, the significant accounting practices and policies, selected and applied by City management are, in all material respects, acceptable under PSAS for the City and the Library Board, under Accounting Standards for Not-For-Profit Organizations for the Trust Funds and are appropriate to the particular circumstances of the City, the Library Board and the Trust Funds.

Accounting estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgments. These judgments are normally based on knowledge and experience about past and current events, assumptions about future events and interpretations of the financial reporting standards.

During the year ended December 31, 2022, management advised us that there were no significant changes in accounting estimates or in judgments relating to the application of the accounting policies.

In our judgment, the significant accounting estimates made by management (with assistance from the City's actuary as appropriate) are, in all material respects, free of possible management bias and of material misstatement. The disclosure in the consolidated financial statements with respect to estimation uncertainty is in accordance with PSAS and is appropriate to the particular circumstances of the City.

Appendix 1 – Communication requirements and other reportable matters

Required communication	Refer to this report or document described below
Audit service plan	
1. Our responsibilities under Canadian GAAS, including forming and expressing an opinion on the financial statements	Audit service plan dated April 13, 2023
2. An overview of the overall audit strategy, addressing: <ul style="list-style-type: none"> a. Timing of the audit b. Significant risks, including fraud risks c. Names, locations, and planned responsibilities of other independent public accounting firms or others that perform audit procedures in the audit 	Audit service plan dated April 13, 2023
3. Significant transactions outside of the normal course of business, including related party transactions	Audit service plan dated April 13, 2023
Year end communication	
4. Fraud or possible fraud identified through the audit process	None noted
5. Significant accounting policies, practices, unusual transactions, and our related conclusions	Significant accounting practices, judgments and estimates section
6. Alternative treatments for accounting policies and practices that have been discussed with management during the current audit period	None noted
7. Matters related to going concern	Note noted – refer to Executive summary
8. Consultation with other accountants	Management has informed us that the City, the Library Board and the Trust Funds have not consulted with other accountants about auditing or accounting matters.
9. Management judgments and accounting estimates	Significant accounting practices, judgments and estimates section
10. Significant difficulties, if any, encountered during the audit	None

Required communication	Refer to this report or document described below
11. Material written communications between management and us, including management representation letters	Master service agreement dated April 16, 2023, Management representation letter – Appendix 3.
12. Circumstances that affect the form and the content of the auditor’s report	Master service agreement dated April 16, 2023.
13. Other matters that are significant to the oversight of the financial reporting process	No other matters to report.
14. Modifications to our opinion	None.
15. Other significant matters discussed with management	None.
16. Matters involving non-compliance with laws and regulations that come to our attention, unless prohibited by law or regulation, including Illegal or possibly illegal acts that come to our attention	None.
17. Litigation	No litigation matters to report.
18. Significant deficiencies in internal control, if any, identified by us in the conduct of the audit of the financial statements	No deficiencies to report.
19. Uncorrected misstatements and disclosure items	In accordance with Canadian GAAS, we request that all misstatements be corrected. There were no uncorrected misstatements.
Other reportable matters	
20. Changes to the audit plan	The audit was conducted in accordance with our audit plan dated April 13, 2023 which was presented to the Members of the Executive Committee. We confirm that there have been no significant amendments to the audit scope and approach communicated in the audit plan.
21. Concerns regarding management competence and integrity	We have not determined any concerns regarding management competence and integrity.
22. Disagreements with management	In the course of our audit, we did not encounter any disagreements with management about matters that individually or in the aggregate could be significant to the financial statements.
23. Post-balance sheet events	At the date of finalizing this report, we are not aware of any significant post-balance sheet events.
24. Reliance on service organizations	The City makes use of ADP PayTech in the processing of payroll transactions. We obtained the CSAE 3416 service organization report on the operating effectiveness of internal controls adopted at ADP, and noted no issues which would impact our audit.
25. Other significant matters arising from the audit	None noted.

Appendix 2 – Independence letter

September 7, 2023

Private and confidential

The Members of Council
The Corporation of the City of Pickering
1 The Esplanade
Pickering ON L1V 6K7

Dear Council Members,

We have been engaged to audit the consolidated financial statements of The Corporation of the City of Pickering (the "City") for the year ended December 31, 2022.

You have requested that we communicate in writing with you regarding our compliance with relevant ethical requirements regarding independence as well as all relationships and other matters between the City, our Firm and network firms that, in our professional judgment, may reasonably be thought to bear on our independence. You have also requested us to communicate the related safeguards that have been applied to eliminate identified threats to independence or reduce them to an acceptable level.

In determining which relationships to report, we have considered relevant rules and related interpretations prescribed by the appropriate provincial regulator/order and applicable legislation, covering such matters as:

- a. Holding a financial interest, either directly or indirectly, in a client.
- b. Holding a position, either directly or indirectly, that gives the right or responsibility to exert significant influence over the financial or accounting policies of a client.
- c. Personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client.
- d. Economic dependence on a client.
- e. Provision of services in addition to the audit engagement.

We confirm to you that the engagement team and others in the firm as appropriate, the firm and, when applicable, network firms have complied with relevant ethical requirements regarding independence.

We have prepared the following comments to facilitate our discussion with you regarding independence matters arising since March 22, 2023, the date of our last letter.

We are not aware of any relationships between the Deloitte Entities and the City and its affiliates, or persons in financial reporting oversight roles at the City and its affiliates, that, in our professional judgment, may reasonably be thought to bear on independence, that have occurred from March 22, 2023 to September 7, 2023.

We hereby confirm that we are independent with respect to the City in accordance with the Rules of Professional Conduct of the Chartered Professional Accountants of Ontario as of September 7, 2023.

This letter is intended solely for the information and use of the Council, management, and others within the City and is not intended to be and should not be used for any other purposes.

Yours truly,

Deloitte LLP

Chartered Professional Accountants
Licensed Public Accountants

Appendix 3 – Draft management representations letter

[City letterhead]

[Date]

Deloitte LLP
8 Adelaide Street West
Suite 200
Toronto ON M5H 0A9

Subject: Consolidated financial statements of The Corporation of the City of Pickering for the year ended December 31, 2022

Dear Ms. Lilian Cheung:

This representation letter is provided in connection with the audit by Deloitte LLP (“Deloitte” or “you”) of the consolidated financial statements of The Corporation of the City of Pickering (the “City” or “we” or “us”) as of and for the year ended December 31, 2022, the notes to the consolidated financial statements and a summary of significant accounting policies (the “Financial Statements”) for the purpose of expressing an opinion as to whether the Financial Statements present fairly, in all material respects, the financial position, results of operations, and cash flows of the City in accordance with Public Sector Accounting Standards (“PSAS”).

Certain representations in this letter are described as being limited to matters that are material. Items are considered to be material if they, individually or in the aggregate, could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

We confirm that, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

Financial statements

1. We have fulfilled our responsibilities as set out in the terms of the engagement letter between the City and Deloitte dated October 17, 2019 and subsequent confirmation of changes letters for the preparation of the Financial Statements in accordance with PSAS. In particular, the Financial Statements are fairly presented, in all material respects, and present the financial position of the City as at December 31, 2022 and the results of its operations and cash flows for the year then ended in accordance with PSAS.

2. Significant assumptions used in making estimates, including those measured at fair value, are reasonable.

In preparing the Financial Statements in accordance with PSAS, management makes judgments and assumptions about the future and uses estimates. The completeness and appropriateness of the disclosures related to estimates are in accordance with PSAS. The City has appropriately disclosed in the Financial Statements the nature of measurement uncertainties that are material, including all estimates where it is reasonably possible that the estimate will change in the near term and the effect of the change could be material to the Financial Statements.

The measurement methods, including the related assumptions and models, used in determining the estimates, including fair value, were appropriate, reasonable and consistently applied in accordance with PSAS and appropriately reflect management's intent and ability to carry out specific courses of action on behalf of the City. No events have occurred subsequent to December 31, 2022 that require adjustment to the estimates and disclosures included in the Financial Statements.

There are no changes in management's method of determining significant estimates in the current year.

3. We have determined that the Financial Statements are complete as of the date of this letter as this is the date when there are no changes to the Financial Statements (including disclosures) planned or expected. The Financial Statements have been approved in accordance with our process to finalize financial statements.
4. We have completed our review of events after December 31, 2022 and up to the date of this letter.
5. The Financial Statements are free of material errors and omissions.

We believe that the effects of any uncorrected Financial Statement misstatements pertaining to the current period presented, are immaterial, both individually and in the aggregate, to the Financial Statements taken as a whole. A list of the uncorrected misstatements aggregated by you is attached in Appendix A.

Internal Controls

6. We acknowledge our responsibility for the design, implementation and maintenance of internal control to prevent and detect fraud and error.
7. We have disclosed to you all known deficiencies in the design or operation of internal control over financial reporting identified as part of our evaluation, including separately disclosing to you all such deficiencies that we believe to be significant deficiencies in internal control over financial reporting. We have disclosed to you any change in the City's internal control over financial reporting that occurred during the current year that has materially affected, or is reasonably likely to materially affect, the City's internal control over financial reporting.

Information provided

8. We have provided you with:
 - a. Access to all information of which we are aware that is relevant to the preparation of the Financial Statements, such as records, documentation and other matters.
 - b. All relevant information as well as additional information that you have requested from us for the purpose of the audit;
 - c. Unrestricted access to persons within the City from whom you determined it necessary to obtain audit evidence; and,
 - d. Unrestricted access to all minutes of the meetings of Council and committees of Council, or summaries of actions of recent meetings for which minutes have not yet been prepared. All significant Council and committee actions are included in the summaries.
9. We have disclosed to you the results of our assessment of the risk that the Financial Statements may be materially misstated as a result of fraud.

10. We have disclosed to you all information in relation to fraud or suspected fraud that we are aware of and that affects the City and involves:
 - a. Management;
 - b. Employees who have significant roles in internal control; or
 - c. Others where the fraud could have a material effect on the Financial Statements.
11. We have disclosed to you all information in relation to allegations of actual, suspected or alleged fraud, or illegal or suspected illegal acts affecting the City.
12. There have been no communications with regulatory agencies concerning actual or potential noncompliance with or deficiencies in financial reporting practices. There are also no known or possible instances of non-compliance with the requirements of regulatory or governmental authorities.
13. We have disclosed to you the identities of the City's related parties and all the related party relationships and transactions of which we are aware, including guarantees, non-monetary transactions and transactions for no consideration.

Independence matters

For purposes of the following paragraphs, "Deloitte" shall mean Deloitte LLP and Deloitte Touche Tohmatsu Limited, including related member firms and affiliates.

14. Prior to the City having any substantive employment conversations with a former or current Deloitte engagement team member, the City has held discussions with Deloitte and obtained approval from the Executive Committee of City Council.
15. We have adhered to all regulatory requirements regarding the provision of non-audit services by Deloitte to the City in accordance with applicable laws, regulations and rules that apply to the City, including pre-approval requirements, as applicable.
16. We have ensured that all services performed by Deloitte with respect to this engagement have been pre-approved by the Executive Committee of City Council in accordance with its established approval policies and procedures including the City's procurement policies.

Other matters

17. We have disclosed to you all the documents that we expect to issue that may comprise other information, in the context of CAS 720, The Auditor's Responsibilities Relating to Other Information in Documents Containing Audited Financial Statements.

Immaterial matters less than \$165,000 (representing the clearly trivial threshold for audit purposes) collectively are not considered to be exceptions that require disclosure for the purpose of representations #18 to #40. This amount is not necessarily indicative of amounts that would require adjustment to or disclosure in the Financial Statements.

18. Except as listed in Appendix A, all transactions have been properly recorded in the accounting records and are reflected in the Financial Statements.

19. The City has identified all related parties in accordance with Section PS 2200, Related Party Disclosures ("PS 2200"). Management has made the appropriate disclosures with respect to its related party transactions in accordance with PS 2200. This assessment is based on all relevant factors, including those listed in para. 16 of PS2200.
20. There are no instances of identified or suspected noncompliance with laws and regulations.
21. We have disclosed to you all known, actual or possible litigation and claims, whether or not they have been discussed with our lawyers, whose effects should be considered when preparing the Financial Statements. As appropriate, these items have been disclosed and accounted for in the Financial Statements in accordance with PSAS.
22. All events subsequent to the date of the Financial Statements and for which PSAS requires adjustment or disclosure have been adjusted or disclosed. Accounting estimates and disclosures included in the Financial Statements that are impacted by subsequent events have been appropriately adjusted.
23. We have disclosed to you all liabilities, provisions, contingent liabilities and contingent assets, including those associated with guarantees, whether written or oral, and they are appropriately reflected in the Financial Statements.
24. We have disclosed to you, and the City has complied with all aspects of contractual agreements that could have a material effect on the Financial Statements in the event of non-compliance, including all covenants, conditions or other requirements of all outstanding debt.
25. The City has satisfactory title to and control over all assets, and there are no liens or encumbrances on such assets. We have disclosed to you and in the Financial Statements all assets that have been pledged as collateral.

Communication with taxation and regulatory agencies

26. We have disclosed to you all communications from:
 - a. Taxation authorities concerning assessments or reassessments that could have a material effect on the Financial Statements; and
 - b. Regulatory agencies concerning noncompliance with or potential deficiencies in, financial reporting requirements.

Work of Management's Experts

27. We agree with the work of management's experts in evaluating the valuation of post-employment benefits liability and WSIB benefits liability and have adequately considered the capabilities of the experts in determining amounts and disclosures used in the Financial Statements and underlying accounting records. We did not give any, nor cause any, instructions to be given to management's experts with respect to values or amounts derived in an attempt to bias their work, and we are not aware of any matters that have impacted the independence or objectivity of the experts.

Loans and Receivables

28. The City is responsible for determining and maintaining the adequacy of the allowance for doubtful notes, loans, and accounts receivable, as well as estimates used to determine such amounts. Management believes the allowances are adequate to absorb currently estimated bad debts in the account balances.

Employee future benefits

29. Employee future benefit costs, assets, and obligations have been properly recorded and adequately disclosed in the Financial Statements including those arising under defined benefit plans as well as termination arrangements. We believe that the actuarial assumptions and methods used to measure defined benefit plan assets, liabilities and costs for financial accounting purposes are appropriate in the circumstances.

Government transfers

30. We have disclosed to you all correspondence relating to government transfers that the City has had with the funding bodies.
31. We have assessed the eligibility criteria and determined that the City is an eligible recipient for the government transfers received.
32. We have assessed the stipulations attached with the funding and have recognized the revenue in accordance with meeting the stipulations required.
33. All government transfers that have been recorded as deferred revenue give rise to an obligation that meets the definition of a liability. Those liabilities have been properly recorded and presented in the Financial Statements.

Tax Revenues

34. We have appropriately recorded tax assets and revenues when they meet the definition of an asset in accordance with Section PS 1000, Financial Statement Concepts, when they are authorized and when the taxable event occurs. These amounts have been appropriately measured in accordance with PS 3510, Tax Revenue, and have not been grossed up for any amount of tax concessions.

Tangible Capital Assets

35. Tangible capital assets have been recorded properly and consistently according to the standards in Section PS 3150, Tangible Capital Assets.
36. Contributed tangible capital assets have been appropriately recorded at fair value, unless fair value is not reasonably determinable, and in such case, have been recorded at an appropriate nominal value. All contributed tangible capital assets have been appropriately disclosed.
37. We have assessed the useful lives of tangible capital assets and have determined all tangible capital assets contribute to the City's ability to provide goods and services and therefore do not require a write down.
38. We have reviewed the assets under construction and believe that these costs recorded represent tangible capital assets of the City that will be completed in the future, and that any costs incurred which will not result in future tangible capital assets, or do not meet capitalization criteria, have been properly expensed.

Environmental liabilities/contingencies

39. We have considered the effect of environmental matters on the City and have disclosed to you all liabilities, provisions or contingencies arising from environmental matters. All liabilities, provisions, contingencies and commitments arising from environmental matters, and the effect of environmental matters on the carrying values of the relevant assets are recognized, measured and disclosed, as appropriate, in the Financial Statements.

Government Business Enterprises

40. The City has appropriately classified its investments in Elexicon as a Government Business Enterprise.

With regard to the City's investment in Elexicon, we have disclosed to you any events that have occurred and facts that have been discovered with respect to such investment that would affect the investment's value as reported in the financial statements.

Liabilities for contaminated sites

41. We have evaluated all of our tangible capital assets that we have direct responsibility for or accept responsibility for, and have not identified any sites in which contamination exceeds an environmental standard.

Yours truly,

The Corporation of the City of Pickering

Stan Karwowski
Director of Finance and Treasurer

Marisa Carpino
Chief Administrative Officer

Appendix A
The Corporation of the City of Pickering

Summary of uncorrected financial statement misstatements
Year ended December 31, 2022

Description	Assets DR (CR)	Liabilities DR (CR)	Accumulated Surplus, Opening DR (CR)	Income Statement DR (CR)

DRAFT

Consolidated financial statements of
The Corporation of
the City of Pickering

December 31, 2022

Independent Auditor's Report	1-2
Consolidated statement of financial position	3
Consolidated statement of operations	4
Consolidated statement of change in net financial assets	5
Consolidated statement of cash flows	6
Notes to the consolidated financial statements	7-29

Independent Auditor's Report

To the Members of Council of
The Corporation of the City of Pickering

Opinion

We have audited the consolidated financial statements of The Corporation of the City of Pickering (the "City"), which comprise the consolidated statement of financial position as at December 31, 2022, and the consolidated statements of operations, change in net financial assets and cash flows for the year then ended, and notes to the consolidated financial statements, including a summary of significant accounting policies (collectively referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the City as at December 31, 2022, and the results of its operations, change in net financial assets, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards ("PSAS").

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards ("Canadian GAAS"). 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 City 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 opinion.

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

Management is responsible for the preparation and fair presentation of the financial statements in accordance with PSAS, 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 City's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the City or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the City'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 GAAS 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 GAAS, 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 City'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 City'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 City 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.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the City to express an opinion on the financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

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.

Chartered Professional Accountants
Licensed Public Accountants
[DATE]

The Corporation of the City of Pickering
Consolidated statement of financial position
As at December 31, 2022

	Notes	2022	2021
		\$	\$
Financial assets			
Cash and cash equivalents		90,129,235	93,364,602
Investments	3	156,687,900	140,255,810
Taxes receivable		23,372,809	22,688,178
Accounts receivable		11,231,858	7,365,804
Note receivable	17	2,381,011	2,681,988
Investment in Elexicon Corporation	4(b)	73,301,808	70,022,403
Promissory notes receivable	5	25,069,000	25,069,000
		382,173,621	361,447,785
Liabilities			
Accounts payable and accrued liabilities		33,721,100	37,473,687
Other current liabilities		227,096	217,958
Deferred revenue	6	110,023,846	105,095,559
Long-term liabilities	9	42,704,260	40,742,259
Post-employment benefit liability	8(a)	9,291,345	8,702,252
WSIB benefit liabilities	8(b)	3,060,773	2,876,413
		199,028,420	195,108,128
Net financial assets		183,145,201	166,339,657
Non-financial assets			
Tangible capital assets	10	319,085,606	298,638,881
Prepaid expenses and deposits	10(v)	7,281,479	1,745,544
Inventory		538,091	544,515
		326,905,176	300,928,940
Accumulated surplus	11	510,050,377	467,268,597

The accompanying notes to the consolidated financial statements are an integral part of this consolidated financial statement.

The Corporation of the City of Pickering
Consolidated statement of operations
Year ended December 31, 2022

	Budget	2022 Actual	2021 Actual
	\$	\$	\$
	(Note 18)		
Revenue			
Residential and farm taxation	62,244,612	61,631,416	59,310,500
Commercial and industrial taxation	11,277,425	13,729,420	11,559,233
Taxation from other governments	8,133,040	8,497,858	8,266,805
User charges	12,857,128	15,743,433	10,418,337
Government grants and fees	10,393,940	9,114,226	7,382,655
Other contributions and donations	2,338,055	4,477,527	5,436,152
Development charges and developer contributions earned	14,723,270	11,350,537	2,915,766
Contributed tangible capital assets	10(i) —	348,530	3,047,542
Investment income	525,000	2,722,276	630,296
Penalties and interests on taxes	2,690,000	3,311,796	3,504,311
Fines	1,002,000	1,527,436	661,988
Interest on promissory notes	5(c) 1,035,350	1,035,350	1,035,800
Casino revenue	8,250,000	14,678,604	5,575,176
Equity share of Elexicon Corporation earnings	4(b) —	5,906,099	4,876,212
Other	286,981	199,549	537,539
Gain on disposal of tangible capital assets	—	191,284	—
	135,756,801	154,465,341	125,158,312
Expenses			
General government	19 26,100,225	26,313,997	23,612,658
Protection to persons and property	31,160,361	30,198,497	27,945,517
Transportation services	18,198,627	16,876,440	14,996,975
Environmental services	2,495,924	2,368,443	2,743,525
Social and family services	1,012,905	758,443	645,439
Recreational and cultural services	33,779,857	31,198,429	26,142,900
Planning and development	6,176,559	3,969,312	3,640,971
Loss on disposal of tangible capital assets	—	—	202,363
	118,924,458	111,683,561	99,930,348
Annual surplus	16,832,343	42,781,780	25,227,964
Accumulated surplus, beginning of year	467,268,597	467,268,597	442,040,633
Accumulated surplus, end of year	484,100,940	510,050,377	467,268,597

The accompanying notes to the consolidated financial statements are an integral part of this consolidated financial statement.

The Corporation of the City of Pickering
Consolidated statement of change in net financial assets
Year ended December 31, 2022

	Budget \$	2022 Actual \$	2021 Actual \$
	(Note 18)		
Annual surplus	16,832,343	42,781,780	25,227,964
Acquisition of tangible capital assets	(46,120,454)	(44,684,796)	(32,186,500)
Amortization of tangible capital assets	11,682,942	12,092,563	11,710,898
(Gain) loss on disposal of tangible capital assets	—	(191,284)	202,363
Proceeds on disposal of tangible capital assets	—	2,484,815	109,082
	(17,605,169)	12,483,078	5,063,807
Transfer of assets under construction to tangible capital assets	—	6,506,536	6,460,299
Assets under construction expensed	—	3,345,441	3,661,341
	—	9,851,977	10,121,640
Acquisition of inventory of supplies	—	(1,379,533)	(935,105)
Use of inventory of supplies	—	1,385,957	868,719
Acquisition of prepaid expenses and deposits	—	(7,151,099)	(84,198)
Use of prepaid expenses and deposits	—	1,615,164	357,734
	—	(5,529,511)	207,150
Change in net financial assets	(17,605,169)	16,805,544	15,392,597
Net financial assets, beginning of year	166,339,657	166,339,657	150,947,060
Net financial assets, end of year	148,734,488	183,145,201	166,339,657

The accompanying notes to the consolidated financial statements are an integral part of this consolidated financial statement.

The Corporation of the City of Pickering
Consolidated statement of cash flows
Year ended December 31, 2022

	2022 \$	2021 \$
Operating transactions		
Annual surplus	42,781,780	25,227,964
Non-cash items		
Amortization of tangible capital assets	12,092,563	11,710,898
(Gain) loss on disposal of tangible capital assets	(191,284)	202,363
Equity share of Elexicon Corporation earnings	(5,906,099)	(4,876,212)
Contributed tangible capital assets recorded in revenue	(348,530)	(3,047,542)
Change in non-cash operating items		
Taxes receivable	(684,631)	3,477,546
Accounts receivable	(3,866,054)	(4,230,881)
Accounts payable and accrued liabilities	(3,752,587)	(340,886)
Other current liabilities	9,138	61,087
Deferred revenue	4,928,287	10,886,181
Post-employment benefit liability	589,093	1,196,389
WSIB benefit liabilities	184,360	185,173
Inventory	6,424	(66,386)
Prepaid expenses and deposits	(5,535,935)	273,536
	40,306,525	40,659,230
Capital transactions		
Acquisition of tangible capital assets (net of transfers and contributions)	(34,484,289)	(19,017,318)
Proceeds on disposal of tangible capital assets	2,484,815	109,082
	(31,999,474)	(18,908,236)
Investing transactions		
Increase in investments	(16,432,090)	(24,502,734)
Dividends received from Elexicon Corporation	2,626,694	3,172,745
	(13,805,396)	(21,329,989)
Financing transactions		
Proceeds from debentures issued	5,573,000	15,568,000
Principal repayment of debentures	(3,610,999)	(3,944,385)
Decrease in note receivable	300,977	291,229
	2,262,978	11,914,844
(Decrease) increase in cash and cash equivalents	(3,235,367)	12,335,849
Cash and cash equivalents, beginning of year	93,364,602	81,028,753
Cash and cash equivalents, end of year	90,129,235	93,364,602
Cash and cash equivalents consists of		
Cash	59,634,018	68,432,602
Cash equivalents	30,495,217	24,932,000
	90,129,235	93,364,602

The accompanying notes to the consolidated financial statements are an integral part of this consolidated financial statement.

1. Significant accounting policies

The consolidated financial statements (the "financial statements") of The Corporation of the City of Pickering (the "City") are the representations of management prepared in accordance with accounting standards established by the Public Sector Accounting Board ("PSAB") of Chartered Professional Accountants of Canada (CPA Canada). Significant accounting policies adopted by the City are as follows:

(a) Reporting entity

(i) Consolidated financial statements

The consolidated financial statements reflect the assets, liabilities, revenues and expenses of the reporting entity. The reporting entity is comprised of the activities of all committees of Council and the City of Pickering Public Library Board which is controlled by the City.

All material inter-fund transactions and balances are eliminated on consolidation.

(ii) Investment in government business enterprise

The City's investment in Elexicon Corporation (formerly Veridian Corporation until March 31, 2019) is accounted for on a modified equity basis, consistent with Canadian public sector accounting standards for investments in government business enterprises. Under the modified equity basis, Elexicon Corporation's accounting policies are not adjusted to conform to those of the City and inter-organizational transactions and balances are not eliminated. The City recognizes its equity interest in the annual earnings or loss of Elexicon Corporation in its Consolidated Statement of Operations with a corresponding increase or decrease in its investment asset account. Dividends that the City may receive from Elexicon Corporation and other capital transactions are reflected as adjustments in the investment asset account.

(iii) Operations of School Boards and the Regional Municipality of Durham

The taxation, other revenues, expenses, assets and liabilities with respect to the operations of the school boards and the Regional Municipality of Durham (the "Region") are not reflected in these consolidated financial statements.

(iv) Trust Funds

Trust Funds and their related operations administered by the City are not consolidated but are reported separately on the Trust Funds financial statements.

(b) Basis of accounting

(i) Accrual basis of accounting

Revenue and expenses are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenues as they are earned, measurable, and collectibility is assured; expenses are recognized as they are incurred and measurable as a result of the receipt of goods and services and the creation of a obligation to pay.

(ii) Cash and cash equivalents

Cash and cash equivalents consist of cash on hand, demand deposits and short-term, highly liquid investments that are readily convertible to known amounts of cash. Cash equivalents have a short-term maturity of three months or less from the date of acquisition.

1. Significant accounting policies (continued)

(b) *Basis of accounting (continued)*

(iii) Investments

Long-term investments are recorded at cost and any loss in value which is considered other than temporary is recorded as incurred. Any premium or discount at the purchase of an investment is amortized over the life of the investment.

(iv) Tangible capital assets

Tangible capital assets are recorded at cost less accumulated amortization. Cost includes all costs directly related to the acquisition or construction of the tangible capital asset including transportation costs, installation costs, design and engineering fees, legal fees and site preparation costs. Amortization is recorded on the straight-line basis over the estimated useful life of the tangible capital asset commencing once the asset is available for use as follows:

Buildings	5 to 50 years
Machinery and equipment	Various
Vehicles	7 to 15 years
Infrastructure – Roads	10 to 75 years
Infrastructure - Storm sewers	50 to 100 years
Infrastructure - Sidewalks	15 to 75 years
Infrastructure - Parks	10 to 100 years
Information technology hardware	4 to 10 years
Library collection materials	4 to 7 years
Furniture and fixtures	various

One half of the annual amortization is charged in the year of acquisition and in the year of disposal. Assets under construction are not amortized until the tangible capital asset is available for productive use. Land is not amortized.

