



Administration and Operations Committee Agenda

Date: Tuesday, July 16, 2024
Time: 9:00 a.m.
Location: Council Chambers
7 Broadway Street West
Paris, ON

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	Pages
1. Attendance	
2. Approval of Agenda	
<u>Recommendation</u>	
That the agenda for the July 16, 2024 Administration and Operations Committee, be approved.	
3. Declaration of Pecuniary Interests	
4. Delegations / Petitions / Presentations	
4.1 <u>Joan Gatward re: Oakland Community Centre Daycare Proposal</u>	9 - 11
5. Adoption of Minutes from Previous Meetings	
5.1 <u>Administration and Operations Committee Minutes of June 18, 2024</u>	13 - 24
6. Business Arising from the Minutes	
7. Consent Items	
7.1 <u>Consent Items to be Approved</u>	
7.1.1 <u>RPT-0342-24, OPS-RFT-24-19 - Asphalt Mill and Pave Tender Award - J. Murphy</u>	25 - 30
<u>Recommendation</u>	
That OPS-RFT-24-19 Asphalt Mill and Pave be awarded to GIP Paving	

Inc. for the bid price of \$927,740.00 (excluding HST);

And that \$3,000.00 be transferred from project RFC176 Burford Community Centre South -East Parking Lot Paving (GL#752533) to project PRT249 Rising Park Pathway Paving (GL#751759);

And that the associated parts of OPS-RFT-24-19 be funded as per the breakdown included in Appendix 1.

7.1.2	<u>RPT-0363-24 Request to Join the United Nations Educational, Scientific and Cultural Organization Coalition of Inclusive Municipalities - B. Grice</u>	31 - 36
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Recommendation

That RPT-0363-24 be received as information.

That the County of Brant join the United Nations Educational, Scientific and Cultural Organization Coalition of Inclusive Municipalities.

And that Mayor Bailey sign the Declaration to Join the United Nations Educational, Scientific and Cultural Organization Coalition of Inclusive Municipalities, on behalf of the County of Brant.

7.1.3	<u>RPT-0306-24 Community Services Fees Update - S. Ellins & K. Ballantyne</u>	37 - 40
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Recommendation

Whereas fees and charges for all Municipal services including applications, licenses and permits are established through the Municipal Fees and Charges By-Law;

And whereas additional recreational programs, facilities and cemetery services are offered to meet the needs of the Community;

Therefore, be it recommended that the following additions and revisions to the 2024 Municipal Fees & Charges By-Law be approved:

Senior Programs

Seniors Dance/Workshop	\$10.00 per participant (includes HST)
Seniors Program	\$25.00 per participant (includes HST)
Seniors Art Workshop	\$35.00 per participant (includes HST)

Facility Administration/Miscellaneous

Event Security Deposit (refundable)	\$250.00 (includes HST)
Special Occasion Permit Event Security Deposit (refundable) (including HST)	\$500.00
Dressing Room Annual Fee	\$2,000.00 (excluding HST)
Dressing Room Monthly Fee	\$187.50 (excluding HST)

St. George Lawn Bowling Club

Clubhouse Rental Rate	\$150.00 per day (includes HST)
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Clubhouse Rental Rate \$40.00 per hour (includes HST)

Cemetery Services

Bereavement Authority of Ontario Consumer Protection Fee \$30.00
(includes HST)

Saturday (extra) Full Burial \$600.00 (excluding HST)

Saturday (extra) Cremation \$260.00 (excluding HST)

- 7.1.4 RPT-0366-24 Update to the 2024 Council and Committee Calendar - B. Allison 41 - 44

Recommendation

That RPT-0366-24 Update to the 2024 Council and Committee Calendar be received as information;

And that the July 30th Planning and Development Committee meeting be removed from the 2024 Council and Committee Calendar.

- 7.1.5 RPT-365-24 Insurance Renewal - K. DaCosta 45 - 50

Recommendation

That the County of Brant renew the Municipal Insurance and Risk Management Program with Intact Public Entities Inc. (IPE) for a one-year term commencing August 30, 2024, at the annual premium amount of \$2,028,608.00 plus applicable taxes; and

That the Chief Administrative Officer be directed to execute all applicable renewal documents on behalf of The Corporation of the County of Brant to effect the renewal.

7.2 Consent Items to be Received

- 7.2.1 Fire Activity Report - June 2024 - T. Waldschmidt 51 - 52

- 7.2.2 RPT-0379-24 FCM Green Municipal Fund - C. Stevenson & H. Boyd 53 - 56

Recommendation (Deferred by Council June 25, 2024)

That the following recommendation deferred by Council June 25, 2024 be forwarded for Council's consideration:

"That the Main Branch Library project updates provided in this report be received as information;

And that Council direct staff to finalize detailed designs and issue tender documents;

And that Council direct staff to prepare and FCM Green Municipal Fund grant application for the Paris Fire Hall, as amended, be deferred".