Tangible capital assets received as contributions are recorded at their fair value at the date contributed, with the corresponding amount recorded as revenue.

(v) Accounting for Property Tax Capping Provisions resulting from the Ontario Fair Assessment System

The net impact on property taxes as a result of the application of the capping provisions does not affect the Consolidated Statement of Operations as the full amounts of the property taxes were levied. However, the capping adjustments are reported on the Consolidated Statement of Financial Position as a receivable/payable from/to the Region.

(vi) Deferred revenue

Deferred revenue represents contributions, user charges and fees which have been collected but for which the related services have yet to be performed. These amounts will be recognized as revenue in the fiscal year the services are performed. In addition, any contributions received with external restrictions are deferred until the related expenditures are made.

1. Significant accounting policies (continued)

(b) Basis of accounting (continued)

(vii) Post-employment benefits

The present value of the cost of providing employees with future benefit programs is recognized as employees earn these entitlements through service. Actuarial gains and losses are amortized over the average remaining service period ("ARSP"). The City's actuary determined the ARSP to be between 11 to 13 years, depending on the employee group.

For WSIB benefit obligations that arise from specific events that occur from time to time, the cost is recognized immediately in the period the events occur. Actuarial gains and losses are amortized over the ARSP of 15 years.

(viii) Inventory

Inventory is valued at the lower of cost and replacement cost. Cost is determined on a weighted-average basis.

(ix) Government transfers

Government transfers are recognized as revenue by the City in the period in which the transfers are authorized and any eligibility criteria are met, unless they are restricted through stipulations that require specific actions to be carried out in order to keep the transfer or discharge the liability. For such transfers, revenue is recognized when the stipulation has been met.

(x) Tax revenue

Tax revenue is recognized on all taxable properties within the City that are included in the tax roll provided by the Municipal Property Assessment Corporation, using property tax values included in the tax roll or property tax values that can be reasonably estimated by the City as it relates to supplementary or omitted assessments, at tax rates authorized by Council for the City's own purposes in the period for which the tax is levied.

(xi) Casino revenue

The City is a beneficiary of a contribution agreement with Ontario Lottery and Gaming Corporation (OLG) for hosting a casino within the municipality. Pickering is entitled to receive a share of the gaming revenue on a quarterly basis for hosting the Pickering Casino Resort which opened on July 26, 2021. Casino revenue is recognized as earned in line with the contribution agreement.

(xii) Intangible assets

Intangible assets are not recognized as assets in the financial statements.

1. Significant accounting policies (continued)

(b) *Basis of accounting (continued)*

(xiii) Contaminated sites

Contaminated sites are the result of contamination being introduced into air, soil, water or sediment of a chemical, organic, or radioactive material or live organism that exceeds an environmental standard. A liability for remediation of contaminated sites is recognized, net of any expected recoveries, when all of the following criteria are met:

- (a) an environmental standard exists;
- (b) contamination exceeds the environmental standard;
- (c) the City is directly responsible or accepts responsibility for the liability;
- (d) future economic benefits will be given up; and
- (e) a reasonable estimate of the liability can be made.

A liability is recorded only for sites that are **not in productive use** or if there was an unexpected event that resulted in contamination. Changes in estimates are recorded in the City's statement of operations. The City does not have any liability for contaminated sites recorded in the consolidated financial statements.

(xiv) Land held for resale

Land permanently removed from service that meets the criteria for inventory held for resale are recorded as "land held for resale" on the Consolidated Statement of Financial Position and is recorded at the lower of cost and net realizable value. Those that do not meet these criteria continue to be recorded as part of tangible capital assets on the Consolidated Statement of Financial Position.

(xv) Use of estimates

The preparation of financial statements in conformity with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts in the financial statements and accompanying notes. Accounts involving significant estimates include allowance for doubtful accounts, certain accrued liabilities, post-employment benefits liability, WSIB liabilities and estimates relating to the useful lives of tangible capital assets. Actual results could differ from these estimates.

2. Operations of school boards and the Regional Municipality of Durham

Further to Note 1(a)(iii), requisitions are made by the Regional Municipality of Durham and School Boards requiring the City to collect property taxes and payments in lieu of property taxes on their behalf. The amounts collected and remitted are summarized as follows:

	2022		2021
	Region	School board	
	\$	\$	Region
			School board
			\$
Taxation	137,349,789	51,905,608	128,126,225
Payments in lieu of taxes	6,565,748	725,439	47,751,880
	143,915,537	52,631,047	6,090,166
			48,098,569

3. Investments

	Cost	2022 Market value	Cost	2021 Market value
	\$	\$	\$	\$
Investments	156,687,900	156,541,957	140,255,810	140,364,738

Investments are comprised of deposit notes, bonds, and guaranteed investment certificates.

4. Investment in government business enterprise

(a) *Elexicon Corporation was formed on April 1, 2019, in which the City holds a 27.88% interest in Elexicon Corporation.*

Elexicon Corporation, as a government business enterprise, is accounted for on the modified equity basis in these financial statements. Elexicon Corporation serves as the electrical distribution utility for a number of communities and conducts non-regulated utility service ventures through its subsidiaries.

Draft

The Corporation of the City of Pickering
Notes to the consolidated financial statements
December 31, 2022

4. Investment in government business enterprise (continued)

(a) *Elexicon Corporation was formed on April 1, 2019, in which the City holds a 27.88% interest in Elexicon Corporation.(continued)*

The following table provides condensed supplementary consolidated financial information for Elexicon Corporation and its subsidiaries as at and for the year ended December 31, 2022. The amounts are disclosed in thousands of dollars:

	2022 (000's) \$	2021 (000's) \$
Assets		
Current	106,273	104,266
Capital and intangibles	661,146	584,949
Other	1,505	341
Total assets	768,924	689,556
Regulatory balances	58,573	39,164
Total assets and regulatory balances	827,497	728,720
Liabilities		
Current	316,892	85,153
Long-term debt	89,209	258,526
Other	148,489	132,520
Total liabilities	554,590	476,199
Shareholders' equity		
Share capital	97,692	97,692
Contributed capital	25	25
2019 Contributed Surplus	79,301	79,301
Accumulated other comprehensive loss	3,130	(1,257)
Retained earnings	82,730	75,354
Total equity	262,878	251,115
Regulatory balances	10,029	1,406
Total liabilities, equity and regulatory balances	827,497	728,720
	2022 (000's) \$	2021 (000's) \$
Comprehensive income		
Commodity revenue	430,139	417,285
Commodity expenses	(434,592)	(426,225)
Distribution revenue	84,574	84,070
Operating expenses	(75,016)	(69,322)
Other income (expense)	909	(1,560)
Accumulated other comprehensive loss	4,387	558
Net movements in regulatory balances, net of tax	10,783	12,684
Total comprehensive income for the year	21,184	17,490

4. Investment in government business enterprise (continued)

(b) Equity in Elexicon Corporation

The City's equity in Elexicon Corporation is as follows at the end of 2022:

	2022	2021
	\$	\$
Balance, beginning of year	98,134,423	96,430,956
Equity share of net earnings from Elexicon Corporation	5,906,099	4,876,212
Dividend received	(2,626,694)	(3,172,745)
Balance, end of year	101,413,828	98,134,423

(c) City of Pickering's investment is represented by:

	2022	2021
	\$	\$
Promissory notes receivable (Note 5)	25,069,000	25,069,000
Investments in Elexicon Corporation		
Initial investment in shares of the Corporation	30,496,196	30,496,196
Amalgamation adjustments	12,849,416	12,849,416
Accumulated earnings	70,964,164	65,058,065
Accumulated dividends received	(41,823,676)	(39,196,982)
Adjustment to value of investment	815,708	815,708
	73,301,808	70,022,403

(d) Contingencies and guarantees of Elexicon Corporation (the "Corporation") as disclosed in their consolidated financial statements are as follows:

(i) Insurance claims

The Corporation is a member of the Municipal Electric Association Reciprocal Insurance Exchange ("MEARIE") which was created on January 1, 1987. A reciprocal insurance exchange may be defined as a group of persons formed for the purpose of exchanging reciprocal contracts of indemnity or inter-insurance with each other. MEARIE provides general liability insurance to member electric utilities. MEARIE also provides vehicle and property insurance to the Corporation.

Insurance premiums charged to each member utility consist of a levy per \$1,000 of service revenue subject to a credit or surcharge based on each electric utility's claims experience. The maximum coverage is \$40,000,000 per occurrence for liability insurance, \$21,000,000 for vehicle insurance and \$206,572,000 for property insurance and \$12,000,000 for privacy, cyber, and network security insurance.

4. Investment in government business enterprise (continued)

(d) *Contingencies and guarantees of Elexicon Corporation (the "Corporation") as disclosed in their consolidated financial statements are as follows: (continued)*

(ii) Contractual obligation - Hydro One Networks Inc. ("HONI")

The Corporation's subsidiary, Elexicon Energy Inc. ("EEI") (formerly Veridian Connections Inc.), is party to a connection and cost recovery agreement with HONI related to the construction by HONI of a transformer station designated to meet EEI's anticipated electricity load growth. Construction of the project was completed during 2007 and EEI connected to the transformer station during 2008.

To the extent that the cost of the project is not recoverable from future transformation connection revenues, EEI is obligated to pay a capital contribution equal to the difference between these revenues and the construction costs allocated to EEI. The construction costs allocated to EEI for the project are \$19,950,000.

Hydro One has performed a true-up based on actual load at the end of the tenth anniversary of the in-service date and is expected to perform another true-up based on actual load at the end of the fifteenth anniversary of the in-service date.

(iii) Prudential support

Purchasers of electricity in Ontario, through the Independent Electricity System Operator ("IESO"), are required to provide security to mitigate the risk of default based on their expected activity in the market. The IESO could draw on this security if the Corporation fails to make the payment required on a default notice issued by the IESO. The Corporation has provided a \$64,000,000 guarantee to the IESO on behalf of EEI.

(iv) General claims

From time to time, the Corporation is involved in various lawsuits, claims and regulatory proceedings in the normal course of business. In the opinion of management, the outcome of such matters will not have a material adverse effect on the Corporation's consolidated financial position and results of operations or cash flows.

(e) *Lease commitments*

Future minimum lease payment obligations under operating leases are as follows:

	\$
2023	177,000
2024	124,000
2025	95,000
2026	71,000
2027	45,000
	<u>512,000</u>

5. Promissory notes receivable

	2022	2021
	\$	\$
Elexicon Corporation	7,095,000	7,095,000
Elexicon Energy Inc.	17,974,000	17,974,000
	25,069,000	25,069,000

(a) *Maturity*

The promissory notes were issued by the legacy Veridian Corporation and Veridian Connections Inc. and were assumed by Elexicon Corporation and Elexicon Energy Inc. upon amalgamation on April 1, 2019. The promissory notes under Elexicon Corporation and Elexicon Energy Inc. are due on demand. The City has agreed not to demand repayment of the notes prior to January 1, 2024.

(b) *Interest rate*

Commencing April 1, 2019 for a ten-year period, interest on the notes will be determined based on the deemed long-term interest rate prescribed by the Ontario Energy Board in its most recent cost of capital parameter update ("OEB rate"). As of April 1, 2019, the OEB rate was determined at 4.13%.

On the tenth year anniversary of the note, the interest rate will be adjusted to the OEB rate in effect at that time. Thereafter, the interest rate will be adjusted to the OEB rate in effect at the earlier of:

- (i) The five year anniversary of the most recent interest rate adjustment of these notes, and
- (ii) The date on which Elexicon Energy Inc. files a cost of service application with the Ontario Energy Board.

The City may demand full or partial repayment with sixty days' notice of the principal and accrued interest.

(c) *Interest revenue*

Interest revenue earned from these notes receivable totaled \$1,035,350 (\$1,035,800 in 2021).

6. Deferred revenue

	2022	2021
	\$	\$
Obligatory reserve funds		
Development charges	84,232,840	77,078,827
Parkland	5,850,226	8,631,353
Federal gas tax	10,530,599	10,996,128
Third party/Developer's contributions reserve fund	3,416,197	3,358,782
	104,029,862	100,065,090
Other unearned revenues	5,993,984	5,030,469
	110,023,846	105,095,559

6. Deferred revenue (continued)

Continuity of deferred revenue is as follows:

	2022	2021
	\$	\$
Balance, beginning of year	105,095,559	94,209,378
Restricted funds received	17,139,625	15,916,281
General funds received	3,911,549	3,239,001
Interest earned (restricted funds)	1,793,352	1,045,285
	22,844,526	20,200,567
Earned restricted revenue transferred to operations	14,968,205	5,876,718
Earned revenue transferred to operations	2,948,034	3,437,668
	17,916,239	9,314,386
Balance, end of year	110,023,846	105,095,559

7. Interfund loans

As a means of funding various capital acquisitions, funds are borrowed by the Capital Fund from Development Charges deferred revenue (obligatory reserve funds). These funds are secured by promissory notes with interest rates ranging from 0.50% to 2.50% and various payment terms ranging from 2 years to 10 years. The financing arrangements and ultimate repayment are approved by Council through the current budget process. Although these notes have payment terms as noted above, they are repayable on demand. The following is a summary of the related interfund loans:

	2022	2021
	\$	\$
Roads	1,007,116	486,000
Community facilities, libraries and parks	—	80,804
	1,007,116	566,804

8. Post-employment benefits liability

(a) Post-employment benefits liability

The City makes available to qualifying employees who retire before the age of 65, the opportunity to continue their coverage for benefits such as post-retirement extended healthcare benefits. Coverage ceases at the age of 65. The City also provides full time and permanent part-time employees a sick time entitlement and any unused entitlement is accumulated year to year. This accumulated entitlement is not vested and is forfeited at the time of retirement or termination. The most recent actuarial valuation of the post-employment benefits was performed at December 31, 2020, with projections for December 31, 2022.

8. Post-employment benefits liability (continued)

(a) *Post-employment benefits liability (continued)*

Plan amendment

In the prior year, a benefit plan amendment was made to extend coverage for a restricted group of retirees effective January 1, 2021. The impact of the plan addition has been recognized immediately as a plan amendment cost and shown in the table below during 2021. No plan amendments were made in 2022.

Information about the City's benefits liability is as follows:

	2022	2021
	\$	\$
Accrued benefits liability, beginning of year	8,702,252	7,505,863
Current service costs	704,848	670,900
Plan amendment	—	593,898
Interest on accrued benefits	355,353	354,203
Amortization of actuarial losses	556,521	557,421
Benefits paid during the year	(1,027,629)	(980,033)
Accrued benefits liability, end of year	9,291,345	8,702,252
Accrued benefit obligation	12,039,039	12,006,466
Unamortized actuarial losses	(2,747,694)	(3,304,214)
Accrued benefits liability, end of year	9,291,345	8,702,252

The main actuarial assumptions employed in the actuarial valuations for the post-employment benefits are as follows:

(i) *Discount rate*

The present value as at December 31, 2022 of the future benefits was determined using a discount rate of 3.00% (3.00% in 2021).

(ii) *Dental costs*

The dental cost trend rate was 3.75% (3.75% in 2021) increase per annum.

(iii) *Health costs*

Health costs were assumed to increase at 5.42% (5.43% in 2021) and decrease by 0.33% (0.33% in 2021) increments per year to an ultimate rate of 3.75% per year in 2027 and thereafter.

8. Post-employment benefits liability (continued)

(b) Workplace Safety and Insurance Board (WSIB) benefit liabilities

Effective January 1, 2001, the City became a Schedule II employer under the Workplace Safety & Insurance Act and follows a policy of self-insurance for the risk associated with paying benefits for workplace injuries for all its employees. The WSIB administers the claims related to workplace injuries and is reimbursed by the City. The most recent actuarial valuation of the WSIB benefits was performed at December 31, 2020, with projections for December 31, 2022.

Information about the City's WSIB benefit liability is as follows:

	2022	2021
	\$	\$
Accrued WSIB liability, beginning of year	2,876,413	2,691,240
Current service cost	198,224	192,771
Interest on accrued benefits	96,719	92,191
Amortization of actuarial losses	31,561	31,561
Benefits paid during the year	(142,144)	(131,350)
	3,060,773	2,876,413
Accrued benefit obligation	3,348,738	3,195,939
Unamortized actuarial losses	(287,965)	(319,526)
Accrued benefits liability, end of year	3,060,773	2,876,413

The main actuarial assumptions employed in the actuarial valuations are as follows:

(i) Discount rate

The present value as at December 31, 2022 of the future benefits was determined using a discount rate of 3.0% (3.0% in 2021).

(ii) Inflation rate

The rate of inflation was assumed to be 2.50% (2.50% in 2021) per annum.

(iii) WSIB Administration Rate

Liabilities for WSIB benefits have been increased to 27% to reflect the administration rate charged by WSIB.

A WSIB Reserve Fund was established in 2001. The Reserve Fund balance as at December 31, 2022 (Note 11) was \$4,000,000 (\$4,000,001 as at December 31, 2021). In 2021, the City established an Excess Indemnity Reserve Fund in lieu of purchasing an insurance policy for this type of coverage. The balance in that Reserve Fund as at December 31, 2022 is \$1,336,742 (\$722,763 in 2021). In addition, the City purchased an insurance policy to protect the City against significant claims. The occupational accident insurance pays loss claims up to \$500,000 per work related accident.

9. Long-term liabilities

(a) The balance of long-term liabilities is made up of the following:

	2022	2021
	\$	\$
The City is responsible for the payment of principal and interest charges on long-term liabilities issued by the Regional Municipality of Durham on the City's behalf. At the end of the year the outstanding principal amount of this liability is	42,704,260	40,742,259

(b) The above long-term liabilities have maturity dates of October 16, 2023, July 2, 2029, October 17, 2026 and 2031, October 13, 2027, 2032 and 2037, September 14, 2023, 2028, 2033 and 2038, November 29, 2024, 2029 and 2039, October 2, 2030 and November 26, 2036 and 2041, July 5, 2033 and 2043 with various interest rates ranging from 0.45% to 4.75%. Principal repayments are summarized as follows:

	\$
2023	3,707,597
2024	3,237,801
2025	3,233,889
2026	3,308,500
2027	2,966,323
Thereafter	26,250,150
	<u>42,704,260</u>

- (c) Long-term liabilities include principal sums of \$443,000 (\$443,000 in 2021) which may be refinanced by the issuance of debentures over a further period not to exceed 5 years.
- (d) The above long-term liabilities have been approved by Council by-law. The annual principal and interest payments required to service these liabilities are within the annual debt repayment limit prescribed by the Ministry of Municipal Affairs and Housing.
- (e) Interest expense recorded in the year relating to these long-term liabilities is \$1,157,439 (\$797,289 in 2021).

10. Tangible capital assets

Information relating to tangible capital assets is as follows:

(i) *Contributed tangible capital assets*

The City records tangible capital assets contributed by an external party at fair value on the date contributed. Typical examples are roads, storm sewers and sidewalks installed by a developer as part of a subdivision or development agreement. Contributions of tangible capital assets in 2022 amounted to \$348,530 (\$3,047,542 in 2021).

(ii) *Tangible capital assets recognized at nominal value*

Land under roads are assigned a nominal value of one Canadian dollar because this land only supports or is intended to support road infrastructure and the majority of land acquired to support road allowances was acquired at no cost.

(iii) *Works of art and historical treasures*

The City has a museum which holds various historical treasures and historical buildings pertaining to the heritage and history of the City of Pickering. These items are not recognized as tangible capital assets in the consolidated financial statements because a reasonable estimate of the future benefits associated with such property cannot be made. Any acquisition or betterment of these assets is recognized as an expense in the consolidated financial statements.

(iv) *Other*

The net book value of tangible capital assets not being amortized because they are under construction is \$30,996,098 (\$24,218,983 in 2021).

During the year, there were nil write-downs of assets (nil in 2021) and nil interest was capitalized during the year (nil in 2021). Certain costs were written off in the current year relating to assets under construction due to changes in circumstances around their expected future use that arose in the current year.

(v) *Land held for resale*

As at December 31, 2022, deposits of \$7,087,701 (\$1,645,965 in 2021) paid towards three (four in 2021) parcels of land are included within prepaid expenses and deposits. Subsequent to year end, the purchase and subsequent sale of one of the parcels of land for which deposits were made was completed. There is no financial impact on the financial position of the City given the land was purchased and immediately sold.

The Corporation of the City of Pickering
Notes to the consolidated financial statements
December 31, 2021

10. Tangible capital assets (continued)

	Land	Buildings	Machinery and equipment	Vehicles	Infrastructure	Information technology hardware	Library collection materials	Furniture and fixtures	Assets under construction	2022
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Cost										
Balance, beginning of year	64,405,788	116,728,646	11,604,783	16,351,870	315,640,617	2,196,772	1,961,209	1,348,003	24,218,983	554,456,671
Additions during the year	12,479,055	7,611,999	1,502,759	2,875,631	2,812,552	365,091	298,447	110,171	16,629,091	44,684,796
Less Disposals/transfers during the year	87,003	4,319,222	141,459	35,618	548,938	59,943	382,967	37,129	9,851,977	15,464,256
Balance, end of year	76,797,840	120,021,423	12,966,083	19,191,883	317,904,231	2,501,920	1,876,689	1,421,045	30,996,097	583,677,211
Accumulated amortization										
Balance, beginning of year	—	56,525,745	6,642,574	9,382,578	180,047,188	1,591,838	1,030,005	597,862	—	255,817,790
Additions during the year	—	4,289,154	934,730	1,324,761	4,896,079	241,927	316,061	89,851	—	12,092,563
Less disposals/transfers during the year	—	—	—	—	—	—	—	—	—	—
Balance, end of year	—	60,814,899	7,577,304	10,707,339	184,943,267	1,833,765	1,346,066	687,713	—	267,910,352
Net book value of tangible capital assets	76,797,840	61,346,321	5,522,887	8,520,162	133,505,994	728,098	913,590	754,617	30,996,097	319,085,606

The Corporation of the City of Pickering
Notes to the consolidated financial statements
December 31, 2021

10. Tangible capital assets (continued)

	Land \$	Buildings \$	Machinery and equipment \$	Vehicles \$	Infrastructure \$	Information technology hardware \$	Library collection materials \$	Furniture and fixtures \$	Assets under construction \$	2021 \$
Cost										
Balance, beginning of year	62,775,373	115,679,847	11,848,721	16,550,956	302,667,388	2,102,277	2,011,544	1,286,472	20,141,455	535,064,033
Add										
Additions during the year	1,705,683	1,271,602	328,463	31,490	14,070,358	198,992	313,184	67,560	14,199,168	32,186,500
Less										
Disposals/transfers during the year	75,268	222,803	572,401	230,576	1,097,129	104,497	363,519	6,029	10,121,640	12,793,862
Balance, end of year	64,405,788	116,728,646	11,604,783	16,351,870	315,640,617	2,196,772	1,961,209	1,348,003	24,218,983	554,456,671
Accumulated amortization										
Balance, beginning of year	—	52,576,260	6,226,857	8,327,089	176,312,269	1,448,112	1,061,081	516,001	—	246,467,669
Add										
Amortization	—	4,157,181	924,022	1,269,619	4,695,615	248,223	332,443	83,795	—	11,710,898
Less										
Accumulated amortization on disposals	—	207,696	508,305	214,130	960,696	104,497	363,519	1,934	—	2,360,777
Balance, end of year	—	56,525,745	6,642,574	9,382,578	180,047,188	1,591,838	1,030,005	597,862	—	255,817,790
Net book value of tangible capital assets	64,405,788	60,202,901	4,962,209	6,969,292	135,593,429	604,934	931,204	750,141	24,218,983	298,638,881

The Corporation of the City of Pickering
Notes to the consolidated financial statements
December 31, 2021

11. Accumulated surplus

The City's accumulated surplus is comprised of the following:

	2022 \$	2021 \$
Capital Fund	27,153,889	25,802,619
Operating Fund	125,267	125,259
Equity in Veridian Corporation	101,413,828	98,134,423
Tangible capital assets	319,085,606	298,638,881
Post-employment benefits liability	(9,112,345)	(8,523,252)
Interfund loans	(1,007,116)	(566,804)
Net long-term liabilities	(42,704,260)	(40,742,259)
Note receivable soccer facility	2,381,011	2,681,988
WSIB benefit liabilities	(3,060,773)	(2,876,413)
Reserves set aside for special purposes by Council		
Working capital	400,000	400,000
Self insurance	292,373	220,031
Replacement of capital equipment	1,245,895	1,453,707
Contingencies	1,793,670	1,903,746
Rate stabilization	24,413,254	22,105,570
City's share for development charge	9,437,071	12,143,494
Continuing studies	595,327	461,206
Vehicle replacement	2,189,155	2,187,321
Land purchase	14,403	14,403
Seaton development review	1,437,822	1,437,822
Financial systems	586,808	523,308
Senior centre	3,500,000	2,800,000
Accessibility initiatives	66,840	66,840
Winter control	700,000	700,000
Sustainability initiatives	410,576	404,576
Duffin Heights	1,744,131	1,744,131
Facilities	2,739,786	1,478,976
Accelerated infrastructure program	519,500	519,500
Fence	600,000	510,000
Minor buildings replacement	1,900,000	1,500,000
Tennis Courts	923,565	828,565
Major Equipment	1,497,695	1,030,214
Museum Collection	12,799	12,799
Recreation Complex	225,000	225,000
Library Building	380,000	280,000
Elected Officials Insurance	280,000	210,000
Casino	19,398,231	5,264,652
Public Art	508,539	350,494
Balloon Payment	273,572	—
Reserve funds set aside for special purpose by Council		
Recreation programs and facilities	401,709	395,436
Acquisition of tangible capital assets	316,892	311,943
WSIB	4,002,616	4,000,001
Animal shelter	1,645,589	1,301,099
Operations Centre	11,054,359	13,700,349
Roads & bridges	7,826,734	5,962,031
Stormwater management	4,874,289	4,277,035
Ontario Community Infrastructure Fund	3,073,973	1,088,068
Seaton infrastructure	266,744	262,578
Seaton Financial Impact Agreement	2,892,228	1,796,497
Excess Indemnity	1,334,125	722,763
	510,050,377	467,268,597

12. Pension agreement

The City makes contributions to the Ontario Municipal Employees Retirement Fund (OMERS), which is a multi-employer plan, on behalf of the members of its staff. The plan is a defined benefit plan which specifies the amount of the retirement benefit to be received by the employees based on the length of service and rates of pay.

OMERS provide pension services to over 496,000 active and retired members and about 1,000 employers. Each year an independent actuary determines the funding status of OMERS Primary Pension (the "Plan") by comparing the actuarial value of the invested assets to the estimated present value of all pension benefits that members have earned to-date. The most recent actuarial valuation of the Plan was conducted as at December 31, 2022. The results of this valuation disclosed total actuarial liabilities as at that date of \$130,306 million in respect of benefits accrued for service with actuarial assets at that date of \$123,628 million indicating an actuarial deficit of \$6,678 million. Because OMERS is a multi-employer plan, any pension plan surpluses or deficits are a joint responsibility of Ontario municipal organizations and their employers. As a result, the City does not recognize any share of the OMERS pension surplus or deficit.

Contributions made by the City to OMERS on account of current service for 2022 were \$4,849,393 (\$4,265,448 in 2021).

13. Trust Funds

Trust Funds administered by the City amounting to \$386,233 (\$383,374 in 2021) have not been included in the consolidated statement of financial position nor have their operations been included in the consolidated statement of operations.

14. Related party transactions

Elexicon Corporation

The City of Pickering is a shareholder in Elexicon Corporation (Note 4). The City receives electricity and services from Elexicon Corporation and its subsidiary.

	2022	2021
	\$	\$
Transactions		
Revenue		
Interest on promissory notes (Note 5)	1,035,350	1,035,800
Property taxes levied	35,549	35,049
Expenses		
Electrical energy and services	1,773,610	1,517,686
Balances		
Accounts payable and accrued liabilities	338,872	275,118
Promissory notes receivable (Note 5)	25,069,000	25,069,000

15. Guarantees

In the normal course of business, the City enters into agreements which contain guarantees. The City's primary guarantees are as follows:

- (i) The City has provided indemnities under lease agreements for the use of various facilities or land. Under the terms of these agreements the City agrees to indemnify the counterparties for various items including, but not limited to, all liabilities, loss, suits, and damages arising during, on or after the term of the agreement. The maximum amount of any potential future payment cannot be reasonably estimated.
- (ii) The City indemnifies all employees and elected officials including Library employees and board members for various items including, but not limited to, all costs to settle suits or actions due to association with the City, subject to certain restrictions. The City has purchased liability insurance to mitigate the cost of any potential future suits or actions. The term of the indemnification is not explicitly defined, but is limited to the period over which the indemnified party served as an employee or elected official of the City. The maximum amount of any potential future payment cannot be reasonably estimated.
- (iii) The City has entered into agreements that may include indemnities in favour of third parties, such as purchase and sale agreements, confidentiality agreements, engagement letters with advisors and consultants, outsourcing agreements, leasing contracts, information technology agreements and service agreements. These indemnification agreements may require the City to compensate counterparties for losses incurred by the counterparties as a result of breaches in representation and regulations or as a result of litigation claims or statutory sanctions that may be suffered by the counterparty as a consequence of the transaction. The terms of these indemnities are not explicitly defined and the maximum amount of any potential reimbursement cannot be reasonably estimated.

The nature of these indemnification agreements prevents the City from making a reasonable estimate of the maximum exposure due to the difficulties in assessing the amount of liability which stems from the unpredictability of future events and the unlimited coverage offered to counterparties. Historically, the City has not made any significant payments under such or similar indemnification agreements and therefore no amount has been accrued in the balance sheet with respect to these agreements.

16. Contingent liabilities

Litigation

The City has been named as a defendant in certain legal actions in which damages have been sought. The outcome of these actions is not determinable as at the date of reporting and accordingly, no provision has been made in these consolidated financial statements for any liabilities which may result.

17. Contractual arrangement

The City entered into a provisional license agreement with the Pickering Soccer Club (PSC) for the PSC to occupy and operate the Pickering Indoor Soccer Facility (the "Facility"). The term of the agreement is 15 years from November 5, 2014 to November 4, 2029. Under the terms of the agreement, the PSC will repay 52.25% of the City's total cost of purchasing the land, constructing the Facility and the related improvements. In 2015, the City recorded a receivable from PSC in the amount of \$4,550,000 based on preliminary project cost figures, with a 15 year repayment term at a variable interest rate ranging from 1.2% to 3.8%. This amount will be adjusted for the total project construction costs, once the agreement is finalized.

17. Contractual arrangement (continued)

PSC has commenced its soccer program operations and is operating the Facility at its own expense including all repairs and maintenance. Once a final form of agreement is executed the total amount of the PSC's obligation will be re-calculated, as agreed, to reflect any adjustments to the total project construction costs.

18. Budget figures

The 2022 Budget adopted by Council on March 28, 2022 was not prepared on a basis consistent with that used to report actual results. The budget was prepared on a modified accrual basis while Canadian Public Sector Accounting Standards require a full accrual basis of accounting. The budget figures treated all tangible capital asset acquisitions as expenditures and did not include amortization expense on tangible capital assets or post-employment benefits expenses on a full accrual basis. As a result, the budget figures presented in the consolidated statements of operations and change in net financial assets represent the budget adopted by Council on March 28, 2022 with adjustments as follows:

	2022 Council approved budget	Non TCA expenditures from capital	Post- employment benefits/ amortization	2022 Budget presented in statements
	\$	\$	\$	\$
Revenue				
Taxation	81,655,077	—	—	81,655,077
Capital	20,928,660	—	—	20,928,660
Other	33,173,064	—	—	33,173,064
	<u>135,756,801</u>	<u>—</u>	<u>—</u>	<u>135,756,801</u>
Expenditures				
General government	24,530,709	120,000	1,449,516	26,100,225
Protection to persons and property	29,850,298	95,000	1,215,063	31,160,361
Transportation services	13,408,922	—	4,789,705	18,198,627
Environmental services	1,649,252	—	846,672	2,495,924
Social and family services	1,012,905	—	—	1,012,905
Recreational and cultural services	29,326,571	299,000	4,154,286	33,779,857
Planning and development	6,175,406	—	1,153	6,176,559
	<u>105,954,063</u>	<u>514,000</u>	<u>12,456,395</u>	<u>118,924,458</u>
Annual surplus (deficit)	29,802,738	(514,000)	(12,456,395)	16,832,343
Capital expenditures	(46,634,454)	1,387,000	—	(45,247,454)
Transfers from reserve and reserve funds	8,818,031			
Dividend from Elexicon Corporation	2,626,157			
Principal repayment of debt	(2,312,472)			
Principal repayment of PSC note	—			
Debt proceeds	<u>7,575,000</u>			
Prior year operating fund surplus	<u>(125,000)</u>			

19. Segmented information

The City of Pickering is a diversified municipal government that provides a wide range of services to its residents. Distinguishable functional segments have been separately disclosed in the segmented information. The nature of the segments and the activities they encompass are as follows:

General government

This item relates to revenues and expenses of the City itself and cannot be directly attributed to a specific segment.

Protection to persons and property

Protection includes fire services, animal control, bylaw services, building inspection and enforcement of the building code to ensure the safety and protection of all citizens and their property.

Public works services

Public works includes construction and maintenance of the City's roadways, including snow removal, sidewalk repairs, street lighting and maintenance of the storm water system.

Social and family services

Social services for assistance or services for seniors.

Recreation and culture services

Recreation and cultural services include recreation programs, maintenance and rental of facilities and parks, operation of the City's museum and library services.

Planning and development

Planning and development provides a number of services including municipal planning and review of all property development plans.

Segmented information has been provided in the following pages.

The Corporation of the City of Pickering
Notes to the consolidated financial statements
December 31, 2021

19. Segmented information (continued)

	Protection to persons and property \$	Public works services \$	Recreational and cultural \$	Planning and development \$	Social and family services \$	General government \$	2022 Consolidated \$
Revenue							
Grants	17,585	4,607,514	1,880,385	91,079	168,128	2,349,535	9,114,226
User charges	6,865,904	493,704	4,795,066	2,331,554	45,009	1,212,196	15,743,433
Tax related revenues						87,170,490	87,170,490
Developer and other contributions	333,584	5,565,455	3,818,402	86,856	—	1,546,240	11,350,537
Contributed tangible capital assets	—	22,675	—	—	—	325,855	348,530
Casino revenue	—	—	—	—	—	14,678,604	14,678,604
Income from government business enterprise	—	—	—	—	—	5,906,099	5,906,099
Other revenues	1,986,668	2,525,869	1,015,842	52,192	2,700	4,378,867	9,962,138
	9,203,741	13,215,217	11,509,695	2,561,681	215,837	117,567,886	154,274,057
Expenses							
Salaries and wages	25,053,296	7,322,569	17,950,041	3,359,844	313,563	12,911,737	66,911,050
Materials and supplies	3,011,660	3,779,307	6,368,807	217,689	140,329	10,324,567	23,842,359
Contracted services	910,688	1,501,020	1,088,144	381,633	221,403	2,573,041	6,675,929
Amortization	890,786	6,138,941	4,254,770	—	—	808,066	12,092,563
Other (Gain) loss on disposal of tangible capital assets	332,067	503,046	1,536,667	10,146	83,148	(303,414)	2,161,660
	(13,393)	(290,950)	2,127,664	—	—	(2,014,605)	(191,284)
	30,185,104	18,953,933	33,326,093	3,969,312	758,443	24,299,392	111,492,277
Annual (deficit) surplus	(20,981,363)	(5,738,716)	(21,816,398)	(1,407,631)	(542,606)	93,268,494	42,781,780

The Corporation of the City of Pickering
Notes to the consolidated financial statements
December 31, 2021

19. Segmented information (continued)

	Protection to persons and property	Public works services	Recreational and cultural	Planning and development	Social and family services	General government	2021 Consolidated
	\$	\$	\$	\$	\$	\$	\$
Revenue							
Grants	27,200	2,948,944	1,145,998	—	256,404	3,004,109	7,382,655
User charges	5,772,302	328,498	1,735,944	1,534,630	17,715	1,029,248	10,418,337
Tax related revenues	—	—	—	—	—	82,640,849	82,640,849
Developer and other contributions	602,092	4,960,966	1,262,308	139,790	5,062	1,381,700	8,351,918
Contributed tangible capital assets	—	2,847,228	—	—	—	200,314	3,047,542
Casino Revenue	—	—	—	—	—	5,575,176	5,575,176
Income from government business enterprise	—	—	—	—	—	4,876,212	4,876,212
Other revenues	734,500	—	9,339	—	—	2,121,784	2,865,623
	<u>7,136,094</u>	<u>11,085,636</u>	<u>4,153,589</u>	<u>1,674,420</u>	<u>279,181</u>	<u>100,829,392</u>	<u>125,158,312</u>
Expenses							
Salaries and wages	23,693,198	6,141,149	15,485,038	3,195,434	253,736	12,108,992	60,877,547
Materials and supplies	2,513,062	4,045,676	4,876,624	223,922	139,235	9,062,089	20,860,608
Contracted services	656,321	1,262,829	562,468	221,615	185,507	1,967,647	4,856,387
Amortization	907,787	5,916,861	4,150,594	—	—	735,656	11,710,898
Other	175,149	373,985	1,068,176	—	66,961	(261,726)	1,422,545
Loss on disposal of tangible capital assets	—	41,424	12,726	—	—	148,213	202,363
	<u>27,945,517</u>	<u>17,781,924</u>	<u>26,155,626</u>	<u>3,640,971</u>	<u>645,439</u>	<u>23,760,871</u>	<u>99,930,348</u>
Annual/(deficit) surplus	<u>(20,809,423)</u>	<u>(6,696,288)</u>	<u>(22,002,037)</u>	<u>(1,966,551)</u>	<u>(366,258)</u>	<u>77,068,521</u>	<u>25,227,964</u>

From: Sarah Douglas-Murray
Director, Community Services

Subject: Draft Respectful Conduct Policy (ADM 260)
- Rescind Zero Tolerance Policy (ADM 200)
- File: A-1440-001

Recommendation:

1. That Council endorse the draft Respectful Conduct Policy (ADM 260), as set out in Attachment 1, subject to minor revisions acceptable to the Director, Community Services and Chief Administrative Officer;
 2. That Zero Tolerance Policy (ADM 200), as set out in Attachment 2, be rescinded; and
 3. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.
-

Executive Summary: The City of Pickering values all its employees and is committed to providing an environment where employees, volunteers, customers, and visitors are treated professionally, respectfully, and with dignity in their interactions with members of the public.

The City passed a Zero Tolerance Policy (ADM 200) in 2007 to support a safe and positive atmosphere in all municipal programs, services and facilities. However, staff identified the need to review the Policy to ensure that it continues to meet the City's needs with respect to supporting an inclusive, respectful and safe environment as well as meets all applicable statutory responsibilities, including the *Occupational Health and Safety Act*, the *Occupiers' Liability Act*, and the *Trespass Act*.

As there were significant updates, staff are providing a new Respectful Conduct Policy (ADM 260) to replace the Zero Tolerance Policy (ADM 200), and recommending that Zero Tolerance Policy (ADM 200) be rescinded. Through the new policy the City is committed to dealing with residents in ways that are consistent and fair while acknowledging there may be a need to protect staff and residents from disrespectful, unreasonable behavior or vexatious actions. The new Policy incorporates a number of new provisions, including Enforcement Guidelines that outline the consequences associated with various unacceptable behaviours'.

As part of the policy review process, Staff conducted a thorough examination of other municipal Respectful Conduct Policies to ensure that the City's new Policy was aligned with municipal best practices.

Financial Implications: There is no financial impact resulting from the approval of this Policy.

Discussion: The City of Pickering owns a variety of properties which are used by the public. It also provides a vast array of municipal services accessed by the public. As a property owner and service provider, the City is committed to inclusively engaging all citizens to enhance their health, well-being, and experience. It is also committed to working with its employees to provide a safe work environment by promoting respectful conduct, tolerance and inclusion.

The City also has statutory duties to keep users of its properties reasonably safe and to take reasonable precautions to protect its employees in the workplace. This includes the *Occupational Health and Safety Act*, R.S.O. 1990,c.01, as well as the *Occupiers' Liability Act*. Additionally, the City, as a property owner, has the right to decide who is allowed to remain on its property. Under the *Trespass to Property Act*, R.S.O. 1990,c.T.21, gives the City certain remedies to enforce that right, including:

- The authority to give notice to a person prohibiting entry on a property or prohibiting one or more activities (and entry for the purpose of such activities) on a property (known as a trespass notice); and
- Creation of an offence for entering onto a property or engaging in activity on a property when prohibited to do so by a trespass notice.

Most people who use a City property or who access a City service do so appropriately. However, in some cases, people use a City property or access a City service in ways which, a) are harmful to City employees, properties, or other users; or b) are so vexatious that they adversely impact the City's ability to effectively provide services to other residents.

The City's Zero Tolerance Policy (ADM 200) was approved in 2007 and required a further review to ensure that it incorporates the appropriate structure and supports to protect its employees, community and volunteers. More specifically, the new Respectful Conduct Policy is intended to assist City employees engaged in this task by:

- Establishing a formal framework for decision-making while leaving enough discretion to make decisions according to the evidence and merits of individual cases;
- Giving certain staff clear authority to make decisions; and
- Defining a consistent approach to the consequences associated with certain behaviors through the establishment of Enforcement Guidelines;

The proposed new Respectful Conduct Policy includes a number of new provisions. Most notably, the City has expanded both the Definitions and Responsibilities sections of the Policy. This includes incorporating the new Corporate Security Specialist position within the Policy, outlining their role in supporting a safe and inclusive environment. The new Policy also introduces Enforcement Guidelines which outlines the level of consequences associated with various inappropriate behaviours' as well as consequences related to the number of occurrences that may happen to persons who may repeat actions that are unacceptable under the Policy.

Many municipalities in Ontario have similar policies and/or by-laws in place. Respectful Conduct Policies from the Town of Whitby, City of Oshawa, Town of Aurora, City of Kingston, Town of Saugeen Shores, Township of Centre Wellington, City of Mississauga, and the City of Burlington were reviewed as part of this policy development process.

At this time, City staff seek Council’s authorization to rescind Zero Tolerance Policy (ADM 200) and endorse Respectful Conduct Policy (ADM 260).

Attachments:

- 1. ADM 260 Respectful Conduct Policy
- 2. ADM 200 Zero Tolerance Policy

Prepared By:

Original Signed By

Michael Cain
Corporate Security Specialist

Original Signed By

Marilou Murray
Manager, Community Services Administration

SDM:mm

Approved/Endorsed By:

Original Signed By

Sarah Douglas-Murray
Director, Community Services

Original Signed By

Jennifer Eddy
Director, Human Resources

Recommended for the consideration
of Pickering City Council

Original Signed By

Marisa Carpino, M.A.
Chief Administrative Officer

Policy Title: Respectful Conduct			Policy Number ADM 260	
Reference ADM 260 replaces ADM 200, Zero Tolerance Policy, through Resolution #xx/23	Date Originated (m/d/y) September 25, 2023	Date Revised (m/d/y)	Pages 8	
Approval: Chief Administrative Officer		Point of Contact Corporate Security Specialist		

Policy Objectives

The Corporation of the City of Pickering (City) aims to provide a safe, supportive and inclusive environment that is free from discrimination, harassment and conflict for members of our community, our employees and volunteers.

The City will not tolerate violence, vandalism, racism, abusive or demeaning rhetoric, or any activity that may constitute a criminal or provincial offence at a City facility, property, program, activity or event.

Many Pickering community-based programs utilize municipal facilities and are supported and/or operated by volunteers. These community-minded citizens contribute greatly to the quality of life in Pickering. The City endeavors to ensure that they too, have the ability to volunteer in a safe and inclusive environment.

This Policy attempts to empower employees with the steps necessary to address instances of unacceptable behavior directed at employees or volunteers by a member of the public, or between customers. The Policy provides a framework of various procedures and guidelines, including but not limited to, the Incident Reporting Procedure and Enforcement Guidelines.

The objectives of this Policy are to:

1. Reduce violence and unacceptable behaviour in the provision of City services including its programs, activities and events on City property.
2. Promote an understanding of appropriate behaviour towards members of the public and our employees.
3. Encourage a positive environment of respectful interaction between all members of the City of Pickering community.
4. Empower employees to address unacceptable behaviour.
5. Provide employees with the guidelines and procedures to report and address incidents that constitute a violation of this Policy.
6. Establish consistent departmental procedures.

Index

- 01 Definitions
- 02 Purpose
- 03 Scope
- 04 Responsibilities
- 05 Unacceptable Behaviours
- 06 Procedures
- 07 Consequences
- 08 Appeal Process

01 Definitions

- 01.01 **Ban** – The prohibition of an individual(s) from receiving a City service, program or activity or entering specific City property for a period of time.
- 01.02 **City Property** – All City-owned physical assets, including real property, buildings, structures, facilities and equipment, leased and/or maintained by the Corporation of the City of Pickering.
- 01.03 **Customer** – A member of the public who is accessing services or visiting a City property or event and is not acting as or in the role of an employee or volunteer.
- 01.04 **Discrimination** – Treating an individual (or group) adversely by either imposing a burden on them, or denying them a privilege, benefit, opportunity or service enjoyed by others, because of their age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, gender identity, gender expression, marital status, place of origin, race, sex, sexual orientation or other personal characteristics, as these terms are defined in the Ontario Human Rights Code.
- 01.05 **Employee** – All individuals hired by the City including permanent and non-permanent employees, interns/co-op students and volunteers.
- 01.06 **Harassment or Harass** – As defined in the Ontario Human Rights Code, means engaging in a course of vexatious behavior, comment or conduct that is known or ought reasonably to be known to be unwelcome to an individual(s) whether inside the workplace or outside. It may include but is not limited to behavior, conduct or comment that is directed at or is perceived to be offensive to another individual(s):
 - on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or

family status, gender identity, gender expression as defined by the Ontario Human Rights Code; or

- which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.

- 01.07 **Incident** – An occurrence involving inappropriate behavior on behalf of an individual, which includes, but is not limited to any of the following: destruction, damage or defacing of property; harm to individual(s), including workplace violence, workplace harassment, inappropriate behavior; discrimination; disturbance to peace; contravention of City by-laws related to property, facility and/or posted rules; contravention of City Policies; any activity that may be illegal and causes a formal report to or request for assistance from Durham Regional Police by a City employee or customer.
- 01.08 **Letter of Warning** – A written communication that details a violation of the Respectful Conduct Policy and normally includes: specifics of occurrence, nature of the violation, the relevant City Policy and/or by-law, the expectation for future conduct, the consequence of further misconduct and supporting documentation.
- 01.09 **Trespass Notice** – As provided for under the *Trespass to Property Act, R.S.O. 1990, c.T.21*, a written notice from the City to an individual prohibiting the individual from entering specific City properties or facilities for a period of time, with a copy to Durham Regional Police for enforcement.
- 01.10 **Trespass to Property Act** – The Ontario legislation dealing with unwelcome entry into private and public property (*Trespass to Property Act, R.S.O. 1990, c.T21*)
- 01.11 **Vandalism** – Deliberate destruction, damage, defacing of property-owned, leased, or permitted through the City.
- 01.12 **Violence** – Threatening behavior against an employee or customer such as: shaking a fist or finger pointing at an individual(s), destroying, damaging or defacing property, throwing objects; verbal or written threats to attack physically or discriminate; leaving threatening notes or threatening emails; wielding a weapon; stalking; or physically aggressive behaviors including hitting, shoving, standing excessively close to an individual(s) in an aggressive manner, physically restraining an individual(s) or any other form of physical assault.

02 Purpose

- 02.01 The City is committed to enhancing and maintaining the quality of life for the employees and customers of Pickering by providing City services including events, programs, activities and sports and recreation opportunities. All of these services support a welcoming and inclusive environment of mutual respect.

In a diverse, vibrant and growing City, respectful conduct allows us to work, play, and live together both as individuals, and as a larger Pickering community, and makes our interactions positive and rewarding.

If an individual does not respect others in the provision of City services, City employees may intervene, identify the disrespectful issue and seek a positive outcome. In some circumstances, employees may take specific measures to address and prevent negative interactions involving customers or employees.

This Policy provides a framework to help identify where individual actions can be construed to breach of this Policy and what steps can be taken.

03 Scope

03.01 This Policy applies to all City employees, volunteers and customers. When inappropriate behaviour occurs, the City will endeavour to address it.

04 Responsibilities

04.01 Council to:

- a) Support the Policy.
- b) Review and approve the Policy and any amendments as may be required from time to time.

04.02 Chief Administrative Officer to:

- a) Support the Policy.
- b) Review and approve the Policy and any amendments as may be required from time to time.
- c) Provide guidance on the Policy to management.
- d) Review and approve a Notice of Trespass.

04.03 Directors to:

- a) Support the Policy and provide guidance on the Policy with all applicable employees.
- b) Support management in the implementation of the Policy.
- c) Respond quickly to complaints filed under the Policy.
- d) Consult with the Chief Administrative Officer (CAO) as required in the implementation of this Policy.

04.04 Manager/Supervisor to:

- a) Support the Policy.
- b) Ensure the Policy is communicated to all City employees and that they are educated on this Policy. This includes posting the Policy in visible locations in the workplace and for easy access on the City's intranet.

- c) Review all Security Incident Reports submitted by employees that pertain to this Policy.
- d) Attend the incident if practicable to deal with it directly.

04.05 Corporate Security Specialist to:

- a) Support the Policy.
- b) Review the action of employees, and ensure that appropriate intervention has occurred with any individual who has breached this Policy.
- c) Support the Policy.
- d) Review all Security Incidents Reports and conduct investigations, as required. Determine if the individual's behavior warrants the application of restrictions as outlined in the Enforcement Guidelines (Appendix A).
- e) Communicate the outcome of any incident and subsequent actions taken by the City with the individual(s) involved.
- f) Consult with Managers and Director(s) on matters related to Security Incident Reports and/or investigations.
- g) Keep archives of records on all incidents, including Letters of Warning, bans and Trespass Orders, in accordance with the Records Management Policy.
- h) Review the Policy on an annual basis and suggest revisions.

04.06 Employees to:

- a) Thoroughly review and support the Policy.
- b) Address any breaches of this Policy quickly and directly.
- c) Inform next level manager promptly of any breach of this Policy.
- d) Implement the Policy if Managers/Supervisors are not present.

05 Unacceptable Behaviors

05.01 Harassment, discrimination, vandalism and violence as defined in this Policy are unacceptable behaviors. It is also an unacceptable behavior to act in a manner that destroys, damages, defaces or compromises the safety of City property. Unacceptable behavior also includes activity that is disturbing to any employee or customer where they feel unsafe, threatened or harmed.

For greater clarity, unacceptable behaviors involving employees and/or customers include but are not limited to the following:

- Physical violence, assault and fighting.
- Unwelcome physical contact.
- Possession of a weapon.
- Intimidation, threat of violence, verbal, written or by social media.
- Verbal abuse including shouting, profanity or aggressive tone or language.
- Failure to follow directions of City employees.
- Using language that demeans, humiliates or expresses hate or incites harassment towards an individual(s).
- Unsafe activity.

- Participating in an activity that is prohibited by by-law for which signage has been posted.
- Stalking.
- Excessive calls, emails or other communications.
- Alcohol possession or consumption where there is no liquor licence.
- Conduct which involves judgment apparently impaired by alcohol or drugs.
- Recording images or video at swimming pools, dressing rooms, washrooms, private office areas or other clearly signed areas without prior authorization by the City.
- Causing unsanitary conditions.
- Wearing attire with abusive, profane or racist images or language.
- Bullying or harassment, including sexual harassment.
- Aggressive, hostile or unwelcome activity or conduct which is directed to or at City employees or other customers.
- Any other activity determined by an employee to be unsafe or inappropriate, where the individual involved is advised and the individual does not stop the unsafe or inappropriate activity.

06 Procedures

06.01 Where an employee(s) has determined that an individual(s) has breached this Policy, these steps should be followed:

- Assess the situation, do not engage in physical confrontation.
- Address individual(s) in a courteous but firm manner, enlist the support of other employees where possible.
- Request cooperation by the individual and advise of next steps.
- Employees may speak to members of the customer user group or permit holder to obtain support in intervening with the individual, or to obtain contact name/address of the individual(s) causing the situation.
- Employees will intervene with the individual only when safe, in order to advise that the activity in question stop.
- If no cooperation is received, ask the individual(s) to leave the facility/premises.
- When there is a physical threat to customer or employee safety, any employee should call 911 for assistance.
- The employee will notify their next level supervisor immediately if the individual has been advised to leave City property or the police have been contacted.
- Employees will submit a Security Incident Report within 24 hours of the event taking place.
- Any individual ordered off City property may be prohibited from returning to City property for 24 hours and until such time that the Corporate Security

Specialist has reviewed the Security Incident Report and has assessed the incident.

- The Director or their designate will determine the appropriate actions based on the Enforcement Guidelines. The action may include a letter of warning issued to the individual(s).

07 Consequences

- 07.01 Individuals who engage in any unacceptable behaviour, as outlined in this Policy, may be subject to immediate removal from City property and a ban period.
- 07.02 The Enforcement Guidelines outline the consequences associated with the level of incident that occurred. The Director or their designate will determine the appropriate actions based on the Enforcement Guidelines.
- 07.03 In the event of a serious breach of the Policy, and as outlined in the Enforcement Guidelines, the Director or designate may suspend or cancel a membership, remove an individual from a program or activity or stop the provision of a City service. Fees will be returned on a prorated basis.
- 07.04 All incidents that result in a ban will be followed up in writing to the individual by the Corporate Security Specialist, outlining the details of the ban. Appropriate employees will be copied on the correspondence so they are aware of the nature of the ban.
- 07.05 Time banning may be banned from a selection of or from all City programs, services and property.
- 07.06 If circumstances warrant, the Director may request that the CAO consider a trespass notice. If approved, the CAO will will authorize the City Solicitor to issue the trespass notice to the City Solicitor.

08 Appeal Process

- 08.01 An individual who has been banned under the Enforcement Guidelines or who has been issued a Trespass Notice may appeal the decision. The following outlines the steps to be taken:
- 1) An individual appealing a ban or Trespass Notice must submit in writing to the CAO, a letter outlining the reason for the appeal and any documents or other materials upon which they rely. This must be submitted within sixteen (16) calendar days of the date on the letter to the individual outlining the details of the ban or Trespass Notice.
 - 2) The CAO, or designate, will review the appeal in consultation with the Corporate Security Specialist and other relevant employees and issue a written decision.

- 3) The decision will be communicated to the individual making the appeal within fourteen (14) calendar days of receiving the appeal letter. The decision by the CAO or designate is final.

Please refer to all associated Procedures, Guidelines and Standard Operating Procedures, if applicable, for detailed processes regarding this Policy.

Appendices

- Appendix A Enforcement Guidelines
- Appendix B Security Incident Report Procedure and Form

DRAFT

Enforcement Guidelines

The following chart represents guidelines to decide the consequences for incidents of inappropriate behaviour by members of the public or customers related to the provision of City services. These guidelines do not include all types of behaviour, each incident will be reviewed on information available, and the consequences outlined below may be adjusted to reflect case-by-case circumstances. Consequences may be harsher if criminal convictions are involved. Time banning may be from all City programs, services and property. Trespass Notices may be issued for repeat or severe offences.

Scope

These guidelines apply to all customers who breach any City Policy.

Incident	Consequence of 1 ST Occurrence	Consequence of 2 ND Occurrence	Consequence of 3 RD Occurrence	Any Subsequent Occurrence
Harassment				
Verbal assaults.	Minimum 1-month ban.	Minimum 3-month ban.	Minimum 1-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.
Threats and attempts to intimidate. Aggressive approach to another individual. Attempts to provoke or incite violence in others.	Minimum 3-month ban.	Minimum 6-month ban.	Minimum 2-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.
Violence				
Throwing of articles in an aggressive manner.	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.