8. Staff Reports

- 8.1 RPT-0377-24 2024 Development Charges Update - Project Update - H. Boyd & H. Mifflin 57 - 60

Recommendation

That the 2024 Development Charges Update presentation of the final report and by-law be deferred for consideration at the September Council meeting;

That a by-law to amend the County of Brant Development Charges By-law Number 100-19, removing the expiration date of the current by-law, be brought forward for Council's consideration on July 23, 2024;

And that staff continue to work with members of the development community and the public who have expressed an interest in meaningful dialogue regarding the Development Charges Background Study and By-law to respond to questions and address concerns raised and to present any proposed amendments through an addendum to the Background Study in September.

8.2 RPT-0311-24 Implementation of Administrative Penalty System (APS) - G. Bergeron

61 - 134

Recommendation

WHEREAS, staff presented RPT-198-23 at Policy Development Committee meeting on May 23, 2023 to bring forward the necessary by-law amendments to implement an Administrative Penalty System; and

WHEREAS, on July 25, 2023, Council enacted By-law #88-23, being a by-law to establish and operate an Administrative Penalty System for violations of by-laws enacted under the authority of the Municipal Act;

THAT the Committee receive this report; and

THAT By-law #88-23 and its schedules been repealed; and

THAT the Committee and Council approve the enactment of the Administrative Penalty By-law and Schedules, attached as **Appendix 1**, being a by-law to establish and operate an Administrative Penalty System for violations of the County of Brant Parking By-law and future designated non-parking by-laws enacted under the authority of the Municipal Act, 2001 and the Building Code Act; and

THAT the Committee approve, and Council enact by By-law, the mandatory policies attached as **Appendix 2.1 to 2.5**, which support the operationalization and integrity of the Administrative Penalty System; and

1. Policy to Prevent Political Interference

2. Conflict of Interest Policy

3. Policy Regarding Financial Management and Reporting

4. Public Complaints Policy

5. Undue Hardship Policy

THAT the proposed amendments to the County of Brant Parking By-law #004-19, attached as **Appendix 3**, be approved; and

THAT Schedule 17 of the County Parking By-law 004-19 be repealed; and

THAT, pursuant to By-law #87-23 being a By-law to establish the positions of Screening and Hearing Officers, Madeline Huether and Julie McKeen be appointed as Screening Officers for the purpose of conducting screening reviews for Penalty Notices issued under the County Parking By-law and non-parking By-laws; and

THAT the attached Administrative Penalty System By-law, Schedules, and Parking By-law No. 004-19 amendments simultaneously come into force and effect upon the execution and delivery of the Authorized Requestor Agreement between the County of Brant and the Ontario Ministry of Transportation, governing Administrative Penalties.

8.3 RPT-0351-24 Court of Revision Appointment - Gore Municipal Drain - B. Robinson 135 - 140

Recommendation

Whereas a Standing Court of Revision for the current Council Term (2022-2026) was appointed through RPT-0202-24;

And Whereas Drains subject to Section 97(3) of the Drainage Act RSO 1990, specific Court of Revision appointments be made by Council as they are required;

THAT one (1) representative for the County of Brant be appointed to the Court of Revision for the Gore Municipal Drain in the Township of Norwich respecting any appeals of the Engineer's Report, as prepared by R.J. Burnside & Associates, dated May 2024.

8.4 RPT-0146-24 Newport River Access - K. Ballantyne 141 - 196

Recommendation

That the Newport River Access Project be cancelled;

That Staff be directed to assess, and report back to Committee, the viability of sale of the Property, or other potential uses for the Property;

That the donation received from BWF, in the amount of \$50,000, be returned to BWF;

That the cost for Property acquisition, in the amount of \$89,592, be funded via the Property Reserve and that any remaining TIRA reserve funds previously approved be returned to that fund;

That staff be directed to cancel CPS-RFT-22-01 Newport River Access Point in the amount of \$219,032.09 + HST as awarded to South Brant Excavating, March 22, 2022.

And further that the County of Brant support and assist Six Nations of the Grand River in the creation of new river access point if deemed viable.

8.5 RPT-0375-24 Oakland Community Centre Potential Tenant - K. Ballantyne 197 - 200

Recommendation

That staff be authorized to continue discussions and enter into negotiations with the proponent to lease a portion of the Oakland Community Centre for the purposes of opening a childcare centre;

And that staff hire a consultant to prepare a renovation floor plan acceptable to the

Oakland Community Centre Volunteer Management Committee, the proponent and all authorities having jurisdiction.

And that staff prepare a draft lease agreement for Council approval upon the finalization of negotiations if successful.

8.6 RPT-0347-24 2023 Surplus - H. Mifflin

201 - 212

Recommendation

Whereas the 2024 approved budget included a contribution from the Contingency Reserve of \$1.5mil with the assumption the 2023 Surplus would be directed to the Contingency Reserve;

And whereas Council resolved in March 2024 to fund requests from agencies providing support to victims of Intimate Partner Violence/Gender-based Violence from the 2023 Surplus totalling \$266,177;

That the 2023 Surplus report detailing an overall surplus of \$892,703 be received for information;

And that the remaining \$626,526 be transferred to the Contingency Reserve.

9. Committee Reports & Minutes

9.1 Brant Heritage Committee Minutes and Report of July 4, 2024

213 - 220

Recommendation

That the Brant Heritage Committee minutes and report of July 4, 2024 be approved including the following recommendation:

1. That the following recommendations and directions, as further outlined in this report, be sent to the Administration and Operations Committee and Council for direction, including:
 - a. That the heritage planning duties outlined in this report be formalized under the Policy Planning Division as part of the forthcoming review of staff's operational duties and that consideration for a consultant to undertake heritage designations be referred to the 2025 Budget process.
 - b. That staff prepare a report on heritage incentives to be considered in the 2025 Budget process.
 - c. That user-friendly resources be prepared and made available for property owners related to heritage designations, and that the County's heritage register be included on the updated Arts, Culture and Heritage webpage before September 2024.
 - d. That a standard heritage designation by-law template be created to meet legislative requirements and that the attached submission guideline for heritage studies be endorsed by Council for use in the development application process.
 - e. That a heritage district conservation study not commence at this time, until further education and consultation has been undertaken, and until the conclusion of the Downtown Paris Master Plan implementation, and that the focus remain on individual designations.
 - f. That the forthcoming report on implementation tools includes consideration and implications of a community planning permit

system, building by-law requirements and demolition control to benefit heritage conservation.

AND THAT RPT-0346-24, recommending implementation of the Arts, Culture and Heritage Strategy regarding Heritage Planning in the County of Brant, be endorsed by the Brant Heritage Committee and received as information by Council.

9.2 Tourism Advisory Committee Minutes of July 4, 2024

221 - 222

Recommendation

That the Tourism Advisory Committee Minutes of July 4, 2024 be received.

10. Communications

11. Other Business

12. In Camera

- 12.1 S.239(2)(c) A proposed or pending acquisition or disposition of land by the municipality or local board and (f) Advice that is subject to solicitor-client privilege (RPT-0358-24 Disposition of Land – Unopened Road Allowance) C. Glassford
- 12.2 S.239(2)(b) Personal matters about an identifiable individual, including municipal or local board employees (RPT-0357-24 Department Staffing) C. Stevenson
- 12.3 S.239(2)(c) A proposed or pending acquisition or disposition of land by the municipality or local board (RPT-0337-24 79 King Edward Street, Paris) R. Walton

13. Next Meeting and Adjournment

September 17, 2024 at County of Brant Council Chambers.

Fw: Delegation re OAKLAND CC. Daycare Proposal

Spencer Pluck <spencer.pluck@brant.ca>

Tue 7/9/2024 1:25 PM

To: Spencer Pluck <spencer.pluck@brant.ca>

-----Original Message-----

From: Joan Gatward [REDACTED]

Sent: Sunday, July 7, 2024 9:11 PM

To: Alysha Dyjach <alysha.dyjach@brant.ca>; Nancy Davis <nancy.davis@brant.ca>; Briar Allison <briar.allison@brant.ca>

Subject: Delegation re OAKLAND CC. Daycare Proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Ladies:

Hope you had a good weekend. Could you please place me on the Agenda for the July 16th Administration and Operations meeting as a Delegation. Thank you.

Regards,

Joan Gatward

[REDACTED]
Phone [REDACTED]

OAKLAND COMMUNITY CENTRE - HALL COMMITTEE

5 King St. North

June 27, 2024

Oakland, ON

N0E 1L0

Kathy Ballantyne

Director Facilities & Special Projects

944 Powerline Road,

Paris, ON

Dear Kathy:

Thank you for attending our June 17, 2024 Oakland CC, Hall Committee Meeting with Julee Farmer. We appreciated the opportunity to have Julee present her proposal for a private Daycare business. We briefly reviewed the proposed floor plan and requested a copy for each Hall Committee Member which we received on June 19th 2024. Our Committee has now met to discuss the floor plan proposal and have several concerns about the major impact the plan would have on our Oakland CC to function adequately.

Although the proposed floor plan allows Julee to meet the requirements of the Ministry for a 26- space daycare centre it creates several issues with traffic flow, reduction of hall capacity numbers, functionality etc.

- 1) The proposal results in the total loss of our cloak room where Guests hang their coats and sit and remove boots and wet footwear before entering the Hall. Staff have suggested rolling coat racks and boot trays which would allow dirt, rain, snow, salt etc. to be tracked directly in the hall possibly creating a safety issue with wet floors. It would further reduce the capacity of the Hall and we feel strongly that a Coat room is a necessary feature in our Hall just as in other Halls throughout the County.
- 2) The proposed Daycare plan removes a large area for storage of our tables. When all the tables are set up this area is used for overflow seating. The unacceptable impact on Diners could be possibly asking them to wait outside in the heat, snow or rain until till tables are cleared for

the next seating. This area is important for larger fundraising events which are very well attended. It will reduce our Hall capacity and functionality. We are looking forward to the return of Community dinners and an increase of activity in the Hall. Note: This area has terrazzo flooring on a concrete base and would need to be jackhammered up to install plumbing for the proposed washroom.

3) The proposed renovation also removes an area in the main hall for a “temporary” staff room with partitions that isn’t connected to the main Daycare. This area in the main Hall is in close proximity to the Kitchen, where buffet serving tables are set up as well as refreshments for Anniversaries, Birthdays etc. It will reduce capacity, functionality and result in a loss of revenue for the Hall. Would Daycare Staff as suggested by County Staff want to remove their Staff room each time the Hall is rented during the week?