Incident	Consequence of 1ST Occurrence	Consequence of 2ND Occurrence	Consequence of 3RD Occurrence	Any Subsequent Occurrence
Physical striking of another individual.				
Vandalism				
Vandalism to City property, vandalism to private property on City property or theft.	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.
Discrimination				
Racial or ethnic slurs.	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.
Unacceptable Behaviour				
Consumption of alcohol or of illegal drugs. Appearance of impaired judgment on City property due to consumption of alcohol or drugs.	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.
Inappropriate Internet Usage and Abuse of Technology				
Use of wireless internet connectivity to view, produce or exhibit lewd or offensive materials.	Minimum 1-month ban.	Minimum 3-month ban.	Minimum 1-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.
Use of wireless internet connectivity	Minimum 6-month ban.	Minimum 1-year ban.	Minimum 3-year ban.	Lifetime ban.

Incident	Consequence of 1 ST Occurrence	Consequence of 2 ND Occurrence	Consequence of 3 RD Occurrence	Any Subsequent Occurrence
to view, produce or exhibit illegal materials, such as child pornography or hate propaganda.				
Use of technology devices to photograph images without City authorization in advance.	Minimum 1-month ban.	Minimum 3-month ban.	Minimum 1-year ban.	Minimum 3-year ban and review to determine if further consequences are warranted.

NB: The City retains the right to alter and amend the type and severity of consequence applied in any given situation. This guideline should be used as a reference. The City reserves the right to interpret and apply these guidelines taking into consideration the facts of each situation on a case-by-case basis.

In the event that an individual fails to comply with a ban, and that ban has been communicated to the individual by the Corporate Security Specialist, the City Solicitor has the authority to issue a trespass notice. This trespass notice can be in force for up to one year, and may be reissued annually at the discretion of the CAO.

City of PICKERING

Welcome to the Security Incident Reporting Submission Page. This submission will provide vital information to our teams regarding security incidents taking place on City property, at City events or involving City employees.

Please report any security incidents involving members of the public while they are at any City location, or participating in any City run program or activity.

- Building Evacuation
- Customer Confrontation
- Customer Medical Issues
- City Vehicle Incidents
- Crimes Against City Staff and Property
- Damage to City Property
- Disorderly Conduct
- Garbage Dumping
- Hold and Secure/Lockdown
- Lost/Found Items
- Vandalism or Graffiti

Please be as descriptive as possible when filling in the text box. Provide details such as time and place, who was there, and what happened. Please add any other information that you think is important.

You can select the type of incident from the drop down menu, and if you are unsure, select "other".

When adding the location you can either fill in the location tab, or you can drag the pin from the bottom left corner of the map to the incident location.

Personal information contained on this form is collected pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, and will be used to investigate this matter. Questions about this collection should be directed to the City Clerk, One The Esplanade, Pickering, ON L1V 6K7, 905.420.4611.

Observed By

Observed Contact Info

Observation

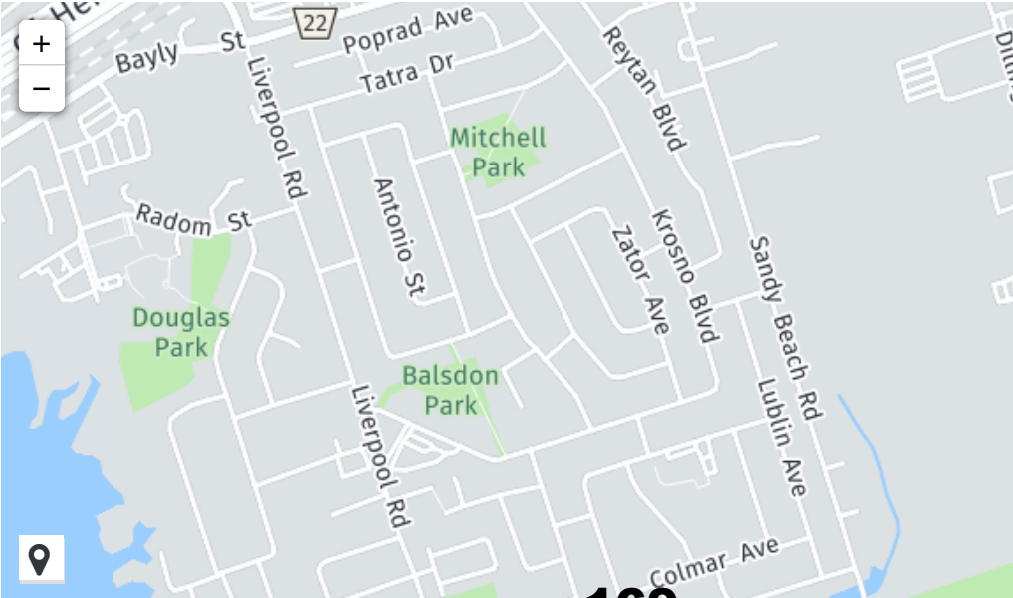
Observed Date/Time

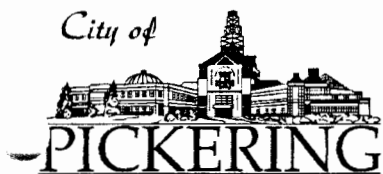
Observation Type

Observation Attachments

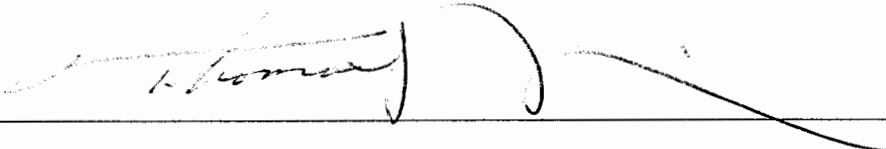
Drag files here or click to select...
or
Click to add a web link to a file...

Location





CITY POLICY/PROCEDURE

Policy Title: ZERO TOLERANCE POLICY		Policy Number: ADM 200
Reference: Resolution # 184/07	Date Originated: October 1, 2007	Date Revised:
Approval: Chief Administrative Officer 		

Policy Objective

The City of Pickering strives to provide a safe and positive atmosphere in all of our programs, services and facilities. Our goal is to encourage children and adults who participate to learn teamwork, sportsmanship and fair play. All patrons, staff, volunteers and spectators have the right to enjoy a safe environment. All have the responsibility to be accountable for actions and behaviours that put the safety and enjoyment of others at risk.

The City of Pickering will not tolerate violence or vandalism in its programs, facilities or properties and will take appropriate action where necessary to deal with these incidents.

The objective of this Policy is to:

1. Reduce or eliminate violence and anti-social behaviour in City of Pickering programs, facilities and properties including all indoor and outdoor venues.
2. Put in place a standard for dealing with incidents of verbal and physical threat, aggressive behaviour, threats, vandalism and physical violence.
3. Develop a standard, which reasonably deals with any incidences within the City of Pickering in a fair and consistent manner.
4. Promote a safe and positive atmosphere within the City of Pickering, promoting teamwork, sportsmanship and fair play.
5. For all patrons and staff to follow the principals of this policy.
6. Implement a training program for all staff giving them the authority to deal with unruly and violent behaviour with appropriate sanctions.
7. Increase community awareness and support.

Index	Page
01 Definitions	3
02 Responsibilities	3
03 Purpose	4
04 Scope	4
05 Unacceptable Behaviours	4-5
06 Consequences	5-6

01 **Definitions:**

- 01.01 Vandalism – malicious, wilful and deliberate destruction, damage or defacing of property.
- 01.02 Users - patrons, guests, spectators, fans, coaches, players, parents, volunteers and staff of City of Pickering facilities and properties.
- 01.03 Structured activity – permit issued.
- 01.04 Unstructured activity – no permit issued.
- 01.05 Anti-social behaviour – acting in a manner, which causes harassment, alarm or distress to other people.

02 **Responsibilities:**

- 02.01 Council to:
 - (a) Actively support the Zero Tolerance Policy.
 - (b) Approve the Zero Tolerance Policy and any amendments as may be required from time to time.
- 02.02 Chief Administrative Officer to:
 - (a) Actively support the Zero Tolerance Policy.
 - (b) Approve the Zero Tolerance Policy and any amendments as may be required from time to time.
 - (c) Will appoint a Culture & Recreation staff member to support the Pickering Sport Council.
- 02.03 Culture & Recreation Division to:
 - a) Actively support and administer the Zero Tolerance Policy.
 - b) The City of Pickering will work with sport organizations to provide ongoing information.
 - c) Support a Pickering Sport Council to meet three times a year.

03 **Purpose:**

The City of Pickering strives to enhance the quality of life for the people who live, work, play and visit Pickering. This is achieved, in part, by encouraging active healthy lifestyles through the provision of high quality recreational and cultural opportunities.

The City of Pickering recognizes the importance of sport and recreation in the community. Sport is a key ingredient in the development of a healthy mind, body and soul. The City operates programs, facilities and properties that encourage participation and is committed to ensuring the safety of patrons as well as staff. Prominent among residents making use of the recreational properties and facilities are the youth of Pickering. The City will ensure the most supportive climate possible for Pickering youth, so that they can enjoy their sport, and learn about competition, teamwork, sportsmanship, and fair play.

As with many Ontario communities, many of Pickering's community-based programs are managed and operated by volunteers. These community-minded citizens contribute greatly to the quality of life in Pickering. The City is committed to ensuring that they too, have the ability to volunteer in a safe and positive environment.

It is critical, then, for the City of Pickering, to do all things necessary to ensure that preventative measures are in place so that incidents of violent or inappropriate behaviour do not occur in its recreational properties and facilities. Included in this commitment is an understanding that organizations and the general public using City of Pickering programs, facilities and properties must take primary responsibility for the behaviour of all associated with them: participants, officials, spectators, patrons, and parents.

04 **Scope:**

The Zero Tolerance Policy applies to all staff and users of City of Pickering programs, facilities and properties including but not limited to patrons, guests, spectators, fans, coaches, players, parents, volunteers and staff. It covers structured (i.e. permit issued) and unstructured (i.e. no permit issued) activities. No form of vandalism or violence is acceptable on any City of Pickering property or facility.

05 **Unacceptable Behaviours:**

- 05.01 Creating a disturbance, loud verbal assaults
- 05.02 Fighting and/or physically striking another person

- 05.03 Threats and/or attempts to intimidate
- 05.04 Molesting
- 05.05 Harassing
- 05.06 Using profanity and/or obscene language disturbing to others.
- 05.07 Vandalism
- 05.08 Activities that are intimidating or threatening
- 05.09 Engaging in horseplay and/or causing unsafe conditions
- 05.10 Wearing attire or displaying material intolerant of human rights (also racial or ethnic slurs)
- 05.11 Inappropriate attire (i.e. undergarments showing, gang related etc.)
- 05.12 Incline skating, skateboarding, bicycling (except where permitted)
- 05.13 Blocking thoroughfares / corridors / stairways / exits
- 05.14 Causing unsanitary conditions
- 05.15 Throwing articles in a deliberate or aggressive manner
- 05.16 Aggressive approaches to another individual
- 05.17 Attempts to goad or incite violence in others
- 05.18 Illegal consumption of alcohol or drugs
- 05.19 Bringing weapons or toy weapons to a facility / program

06 Consequences:

City of Pickering staff have the authority to remove any individual(s) who engage in any of the outlined behaviours. Individuals may be subject to immediate removal from the facility or property. A mandatory suspension from the facility or property may also be applied. Durham Region Police may also be notified of any incidents.

Those individuals who are identified and suspended in accordance with this Policy shall further be prohibited from participating within the City's affiliated sport community for a period of two years.

Where new information is available, a suspended individual may request reconsideration of the facts on which the suspension is based. Such request must be addressed to the Chief Administrative Officer, who will consider the new information and make his decision. ALL SUCH DECISIONS OF THE CHIEF ADMINISTRATIVE OFFICER ARE FINAL.

Where vandalism has been perpetrated, not only will the individuals responsible be subject to suspension as outlined above, but will be required to reimburse the City for the cost of repair.

From: Stan Karwowski
Director, Finance & Treasurer

Subject: Write-off of Property Taxes and Vesting of Lands Related to Property Tax Sale
- File: F-4210-001

Recommendation:

1. That Report FIN 16-23 of the Director, Finance & Treasurer be received;
2. That the Treasurer be authorized to prepare and register a Notice of Vesting in the name of The Corporation of the City of Pickering;
3. That taxes totaling \$326,135.52 as set out in this report, of which the City's portion is \$95,136.06, to be written-off pursuant to the provisions of Subsection 354.3 of the *Municipal Act, 2001*;
4. That the corresponding penalty and interest be cancelled; and
5. That the appropriate City of Pickering officials be authorized to take the necessary actions as indicated in this report.

Executive Summary: Taxation staff recently conducted a property tax sale as per the *Municipal Act* (the Act), and the City received no bids. There were three properties offered for sale, however they have reduced marketability due to the fact they were all landlocked. The Act provides that the City Treasurer may recommend to Council that uncollectible property tax accounts may be written-off when a property has been subject to an unsuccessful property tax sale. Council has the authority through subsection 354.3 of the Act to write-off the property taxes. The outstanding property taxes will be charged to the City, Durham Region and the respective School Boards.

Additionally, the Act allows for the municipality to register a "Notice of Vesting" to acquire the property that was not sold through the property tax sale process. This report recommends that Council vest this property into City ownership.

Financial Implications: If approved, the write-off of taxes as contained in this report represents a gross cost of \$326,135.52 with a net cost to the City of approximately \$95,136.06 (the balance is charged back to the Region of Durham and School Boards accordingly). Pickering's share of the costs will be charged to the 2023 Current Budget allocation under General Government-Provision for Reduction in Property Taxes. The 2023 budget provision for Reduction in Property Taxes is \$451,750.00. This account is used to cover the corresponding

Subject: Write-off of Property Taxes and Vesting of Lands
 Related to Property Tax Sale

costs associated with property tax refunds mainly due to assessment appeals. Any unspent funds are transferred to the Assessment Reserve to eventually fund the resolution or settlement of assessment appeals. Over the last several years, during the annual budget presentation, the City’s Treasurer has made reference to the outstanding assessment appeals (multiple years) mainly for the commercial and industrial property tax class. This year, several of the assessment appeals have been settled. The year-to-date cost of property tax write-offs (City share) is \$836,206.00 and this amount includes the \$95,136.00 from the property tax sale process. The associated penalty to be cancelled is \$518,344.09.

Discussion: The City conducted a property tax sale for unpaid taxes on July 27, 2023 for three landlocked properties and no bids were received (unsuccessful tax sale). Pursuant to Section 354 of the *Municipal Act, 2001*, the Treasurer has the authority to recommend to Council that uncollectible taxes be written off after an unsuccessful tax sale. The only cost to the City is that the outstanding property taxes would be written-off in the same proportion as they were charged among the three levying bodies: City, Region and School Board (see table one below for allocation of property tax write-off).

Table One

Roll Number	City	Region	School Board	Total
010.021.06600	\$53,878.24	\$102,448.31	\$29,999.96	\$186,326.51
020.016.26170	\$ 6,992.17	\$ 10,935.90	\$ 4,110.54	\$ 22,038.61
020.017.00500	\$34,265.65	\$ 60,787.59	\$22,717.16	\$117,770.40
Total Tax Write-Off	\$95,136.06	\$174,171.80	\$56,827.66	\$326,135.52

Section 379 of the *Municipal Act, 2001* provides authority to Council to proceed with vesting of the lands into City ownership when a tax sale is unsuccessful. After consultation with City senior management team, it was determined that the City would be interested in two of these three properties.

Upon Council approval, a Notice of Vesting will be prepared and registered with the Land Registry Office.

If Council does not approve the vesting of lands and corresponding write off, property taxes will remain on the tax roll and increase taxes receivable.

Attachment:

1. Property Tax Sale – Location of Properties

Subject: Write-off of Property Taxes and Vesting of Lands
Related to Property Tax Sale

Prepared By:

Approved / Endorsed By:

Original Signed By:

Original Signed By:

Karen Uphoff
Supervisor, Taxation

James Halsall
Division Head, Finance

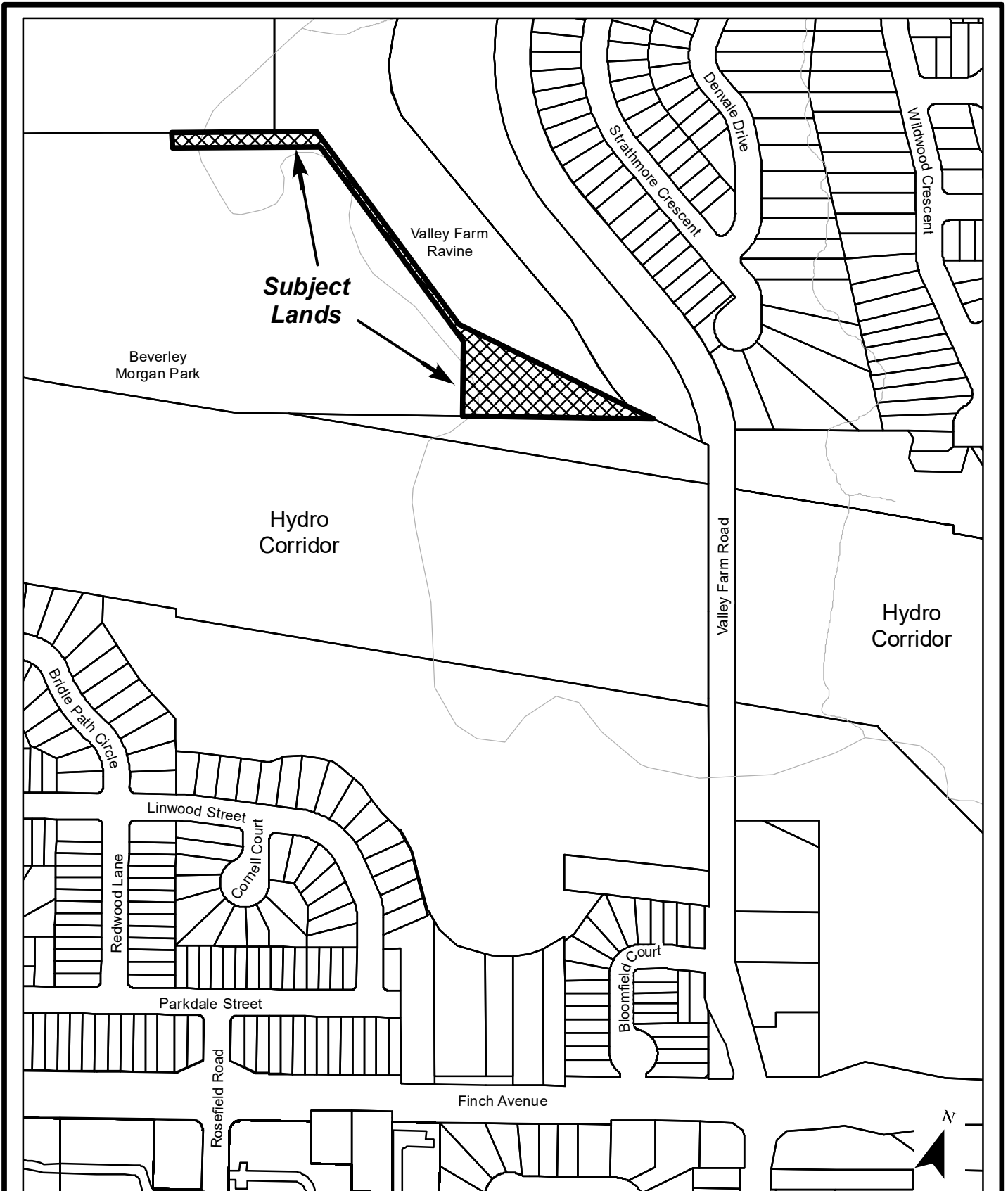
Original Signed By:

Stan Karwowski
Director, Finance & Treasurer

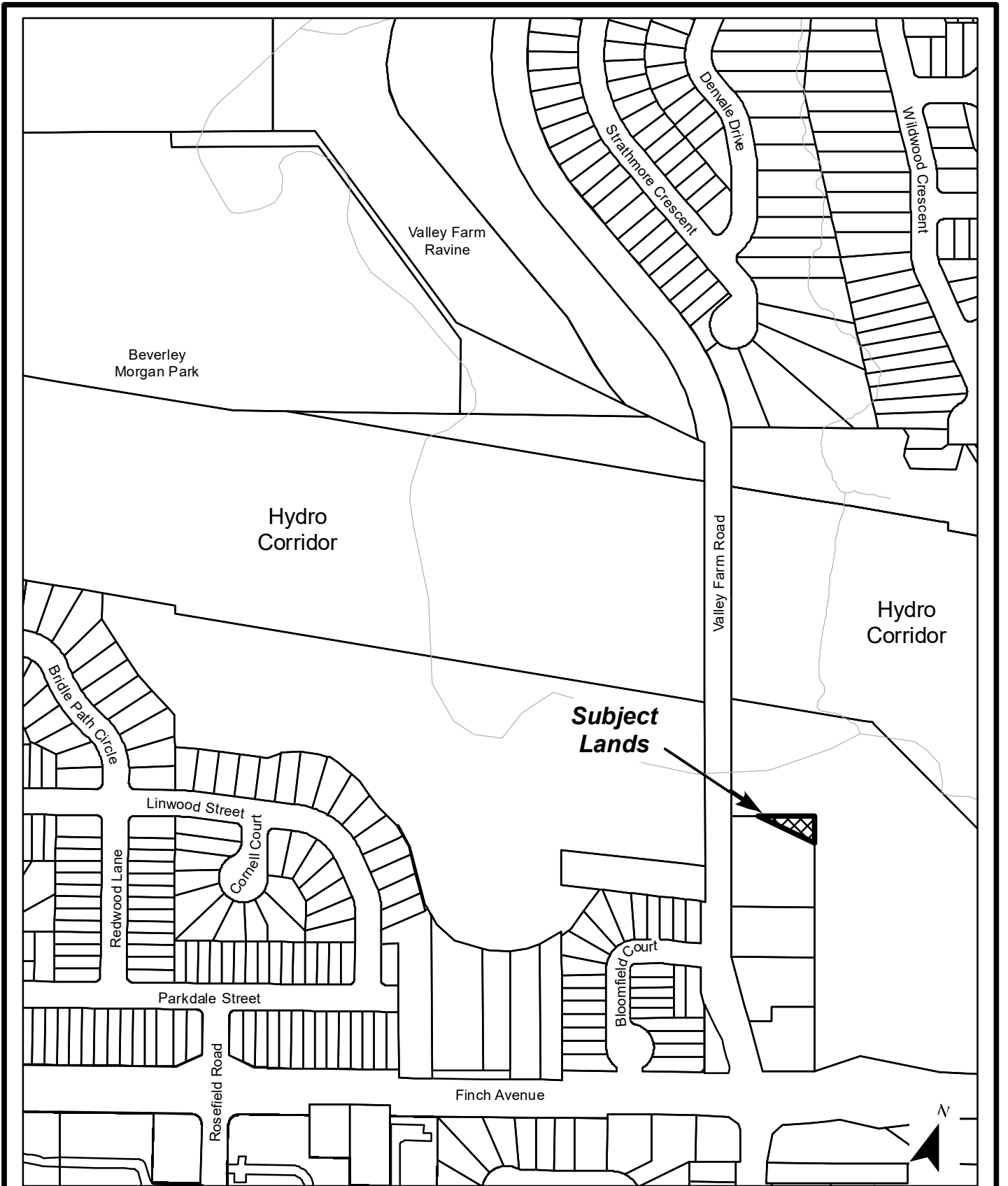
Recommended for the consideration
of Pickering City Council

Original Signed By:

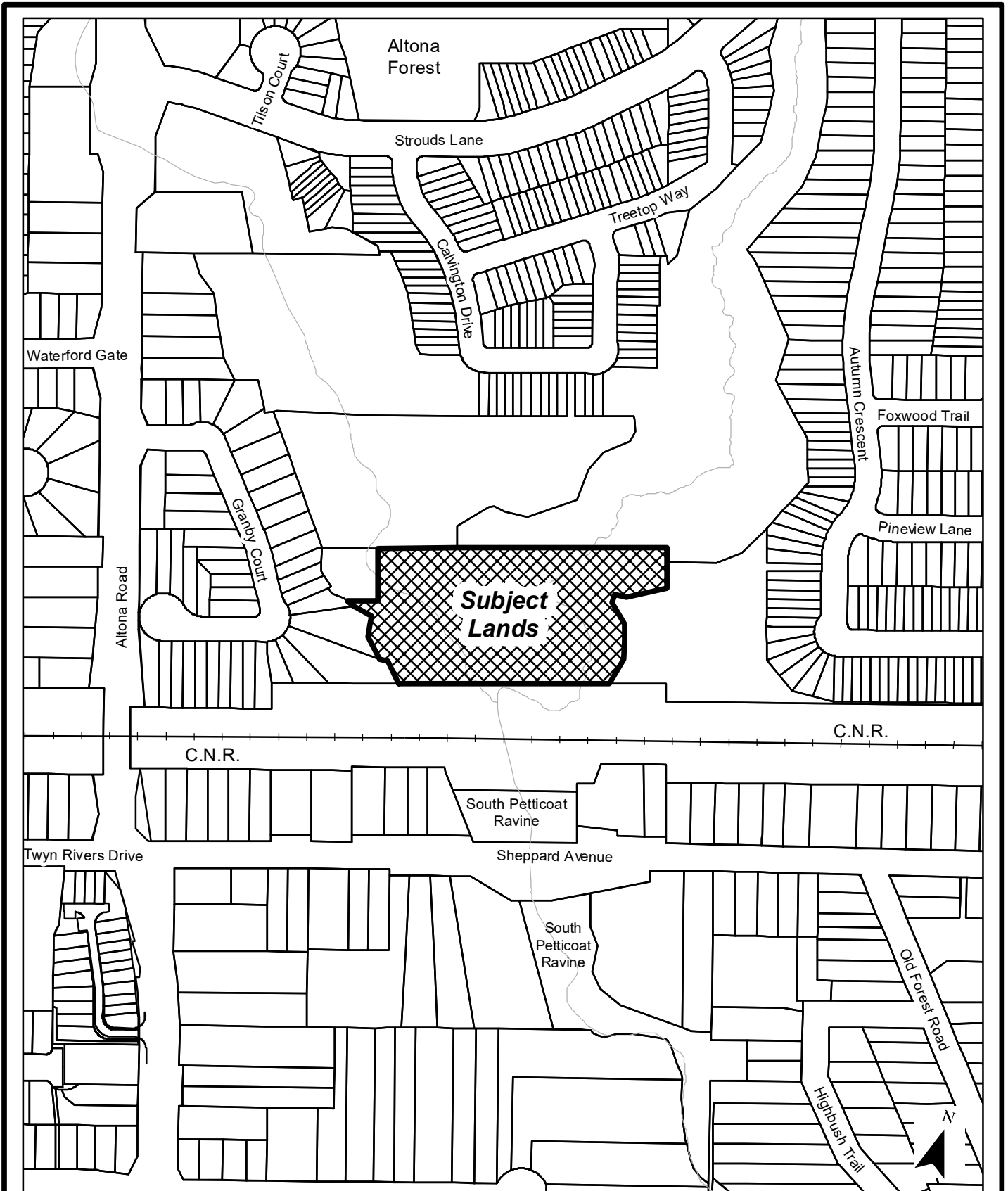
Marisa Carpino, M.A.
Chief Administrative Officer



<p><i>City of</i> PICKERING City Development Department</p>	<p>Location Map</p>
	<p>Property Roll Number: 180102001700500</p>
	<p>Municipal Address: Valley Farm Road</p>
	<p>Legal Description: CON 2 S PT LOT 21</p>
<p><small>© The Corporation of the City of Pickering Produced (in part) under license from: © King's Printer, Ontario Ministry of Natural Resources. All rights reserved.; © His Majesty the King in Right of Canada, Department of Natural Resources. All rights reserved.; © Teranet Enterprises Inc. and its suppliers. All rights reserved.; © Municipal Property Assessment Corporation and its suppliers. All rights reserved.</small></p>	<p>Date: Sep. 14, 2023</p>
	<p>SCALE: 1:4,000</p>
	<p><small>THIS IS NOT A PLAN OF SURVEY.</small></p>



<p><i>City of</i> PICKERING City Development Department</p>	Location Map	
	Property Roll Number: 180102001626170	
	Municipal Address: 2075 Valley Farm Road	
	Legal Description: CON 2 PT LT 20 NOW RP 40R4935 PT 2	
	<small>© The Corporation of the City of Pickering Produced (in part) under license from: © King's Printer, Ontario Ministry of Natural Resources. All rights reserved.; © His Majesty the King in Right of Canada, Department of Natural Resources. All rights reserved.; © Teranet Enterprises Inc. and its suppliers. All rights reserved.; © Municipal Property Assessment Corporation and its suppliers. All rights reserved.</small>	
Date: Sep. 14, 2023 SCALE: 1:4,000 <small>THIS IS NOT A PLAN OF SURVEY.</small>		




PICKERING
 City Development
 Department

Location Map	
Property Roll Number: 180101002106600	
Municipal Address: Granby Court	
Legal Description: PLAN 40M1923 BLKS 33 AND 34	
<small>© The Corporation of the City of Pickering Produced (in part) under license from: © King's Printer, Ontario Ministry of Natural Resources. All rights reserved.; © His Majesty the King in Right of Canada, Department of Natural Resources. All rights reserved.; © Teranet Enterprises Inc. and its suppliers. All rights reserved.; © Municipal Property Assessment Corporation and its suppliers. All rights reserved.</small>	
Date: Sep. 14, 2023	SCALE: 1:4,000
THIS IS NOT A PLAN OF SURVEY.	