4) The proposed Staff room would impede on the shuffleboard courts, making them unusable and on Hall Committee future plans for programs during the week.

After reviewing the proposal for the Private Daycare renovation at our June 24th, 2024 Oakland CC Hall Committee Meeting, we passed the following motion... It was moved by Kelly Geerts seconded by Carol Daniels that “The renovation proposal for the Oakland CC from Julee Farmer be refused as presented for reasons discussed” the motion carried unanimously.

We recognize there is a need for Daycare in the County however, if the County of Brant deems this site to be necessary for a Daycare Business, that Ms. Farmer build an addition on the north east corner of the building to accommodate her daycare washrooms tying into existing mens washrooms, and a proper Staff Room.

A suggestion for an alternate use for this County Office is to place County Staff in the former space as it was used before the Pandemic. This office previously held at times 4 staff but could easily accommodate 6 if necessary. There is also a customer service counter if needed or it could be removed. County Staff using this space is least disruptive to the Hall and saves County tax dollars by utilizing needed viable office space. We would be pleased to meet with Council or if you have any questions, feel free to contact our Chair.

Best Regards,

Joan Gatward, Chair

Oakland CC Hall Committee

c.c. Alison Newton, CAO



Administration and Operations Committee Minutes

Date: June 18, 2024
Time: 9:00 a.m.
Location: Council Chambers
7 Broadway Street West
Paris, ON

Present: Mayor Bailey, Councillors Kyle, MacAlpine, Howes, Oakley, Bell, Peirce, Chambers, Miller, Coleman, and Garneau

Staff: Newton, Boyd, Connor, Mete, Stevenson, Dyjach, Demers, Maxwell, Williams, Allison, and Pluck

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Councillor Peirce in the Chair.

1. Attendance

Attendance was taken.

2. Approval of Agenda

Moved by Mayor Bailey
Seconded by Councillor Oakley

That the agenda for the June 18, 2024 Administration and Operations Committee, be approved as amended.

Carried

3. Declaration of Pecuniary Interests

None.

4. Delegations / Petitions / Presentations

4.1 Matt Cummings, Chair of Downtown Paris BIA re: RPT-0328-24 County of Brant Film Policy and Activity - Z. Gable

Matt Cummings, Chair of the Downtown Paris BIA, appeared before Committee and shared their concerns with the filming taking place in downtown Paris. They expressed the desire for a steering committee to be formed that involves business

groups who are affected by filming, to assist in the development of the County of Brant Film Policy.

In response to questions, M. Cummings noted the economic impacts that filming has had on their businesses and other businesses that have been affected.

Moved by Councillor Howes
Seconded by Mayor Bailey

That the delegation from Matt Cummings, Chair of Downtown Paris BIA, be referred to RPT-0328-24 County of Brant Film Policy and Activity - Z. Gable.

Carried

5. RPT-0328-24 County of Brant Film Policy and Activity - Z. Gable

Zach Gable, Director of Economic Development and Tourism appeared before the committee and provided a brief presentation on the report.

In response to questions, Z. Gable advised they would like to bring the County of Brant Film Policy to the September Policy Development Committee meeting.

In response to questions, Z. Gable noted that the use of roads and use of parking stalls goes to the Operations Department for comment and review and that the production company then submits Public Works Permits for each spot.

Moved by Councillor MacAlpine
Seconded by Councillor Bell

That County of Brant Council receives report RPT-0328-24 as information;

And that Council direct staff to deliver the finalized Film Policy to a future Policy Development Committee Meeting;

And that staff consult with members of the business community including the Downtown Paris Business Improvement Association and other local business associations and film industry stakeholders for feedback on the Draft Film Policy;

And that the County of Brant join the Film Incentive Coalition of Ontario;

And that the Film Incentive Coalition of Ontario Membership fees be paid by Film Application Revenue.

No Vote. Motion to Amend Follows

Moved by Councillor Oakley
Seconded by Councillor Howes

That the third clause be struck out and replaced with:

"And, that the County of Brant Council direct the formation of the Filming Strategy Ad Hoc Steering committee with the following composition, membership each to be delegated by the relevant bodies:

- One member of council
- One member of the Downtown Paris BIA
- One member of the St George Business Association
- One member of the Burford Area Business Association
- One Member of the County of Brant Chamber of Commerce
- One member of the Brantford-Brant Chamber of Commerce
- One citizen member of the County of Brant Tourism Committee
- One member of FICO

With the Ad Hoc Committee's purpose to collaborate and consult with staff, such that staff may report back to council to give a recommendation and direction for the County of Brant filming policy in a future 2024 Administration and Operations committee. The committee will then reconvene after one year of the official filming policy being in place to provide feedback, after which the ad hoc committee will be disbanded."

Defeated

Moved by Councillor MacAlpine
Seconded by Councillor Bell

That County of Brant Council receives report RPT-0328-24 as information;

And that Council direct staff to deliver the finalized Film Policy to a future Policy Development Committee Meeting;

And that staff consult with members of the business community including the Downtown Paris Business Improvement Association and other local business associations and film industry stakeholders for feedback on the Draft Film Policy;

And that the County of Brant join the Film Incentive Coalition of Ontario;

And that the Film Incentive Coalition of Ontario Membership fees be paid by Film Application Revenue.

Carried

6. Adoption of Minutes from Previous Meetings

6.1 Administration and Operations Committee Minutes of May 21, 2024

Moved by Mayor Bailey
Seconded by Councillor Miller

That the minutes from the May 21, 2024 Administration and Operations Committee meeting, be approved.

Carried

7. Business Arising from the Minutes

Update On Proposed Health Unit Merger

Councillor Bell provided an update to the committee on the proposed merger between the Brant County Health Unit and the Haldimand-Norfolk Health Unit, noting the merger business case has been submitted to the Ministry of Health and is being considered.

8. Consent Items

8.1 Consent Items to be Approved

8.1.1 RPT – 0313-24 Updated Delegation of Authority Bylaw - C. Glassford

Moved by Councillor Coleman

Seconded by Councillor Bell

THAT the updated bylaw to delegate specific administrative matters to Staff, as attached to this report BE APPROVED;

AND THAT the bylaw to delegate specific administrative matters to Staff be presented to the Council of the County of Brant for its consideration.

Carried

8.1.2 RPT-0173-24 Housekeeping Update to Parks Use By-Law - M. Hunter

Moved by Councillor Garneau

Seconded by Councillor Oakley

That staff be directed to erect appropriate park signage and undertake notifications for addressing, mapping, operations and emergency services regarding the new park name and to update the Park Use By-Law 225-04 to include these sites in Schedule A;

And that the County of Brant amend Parks Use By-Law 225-04 and present the amended By-Law in Attachment 2 to County of Brant Council for approval.

Carried

8.1.3 RPT-0312-24 Naming of the South Picnic Pavilion Lions Park, Paris - S. Delaronde

Moved by Councillor Howes

Seconded by Councillor MacAlpine

That the South Picnic Pavilion in Lions Park, Paris be named the Darin Ayres Pavilion.

Carried

8.1.4 RPT-0307-24-Renaming Oakland Tract - T. Meyers

Moved by Councillor Coleman
Seconded by Councillor Garneau

That the County of Brant Council approve the renaming of the Oakland Forest Tract to "Clayton Thompson Tract" and that staff be directed to proceed with implementation of the recognition.

Carried

8.1.5 RPT-0340-24 Award of OPS-RFP-24-01 Design, Tendering and Contract Administration of Bridge Projects - J. Murphy

Moved by Mayor Bailey
Seconded by Councillor Bell

Recommendation

That OPS-RFP-24-01 Design, Tendering and Contract Administration of Bridge Projects be awarded as follows:

- Brant Bowstring Bridge to Doug Dixon & Associates Inc. for the bid price of \$94,762.50 (excluding HST);
- Likins Bridge to Doug Dixon & Associates Inc. for the bid price of \$93,152.50 (excluding HST);
- Weir Bridge to Gannett Fleming Canada ULC for the bid price of \$103,557.50 (excluding HST);
- Muir Culvert to Gannett Fleming Canada ULC for the bid price of \$72,334.00 (excluding HST);
- Patterson Culvert to G. Douglas Vallee Limited for the bid price of \$55,270.00 (excluding HST); and
- Church Bridge to G. Douglas Vallee Limited for the bid price of \$67,851.00 (excluding HST).

Carried

8.1.6 RPT-0334-24 Strategic Asset Management Policy Update - M. Eby

Moved by Councillor Oakley
Seconded by Councillor Coleman

That the Strategic Asset Management Policy (SAMP) Update be approved;

And that the Roads and Structures Addenda to the SAMP Update be approved.

Carried

8.2 Consent Items to be Received

Moved by Councillor Coleman
Seconded by Mayor Bailey

That the following be received as information:

- Fire Activity Report - May 2024 - T. Waldschmidt
- RPT-0324-24 Russell Heights Roof Replacement - S. Dredge
- RPT-0333-24 - 2024 Community Grants Program - H. Boyd

Carried

8.2.1 Fire Activity Report - May 2024 - T. Waldschmidt

8.2.2 RPT-0324-24 Russell Heights Roof Replacement - S. Dredge

8.2.3 RPT-0333-24 - 2024 Community Grants Program - H. Boyd

9. Staff Reports

9.1 RPT-0332-24 Main Branch Library Project Update, Class C Estimate - M. Maxwell

Mark Maxwell, Director of Engineering and Infrastructure Planning appeared before the committee and presented on RPT-0333-24.

In response to questions, M. Maxwell noted the next cost estimate will be a Class B estimate. He further spoke to the timeline for tendering the project.

In response to questions, Darryl Lee, Chief Executive Officer – Brant Municipal Enterprises, advised that both the Main Branch Library and North Paris Fire Hall projects qualify for the FCM funding, noting FCM advised to not submit both projects in 2024.

Discussion was held with regards to the Cost Estimate of the Main Branch Library Project, and funding under the Federation of Canadian Municipalities (FCM) Green Municipal Fund for the Main Branch Library and the North Paris Fire Hall projects.