From: Stan Karwowski
Director, Finance & Treasurer

Subject: Convenience Fee for Online Collection of Building Services Fees
- File: F-2000-001

Recommendation:

1. That Council provide authorization for the City to charge a convenience fee for online transactions for Building Services through the Pickering Residential Interface & Service Modernization (PRISM) portal;
 2. That Council authorize the Director, Finance & Treasurer to set and adjust the convenience fee as required for optimal cost recovery of online for current term of Council; and
 3. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report.
-

Executive Summary: Staff are recommending Council authorize a convenience fee be charged when applicants make an online application and payment for Building permits through the City's new Pickering Residential Interface & Service Modernization (PRISM) online application portal.

This new application portal, currently under deployment, allows for residents and other users to apply, make direct online payments, and receive digital services through upgrades to the AMANDA database software for Building permits.

The introduction of this convenience fee is to help recover the merchant fees that will be incurred on these Building permit fees that are processed through the portal.

Financial Implications: When a credit card transaction is processed online, the payment processor (merchant), charges the City a merchant fee for each transaction. The City's implementation of a convenience fee to the customer will allow the City to recuperate this expense.

The planned credit card (VISA and MasterCard only) fee, typically known as a "convenience fee" for online transactions, is only intended to allow for cost recovery; the intent is not for the City to make a profit from these fees.

The City is recommending setting the convenience fee at 2.65 percent and the maximum allowable transaction value at \$20,000. After the first year of implementation, the City will review the data and will adjust the fee if deemed necessary. In other words, if the merchant fees incurred by the City are significantly greater than the convenience fee received by the City, then the City may increase the fee percentage, and vice versa.

**Below Table Demonstrates the Logic of this Process
Payment in PRISM portal by credit card**

Customer Transaction:		Allocated to:	
City Permit Fee	\$ 100.00	City revenue account	
Convenience Fee (2.65%)	2.65	Misc revenue account	
Total Collection	\$ 102.65	Remitted to City	
Merchant Fee	\$ (2.65)	Financial Service Charges	
City Net Position	\$ 100.00		

The convenience fee **collected from users** will be booked to a revenue cost recovery account. The merchant fee is booked to the Financial Service Charges account. These fees will be monitored for the first year of operation to assess whether the service fee charged by the City should be adjusted. The segregation of these fees will allow City staff to review the net position of the cost recovery, and allow City staff to adjust the fee percentage charged to customers, as required, to allow for optimal cost recovery

Discussion: It is important to note that the convenience fee is not a revenue generation tool for the City. The charge is to help offset the merchant fees that are charged on those credit card transactions. The City will be capping the online transactions on the portal to a maximum of \$20,000 per transaction to mitigate risk of fraud and fluctuating fees.

Every credit card transaction processed by the City incurs merchant fees which range from 1.65% to 4.00% of the transaction value depending on the type of card and what cardholder perks may be attached to the card. The City has accepted this as a cost of doing business to a certain level. However, the City currently has in place a maximum dollar limit for credit card payments and has also exempted some City services from being paid by credit card in an effort to minimize the merchant fees incurred by the City. With the introduction of the online portal for processing and payment of Building Services revenue collection, a maximum dollar limit has been set at \$20,000 along with the introduction of a convenience fee of 2.65% to help offset some of those costs incurred. Both the convenience fee and the merchant fees for transactions processed through the portal will be charged to the Building Services cost centre.

These fees will be monitored for the first year of operation to assess whether the convenience fee charged by the City should be adjusted.

Prepared By:

Original Signed By:

Kristine Senior
Manager, Accounting Services

Approved/Endorsed By:

Original Signed By:

Stan Karwowski
Director, Finance & Treasurer

Original Signed By:

Kyle Bentley
Director, City Development & Chief
Building Official

Recommended for the consideration
of Pickering City Council

Original Signed By:

Marisa Carpino, M.A.
Chief Administrative Officer

From: Brian Duffield
Director, Operations

Subject: Supply & Delivery of Five 1 Ton Trucks
- Quotation No. Q2023-33
- File: A-1440

Recommendation:

1. That Quotation No. Q2023-33 submitted by Blue Mountain Chrysler Ltd. in the amount of \$488,570.00 (HST excluded) be accepted;
2. That the total gross project cost of \$552,084.10 (HST included) and the total net project cost of \$497,169.00 (net of HST rebate) be approved;
3. That Council authorize the Director, Finance & Treasurer to finance the total net project cost of \$497,169.00 as follows:
 - a) The sum of \$200,234.00 to be funded from the 5-year DC Debt as approved in the 2023 Capital Budget be revised to the DC – Other Highway Services Reserve Fund;
 - b) The sum of \$96,703.00 to be funded from the Vehicle Replacement Reserve as approved in the 2023 Capital Budget;
 - c) The sum of \$200,232.00 to be funded from DC – Parks & Recreation Reserve Fund as approved in the 2023 Capital Budget; and,
4. That the appropriate City of Pickering officials be authorized to take the necessary action to give effect hereto.

Executive Summary: The Public Works Division, within the Operations Department, currently utilizes 1 ton trucks for various works tasks. In the summer months, 1 ton trucks are used to maintain roadways, assist with new construction, and haul assorted materials. During the winter on-call season, 1 ton trucks are equipped with a plow and salter to meet required Minimum Maintenance Standards (MMS) under regulation O. Reg 239/02. Vehicle #747 has met or exceeded its scheduled replacement date. Additionally, four new 1 ton trucks were approved in the 2023 Capital Budget to service emerging communities in northern Pickering.

On July 18, 2023, Quotation No. Q2023-33 was advertised on the City's bids&tenders portal. Three Companies responded by the closing date of August 25, 2023. The quotation from Blue Mountain Chrysler Ltd. complied with all technical requirements and received an acceptable score highest from the Evaluation Committee.

In accordance with Purchasing Policy Item 06.11 (c), where the compliant quotation or tender meeting specifications and offering best value to the City is acceptable and the estimated total purchase price is over \$250,000.00, the Manager may approve the award, subject to the approval of the Director, Treasurer, CAO and Council.

Financial Implications:

1. Quotation Amount

Quotation No. Q2023-33	\$488,570.00
HST (13%)	<u>63,514.10</u>
Total Gross Quotation Cost	<u>\$552,084.10</u>

2. Estimated Project Costing Summary

Quotation No. Q2023-33	\$488,570.00
Total Project Cost	\$488,570.00
HST (13%)	<u>63,514.00</u>
Total Gross Project Cost	<u>\$552,084.00</u>
HST Rebate (11.24%)	<u>(54,915.00)</u>
Total Net Project Cost	<u>\$497,169.00</u>

3. Approved Source of Funds

Description	Account Code	Source of Funds	Available Budget	Required
1 Ton Truck with Aluminum Dump Body and Tailgate Lift	C10315.2306	DC Debt 5-Year	\$110,000.00	\$0.00
1 Ton Truck with Aluminum Dump Body and Tailgate Lift	C10315.2306	DC – Other Highway Services	0.00	100,117.00
1 Ton Truck with Aluminum Dump Body Replacement	C10315.2312	DC Debt 5-Year	110,000.00	0.00
1 Ton Truck with Aluminum Dump Body Replacement	C10315.2312	DC – Other Highway Services	0.00	100,117.00

Description	Account Code	Source of Funds	Available Budget	Required
1 Ton Dump Truck with Aluminum Body Plow and Salter (2)	C10320.2323	DC-Parks & Recreation	220,000.00	200,232.00
1 Ton Truck with Aluminum Dump Body and Lift Gate	C10320.2317	Vehicle Replacement Reserve	110,000.00	96,703.00
Total Funds			<u>\$550,000.00</u>	<u>\$497,169.00</u>

Project Cost under (over) approved funds by	\$52,831.00
---	-------------

Discussion: As reflected in the 2023 Capital Budget and funded from the Vehicle Replacement Reserve, vehicle #747 was approved for replacement. This vehicle has met or exceeded its scheduled replacement date and is recommended for replacement by Fleet Services. Additionally, four new 1 ton trucks were approved in the 2023 Capital Budget to service emerging communities in northern Pickering.

On July 18, 2023, Quotation No. Q2023-33 was advertised on the City’s bids&tenders portal. Three Companies responded by the closing date of August 25, 2023. The quotation from Blue Mountain Chrysler Ltd. complied with all technical requirements and received an acceptable score highest from the Evaluation Committee.

After careful review of submissions received, Operations’ staff recommend the acceptance of Quotation No. Q2023-33 submitted by Blue Mountain Chrysler Ltd., and that the total net project cost of \$497,169.00 (net of HST rebate) be approved.

Prepared By:

Approved/Endorsed By:

Original Signed By:

Original Signed By:

Matt Curren
Manager, Fleet Operations

Cathy Bazinet, CPPB, NIGP-CPP
Manager, Procurement

Original Signed By:

Brian Duffield
Director, Operations

MC:nm

Original Signed By:

Stan Karwowski, MBA, CPA, CMA
Director, Finance & Treasurer

Recommended for the consideration
of Pickering City Council

Original Signed By:

Marisa Carpino, M.A.
Chief Administrative Officer

From: Brian Duffield
Director, Operations

Subject: Ontario Infrastructure and Lands Corporation Licence Renewal Agreement
- File: A-1440

Recommendation:

1. That Report OPS 24-23 regarding Ontario Infrastructure and Lands Corporation Licence Renewal Agreement be received;
 2. That the Mayor and City Clerk be authorized to execute the License Renewal Agreement with Ontario Infrastructure and Lands Corporation to extend the term of the licence as set out in Attachment 1 to this Report, subject to the revisions agreeable to the Director, Operations and the Director, Corporate Services & City Solicitor; and,
 3. That the appropriate City of Pickering officials be authorized to take the necessary actions to give effect hereto.
-

Executive Summary: The attached draft Licence Renewal Agreement (Licence Agreement) between Ontario Infrastructure and Lands Corporation (Infrastructure Ontario) and the City of Pickering (the City) will continue to provide the City with much needed lands for recreational uses.

The City and Ontario Infrastructure entered into Licence Agreements for five-year terms on November 18, 2003, September 18, 2008, October 10, 2013, and December 18, 2018. Ontario Infrastructure is in agreement to amend the term of the Licence for another term of five-years, commencing on October 1, 2023 and ending on September 30, 2028.

Financial Implications: Under the existing agreement, the City is responsible for the full cost of maintenance on the lands used for recreational purposes, and for paying fifty percent (50%) of the annual reality taxes or other similar charges levied against the lands.

Discussion: The City of Pickering entered into the original Licence Agreement with Infrastructure Ontario dated November 18, 2003 for the lands in the City of Pickering, Regional Municipality of Durham located in part of Lot 20, Concession 2 in the City of Pickering, Regional Municipality of Durham as shown on the attached Schedule "A".

Schedule "A" lands consist of 0.60 acres identified as multiuse asphalt pathways that extend from Brock Ridge Community Park to Valley Farm Road on the north side of Duffins Creek. The multiuse pathway is an important recreational trail.

In order for the City of Pickering to continue providing recreational services on the land, a further renewal of the Licence Agreement in a form satisfactory to the Director, Corporate Services & City Solicitor, is required.

The Director, Operations recommends extending the Licence Agreement for a further five-year term (October 1, 2023 to September 30, 2028) be entered into, and that Council authorize the Mayor and City Clerk to execute the agreement in its final form.

Attachment:

1. Draft Licence Renewal Agreement
-

Prepared By:

Original Signed By:

Rob Gagen
Manager, Parks & Property

Approved/Endorsed By:

Original Signed By:

Brian Duffield
Director, Operations

BD:rg

Recommended for the consideration
of Pickering City Council

Original Signed By:

Marisa Carpino, M.A.
Chief Administrative Officer

HYDRO CORRIDOR Licence Renewal (rec.) - Sept 2022

LICENCE RENEWAL AGREEMENT – (RECREATIONAL)

BETWEEN:

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO
as represented by THE MINISTER OF INFRASTRUCTURE**

(hereinafter called the "Licensor")

- and -

THE CITY OF PICKERING

(hereinafter called the "Licensee")

WHEREAS:

- A. Ontario Infrastructure and Lands Corporation acting as agent on behalf of His Majesty The King in right of Ontario as represented by the Chair of Management Board of Cabinet (previously the Minister of Economic Development, Employment and Infrastructure or Minister of Infrastructure) now the Minister of Government and Consumer Services entered into a Licence Agreement with the Licensee, dated November 18th, 2003 (the "Licence Agreement"), regarding certain lands located in the City of Pickering, in the Regional Municipality of Durham, described as Part of Lot 20, Concession 2, Geographic Township of Pickering, comprising an area of approximately 0.6 acre, (the "Licence Lands") for the purpose of recreational purposes only;
- B. The Minister of Infrastructure is responsible for certain aspects of government real property pursuant to the *Ministry of Infrastructure Act*, S.O. 2011, c. 9, Sched 27;
- C. Ontario Infrastructure and Lands Corporation confirms that it is the designated agent of the Minister of Infrastructure with authority to act in respect of the Licence Agreement.

IN CONSIDERATION of the mutual covenants hereinafter set forth and the sum of two dollars (\$2.00) paid by the Licensee to the Licensor, the receipt whereof is hereby acknowledged, and other good and valuable consideration, the Licensor and the Licensee agree as follows:

1. The Licence Agreement is hereby renewed, subject to the terms set out below.
2. "Licensor" shall include for the purpose of any exculpatory clause and/or indemnity included in favour of the Licensor, Ontario Infrastructure and Lands Corporation.
3. The Term of the Licence Agreement shall be five (5) years, commencing on the 1st day of October, 2023.

4. The Licensee shall pay to the Licensor an amount equal to Fifty percent (50%) of the annual realty taxes or grants and/or payments in lieu thereof payable with respect to the Licence Lands, as owned by the Licensor and used by the Licensee pursuant to the Licence Agreement for the purposes stated herein.
5. The Licensor's address for service of notice pursuant to the notice section of the Licence Agreement and other related particulars are amended as follows:

Ontario Infrastructure and Lands Corporation
Real Estate Transactions
1 Dundas Street West, Suite 2000
Toronto, Ontario
M5G 1Z3

Attention: Director, Hydro Land Transactions
Telephone: (437) 537-5511
Facsimile: (416) 327-3942

With a copy to:

Attention: Director, Legal Services (Real Estate)
1 Dundas Street West
Suite 2000
Toronto, ON M5G 1Z3
Facsimile: 416-327-3376

6. All terms which are defined in the Licence Agreement shall have the same meaning when used in this Licence Renewal Agreement unless they are amended herein.
7. Except as they may be amended by this Licence Renewal Agreement, all of the terms and conditions of the Licence Agreement shall apply to the renewed Term and shall be binding upon and enure to the benefit of the Licensor and the Licensee.
8. This Licence Renewal Agreement may be offered and accepted by electronic or facsimile transmission and by different parties in separate counterparts, each of which when so executed shall be deemed to be an original and all of which taken together shall constitute one and the same agreement. Delivery by facsimile or by electronic transmission in portable document format of an executed counterpart is as effective as delivery of an originally executed counterpart.
9. The Licensee acknowledges that this Agreement and any related information, documents and/or Data (as defined in the Open Data Directive) may be released pursuant to the *Freedom of Information and Protection of Privacy Act (Ontario)* or the Open Data Directive issued under the *Management Board of Cabinet Act (Ontario)*, as each may be amended or replaced from time to time.

IN WITNESS WHEREOF the parties hereto have executed this Licence Renewal Agreement.

Signed by the Licensee at _____ this _____ day of _____ 20__.

THE CITY OF PICKERING

Per: _____

Name:

Title:

Per: _____

Name:

Title:

I/We have authority to bind the Corporation

Signed by the Licensor at _____ this _____ day of _____ 20__.

**HIS MAJESTY THE KING IN RIGHT OF
ONTARIO as represented by THE MINISTER OF
INFRASTRUCTURE, as represented by ONTARIO
INFRASTRUCTURE AND LANDS
CORPORATION**

Per: _____

Name:

Title:

Authorized Signing Officer



Schedule "A"

HONI File: PICKERING C 632.1-569

Tenant(s): CITY OF PICKERING

Legal Description: Part of Lot 20, Concession 2,
City of Pickering, Regional Municipality of Durham

Licensed Area: 0.60 acres

-  **Lands Owned by His Majesty the King in the Right of Ontario**
-  **Licensed Area**



From: Kyle Bentley
Director, City Development & CBO

Subject: City of Pickering's Blue Box Producer Responsibilities
- File: D-7001-24

Recommendation:

1. That the Mayor and City Clerk be authorized to execute the Executive Attestation form with the Resource Productivity and Recovery Authority as contained in Appendix I to this report, subject to minor revisions as may be required by the Director, Corporate Services & City Solicitor, Director, Finance & Treasurer, and/or Chief Administrative Officer;
 2. That the Mayor and City Clerk be authorized to enter into a Producer Services Agreement with Circular Materials effective until December 2024 contained in Appendix II to this report, subject to minor revisions as may be required by the Director, Corporate Services & City Solicitor, Director, Finance & Treasurer, and/or Chief Administrative Officer;
 3. That the appropriate officials of the City of Pickering be authorized to take the necessary actions as indicated in this report; and
 4. That appropriate City staff undertake necessary associated actions.
-

Executive Summary: As directed by the *Resource Recovery and Circular Economy Act* (2016) (RRCEA) and Blue Box Regulation (O. Reg 391/21), the Blue Box Program is in transition to a system that will be managed through Extended Producer Responsibility. Extended Producer Responsibility means producers are fully responsible for managing and paying for the life cycle of their products and packaging. This concept is based on the idea that those that design, create and market products and packaging are in the best position to reduce waste or increase resources that can be recovered from their products. Transition within the Province of Ontario started in 2023 and is expected to take three years. The Blue Box Program overseen by the Region of Durham is expected to transition to producer responsibility on July 1, 2024.

Through this regulation, many municipalities, including the City of Pickering, are obligated as Blue Box Producers for managing the blue box materials they supply to consumers in Ontario. Specifically, the City is subject to the requirements within the paper materials category, as it produces a number of paper products that end up in a consumers' blue box, including for example, tax bills, envelopes, voting documentation, flyers, and brochures.

To determine whether the City of Pickering was a Blue Box Producer, staff reviewed details of the revenue-based exemption, as well as the supply threshold exemption. As outlined in the Discussion section of this report, based on revenue and supply, the City of Pickering is not eligible for either exemption at this time, and is obligated to comply as a Blue Box Producer. As such, the City of Pickering is required take the following two steps:

1. Register with the Resource Productivity and Recovery Authority (RPRA) by executing the attached Executive Attestation form, and paying an annual program fee.
2. Sign up with an approved Producer Responsibility Organization (PRO) who will report on, and satisfy, obligations for the municipality with the RPRA.

Staff contacted two PRO's and obtained a quote from Circular Materials, a national not-for-profit organization created and governed by producers, that reports to be the largest Blue Box PRO by producer supplied tonnage. Region of Durham and Town of Ajax staff have also reported to be working with Circular Materials.

Through Recommendations set out in this report, staff are seeking Council approval to undertake the necessary steps to ensure compliance with the obligations set out in the regulation as a Blue Box Producer.

Financial Implications: The annual RPRA registry fee (under \$100.00 HST included) and Circular Materials service agreement fee (\$2,000.00 plus HST) is recommended by staff to be funded through City Development's account line Outside Agency Services 502260.00000.9720 in the 2023 Current Budget. For 2024 and on a go-forward basis, these fees will be reflected in draft budget in an appropriate corporate cost centre.

Discussion: The *Resource Recovery and Circular Economy Act* (2016) (RRCEA) and Blue Box Regulation (O. Reg 391/21) provides direction for producer responsibility regulations in Ontario. The objective of these regulations is to transition the waste management responsibility from municipalities to producers of the materials. A number of products have already transitioned to this program, including tires, single-use batteries, hazardous products and electrical and electronic equipment. The Blue Box Program for Ontario municipalities is expected to transition over three years, starting in 2023. The program overseen by the Region of Durham is expected to transition to producer responsibility on July 1, 2024.

Through this regulation, many municipalities, including the City of Pickering, have obligations as Blue Box Producers since they supply blue box materials to consumers in Ontario. To determine if the municipality is a producer, information was examined pertaining to producer exemptions. Under the Blue Box Regulation, there are two kinds of exemptions that can apply to producers: one based on a producer's gross annual revenue, and one based on the weight of blue box materials supplied into Ontario.

Small producers whose gross annual revenue from products and services in Ontario that is less than \$2 million are exempt from registration, reporting, collection, management and promotion and education requirements under the regulation. The City of Pickering is not eligible for this exemption.

Supply-based exemption applies if the supply weight in the material category is less than the tonnage exemption threshold. There are different material categories, the category that applies to most municipalities and to the City of Pickering is paper. For paper, the threshold is 9,000 kg. Paper products that the municipality produces that enter into the blue box system include for example: direct mail, magazines, tax bills, envelopes, voting documentation, flyers, parking permits, guides, brochures, cheques, etc. Since many municipalities may not have been recording this data over the past few years, the Continuous Improvement Fund was hired to work with RPRA to produce a calculator tool that municipalities could use to estimate paper weight based on population. For the purpose of reporting, staff used this calculator to determine the City of Pickering's paper weight. Based on this calculation, the City is not eligible for this exemption. At this time, municipalities will be able to use the calculator for reporting requirements in 2024, however, in the long term, they will need to develop an internal process to track paper weights that are supplied to consumers and end up in the blue box stream.

To comply as a Producer, the City is required to undertake a number of steps. First, the municipality must register with the Resource Productivity and Recovery Authority (RPRA) by executing the attached Executive Attestation form, and paying an annual program fee. The RPRA is the regulator that was mandated by the Ontario Government to enforce provincial circular economy laws (*Resource Recovery & Circular Economy Act, 2016 & Waste Diversion Transition Act, 2016*). The form only needs to be executed once, but the registry fee must be paid annually. The fee is calculated in the system based on the supply data provided. The City of Pickering's fee is less than \$100.00 at this time.

Once registration with the RPRA is complete, the municipality must sign up with an approved Producer Responsibility Organization (PRO) who will report on, and satisfy, obligations for the municipality with the RPRA. Staff contacted two PRO's and met with Circular Materials. Circular Materials is a national not-for-profit organization created and governed by producers and reports to be the largest blue box PRO by producer supplied tonnage. Staff from the Region of Durham and Town of Ajax indicated they entered into an agreement with Circular Materials. Circular Materials quoted Pickering \$2,000.00 plus HST for 2023 reporting requirements (July – December 2023). A separate quote will be obtained for service from January 2024 – December 2024. The Circular Materials Producer Services Agreement has been reviewed by staff from Legal, Information Technology, and Finance. Although Circular Materials mark the Producer Services Agreement as confidential, they approved its inclusion in this Report to Council. To comply with regulations as a Blue Box Producer, staff seek Council approval to undertake the necessary actions with the RPRA and Circular Materials as outlined in this report.

Appendices:

- Appendix I RPRA Executive Attestation
- Appendix II Circular Materials Producer Services Agreement

Prepared By:

Approved/Endorsed By:

Original Signed By

Original Signed By

Chantal Whitaker, BESC (Hons), CSR-P
Manager, Sustainability & Strategic
Environmental Initiatives

Kyle Bentley, P. Eng.
Director, City Development & CBO

CW:ld

Recommended for the consideration
of Pickering City Council

Original Signed By

Marisa Carpino, M.A.
Chief Administrative Officer

RPRA Executive Attestation

This document must be completed by an officer of the corporation and submitted with your initial market supply data report.

It is an offence to submit false or misleading information to the Authority.

I declare that:

- (a) I have authority to bind the corporation; and
- (b) the producer market supply data information submitted by the corporation along with this executive attestation is accurate and complete.

I understand that in addition to the requirement to submit market supply data to the Authority, the corporation may have other compliance requirements to meet under the *Resource Recovery and Circular Economy Act, 2016* and regulations, and that it is the responsibility of the corporation to ensure that it understands and complies with those additional compliance requirements.

First Name		Last Name	
Title			
Business Address			
Legal Business Name			
Name Business is Operated Under (if different from corporation name)			
Unit Number	Street Number	Street Name	
City/Town	Province/State	Country	Postal Code
Telephone Number (with area code)		Email Address	

When this form has been completed, please send it back to the Compliance Officer. The original signed document must be kept in accordance with the *Resource Recovery and Circular Economy Act, 2016* and accompanying regulations.

Information collected in this **Executive Attestation Form** is collected under the authority of the *Resource Recovery and Circular Economy Act, 2016*. The information will be used for the administration of the Act and may be disclosed for that purpose in accordance with the Act and the Authority's Access and Privacy Code. If you have any questions about the collection, use and disclosure of the information, please contact the Authority by email at registry@rpra.ca or by phone at +1-647-496-0530 or 1-833-600-0530.

Circular Materials Producer Services Agreement

Producer Services Agreement



CIRCULAR
M A T E R I A L S

CONFIDENTIAL



TABLE OF CONTENTS

Page

Table of Contents

1.0 DEFINITIONS 1

1.1 Definitions 1

2.0 YOUR OBLIGATIONS 3

3.0 CIRCULAR MATERIALS ONTARIO OBLIGATIONS 7

3.1 CMO Warranties 7

3.2 Unique Identifier 7

3.3 CMO's Services 7

 3.3.1 Producer Reporting Obligations 7

 3.3.2 Producer Collection Obligations 8

 3.3.3 Alternative and Supplemental Collection Systems 8

 3.3.4 Producer Management Obligations 9

 3.3.5 Producer Public Promotion and Education Obligations 9

 3.3.6 Record Keeping and Audit Obligations 9

3.4 Reporting and Disclosure and Related Matters 9

3.5 Fee Setting 11

3.6 Insurance 12

3.7 Information Technology Requirements 13

4.0 LIMITATION OF LIABILITY AND INDEMNITY 14

4.1 Limitation of Liability 14

4.2 Company Indemnity Obligations 14

4.3 CMO Indemnity Obligations 15

4.4 Survival 15

5.0 REPRESENTATIONS AND WARRANTIES 15

6.0 SUCCESSORS AND ASSIGNS 16

7.0 CONFIDENTIALITY 17

8.0 TERM 19

8.1 Term 19

8.2 Mutual Termination Rights 19

8.3 Termination by CMO 20

8.4 Termination by the Company 20

9.0 GENERAL 20

9.1 Headings 20

9.2 Disputes 20

-i-

CONFIDENTIAL

TABLE OF CONTENTS
(continued)

	Page
9.3 Entire Agreement	23
9.4 Currency	23
9.5 Force Majeure	23
9.6 Relationship of the Parties	23
9.7 Severability	23
9.8 Notices	24
9.9 Choice of Forum	24
9.10 Governing Law	24
9.11 Waiver	24
9.12 Survival	25
9.13 Further Assurances	25
9.14 Revisions to this Agreement	25
10.0 EXECUTION OF THIS AGREEMENT	25
APPENDIX A - BLUE BOX MATERIAL REPORTING CATEGORIES	27



THIS PRODUCER SERVICES AGREEMENT (the “**Agreement**”) is made effective as of the Effective Date.