Moved by Councillor Howes
Seconded by Councillor Bell

That the Main Branch Library project updates provided in this report be received as information; and

That Council direct Staff to finalize detailed designs and issue tender documents, beginning with a portion of the heritage restoration work;

And That Council direct staff to prepare an FCM Green Municipal Fund grant application for the most preferred project candidate, as determined by Council.

No Vote. Motion to Amend Follows

Moved by Councillor Howes
Seconded by Councillor Bell

That "beginning with a portion of the heritage restoration work" be struck out from the second clause.

Carried

Moved by Councillor Howes
Seconded by Councillor Bell

That the Main Branch Library project updates provided in this report be received as information; and

That Council direct Staff to finalize detailed designs and issue tender documents, as amended.

Carried

Moved by Councillor Howes
Seconded by Councillor MacAlpine

That Council direct staff to prepare an FCM Green Municipal Fund grant application for the Main Branch Library Project.

Defeated

Moved by Councillor Coleman
Seconded by Councillor Garneau

That Council direct staff to prepare an FCM Green Municipal Fund grant application for the Paris Fire Hall

Carried

Moved by Councillor Coleman
Seconded by Councillor Garneau

That Council direct staff to prepare an FCM Green Municipal Fund grant application for the Paris Fire Hall, as amended.

Carried

9.2 RPT-0317-24 Appointment of an Engineer for the Cathcart Drain under the Section 4.1.c of the Drainage Act - S. Tweedle

Moved by Councillor Coleman
Seconded by Councillor Miller

Whereas Section 4.1.c of the Drainage Act (the Act) prescribes that “a petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate where a drainage works is required for a road or part thereof, the engineer, road superintendent or person having jurisdiction over such a road or part, despite subsection 61(5)”;

And whereas the road authority for the County of Brant (the County) has signed a petition under Section 4.1.c of the Act;

And whereas the County appointed Headway Engineering in accordance with Section 8 of the Act, to prepare a report with respect to the petitions by landowners at its March 28, and September 26 meetings;

Be it hereby resolved that in accordance with Section 8 of the Act, the County of Brant hereby appoints Headway Engineering as the engineer to make one (1) report with respect to the petitions for Council’s consideration in accordance with the requirements of the Drainage Act.

Carried

9.3 RPT-0316-24 Abandonment of Parts of the Harley Municipal Drain - S. Tweedle

Moved by Councillor Chambers
Seconded by Councillor Kyle

Whereas Section 84(1) of the Drainage Act (the Act) R.S.O. 1990, c.D. 17, prescribes that “If three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, send a request asking for the abandonment of the whole or any part of the drainage works, the council of the initiating municipality shall, as soon as reasonably possible, send a notice to all of the owners of the land assessed for the drainage works stating its intention to abandon the drainage works or the part of the drainage works specified in the notice, unless, within 10 days of the date the municipality’s notice was sent, any owner sends a notice to the clerk of the municipality requesting that the report of an engineer be made on the proposed abandonment.”

And whereas the Corporation of the County of Brant (County) has received a written request from E. Kloefer, a property owner on parts of Branch 4, 4-2, 4-3, and 4-4 of the Harley Municipal Drain requesting an engineer’s report on the proposed abandonment.

And whereas Section 2(1) prescribes that “when two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay

the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works...”

And whereas the landowner intends to enter into a written agreement with the County under section 2(1) of the Act,

Be it hereby resolved that in accordance with Section 84(1) of the Act, staff shall send notice of the County’s intention to abandon parts of the Harley Municipal Drain as described in the attached request for abandonment and enter into a written agreement for a mutual agreement drain in accordance with Section 2(1) of the Act.

Carried

9.4 RPT-0319-24 Brant Transit - M. Connor & L. Jackson

Moved by Councillor Oakley
Seconded by Mayor Bailey

That the current fare structure for public transportation remain in place for 2025; and

That staff issue a Request for Proposal for the provision of on-demand, technology-based, ride-share public transportation services for the years 2025, 2026 and 2027 (the Public Transportation Contract), including future options for fixed routes and specialized transit, with the option to renew the Public Transportation Contract on an annual basis in 2028, 2029 and 2030; and

That the annual upset limit for the Public Transportation Contract remain at \$1,140,000 for 2025; and

That staff submit decision packages for fixed route and specialized transit options to the 2025 budget deliberations;

And that staff continue to explore partnership opportunities with neighboring municipalities to integrate transit across municipal boundaries.

Carried

9.5 RPT-310-24 Sidewalk Snow Removal By-law - G. Bergeron

Moved by Councillor Howes
Seconded by Councillor Kyle

WHEREAS County of Brant By-law #243-00 being a By-law “To require persons to clear snow from sidewalks” was enacted on December 19th, 2000; and

WHEREAS, RPT 0468-23 regarding the County Winter Sidewalk Maintenance Program was presented to the Committee in November of 2023 indicating that the Sidewalk Snow Removal By-law was under review; and

WHEREAS the Committee opted to continue with the current winter sidewalk maintenance program requiring residents outside of the serviced areas to clear snow, ice and slush from the sidewalk; and

WHEREAS the current Sidewalk Snow Removal By-law is outdated and references the Municipal Act, 1990 which has been replaced with the Municipal Act 2001; and

WHEREAS the current Sidewalk Snow Removal By-law requires updating and clear language related to the timing of removal;

THAT Report RPT-310-24 "Sidewalk Snow Removal By-law" be received; and

THAT the County of Brant Sidewalk Snow Removal By-law # 243-00 be repealed and replaced with the draft by-law (attached as Appendix 1) for Council enactment on June 25, 2024.

Carried

9.6 RPT-0236-24 Repeal and Replace to Open Air Burning By-law - D. Watson

In response to questions, Greg Bergeron, Director of Enforcement and Regulatory Services confirmed that tickets issued due to violation of the burning by-law would be given to the person, not the property.

Moved by Councillor Howes
Seconded by Councillor Coleman

That By-law 102-23, being a By-law to Regulate Open Air Burning, be repealed and replaced to reflect updated and / or augmented definitions, and clarification to support enforcement / enactment; and

That By-law 20-04 (Schedule A of By-law 102-23 to Regulate Open Air Burning) be repealed; and

That the Fire Administration section under the fees and charges By-law be amended to reflect the new Open Air Burning by law; and

That the draft By-law attachment 1 be presented to Council for adoption

Carried

10. Committee Reports & Minutes

10.1 Cemetery Advisory Committee Minutes and Report of May 23, 2024

Moved by Councillor Coleman
Seconded by Mayor Bailey

That the Cemetery Advisory Committee minutes of May 23, 2024, be approved, including the following recommendations:

1. That the Oakland Pioneer Cemetery be submitted for consideration of heritage designation.

Carried

10.2 Sports Hall of Fame Minutes and Report of June 4, 2024

Moved by Councillor Kyle
Seconded by Councillor Chambers

That the Sports Hall of Fame Minutes and Report of June 4, 2024 be approved including the following recommendations:

1. That the Memorabilia Display Policy be approved.

Carried

10.3 Brant Connects Committee Minutes of June 5, 2024

Moved by Councillor Miller
Seconded by Councillor Kyle

That the Brant Connects Committee minutes of June 5, 2024, be received

Carried

10.4 Tourism Advisory Committee Minutes of June 6, 2024

Moved by Councillor Kyle
Seconded by Councillor Oakley

That the Tourism Advisory Committee Minutes of June 6, 2024 be received.

Carried

10.5 Brant Heritage Committee Minutes and Report of June 6, 2024

Moved by Councillor MacAlpine
Seconded by Councillor Howes

That the Brant Heritage Committee minutes and report of June 6, 2024 be approved including the following recommendations:

1. That a popup banner be purchased for the September 28, 2024, Culture Days Hub Event; and

That staff work with communications to have a sample brought to the July 4 Brant Heritage Committee meeting.

Carried

11. Communications

None.

12. Other Business

12.1 Media Communications - Councillor Bell

Committee discussed a press release pertaining to the County of Brant withdrawing from the Joint City and County Shared Services Committee.

That staff be directed to draft a communication piece to local newspaper and media editors regarding arcuate representations of the County of Brant and its decision making.

12.2 Enbridge Gas Dawn Hub Tour - Councillor Miller

Councillor Miller provided an update to the Committee on the tour of the Enbridge Gas Dawn Hub which was conducted by the South Central Ontario Region Economic Development Corporation.

13. In Camera

Moved by Mayor Bailey
Seconded by Councillor Coleman

Committee convened In Camera at 11:15 am to discuss App's Mill, Alexander Ave, and Development Services Staffing Plan. This portion of the meeting is recorded in the Confidential – In Camera minutes of June 18, 2024. Committee reconvened in Open Session at 11:48 a.m. on a motion of Councillors Bell and Coleman.

Carried

13.1 S.239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board (Apps' Mill Verbal Update) - Councillor Miller

13.2 S.239(2)(c) A proposed or pending acquisition or disposition of land; (f) Advice subject to solicitor-client privilege; (k) A position, plan, procedure, criteria or instruction to be applied to negotiations (Alexander Ave) - C. Glassford

13.3 S.239(2)(b) personal matters about an identifiable individual, including municipal or local board employees (Development Services Staffing Plan Verbal Update) - A. Dyjach & D. Namisniak

14. Next Meeting and Adjournment

Committee adjourned at 11:49 am to meet again on July 16, 2024 at the County of Brant Council Chambers.

Secretary



Administration and Operations Committee Report

To: The Chair and Members of the Administration and Operations Committee
From: Joe Murphy, C.E.T., Capital Project Manager
Date: July 16, 2024
Report #: RPT-0342-24
Subject: OPS-RFT-24-19 - Asphalt Mill and Pave Tender Award
Purpose: For Approval

Recommendation

That OPS-RFT-24-19 Asphalt Mill and Pave be awarded to GIP Paving Inc. for the bid price of \$927,740.00 (excluding HST).

And that \$3,000.00 be transferred from project RFC176 Burford Community Centre South -East Parking Lot Paving (GL#752533) to project PRT249 Rising Park Pathway Paving (GL#751759).