BETWEEN:

(“**Company**”, “**You**” or “**Your**”)

AND

CIRCULAR MATERIALS

a federal not-for-profit corporation having its head office at 700-1 St. Clair Ave. W, Toronto ON M4V 1K6, operating as Circular Materials Ontario (“**Circular Materials**”, “**CMO**”, “**We**”, “**Our**” or “**Us**”)

WHEREAS You are a Producer pursuant to Ontario Regulation 391/21 (as amended from time to time, the “**Regulation**”) for Blue Box Material and subject to certain obligations set out therein;

AND WHEREAS the Regulation permits You to enter into agreements with a Producer Responsibility Organization to provide certain services for You in respect of certain of Your obligations in the Regulation;

AND WHEREAS Circular Materials is registered with the Resource Productivity and Recovery Authority as a Producer Responsibility Organization to offer services to Producers in respect of the Regulation, including but not limited to:

- Providing services under Parts IV (Collection), V (Alternative Collection System), VI (Management) and VIII (Promotion and Education) of the Regulation;
- Supporting Producers for any alternative or supplemental collection systems they may choose to establish and/or operate; and,
- Supporting administrative, promotion and education, and reporting services and programs;

AND WHEREAS You wish to receive services from Circular Materials in respect of certain of Your obligations as a Producer under the Regulation.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1.0 DEFINITIONS

1.1 Definitions. Capitalized terms in this Agreement have the following meanings:

“**Affiliate**” has the meaning assigned to it in section 1(1) of the *Business Corporations Act* (Ontario), RSO 1990, c B. 16, as such act may be amended from time to time;



“Annual Producer Report” means the report submitted each Fee Obligation Year by You to Circular Materials in accordance with the terms of this Agreement;

“Authority” means the Resource Productivity and Recovery Authority and has the meaning assigned in the Legislation;

“Blue Box Material” has the meaning assigned in the Regulation;

“Blue Box Verification and Audit Procedure” has the meaning assigned in the Regulation;

“Business Day” means any day on which commercial banks are open for business in the City of Toronto, Ontario but does not include a Saturday, Sunday or a statutory holiday observed in the Province of Ontario;

“CMO Subscribers” means Producers who have entered into an agreement with Circular Materials for the purposes of carrying out the responsibilities set out in this Agreement;

“Consumer” has the meaning assigned in the Regulation;

“Effective Date” has the meaning assigned on the signature page of this Agreement;

“Eligible Source” has the meaning assigned in the Regulation;

“Fee Obligation Year” means the calendar year for which a Producer is required to remit Fees to Circular Materials;

“Fee Rates” means the fee for each Blue Box Material or group of similar Blue Box Material payable by You to Circular Materials pursuant to this Agreement;

“Fees” means the total of the Fee Rates applied to the quantity of Blue Box Material You supplied to consumers in Ontario in the Report Data Year payable by You to Circular Materials pursuant to this Agreement;

“Legislation” means the *Ontario Resource Recovery and Circular Economy Act, 2016*, S.O. 2016, c. 12, Sch. 1, as such act may be amended from time to time;

“Ministry” means the Ministry of the Environment, Conservation and Parks for Ontario or any successor ministry;

“Participant Agreement” has the meaning assigned in Section 2.13;

“Party” means either the Company or CMO and **“Parties”** means both the Company and CMO;

“Portal” means the web-based portal established by Circular Materials for registration and reporting;



“Primary Contact” means an individual appointed in Your organization as Your authorized agent under whose authority Your Annual Producer Report is filed;

“Producer Responsibility Organization” has the meaning assigned in the Regulation;

“Producer” has the meaning assigned in the Regulation;

“Registrar” means the Registrar appointed by the Authority in accordance with the Legislation;

“Registry” means the electronic public registry established, maintained and operated by the Authority and as further defined in the Legislation;

“Regulation” means Ontario Regulation 391/21, as amended from time to time;

“Report Data Year” means the calendar year preceding the calendar year in which a Producer is required to file an Annual Producer Report in accordance with the terms of this Agreement;

“Report Obligation Year” means the calendar year in which a Producer is required to file an Annual Producer Report in accordance with the terms of this Agreement;

“Supply” has the meaning assigned in the Regulation, and “Supplies” and “Supplied” have a corresponding meaning.

All capitalized terms used but not otherwise defined in this Agreement shall have the meanings assigned to such terms in the Regulation and/or the Legislation, as applicable.

2.0 YOUR OBLIGATIONS

2.1 During the Term of this Agreement, You shall:

2.1.1 Notify CMO when executing this Agreement, or as soon as reasonably practicable thereafter, if You intend to implement and operate an alternative collection system or a supplemental collection system as contemplated in the Regulation; and

2.1.2 Not enter into agreements to collect or manage Blue Box Material except those associated with an alternative collection system or supplemental collection system for which You have provided CMO with notice as set out in Section 2.1.1.

2.2 You shall successfully complete and maintain registration with the Authority as a Producer in accordance with the Regulation. You shall inform CMO in writing, as soon as practicable and in any event within thirty (30) days of making any changes to Your registration, including changes to the registered company name, address or contact information previously provided to CMO or the Registry.

2.3 You shall designate Circular Materials as a contact in Your account for Blue Box on the Registry, and You shall make the arrangements necessary with the Authority and in the Registry



to allow CMO to access your Registry account in order to make submissions to the Authority on Your behalf.

2.4 You shall report, to the Authority, the information required in subparagraphs (i) to (v) of subsection 45 (3) (3.) of the Regulation in the Registry within 30 days of executing this Agreement, including the name, contact information and unique identifier assigned by the Registrar to CMO (00008951) as the Producer Responsibility Organization retained by You, and that CMO will provide the following services to You:

1. Collection services under Part IV of the Regulation;
2. Collection services under Part V of the Regulation, if You and CMO have entered into an agreement to that effect;
3. Management services under Part VI of the Regulation;
4. Promotion and education services under Part VIII of the Regulation;
5. Reporting services as set out in Section 3.3.1 of this Agreement; and
6. Any other services which CMO has agreed in writing to provide You and as may be required by the Regulation in accordance with Your registration with the Authority.

2.5 Subject to any reporting specification by the Authority, including in the Blue Box Verification and Audit Procedure, You shall submit an Annual Producer Report containing the information set out in this Section in respect of Blue Box Material You Supplied to Consumers in Ontario for each Report Data Year to CMO through the Portal:

1. The total weight of Blue Box Material in each material category set out in Appendix A;
2. The weight of Blue Box Material in each material category required to be submitted under paragraph 2.5(1.), above, that was,
 - (a) deposited into a receptacle at a location that is:
 - (i) not an Eligible Source; and
 - (ii) where the product related to the Blue Box Material was Supplied and used or consumed; and
 - (b) collected from an Eligible Source at the time a related product was installed or delivered.
3. If You Supply Blue Box Material in the certified compostable products and packaging material category, the weight of Blue Box Material certified under each applicable international, national or industry standard.

You shall report the information by the dates in Column B of the following table. If the information is received via the Portal by CMO on the date in Column B, and if You have made the arrangements necessary to allow CMO to access your Registry account (pursuant to Section 2.3), CMO will submit the information to the Registry by the date set out in Column C, unless otherwise agreed to in writing with CMO. If the information is received via the Portal by CMO after the date in Column B, CMO will submit the information to the Registry within five (5) Business Days following the date the Report is



submitted in the Portal. Failure to submit the information to CMO does not release You from the obligation to report the information to the Authority.

Column A	Column B		Column C
Report Data Year	Report Obligation Year	Deadline for Producer to submit to CMO	Deadline for CMO to submit to the Registry on the Producer's behalf
2021	2022	By October 14, 2022	By October 31, 2022
2022	2023	By April 15, 2023	By April 30, 2023
Each subsequent year	Each subsequent year	By April 15 of the Report Obligation Year	By April 30 of the Report Obligation Year

2.6 You shall keep and retain records, in paper or electronic format, related to the weight of Blue Box Material You Supplied to Consumers in Ontario for five years from the date of Supply.

2.7 With respect to the information for Blue Box Material Supplied to Consumers by You required to be submitted under Section 2.5, You shall also provide, upon request by CMO, any substantiation required to verify the quantities, brands and Affiliates, the methodology and validation data, which may include:

1. Product categorization data such as SKU or UPC;
2. Descriptions of each product item or group;
3. Product sizes;
4. Packaging materials and weight;
5. Sales volumes;
6. Reasonable evidence to support the deduction of Blue Box Material that was a) deposited into a receptacle at a location that is not an Eligible Source and where the product related to the Blue Box Material was Supplied and used or consumed, and b) collected from an Eligible Source at the time a related product was installed or delivered; and
7. Any other information reasonably requested by CMO or the Authority or as may be required pursuant to the Blue Box Audit and Verification Procedure.

2.8 You shall inform CMO within five (5) Business Days upon becoming aware that any information submitted to CMO under this Agreement or to the Registry under the Regulation is not accurate or complete (pursuant to the Blue Box Verification and Audit Procedure) and shall, within twenty (20) Business Days thereafter, supply to CMO by email to info@circularmaterials.ca a statement in writing explaining the inaccuracy or incompleteness together with the corrected or completed information.



2.9 You shall pay the applicable Fees determined by CMO in respect of each Fee Obligation Year. An invoice for the Fees for each Fee Obligation Year will be emailed to the person identified in the Portal to receive invoices upon submission of the Report. The invoice shall be payable by You in either one (1) annual payment due on June 30th or four (4) equal instalments, with such instalments due on January 31st, April 30th, July 31st and October 31st of the respective Fee Obligation Year (“**Fee Payment Dates**”). All sums payable under this Agreement are exclusive of any applicable taxes which shall be added to such sum to the extent applicable. All sums payable under and in accordance with the Agreement by You shall be paid in full without any deduction, withholding, counterclaim or set off.

2.10 Where a correction under subsection 2.8 results in additional Fees payable by You to CMO for a certain Fee Obligation Year, the additional Fees will be added to the amount due on the next Fee Payment Date. Where the additional Fees payable by You to CMO pursuant to such a correction represent five per cent (5%) or more of the total Fees due for the Obligation Year, the additional Fees above five per cent (5%) are subject to the interest and late payment obligations of Section 2.12. Where a correction under subsection 2.8 results in a decrease in Fees payable (and actually paid) by You in the current or either of the two (2) previous years, You will be credited for such difference in Your subsequent invoice.

2.11 You are obligated to pay Fees corresponding to the period from the Effective Date of this Agreement until the date of expiry or earlier termination of this Agreement. Fees are due in the Fee Obligation Year on the Fee Payment Dates and are calculated using data reported by You in the Report Obligation Year representing Blue Box Material Supplied to Consumers in the Report Data Year, as set out as examples in the table below.

Fee Obligation Year	Report Obligation Year	Report Data Year
2023	2022	2021
2024	2023	2022
2025	2024	2023

2.12 If You fail to pay any Fees by the applicable Fee Payment Date, then, in addition to all other remedies available under this Agreement or at law (which CMO does not waive by the exercise of any right under this Section), all such payments bear interest at the rate of five percent (5%) per annum, calculated daily and compounded monthly (for a net compounded rate of 5.11619% per annum), starting on the date such Fees are due until and including the date the overdue amount plus interest is paid. You shall also reimburse CMO for all reasonable costs incurred in collecting any overdue payments and related interest, including, without limitation, legal fees, legal costs, court costs and collection agency fees.

2.13 If You supply beverages and their containers to consumers for personal, family, household or business purposes, You shall enter into a participant agreement with the Canadian Beverage Container Recycling Association Ontario (the “**CBCRA**”) for supplemental beverage container collection services (a “**Participant Agreement**”). Upon entering such Participant Agreement, You agree that, notwithstanding anything to the contrary in this Agreement (including the provisions of Article 7.0), CMO may share certain data regarding the Company with CBCRA to the extent reasonably necessary to give effect to the Participant



Agreement and in accordance with existing confidentiality obligations between CMO and the CBCRA.

3.0 CIRCULAR MATERIALS ONTARIO OBLIGATIONS

3.1 CMO Warranties

CMO shall:

1. Comply in all material respects with all applicable laws (including privacy laws, the *Competition Act* (Canada), the *Environmental Protection Act* (Ontario), the Legislation, and the Regulation); and
2. Exercise the skill and expertise reasonably expected of a Producer Responsibility Organization registered with the Authority.

3.2 Unique Identifier

CMO shall assign to You the following unique identifying number:

The unique identifying number assigned to CMO by the Registrar is 00008951.

3.3 CMO's Services

3.3.1 Producer Reporting Obligations

3.3.1.1. Subject to Section 2.5, CMO shall report to the Registry on behalf of the Company the following information in respect of the Company by the dates set out in Column C of the table in Section 2.5:

1. The weight of the Company's Blue Box Material in each material category set out in the Regulation.
2. The weight of the Company's Blue Box Material in each material category required to be submitted under paragraph 1) that was,
 - (a) deposited into a receptacle at a location that is
 - (i) not an Eligible Source, and
 - (ii) where the product related to the Blue Box Material was Supplied and used or consumed, and
 - (b) collected from an Eligible Source at the time a related product was installed or delivered.
3. The weight of the Company's Blue Box Material in each material category required to be submitted under paragraph 1) minus the weight of Blue Box Material in each material category required to be submitted under paragraph 2).
4. If the Company Supplies Blue Box Material in the certified compostable products and packaging material category, the weight of the Company's Blue Box Material in that material category certified under each applicable international, national or industry standard.



3.3.1.2. Subject to Section 2.5, CMO shall prepare and submit, on behalf of the Company, the annual reports containing the information required to be submitted by a Producer described in sections 50 and 51 of the Regulation. CMO shall also prepare and submit, on Your behalf, the annual report required to be submitted by Producer Responsibility Organizations under section 52 of the Regulation.

3.3.1.3. On behalf of the Company, CMO shall submit a copy of the report(s) contemplated by Section 3.3.6.2 of this Agreement regarding the audit of the Company's and/or CMO's practices and procedures, as applicable, implemented in respect of Part VI (and required by section 67) of the Regulation.

3.3.1.4. If the Company has not complied with the information and submission timeline obligations set out in Section 2.5 but has provided CMO with the information set out above in Sections 3.3.1.1 to 3.3.1.3, CMO shall make commercially reasonable efforts to submit such information or to assist the Company in submitting such information to the Registry.

3.3.2 Producer Collection Obligations

3.3.2.1. CMO shall establish and operate a collection system in accordance with Part IV of the Regulation and shall provide collection services on Your behalf.

3.3.2.2. Delivery of the services set out in Section 3.3.2.1 shall commence for the Eligible Sources on the Eligible Source's transition date on or after July 1, 2023.

3.3.3 Alternative and Supplemental Collection Systems

3.3.3.1. If the Company notifies CMO that it desires CMO's assistance in establishing an alternative collection system under Part V of the Regulation, CMO may provide such assistance, at the Company's cost and expense, where feasible in its sole discretion. The Parties will attempt to negotiate a separate agreement in good faith to reflect the arrangement regarding such alternative collection system.

3.3.3.2. If the Company notifies CMO that it desires CMO's assistance in implementing and operating its own supplemental collection system, CMO may provide such assistance, at the Company's cost and expense, where feasible in its sole discretion. The Parties will attempt to negotiate a separate agreement in good faith to reflect the arrangement regarding such supplemental collection system.

3.3.3.3. Delivery of any services set out in Sections 3.3.3.1 and 3.3.3.2 shall commence in accordance with the terms of the applicable separate agreement.

3.3.3.4. The Company may propose a supplemental collection system to CMO for CMO to operate on behalf of the Company by submitting to CMO a feasibility assessment satisfactory to CMO, acting reasonably, of the proposed supplemental collection system. Subject to CMO's evaluation of such feasibility assessment and any further information reasonably requested by CMO, the Parties will then attempt to negotiate a separate agreement in good faith to reflect the arrangement regarding such supplemental collection system.



3.3.4 Producer Management Obligations

3.3.4.1. CMO shall establish and operate a system for managing Blue Box Materials on Your behalf, in accordance with Part VI of the Regulation.

3.3.4.2. Delivery of the services set out in Section 3.3.4.1 shall commence for the Blue Box Materials collected from the Eligible Sources as of their transition date on or after July 1, 2023.

3.3.4.3. If the Company notifies CMO that it desires CMO's assistance in recovering or diverting certain Blue Box Materials, or any substances, components, parts or materials derived therefrom, from the system described in Section 3.3.4.1, including at any stage during the management of such Blue Box Materials or materials derived therefrom, then CMO may provide such assistance, where feasible in its sole discretion. The Parties will attempt to negotiate a separate agreement in good faith to reflect the arrangement regarding such recovery or diversion of Blue Box Materials or materials derived therefrom.

3.3.5 Producer Public Promotion and Education Obligations

3.3.5.1. CMO shall establish, operate and implement a promotion and education program on Your behalf in accordance with Part VIII of the Regulation.

3.3.5.2. If you have entered into a separate agreement with CMO regarding an alternative collection system, CMO may establish, operate and implement a promotion and education program on Your behalf in respect of such alternative collection system in accordance with Part VIII of the Regulation and any agreement between You and CMO regarding such alternative collection system.

3.3.5.3. Delivery of the services set out in Section 3.3.5.1 shall commence for the Eligible Sources as of or immediately prior to the Eligible Source's transition date. Delivery of any such services set out in Section 3.3.5.2 shall commence in accordance with any such separate agreement between You and CMO.

3.3.6 Record Keeping and Audit Obligations

3.3.6.1. CMO shall retain appropriate records for a period of five years from the date of creation, including records related to arranging, establishing or operating a collection and management system and records related to arranging, establishing or operating a promotion and education program, in each case in accordance with the Regulation.

3.3.6.2. CMO shall cause an audit to be undertaken of the practices and procedures implemented in respect of Part VI of the Regulation by CMO on Your behalf, all in accordance with section 67 of the Regulation.

3.4 Reporting and Disclosure and Related Matters

3.4.1 CMO shall provide a summary of its annual business plan on the Portal for access by You and other CMO Subscribers.



3.4.2 Starting on July 1, 2024, CMO shall, during the Term of this Agreement, on or before July 1 in each year, provide an annual report to You and other CMO Subscribers on the Portal for access by You and other CMO Subscribers that includes the following information for the previous calendar year:

1. A narrative description of the Eligible Sources for which CMO is providing collection services on behalf of You and other CMO Subscribers in the following categories:
 - (a) Curbside
 - (b) Depot
 - (c) Facilities
 - (d) Reserves
 - (e) Public spaces
2. A narrative description of any supplemental collection services for which CMO has been retained on behalf of You and/or other CMO Subscribers;
3. A narrative description of promotional and educational materials and strategies used to communicate with Consumers regarding the services provided on behalf of You and/or other CMO Subscribers to Eligible Sources;
4. The total amount in weight of Blue Box Material Supplied to Ontario consumers by You and/or other CMO Subscribers in the following categories:
 - (a) Paper
 - (b) Rigid Plastic
 - (c) Flexible Plastic
 - (d) Glass
 - (e) Metal
 - (f) Beverage Containers
 - (g) Certified compostable products and packaging material
5. The recovery percentage achieved in the previous year in the following categories:
 - (a) Paper
 - (b) Rigid Plastic
 - (c) Flexible Plastic
 - (d) Glass
 - (e) Metal
 - (f) Beverage Containers
6. Independently audited financial statements.

3.4.3 CMO shall promptly, and in any event within three (3) Business Days, notify the Company in the event any one of the following occurs:

1. If the Registrar:
 - (a) Issues a compliance order or administrative penalty to CMO or any of its contracted service providers under the Legislation or the Regulation; or
 - (b) Charges CMO or any of its contracted service providers with an offence under the Legislation or the Regulation; or
2. If CMO or any of its contracted service providers is under investigation by the Competition Bureau for a potential violation of the *Competition Act*.

3.5 Fee Setting

3.5.1 CMO shall establish a fee-setting methodology for the purposes of calculating Fee Rates based on the following assumptions and principles:

1. Fee Rates shall reflect the costs to deliver the services set out in Section 3.3 and the activities described in Section 3.4 based on the following:
 - (a) For the period up to June 30, 2023:
 - (i) CMO's start-up costs shall be shared by You and other CMO Subscribers in proportion to the Blue Box Material reported by each CMO Subscriber;
 - (ii) CMO's transition preparation costs shall be shared by You and other CMO Subscribers in proportion to the Blue Box Material reported by each CMO Subscriber; and
 - (iii) CMO's start-up and transition preparation costs shall be recovered from CMO Subscribers over the 2023, 2024 and 2025 Fee Obligation Years.
 - (b) For the period beginning July 1, 2023:
 - (i) CMO's overhead costs shall be shared by You and other CMO Subscribers in proportion to the Blue Box Material reported by each CMO Subscriber;
 - (ii) CMO's share of the common collection costs shall be attributed to each Blue Box Material or group of similar Blue Box Materials and shared by You and other CMO Subscribers in proportion to the Blue Box Material reported by each CMO Subscriber;
 - (iii) Any costs incurred by CMO to collect Blue Box Material in a supplementary collection system shall be attributed only to the CMO Subscriber(s) that benefit from the supplementary collection system;
 - (iv) Any costs incurred by CMO to collect Blue Box Material in an alternative collection system shall be attributed only to the CMO Subscriber(s) that benefit from the alternative collection system;
 - (v) CMO's post-collection costs for Blue Box Material shall be attributed to each Blue Box Material or group of similar Blue Box Materials and shared by You and other CMO Subscribers in proportion to the Blue Box Material reported by each CMO Subscriber;
 - (vi) There shall be no arbitrary cross subsidization of costs among Blue Box Materials; and

- (vii) CMO's overhead, collection and post-collection costs shall be recovered from CMO Subscribers in the applicable Fee Obligation Year.
- (c) For the period beginning July 1, 2023:
 - (i) Where a CMO Subscriber elects to receive its proportionate share of Blue Box Material, the CMO Subscriber will pay Fees based on (a) plus (b);
 - (ii) Where a CMO Subscriber elects to have CMO market its proportionate share of Blue Box Material, the CMO Subscriber will pay Fees in the applicable Fee Obligation Year based on (a) plus (b) less commodity revenue received by CMO for the CMO Subscriber's proportionate share of Blue Box Material; and
 - (iii) There shall be no arbitrary cross subsidization of commodity revenue among Blue Box Materials.
- 2. As a not-for-profit company, CMO will aim to minimize or avoid:
 - (a) operational losses (which, if they do occur, will be recouped in fee adjustments in subsequent fee periods);
 - (b) operational surpluses (which, if they do occur, will be accounted for in fee adjustments in subsequent fee periods);
- 3. All CMO Subscribers shall pay Fees in a manner reasonably determined by CMO;
- 4. Cost and commodity revenue components and the allocation and fee setting process shall be transparent to You and other CMO Subscribers collectively.

3.5.2 By September 30 of the year prior to a Fee Obligation Year, CMO shall make a non-binding good faith estimate of the Fee Rates for each Blue Box Material or group of similar Blue Box materials to be payable by CMO Subscribers in respect of the Fee Obligation Year.

3.5.3 We hereby warrant to You that the Fee Rates charged to You under this Agreement shall not exceed the Fee Rates charged to other CMO Subscribers for similar services. We agree that if, while this Agreement is in effect, We offer to another CMO Subscriber similar services at lesser Fee Rates, You shall be charged such lesser Fee Rates from the date the lesser Fee Rates were available to the other CMO Subscriber. We agree to notify You at the time We offer such lesser Fee Rates to another CMO Subscriber and to promptly provide You with any credit thereby created.

3.6 Insurance

3.6.1 During the Term of this Agreement, CMO shall, at its own expense, procure and maintain insurance coverage with respect to the conduct of its business in such types and amounts as specified below. CMO must obtain the required insurance from reputable insurers that (i) are licensed to do business in Ontario and (ii) have a rating of at least "A-" from the AM Best rating service or its equivalent. Limits may be satisfied with evidence of Umbrella or Excess Insurance coverage.

- 1. Comprehensive or Commercial General Liability Insurance, including coverage for bodily injury, property damage, complete operations, tenant's legal liability, non-owned automobile liability and contractual liability with combined single limits of not less than \$5,000,000 per occurrence, \$5,000,000 general aggregate.

2. Professional Liability Insurance covering liability for damages caused by an error, omission, or negligent act in the performance of services with minimum limits of liability of \$5,000,000 per claim and \$5,000,000 in the aggregate.
3. Cyber Liability Insurance, including coverage for loss categories including Business Income (\$250,000), Information Assets (\$250,000), Cyber Breach Injury Expense (\$250,000), Cyber Extortion (\$250,000), Fines and Penalties (\$250,000), and CASL (\$100,000) that may arise from services provided under this Agreement, of not less than the limits identified in parentheses above for each individual claim and \$1,000,000 in the aggregate.

3.6.2 Each such insurance policy shall name You as an additional insured. The policies of insurance shall provide that the coverage is primary and without right of contribution, and, to the extent permitted by applicable law, CMO shall cause its insurers to waive subrogation in favour of You.

3.6.3 Not later than thirty (30) days following execution of this Agreement, CMO shall cause its insurers (or insurance agents or brokers) to issue certificates of insurance evidencing that the coverages and policy endorsements required under this Agreement are in full force and effect. CMO shall provide to the Company not less than thirty (30) days' prior written notice of any cancellation, termination, non-renewal or material alteration of the policies.

3.6.4 The insurance limits set forth in this Agreement shall not be construed to be a limitation of CMO's potential liability arising out of this Agreement. Failure to secure the insurance coverage above, or failure to comply fully with any of the insurance provisions of this Agreement, shall be deemed to be a material breach of the Agreement.

3.7 Information Technology Requirements

3.7.1 **Security Safeguards:** Without limiting any other provisions of this Agreement, CMO shall maintain a comprehensive, written information security program that contains administrative, technical, and physical safeguards that are appropriate to: (a) the size, scope and type of CMO's operations; (b) the type and sensitivity level of information that CMO will process; and (c) the need for security and confidentiality of such information ("**Security Measures**").

CMO's Security Measures shall be designed to: (i) protect the confidentiality, integrity, and availability of the Confidential Information in its possession or control or to which CMO has access; (ii) protect against any anticipated threats or hazards to the confidentiality, integrity, and availability of the Confidential Information; (iii) protect against unauthorized or unlawful access, use, disclosure, alteration, or destruction of the Confidential Information; (iv) protect against accidental loss or destruction of, or damage to, Confidential Information; and (v) be applicable to its contractors and agents.

3.7.2 **Notification of Security Breach:** Without in any way limiting the generality of any other provision of this Agreement, each Party agrees to promptly notify the other Party of a breach that compromises the safeguarding of the other Party's Confidential Information, of which it becomes aware, including, without limitation, any unauthorized access to or entry into its premises, computer systems or databases.



4.0 LIMITATION OF LIABILITY AND INDEMNITY

4.1 Limitation of Liability

4.1.1 Except in the case of indemnity obligations pursuant to Sections 4.2 and 4.3 hereof, in no event shall either Party be liable for any consequential, indirect, incidental, special, exemplary, punitive or aggravated damages, lost profits or revenues or diminution in value arising out of or relating to any breach of this Agreement, whether or not the possibility of such damages has been disclosed by either Party in advance or could have been reasonably foreseen, regardless of the legal or equitable theory (contract, tort or otherwise) upon which the claim is based, and notwithstanding the failure of any agreed or other remedy of its essential purpose.

4.1.2 Except in the case of indemnity obligations pursuant to Sections 4.2 and 4.3 hereof, claims based on gross negligence, breach of confidentiality, breach of Section 3.7 (Information Technology Requirements), intentional breach of this Agreement, or willful misconduct, each Party's aggregate liability arising out of or related to this Agreement, whether arising out of or related to breach of contract, tort (including negligence) or otherwise, in respect of any and all claims in any Fee Obligation Year will be limited to the amount that is the greater of: (i) two times (2x) the Fees paid or payable by the Company to CMO in the previous Fee Obligation Year, (ii) if the Company was not a CMO Subscriber for the entire previous Fee Obligation Year, two times (2x) an estimate of the Fees that would have been paid or payable by the Company in the previous Fee Obligation Year if the Company had been a CMO Subscriber for the entire Fee Obligation Year, as reasonably determined by CMO, including using the Company's historical supply data, and (iii) one million dollars (\$1,000,000); provided, however, that nothing in this paragraph will limit the Company's Fee obligations pursuant to Section 2.11 or any other payment obligations under this Agreement.

4.2 Company Indemnity Obligations

The Company shall indemnify, hold harmless and defend CMO and its parent and their respective officers, directors, partners, shareholders, members, employees, agents, affiliates, successors and permitted assigns (collectively, "**CMO Indemnified Parties**") from and against any and all losses, damages, liabilities, deficiencies, claims, actions, judgments, settlements, interest, awards, penalties, fines, costs or expenses of whatever kind, including legal fees (on a full indemnity basis), disbursements and charges, fees and the costs of enforcing any right to indemnification under this Agreement and the cost of pursuing any insurance providers (collectively, "**Losses**"), incurred by any CMO Indemnified Party arising out of, relating to or occurring in connection with:

1. any assessment (including compliance orders and administrative penalties) against CMO under the Regulation or the Legislation attributable, in whole or in part, to the acts or omissions of the Company or its parent or their respective officers, directors, partners, shareholders, members, employees, agents, representatives, licensors, licensees, franchisors, franchisees, affiliates, successors and permitted assigns (collectively, including the Company, the "**Company Indemnifying Parties**"), except to the extent such assessment is attributable to the negligence, willful misconduct or breach of this Agreement by any of the CMO Indemnifying Parties (as defined below);

2. any failure by any of the Company Indemnifying Parties to submit the properly and accurately completed Annual Producer Report to CMO in accordance with the timelines established in Section 2.5; and
3. any failure by any of the Company Indemnifying Parties to comply with any applicable laws, including legislation, regulations, and any licensing, registration or certification obligations.

The Company shall not enter into any settlement for any of the above-noted indemnified claims without CMO's prior written consent.

4.3 CMO Indemnity Obligations

CMO shall indemnify, hold harmless and defend the Company and its parent and their respective officers, directors, partners, shareholders, members, employees, agents, affiliates, successors and permitted assigns (collectively, "**Company Indemnified Parties**") from and against any and all Losses incurred by any Company Indemnified Party arising out of, relating to or occurring in connection with:

1. any assessment (including compliance orders and administrative penalties) against the Company under the Regulation or the Legislation directly attributable, in whole or in part, to the acts or omissions of CMO or its parent or their respective officers, directors, partners, shareholders, members, employees, agents, representatives, licensors, licensees, franchisors, franchisees, affiliates, successors and permitted assigns (collectively, including CMO, the "**CMO Indemnifying Parties**"), except to the extent such assessment is attributable to the negligence, willful misconduct or breach of this Agreement by any of the Company Indemnifying Parties; and
2. any failure by any of the CMO Indemnifying Parties to submit the Annual Producer Report to the Registry in accordance with the timelines established in Section 2.5.

CMO shall not enter into any settlement for any of the above-noted indemnified claims without the Company's prior written consent.

4.4 Survival

The provisions of this Article 4.0 shall survive termination or expiration of this Agreement.

5.0 REPRESENTATIONS AND WARRANTIES

5.1 CMO represents and warrants to the Company that:

- 5.1.1 CMO is a not-for-profit corporation duly incorporated, existing under the laws of Canada, and has all necessary corporate power, authority and capacity to enter into this Agreement, to carry out its obligations under this Agreement, to own its assets and to carry on its business as presently conducted;
- 5.1.2 CMO is duly registered, licensed or otherwise qualified to conduct its business in the Province of Ontario and perform its obligations under this Agreement;



- 5.1.3 The execution and delivery of this Agreement and the consummation of the transactions contemplated by this Agreement have been duly authorized by all necessary corporate action on the part of CMO. This Agreement constitutes, and each other agreement to be executed by CMO in connection with this Agreement will constitute, a valid and binding obligation of CMO enforceable against it in accordance with its terms; and
- 5.1.4 CMO is not a party to, bound or affected by or subject to any indenture, mortgage, lease, agreement, obligation, instrument, charter, by-law, order, judgment, decree, licence, law (including regulations) or governmental authorization that would be violated, breached by, or under which default would occur or an encumbrance would, or with notice or the passage of time would, be created as a result of the execution and delivery of, or performance of obligations under, this Agreement or any other agreement to be entered into under the terms of this Agreement; and
- 5.1.5 CMO has registered with the Authority in accordance with the Regulation.
- 5.2** The Company represents and warrants to CMO that:
- 5.2.1 The Company is duly formed, existing under the laws of the jurisdiction identified on the signature page below, and has all necessary corporate power, authority and capacity to enter into this Agreement, to carry out its obligations under this Agreement, to own its assets and to carry on its business as presently conducted;
- 5.2.2 The Company is duly registered, licensed or otherwise qualified to conduct its business in the Province of Ontario and perform its obligations under this Agreement;
- 5.2.3 The execution and delivery of this Agreement and the consummation of the transactions contemplated by this Agreement have been duly authorized by all necessary corporate action on the part of the Company. This Agreement constitutes, and each other agreement to be executed by the Company in connection with this Agreement will constitute, a valid and binding obligation of the Company enforceable against it in accordance with its terms; and
- 5.2.4 The Company is not a party to, bound or affected by or subject to any indenture, mortgage, lease, agreement, obligation, instrument, charter, by-law, order, judgment, decree, licence, law (including regulations) or governmental authorization that would be violated, breached by, or under which default would occur or an encumbrance would, or with notice or the passage of time would, be created as a result of the execution and delivery of, or performance of obligations under, this Agreement or any other agreement to be entered into under the terms of this Agreement.

6.0 SUCCESSORS AND ASSIGNS

6.1 Neither Party may assign or transfer any of its rights or obligations under this Agreement at any time without the prior written consent of the other Party, which consent may not be unreasonably withheld. Notwithstanding the foregoing, a Party may assign or transfer this Agreement without the consent of the other Party provided that such assignment or transfer is to a successor in interest by reason of merger, acquisition or amalgamation, and provided the transferee or assignee assumes all obligations of the transferring or assigning Party under this



Agreement. Any purported assignment or transfer in violation of this Section shall be null and void.

6.2 This Agreement will enure to the benefit of and will be binding on each Party and its respective successors and permitted assigns.

7.0 CONFIDENTIALITY

7.1 The term “**Confidential Information**” means information of any kind, whether communicated directly or indirectly, orally or in writing or in any other form or medium, of a Party or any of its affiliates, customers, employees, franchisors, licensors, franchisees, licensees or suppliers (“**Disclosing Party**”) that has been or is obtained by or otherwise comes into the possession or knowledge of the other Party or any of its affiliates, customers, employees, franchisors, licensors, franchisees, licensees or suppliers (“**Receiving Party**”) in connection with this Agreement (whether such information was obtained by or came into the possession of Receiving Party prior to, on, or after the Effective Date), including any information concerning the Disclosing Party’s past, present or future business, finances, pricing, operations, sales, products, assets, employees, customers, suppliers, contracts, strategies, techniques, ideas, concepts, know-how or methodologies, including the subject matter of this Agreement and the terms of this Agreement itself.

Without limiting the foregoing, it is expressly agreed that “Confidential Information” includes any information provided by the Company in respect of Blue Box Material including but not limited to the quantities, brands and Affiliates, the methodology and validation data which may include:

1. product categorization data such as SKU or UPC;
2. descriptions of each product item or group;
3. product sizes;
4. packaging materials and weight;
5. sales volumes; and
6. evidence to support the deduction of Blue Box Material that was a) deposited into a receptacle at a location that is not an Eligible Source and where the product related to the Blue Box Material was Supplied and used or consumed, and b) collected from an Eligible Source at the time a related product was installed or delivered.

7.2 All Confidential Information of the Disclosing Party is confidential and may not be used, disclosed or copied by the Receiving Party except as permitted herein or as otherwise authorized by the Disclosing Party in writing. The Receiving Party shall: (i) take all reasonable precautions and measures to maintain the confidentiality and security of the Confidential Information of the Disclosing Party; (ii) not use, disclose or reproduce Confidential Information for any purpose other than as reasonably required to exercise or perform its rights or obligations under this Agreement; (iii) not disclose any Confidential Information other than to directors, employees, agents, subcontractors, consultants, representatives or professional advisors of the Receiving Party (collectively, “**Representatives**”) to the extent, and only to the extent, they have a need to know the Confidential Information in order for Receiving Party to exercise its rights or perform its obligations under this Agreement and who are bound by obligations of



confidentiality, protection and non-use at least as stringent as those herein; and (iv) be liable for any breach of the confidentiality, protection and non-use obligations by any of its Representatives.

7.3 Nothing in this Agreement shall preclude the Receiving Party from disclosing Confidential Information of the Disclosing Party to the extent required by a court of competent jurisdiction, other governmental authority of competent jurisdiction, the Registrar or otherwise as required by applicable law, provided that the Receiving Party has given the Disclosing Party, or used its reasonable effort to give the Disclosing Party, prior to making any disclosure, notice of the requirement to disclose as promptly as practicable so that the Disclosing Party has an opportunity to oppose the disclosure or to seek a protective order protecting such Confidential Information (or similar relief). The Receiving Party may only disclose the minimum information required to be disclosed, whether or not the Disclosing Party seeks or obtains any such protective order or other relief.

7.4 As used herein, the term “Confidential Information” shall not include: (i) information which, at the time of disclosure to the Receiving Party, is published, known publicly or is otherwise in the public domain through no fault of the Receiving Party or its Representatives; (ii) information which, after disclosure to the Receiving Party, is published or becomes known publicly or otherwise becomes part of the public domain through no fault of the Receiving Party or its Representatives; (iii) information which, prior to the time of disclosure to the Receiving Party, is known to the Receiving Party (and not known by Receiving Party to be the subject of an obligation of confidence of any kind), as evidenced by its written records; (iv) information which becomes known to Receiving Party from a third party, where Receiving Party had no reason to believe that such third party had any obligation of confidence with respect to such information, but only until Receiving Party subsequently comes to have reason to believe that such information was subject to an obligation of confidence; or (v) information which Receiving Party can demonstrate (through written records) was independently developed by it or by individuals employed or engaged by Receiving Party who did not have any access to, or the benefit of, the Confidential Information of Disclosing Party.

7.5 Upon expiry or earlier termination of this Agreement, CMO will promptly and in no event later than thirty (30) days following expiration or termination, return to You all Confidential Information of the Company (except for Confidential Information CMO is required to retain for legal or regulatory, or audit purposes, in which case such Confidential Information shall be returned as soon as is reasonably possible after such retention obligations cease) in its possession, together with all electronic copies thereof, and will immediately destroy all memoranda, notes, reports, documents, and software containing copies, extracts or reproductions thereof in its possession, power or control. CMO will certify the return and/or destruction of the Confidential Information by a certificate of one of its senior officers. The return of such Confidential Information shall in no event relieve CMO of its obligations of confidentiality set out in this Agreement. Notwithstanding the foregoing, CMO may retain a copy of the Company’s Confidential Information to the extent electronically stored in an archived computer system in accordance with CMO’s retention or back-up policies or procedures, provided: (i) CMO does not use, disclose or reproduce any such information and continues to comply with the confidentiality, protection and non-use obligations herein; and (ii) any such information is erased or destroyed in the ordinary course of CMO’s data processing procedures and no later than 180 days after expiry or earlier termination of this Agreement.



7.6 This Article 7.0 (Confidentiality) shall survive expiration or earlier termination of this Agreement.

7.7 Any controversy, dispute, disagreement, or claim arising out of, relating to or in connection with this Article 7.0 or any breach thereof shall not be subject to the Dispute Resolution procedures described in Section 9.2. Each Party acknowledges that its obligations under this Article 7.0 are necessary and reasonable in order to protect the other Party's business and expressly agrees that monetary damages may be inadequate to compensate the other party for any breach of this Article. Accordingly, each Party agrees and acknowledges that any such violation may cause irreparable injury to the other Party and that, in addition to any other remedies that may be available (in law, in equity or otherwise), the injured Party shall be entitled to seek an injunction, specific performance or other equitable relief against the threatened breach of this Article or the continuation of any such breach, without the necessity of proving actual damages or posting any bond or other security.

8.0 TERM

8.1 **Term.** Subject to earlier termination as provided in this Agreement, the term of this Agreement commences on the Effective Date and continues until December 31, 2023, inclusive (the "**Initial Term**"). The Initial Term will automatically extend for successive one-year periods (each, a "**Renewal Term**"), unless either Party provides prior written notice of its election not to renew the Agreement on or before the first (1st) day of July immediately preceding expiry of the Initial Term or any Renewal Term, as applicable. The Initial Term and all Renewal Terms (if any) are collectively referred to as the "**Term**". For greater clarity, notwithstanding the foregoing, delivery of the services set out in Sections 3.3.2, 3.3.3, 3.3.4 and 3.3.5 shall not commence until the later of the Effective Date or July 1, 2023.

8.2 **Mutual Termination Rights.** Either Party may terminate this Agreement:

8.2.1 immediately upon written notice, if the other Party is in material breach of this Agreement and either the breach cannot be cured or, if the breach can be cured, it is not cured within thirty (30) days following the other Party's receipt of notice of such breach;

8.2.2 immediately if the other Party:

8.2.1.1. becomes insolvent or is generally unable to pay, or fails to pay, its debts as they become due;

8.2.1.2. files or has filed against it, a petition for voluntary or involuntary bankruptcy or otherwise becomes subject, voluntarily or involuntarily, to any proceeding under any domestic or foreign bankruptcy or insolvency law;

8.2.1.3. seeks reorganization, arrangement, adjustment, winding-up, liquidation, dissolution, composition or other relief with respect to it or its debts;

8.2.1.4. makes or seeks to make a general assignment for the benefit of its creditors; or



8.2.1.5. applies for or has a receiver, trustee, custodian or similar agent appointed by order of any court of competent jurisdiction to take charge of or sell any material portion of its property or business;

8.2.3 immediately upon written notice if the other Party materially breaches the confidentiality provisions of Article 7.0 hereunder; and

8.2.4 immediately upon written notice if the Ministry rescinds the Regulation.

8.3 Termination by CMO. CMO may terminate this Agreement:

8.3.1 immediately upon written notice if the Company deliberately falsifies data or, in CMO's reasonable determination, exhibits a pattern of providing false or misleading data in relation to the Company's Annual Producer Report; and

8.3.2 immediately upon written notice on any failure by the Company to pay CMO any sum due hereunder within thirty (30) days of the due date for payment thereof.

8.4 Termination by the Company. The Company may terminate this Agreement:

8.4.1 immediately upon written notice if CMO deliberately falsifies data or, in the Company's reasonable determination, exhibits a pattern of providing false or misleading data in relation to any documentation to be provided by CMO under this Agreement (or of falsifying any data provided by the Company to CMO); and

8.4.2 immediately upon written notice on a failure by CMO to ensure the Company remains in compliance with the Legislation and the Regulation, in respect of any material matters relating to the services provided by CMO to the Company pursuant to and in accordance with this Agreement, as evidenced through a successful non-compliance action taken by the Registrar in relation to such a material matter, save for where the Company causes or contributes to such non-compliance.

9.0 GENERAL

9.1 Headings. The division of this Agreement into articles, sections, paragraphs, subsections and clauses and the insertion of headings are for convenience of reference only and do not affect the construction or interpretation of this Agreement.

9.2 Disputes. Except for matters that are expressly excluded from arbitration hereunder, including matters related to an alleged breach of Article 7.0 (Confidentiality), any controversy, dispute, disagreement, or claim arising out of, relating to or in connection with this Agreement or any breach thereof, including any question regarding its existence, validity or termination (each, a "**Dispute**"), shall be finally and conclusively resolved by arbitration under the *Arbitration Act, 1991 (Ontario)*, SO 1991, c 17, provided that the following provisions shall govern any Dispute or arbitration hereunder:

9.2.1 If a Dispute occurs between the Parties, prior to any notice of arbitration being issued by either Party, the Parties shall in good faith attempt to resolve the Dispute pursuant to the



following process (the “**Informal Dispute Resolution Process**”), referral to which shall not act to stay or defer the obligations of either Party under this Agreement:

9.2.1.1. If a Dispute arises which the staff representatives of each Party have been unable to resolve through discussion, the Party wishing to initiate the Dispute resolution procedures must raise the matter with the other Party in writing by (the “**Notice of Concern**”):

- (a) If the Party is the Company, sending an email to the email address disputes@circularmaterials.ca with the subject line “Dispute Resolution Request” (and the Company’s name and registration number) summarizing the nature of the Dispute and the key facts and attaching any relevant documentation; or
- (b) If the Party is CMO, sending an email to the email address of the Primary Contact for the Company (as identified in the Portal) with the subject line “Dispute Resolution Request” summarizing the nature of the Dispute and the key facts and attaching any relevant documentation;

9.2.1.2. Within thirty (30) days of receipt of the Notice of Concern, the Parties will meet to (the “**Informal Discussion**”):

- (a) Clarify the nature of the Dispute;
- (b) Request any further documentation in relation to the Dispute; and
- (c) Arrange for and facilitate a meeting to attempt in good faith to resolve the Dispute with representatives of the Company and CMO;

9.2.1.3. If the Dispute remains unresolved following the Informal Discussion, one of the Parties may, within thirty (30) days of the completion of the Informal Discussion (the “**Management Discussion Notice**”):

- (a) If the Party is the Company, send an email to the email address disputes@circularmaterials.ca with the subject line “Dispute Resolution Management Meeting Request” (and the Company’s name and registration number) summarizing the aspects of the Dispute which remain outstanding following the Informal Discussion; or
- (b) If the party is CMO, send an email to the email address of the Primary Contact for the Company (as identified in the Portal) with the subject line “Dispute Resolution Management Meeting Request” summarizing the aspects of the Dispute which remain outstanding following the Informal Discussion;

9.2.1.4. Within thirty (30) days of receipt of the Management Discussion Notice, the Parties will arrange for and facilitate a meeting between senior representatives of the Company and CMO to attempt in good faith to resolve the Dispute (the “**Management Discussion**”);



9.2.2 If a Party's concerns regarding a Dispute remain unresolved by the Informal Dispute Resolution Process, the Party who wishes to pursue resolution of the Dispute must within thirty (30) days of the completion of the Informal Dispute Resolution Process:

9.2.1.1. If the Party is the Company, send an email to the email address disputes@circularmaterials.ca with the subject line "Arbitration Request" and the Company's name and registration number summarizing the aspects of the Dispute that remain outstanding following the Management Discussion; or

9.2.1.2. If the Party is CMO, send an email to the email address of the Primary Contact for the Company (as identified in the Portal) with the subject line "Arbitration Request" summarizing the aspects of the Dispute that remain outstanding following the Management Discussion;

9.2.3 The legal seat and location of arbitration shall be Toronto, Ontario, Canada, and the language of arbitration shall be English (including hearings, documentation and award);

9.2.4 The arbitral tribunal shall be comprised of one arbitrator. Within thirty (30) days of receipt of a Party's request for arbitration, the Parties shall jointly agree upon an arbitrator. If the Company and CMO cannot jointly agree on an arbitrator, each of CMO and the Company shall jointly submit two names of potential arbitrators, and the identity of the arbitrator shall be chosen from the four possible names by random draw observed by both Parties;

9.2.5 An arbitration lasting no more than four (4) hours, unless reasonably extended by the arbitrator in consideration of the nature of the Dispute, shall be scheduled to take place on a date to be determined by the arbitrator, in consultation with the Parties;

9.2.6 The Parties shall divide the time equally to present their positions to the arbitrator;

9.2.7 The Parties shall each be entitled to: (i) make submissions to the arbitrator, and (ii) submit documentary and other evidence to the arbitrator;

9.2.8 The decision of the arbitrator shall be final and binding. The Company and CMO shall have no right of appeal or review. For greater clarity, the court has no jurisdiction to hear an appeal from or any review of the arbitrator's decision;

9.2.9 Each Party shall bear its own costs of the arbitration and shall share equally the fees and disbursements of the arbitral tribunal and any other related costs of the arbitration, regardless of the outcome. The arbitrator shall have no jurisdiction to award costs in favour of either Party; and

9.2.10 In addition to any other confidentiality obligations under this Agreement, the Parties shall keep confidential and not disclose to any person the existence of the arbitration and any element of the arbitration (including submissions and any evidence or documents presented or exchanged and any awards thereunder), except to the arbitral tribunal, the parties' shareholders, auditors and insurers, legal counsel to the parties and any other person necessary to the conduct of the arbitration and except to the extent required by law, the rules of a stock exchange or securities regulatory authority having jurisdiction over a party or required for any application to set aside or enforce any award or decision made pursuant thereto. No

individual shall be appointed as an arbitrator unless he or she agrees in writing to be bound by a confidentiality provision similar in form and substance to this paragraph.

9.3 Entire Agreement. This Agreement, including and together with any related exhibits, schedules, attachments and appendices, constitutes the sole and entire agreement of the Parties with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings, agreements, representations and warranties, both written and oral, regarding such subject matter.

9.4 Currency. All references in this Agreement to dollar amounts, “dollars” or “\$” are references to Canadian dollars (CAD).

9.5 Force Majeure. Other than obligations to pay any amounts due pursuant to this Agreement, neither Party shall be liable or responsible to the other Party, nor be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement, when and to the extent the failure or delay is caused by or results from acts beyond the impacted Party’s control (which events may include natural disasters, pandemics, embargoes, explosions, riots, wars or acts of invasion or terrorism, requirements of law, or national or regional emergency) (each, a “**Force Majeure Event**”). A Party shall give the other Party prompt written notice of any event or circumstance that is reasonably likely to result in a Force Majeure Event, and the anticipated duration of such Force Majeure Event. An affected Party shall use all commercially reasonable efforts to end the Force Majeure Event, ensure that the effects of any Force Majeure Event are minimized and resume full performance under this Agreement. Notwithstanding the foregoing, labour strikes, work slowdowns, or other job actions of the affected Party’s employees or unexpected costs borne by the affected Party do not constitute Force Majeure Events. The Parties acknowledge this Agreement is being entered into in the midst of a pandemic generally referred to as the “**COVID-19 Pandemic**”. In this regard, the Parties agree circumstances relating to the COVID-19 Pandemic shall not be regarded as a Force Majeure Event unless circumstances arising in connection with the COVID-19 Pandemic change materially (from the circumstances as of the Effective Date) in a manner that causes a new failure or delay in a Party’s fulfillment or performance of any term of this Agreement that would otherwise constitute a Force Majeure Event.

9.6 Relationship of the Parties. The relationship between the Parties is that of independent contractors. Nothing contained in this Agreement shall be construed as creating any agency, partnership, franchise, business opportunity, joint venture or other form of joint enterprise, employment or fiduciary relationship between the Parties. Except as expressly provided in this Agreement, neither Party shall have any power or authority to act in the name or on behalf of the other Party or to bind the other Party in any manner whatsoever.

9.7 Severability. Every provision or part of this Agreement is to be considered severable. If any provision or part hereof should be found by any court of competent jurisdiction to be invalid or unenforceable, that determination shall not impair the other provisions or parts of this Agreement, which will be deemed to have effect as if such provision or part were severed from this Agreement.



9.8 Notices. All notices, requests, consents, claims, demands, waivers and other communications under this Agreement must be in writing and sent by electronic mail to the other Party at its address set forth below (or to such other address that the receiving Party may designate from time to time in accordance with this Section). Notices sent in accordance with this Section will be deemed effectively given 24 hours following confirmation of email transmission.

The person registered by You in the Portal as the Primary Contact shall be the primary contact for the purposes of this Section.

Notice to CMO: info@CircularMaterials.ca

Notice to Company: The email address provided for the Primary Contact in the Portal.

9.9 Choice of Forum. Subject to Section 9.2, any legal suit, action, litigation, or proceeding of any kind whatsoever in any way arising out of, from or relating to this Agreement, including all exhibits, schedules, attachments, and appendices attached to this Agreement, the services provided hereunder, and all contemplated transactions, shall be instituted in the courts of the City of Toronto, Ontario, and each Party irrevocably submits to the exclusive jurisdiction of such courts in any such suit, action, litigation or proceeding. Service of process, summons, notice, or other document by mail or personal service to such Party's address set forth herein shall be effective service of process for any suit, action, litigation or other proceeding brought in any such court. Each Party agrees that a final judgment in any such suit, action, litigation, or proceeding is conclusive and may be enforced in other jurisdictions by suit on the judgment or in any other manner provided by law. The Parties irrevocably and unconditionally waive any objection to the venue of any action or proceeding in such courts and irrevocably waive and agree not to plead or claim in any such court that any such action or proceeding brought in any such court has been brought in an inconvenient forum.

9.10 Governing Law. This Agreement, including all exhibits, schedules, attachments and appendices attached to this Agreement and thereto, and all matters arising out of or relating to this Agreement, are governed by, and construed in accordance with, the laws of the province Ontario and the federal laws of Canada applicable therein without regard to the conflict of laws provisions thereof to the extent such principles or rules would require or permit the application of the laws of any jurisdiction other than those of such province.

9.11 Waiver. No waiver by any Party of any of the provisions of this Agreement shall be effective unless explicitly set forth in writing and signed by the Party so waiving. Except as otherwise set forth in this Agreement, no failure to exercise, or delay in exercising, any rights, remedy, power or privilege arising from this Agreement shall operate or be construed as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power, or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power, or privilege.



- 9.12 Survival.** All obligations under this Agreement, including obligations of indemnity, which expressly or by their nature survive the expiration, termination or assignment of this Agreement shall continue in full force and effect subsequent to and notwithstanding such expiration, termination or assignment and until they are satisfied or by their nature expire. The expiration, termination or assignment of this Agreement for whatever reason shall not prejudice or affect the rights of either Party against the other in respect of any breach of this Agreement or any monies payable by one Party to the other in relation to any period prior to the effective date of expiration, termination or assignment. Without limiting the generality of the foregoing, all payment obligations in respect of monies payable by one Party to the other shall survive expiration, termination or assignment of this Agreement.
- 9.13 Further Assurances.** Each Party shall, at its expense, do, execute and deliver, or cause to be done, executed and delivered, such further acts and documents as the other Party may reasonably request from time to time for the purpose of giving effect to this Agreement or carrying out the intention or facilitating the performance of the terms of this Agreement.
- 9.14 Revisions to this Agreement.** Except as otherwise expressly stated in this Agreement, no amendment, supplement, modification or waiver or termination of this Agreement and, unless otherwise specified, no consent or approval by any Party, is binding unless executed in writing and signed by an authorized representative of each Party. Notwithstanding the foregoing, CMO may make any revisions to this Agreement necessary to comply with amendments to the Regulation or other notices, interpretations, rulings, directives or other communications issued pursuant to the Regulation (collectively, "**Communications**"), and CMO will provide the Company with written electronic notice of such revisions as soon as reasonably practicable. Such revision shall automatically have effect from the date specified in the notice, which date shall be the date CMO reasonably determines is necessary to comply with the Regulation, as so amended, or with such Communications. CMO shall make commercially reasonable efforts to consider and respond to (and, if appropriate, as reasonably determined by CMO, accommodate) reasonable written feedback related to such revisions received from the Company within thirty (30) days of receiving such feedback.

10.0 EXECUTION OF THIS AGREEMENT

This Agreement may be executed in any number of counterparts, each of which, when executed and delivered, shall have the force and effect of an original, but all such counterparts shall constitute one and the same instrument. This Agreement, to the extent signed and delivered by means of a facsimile machine, PDF via electronic mail or other electronic means, will be treated in all manners and respects as an original and will be considered to have the same binding legal effect as if it were the original signed version thereof delivered in person.



THIS AGREEMENT is submitted for acceptance and is effective as of:

(the “**Effective Date**”).

I ATTEST the Company was Supplying Blue Box Material in Ontario on or before January 1, 2021 or if otherwise as of [YYYY-MM-DD]:

Company Full Corporate Name:

Per: _____

Authorized Signing Officer
(I have authority to bind the Corporation.)

Name of Signing Officer:

Title:

Company Head Office Address:

Company Jurisdiction of Incorporation:

Signing Officer’s Email address:

Signing Officer’s Telephone number:

AND AGREED TO BY CMO:

Per: _____

Authorized Signing Officer
(I have authority to bind the Corporation.)

Name of Signing Officer: Allen Langdon

Title: Chief Executive Officer

Address: 700-1 St. Clair Ave. W, Toronto Ontario M4V 1K6

Email address: info@circularmaterials.ca

Telephone number: 1 (844) 328-7149

Appendix A - Blue Box Material Reporting Categories

	Blue Box Material Reporting Category – Non-Beverage
Paper Products	Newspapers
	Newsprint (inserts and circulars)
	Magazines and Catalogues
	Directories
	Paper for General Use
	Purchased Posters, Calendars, Greeting Cards and Envelopes
	Other Printed Materials
Paper Packaging	Gable Top Containers
	Aseptic Containers
	Paper Laminates
	Kraft Paper Carry-Out Bags
	Kraft Paper - Non-Laminated
	Corrugated Cardboard
	Boxboard and Other Paper Packaging
Rigid Plastic Packaging	PET Bottles, Jars and Jugs < 5 Litres
	PET Bottles, Jars and Jugs >= 5 Litres
	PET Thermoform Containers < 5 Litres
	HDPE Bottles, Jars and Jugs < 5 Litres
	HDPE Bottles, Jars and Jugs >= 5 Litres
	Expanded Polystyrene
	Non-Expanded Polystyrene
	PLA, PHA, PHB
	Other Plastic Packaging (not listed Above) < 5 Litres
	Other Plastic Packaging (not listed Above) >= 5 Litres
Flexible Plastic Packaging	LDPE/HDPE Film
	LDPE/HDPE Film Carry-Out Bags
	PLA, PHA, PHB - Plastic Film
	PLA, PHA, PHB Carry-Out bags
	Plastic Laminates
Steel Packaging	Steel Aerosol Containers
	Other Steel Containers and Packaging
Aluminum Packaging	Aluminum Aerosol Containers
	Aluminum Food Containers
	Other Aluminum Packaging

	Blue Box Material Reporting Category – Non-Beverage
Glass Packaging	Clear Glass
	Coloured Glass
Compostable Products and Packaging	Certified under CAN/BNQ 0017-088: Specifications for Compostable Plastics
	Certified under ISO 17088: Specifications for compostable plastics
	Certified under ASTM D6400: Standard Specification for Labeling of Plastics Designed to be Aerobically Composted in Municipal or Industrial Facilities
	Certified under ASTM D6868: Standard Specification for Labeling of End Items that Incorporate Plastics and Polymers as Coatings or Additives with Paper and Other Substrates Designed to be Aerobically Composted in Municipal or Industrial Facilities
	Certified under EN 13432: Requirements for packaging recoverable through composting and biodegradation - Test scheme and evaluation criteria for the final acceptance of packaging

	Blue Box Material Reporting Category - Beverage
Beverage - Paper	Gable Top Containers - Beverage - Non-Alcoholic 0 - 500 ml
	Gable Top Containers - Beverage - Non-Alcoholic 501 ml - 1L
	Gable Top Containers - Beverage - Non-Alcoholic > 1L
	Aseptic Containers - Beverage - Non-Alcoholic 0 - 500 ml
	Aseptic Containers - Beverage - Non-Alcoholic 501 ml - 1L
	Aseptic Containers - Beverage - Non-Alcoholic > 1L
Beverage - Plastic	PET Bottles - Beverage - Non-Alcoholic 0 - 500 ml
	PET Bottles - Beverage - Non-Alcoholic 501 ml - 1L
	PET Bottles - Beverage - Non-Alcoholic > 1L
	HDPE Bottles - Beverage - Non-Alcoholic 0 - 500 ml
	HDPE Bottles - Beverage - Non-Alcoholic 501 ml - 1L
	HDPE Bottles - Beverage - Non-Alcoholic > 1L
	PLA, PHA, PHB - Beverage - Non-Alcoholic 0-500 ml
	PLA, PHA, PHB - Beverage - Non-Alcoholic 501 ml - 1L
	PLA, PHA, PHB - Beverage - Non-Alcoholic > 1L
	Non-Expanded Polystyrene - Beverage - Non-Alcoholic 0 - 500 ml
	Other Plastics - Beverage - Non-Alcoholic 0 - 500 ml
	Other Plastics - Beverage - Non-Alcoholic 501 ml - 1L
Other Plastics - Beverage - Non-Alcoholic > 1L	
Beverage - Steel	Steel Containers - Beverage - Non-Alcoholic 0 - 500 ml

	Blue Box Material Reporting Category - Beverage
	Steel Containers - Beverage - Non-Alcoholic 501 ml - 1L
	Steel Containers - Beverage - Non-Alcoholic > 1L
Beverage - Aluminum	Aluminum - Beverage Containers - Non-Alcoholic 0 - 500 ml
	Aluminum - Beverage Containers - Non-Alcoholic > 500 ml
Beverage - Glass	Clear Glass - Beverage - Non-Alcoholic 0 - 500 ml
	Clear Glass - Beverage - Non-Alcoholic 501 - 1L ml
	Clear Glass - Beverage - Non-Alcoholic > 1L
	Coloured Glass - Beverage - Non-Alcoholic 0 - 500 ml
	Coloured Glass - Beverage - Non-Alcoholic 501 - 1L ml
	Coloured Glass - Beverage - Non-Alcoholic > 1L

To: Susan Cassel
City Clerk

September 12, 2023

From: Kyle Bentley
Director, City Development & CBO

Copy: Manager, Building Services & Deputy CBO
Supervisor, Building Permits

Subject: Amendment to Schedule of By-law 7362/14 appointing Inspectors
File: L-2000-021

Council currently has in place By-law 7362/14, which is required to provide for the administration and enforcement of the *Building Code Act* within the City. This By-law includes a schedule of persons appointed pursuant to that Act.

As a matter of housekeeping, the appointment of Carter Nitsis, Plans Examiner requires Schedule A to be updated.

Please find attached the amending By-law, which reflects the above-noted permanent appointment.

If you have any questions, please contact me at extension 2070.

Original Signed By
Kyle Bentley

KB:ld
Attachment – Schedule A – Appointments

The Corporation of the City of Pickering

By-law No. 8042/23

Being a By-law to amend Schedule A of By-law 7362/14
appointing Inspectors

Whereas, pursuant to the provisions of subsection 3(1) of the *Building Code Act, 1992*, S.O. 1992, chapter 23, the Council of The Corporation of the City of Pickering is responsible for the enforcement of the *Act* within the City of Pickering;

Whereas, pursuant to By-law 7362/14, Council appointed a Chief Building Official and such Inspectors as are necessary for the enforcement of the *Act* within the City of Pickering;

Whereas, as a result of recent staff changes, the By-law to appoint these individuals must be amended to reflect the change in staffing;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

Schedule A of By-law 7362/14, as amended, is hereby deleted and replaced with Schedule A attached hereto;

By-law passed this 25th day of September 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

Schedule A
Appointments

Item	Column	Column
1.	Chief Building Official	Kyle Bentley
2.	Deputy Chief Building Official/Inspector	Carl Kolbe
3.	Inspector	Steven Amaral
4.	Inspector	Stuart Caulfield
5.	Inspector	Joseph Domanski
6.	Inspector	David Escudero
7.	Inspector	Adam Fowler
8.	Inspector	Peter Furnell
9.	Inspector	Rachelle Gravel
10.	Inspector	Donald Guo
11.	Inspector	Steven Heidebrecht
12.	Inspector	Julie Ineson
13.	Inspector	Nicole Maurer
14.	Inspector	Carter Nitsis
15.	Inspector	Steven Smythe
16.	Inspector	David Stawowczyk
17.	Inspector	Ardalan Tanha
18.	Inspector	Robert Watson
19.	Inspector	Litian Wei

To: Mayor Ashe and
Members of Council

September 25, 2023

From: Jason Litoborski
Manager, Municipal Law Enforcement Services

Copy: Director, Corporate Services & City Solicitor
Supervisor, Licensing & Enforcement

Subject: Appointment By-law - Carl Milanese
File: L-2000-001-23

Please find attached a draft by-law to appoint Carl Milanese as a Municipal Law Enforcement Officer for the City of Pickering.

Carl Milanese has been confirmed in the position of Animal Services Officer effective July 24th, 2023.

This draft by-law is attached for the consideration of City Council at its meeting scheduled for September 25, 2023.

Attachment Draft Appointment By-law

The Corporation of the City of Pickering

By-law No. 8043/23

Being a by-law to appoint Carl Milanese as a Municipal Law Enforcement Officer for the purpose of enforcing the by-laws of The Corporation of the City of Pickering.

Whereas pursuant to section 15(1) of the *Police Services Act R.S.O. 1990 Cp 15*, as amended, a municipal council may appoint persons to enforce the by-laws of the municipality; and

Whereas pursuant to section 15(2) of the said Act, municipal by-law enforcement officers are peace officers for the purpose of enforcing municipal by-laws;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. Carl Milanese is hereby appointed as a Municipal Law Enforcement Officer in and for the City of Pickering in order to ascertain whether the provisions of all by-laws of The Corporation of the City of Pickering are obeyed and to enforce or carry into effect the said by-laws.
2. This appointment shall expire upon the employee noted in section 1 ceasing to be employed by the City of Pickering or until the repeal of this by-law.
3. The provisions of this by-law shall come into force and take effect on the day of the final passing thereof.

By-law passed this 25th day of September, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

To: Susan Cassel
City Clerk

September 20, 2023

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Copy: Director, City Development & CBO
Division Head, Water Resources & Development Services

Subject: Request for Road Establishing By-law

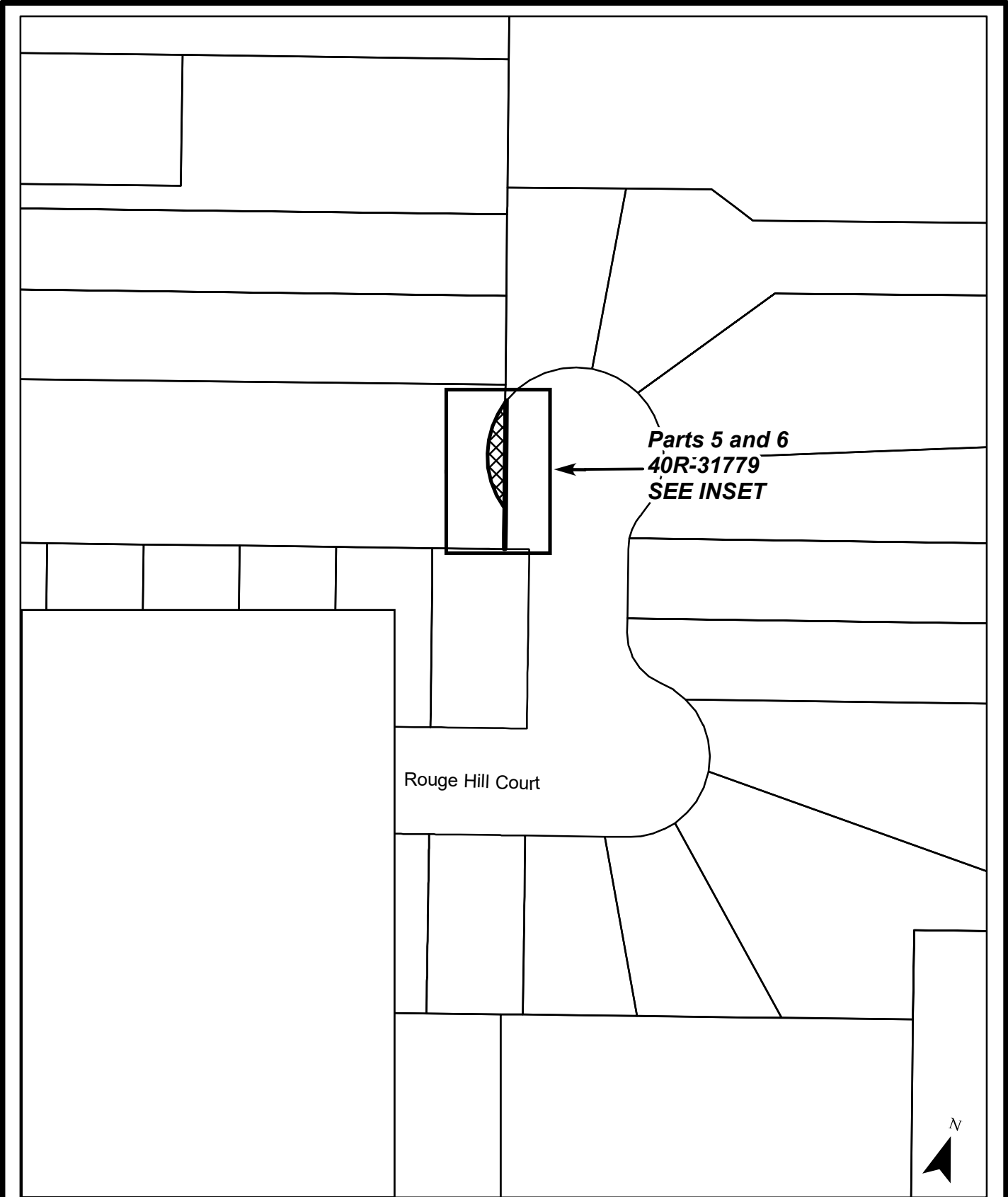
- Applicant: Wiltshire Ecclestone Developments Inc.
- Part Lot 24, Plan 228 and Part Block 12, Plan 40M-2017, being Parts 5 and 6, Plan 40R-31779
- Rouge Hill Court

File: Roadded.609 - LD 097/2021 to LD 099/2021

The Owners have applied to the Land Division Committee to divide their property located at 1383 Rougemount Drive, creating one new development lot fronting on Rouge Hill Court. A condition of the severance is the establishment of Parts 5 and 6, Plan 40R-31779 as public highway.

As the owner has complied with all of the other conditions of LD 097/2021 and LD 099/2021, it is now appropriate to pass a by-law establishing Parts 5 and 6, Plan 40R-31779 as public highway, providing legal frontage to the newly created lot.

Attached is a location map and a draft by-law for the consideration of City Council at its meeting scheduled for **September 25, 2023**.




PICKERING
 City Development
 Department

Location Map	
File: Roadded 609	
Applicant: Wiltshire Eccleston Developments Inc.	
Property Description: Parts 5 and 6, 40R-31779	
<small>© The Corporation of the City of Pickering Produced (in part) under license from: © King's Printer, Ontario Ministry of Natural Resources. All rights reserved.; © His Majesty the King in Right of Canada, Department of Natural Resources. All rights reserved.; © Teranet Enterprises Inc. and its suppliers. All rights reserved.; © Municipal Property Assessment Corporation and its suppliers. All rights reserved.</small>	
Date: Sep. 13, 2023	SCALE: 1:1,000
THIS IS NOT A PLAN OF SURVEY.	
PN-6	

The Corporation of the City of Pickering

By-law No. 8044/23

Being a by-law to establish Part Lot 24, Plan 228 and Part Block 12, Plan 40M-2017, being Parts 5 and 6, Plan 40R-31779 as public highway

Whereas The Corporation of the City of Pickering is the owner of Part Lot 24, Plan 228 and Part Block 12, Plan 40M-2017, being Parts 5 and 6, Plan 40R-31779 and wishes to establish it as public highway.

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. Part Lot 24, Plan 228 and Part Block 12, Plan 40M-2017, being Parts 5 and 6, Plan 40R-31779 is hereby established as public highway (**Rouge Hill Court**).

By-law passed this 25th day of September, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk

To: Susan Cassel
City Clerk

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Copy: Director, City Development & CBO

Subject: Request for Part Lot Control By-law
- Owner: 1133373 Ontario Inc.
- Blocks 165 to 172, Plan 40M-2671
File: PLC.40M-2671.13

September 20, 2023

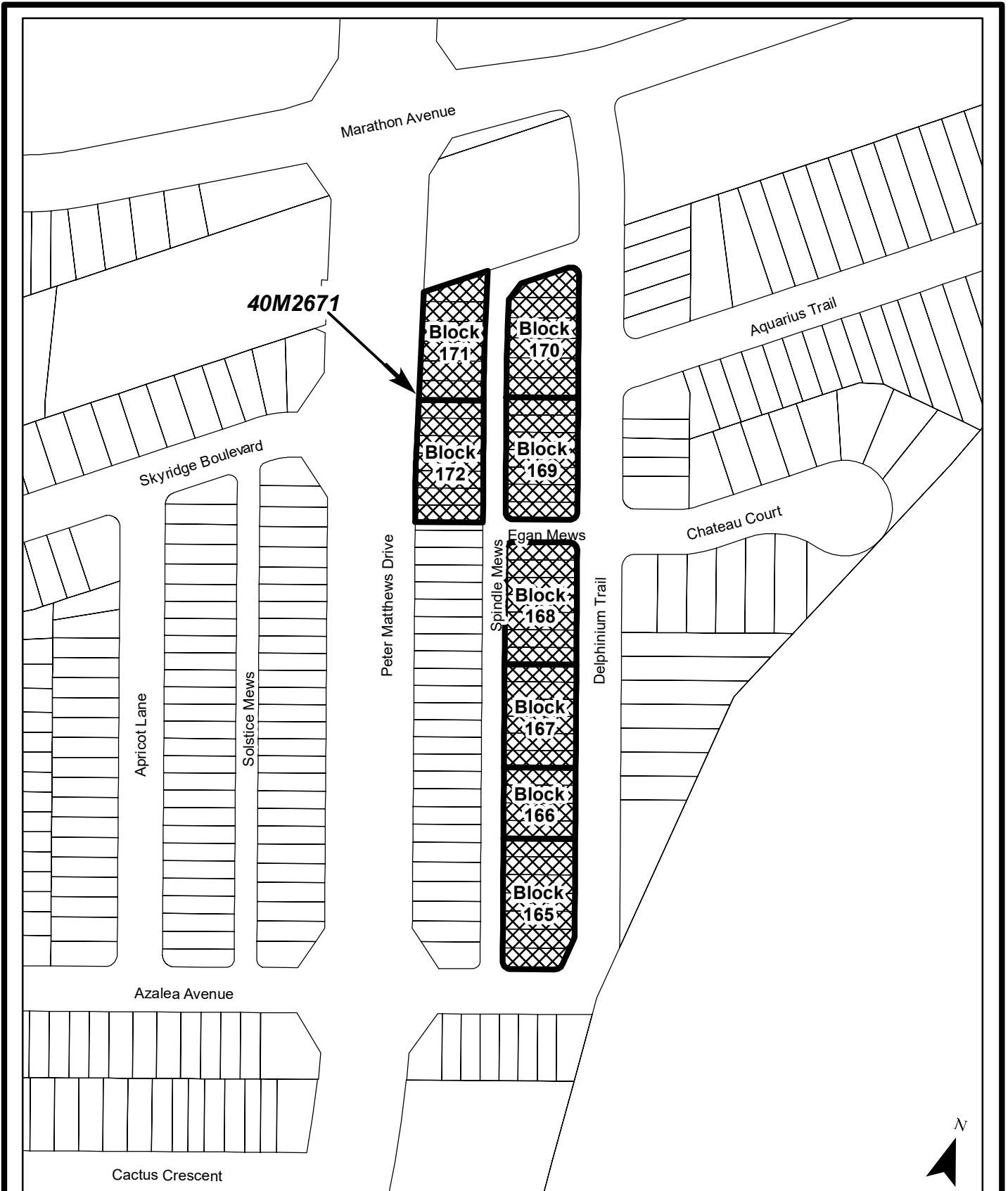
Blocks 165 to 172, Plan 40M-2671 are being developed in accordance with the appropriate Subdivision Agreement in such a manner to allow for the construction of 50 townhouse dwelling units.


On February 28, 2022, Council passed By-law 7911/22, enactment of which exempted the subject lands from the part lot control provisions of the *Planning Act, R.S.O. 1990*.

We have been advised that, due to a delay in the Owner's construction schedule, some of the townhouse dwelling units will not be completed and ready for private conveyance by the expiry date set out in By-law 7911/22 (February 28, 2024). Accordingly, a further by-law should be enacted, extending the expiry date to September 25, 2024.

Attached is a location map and a draft by-law, enactment of which will exempt these lands from the part lot control provisions of the *Planning Act*. This draft by-law is attached for the consideration of City Council at its meeting scheduled for **September 25, 2023**.

PB:ca
Attachments Location Map
Draft By-law




PICKERING
 City Development
 Department

Location Map	
File: Part Lot Control	
Property Description: Block 165 - 172, 40M-2671	
Date: Aug. 08, 2023	
<small>© The Corporation of the City of Pickering Produced (in part) under license from: © Queens Printer, Ontario Ministry of Natural Resources. All rights reserved. © Her Majesty the Queen in Right of Canada, Department of Natural Resources. All rights reserved. © Teranet Enterprises Inc. and its suppliers all rights reserved.</small>	SCALE: 1:2,000 <small>THIS IS NOT A PLAN OF SURVEY.</small>

The Corporation of the City of Pickering

By-law No. 8045/23

Being a by-law to exempt Blocks 165 to 172, Plan 40M-2671,
from the part lot control provisions of the *Planning Act*

Whereas pursuant to the provisions of section 50(7) of the *Planning Act*, R.S.O. 1990, chapter P.13, as amended, the Council of a municipality may by by-law provide that section 50(5) of the Act does not apply to certain lands within a plan of subdivision designated in the by-law.

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. Section 50(5) of the *Planning Act*, R.S.O. 1990, chapter P.13, as amended shall cease to apply to Blocks 165 to 172, Plan 40M-2671.
2. This by-law shall remain in force and effect for a period of one year from the date of the passing of this by-law and shall expire on September 25, 2024.

By-law passed this 25th day of September, 2023 .

Kevin Ashe, Mayor

Susan Cassel, City Clerk

To: Susan Cassel
City Clerk

From: Paul Bigioni
Director, Corporate Services & City Solicitor

Copy: Director, City Development & CBO

Subject: Request for Part Lot Control By-law
- Owner: Oak Ridges Seaton Inc.
- Blocks 1 to 55, Plan 40M-2731
File: PLC.40M-2731

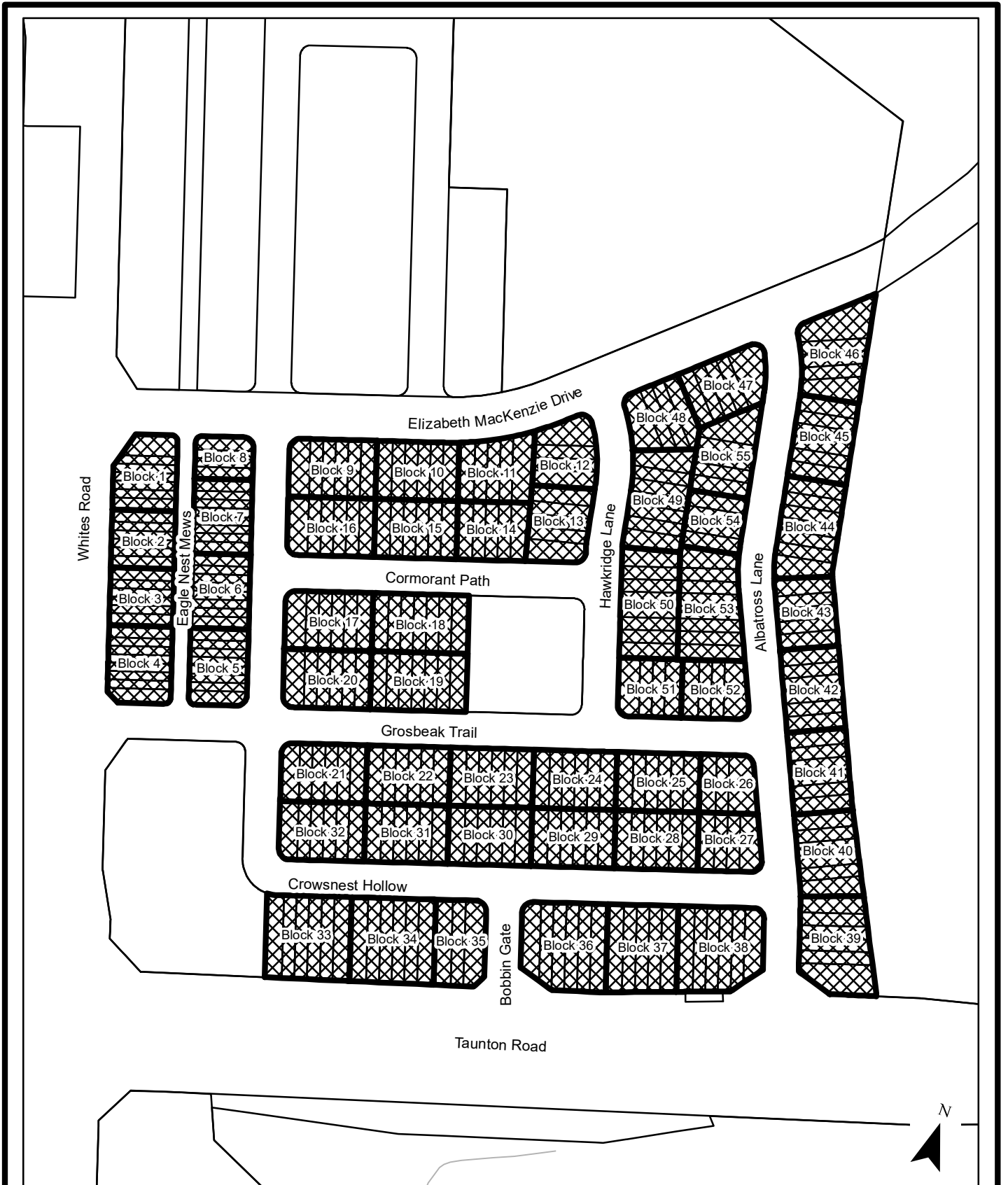
September 20, 2023

The above-mentioned blocks are being developed in accordance with the appropriate Subdivision Agreement in such a manner to allow for the construction of 319 townhouse dwelling units.

Attached is a location map and a draft by-law, enactment of which will exempt these lands from the part lot control provisions of the *Planning Act* thus allowing the 319 townhouse dwelling units to be conveyed to private ownership. This draft by-law is attached for the consideration of City Council at its meeting scheduled for **September 25, 2023**.

PB:ca

Attachment Location Map
Draft By-law



City of
PICKERING
City Development
Department

Location Map

File: Part Lot Control

Applicant: Oak Ridges Seaton Inc.

Property Description: Blocks 1 to 55, 40M-2731

© The Corporation of the City of Pickering Produced (in part) under license from:
© King's Printer, Ontario Ministry of Natural Resources. All rights reserved.; © His Majesty the King in Right of Canada, Department of Natural Resources. All rights reserved.; © Teranet Enterprises Inc. and its suppliers. All rights reserved.; © Municipal Property Assessment Corporation and its suppliers. All rights reserved.

Date: Jun. 29, 2023

SCALE: 1:2,500

THIS IS NOT A PLAN OF SURVEY.

The Corporation of the City of Pickering

By-law No. 8046/23

Being a by-law to exempt Blocks 1 to 55, Plan 40M-2731, Pickering from the part lot control provisions of the *Planning Act*.

Whereas pursuant to the provisions of section 50(7) of the *Planning Act*, R.S.O. 1990, chapter P.13, as amended, the Council of a municipality may by by-law provide that section 50(5) of the Act does not apply to certain lands within a plan of subdivision designated in the by-law;

Now therefore the Council of The Corporation of the City of Pickering hereby enacts as follows:

1. Section 50(5) of the *Planning Act*, R.S.O. 1990, chapter P.13, as amended shall cease to apply to Blocks 1 to 55, Plan 40M-2731.
2. This by-law shall remain in force and effect for a period of two years from the date of the passing of this by-law and shall expire on September 25, 2025.

By-law passed this 25th day of September, 2023.

Kevin Ashe, Mayor

Susan Cassel, City Clerk