And that the associated parts of OPS-RFT-24-19 be funded as per the breakdown included in Appendix 1.

Strategic Plan Priority

Strategic Priority 4 - Reliable Infrastructure

Impacts and Mitigation

Social Impacts

By performing the necessary paving and improving the quality of the County of Brant's Road network will impact all the residents that use the infrastructure daily.

Improved walkability and accessibility for Brant residents with the paving of the Oakhill shoulder and multiple park trails.

Environmental Impacts

There are no significant environmental impacts to note.

Economic Impacts

Continual road improvements decrease transportation costs for goods and people, improve access to markets, foster economic integration.

Report

Background

Tender No. OPS-RFT-24-19 Asphalt Mill and Pave was released on Thursday, June 6, 2024.

The work includes roadway resurfacing and patching locations as well as paving projects at a few parks, the Burford Community Centre and the Paris Cemetery. Further details are listed below:

- Placement of Surface Asphalt
 - Brant Mill Road (completion of 2023 reconstruction project)
- Milling of existing asphalt and paving 50mm depth of approximately 2.5 lane kms
 - Mt. Pleasant Road and McGill Intersection – 1400m²
 - Biggars Lane and Hagan Road – 800m²
 - Mt. Pleasant Road from Municipal Numbers 593 to 610 – 1600m²
 - Silver Street at Municipal Number 144 – 200m²
 - Pinehurst Road between Municipal Numbers 301 and 304 – 1800m²
 - Silver Street and Forest Drive Intersection – 450m²
 - Eighth Concession Road and Kimberly Road Intersection – 85m²
 - Pleasant Ridge Road between Municipal Numbers 449 and 453 – 550m²
 - King Edward Street between Church Street and Church Street – 3400m²
 - Willow Street between Dundas Street East and Municipal Number 6 Willow Street – 2000m²
- Oakhill Paved Shoulder/Multi-use trail from Greens Road to St. Theresa's School
- Burford Community Centre South-East Parking Lot Repaving
- Oakhill Heights Park Multi-Purpose Pad and Pathways
- Paris Cemetery Access Roads Repaving
- Rest Acres Ridge Park Pathway Paving
- Rising Park (Glen Morris) Pathway Paving

Analysis

Arithmetic checks were performed on the bids received and no errors were found.

In accordance with the County of Brant Purchasing Policy By-law No. 87-22 Section 7.5.2:

“If vendors have not been pre-qualified the bid will be evaluated in accordance with the following evaluation criteria:

Price	70%
Other Criteria as listed in Request for Tender	30%

The follow table summarizes the bids received:

Contractor	Total Tender Price (excluding HST)
GIP Paving Inc.	\$927,740.00
Associated Paving & Materials Ltd.	\$1,003,439.00
Dufferin Construction Company	\$1,024,447.80
Steed and Evans Limited	\$1,104,385.00
Capital Paving Inc	\$1,142,000.00
Cox Construction Limited	\$1,161,265.55

There are sufficient funds in the approved 2024 Capital Budget for all projects except Rising Park Pathway Paving which is short \$1,596.00 excl. HST. Staff recommend transfer of \$3,000.00 from the Burford Community Centre South-East Parking Lot Paving also included in this tender. Appendix 1 has a detailed breakdown of costs, estimates and funding to complete the noted works.

Summary and Recommendations

Six (6) tenders were received by the County of Brant Purchasing Department prior to the 2:00 pm closing time on Thursday, June 27, 2024.

Staff recommend that OPS-RFT-24-19 – Asphalt Mill and Pave be awarded to GIP Paving Inc. for the bid price of \$927,740.00 (excluding HST).

And that \$3,000.00 be transferred from project RFC176 Burford Community Centre South-East Parking Lot Paving (GL#752533) to project PRT249 Rising Park Pathway Paving (GL#751759).

And that the associated parts of OPS-RFT-24-19 be funded as per the breakdown included in Appendix 1.

Attachments

Appendix 1 - OPS-RFT-24-19 - Asphalt Mill and Pave - Overview of Prices and Funding

Reviewed By

M. Eby, Director of Infrastructure and Asset Management
R. Walton, General Manager of Operations

Copied To

- 1. H. Mifflin, Director of Finance, Treasurer
- 2. H. Bailey, Manager of Budgets and Long-Term Financial Planning
- 3. L.L. Rouse, Purchaser

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

RPT-0342-24 - APPENDIX 1

OPS-RFT-24-19 - Asphalt Mill and Pave - Overview of Prices and Funding						
Schedules	Tender Amount	Engineers Estimate	Available Budget	Funding Source		
				GL Account #	Project Number	Job Name
Roads Projects						
Brant Mill Road	\$ 98,711.50	\$ 84,300.00	\$ 500,000.00	733305-7020	RDS242-22	Burtch Rd. - Pleasant Ridge to Trail Head
Mt. Pleasant Road and McGill Intersection	\$ 57,466.00	\$ 49,650.00				
Biggars Lane and Hagan Road	\$ 27,615.50	\$ 23,600.00	\$ 363,977.00	733331-7020	RDS364-22	Asphalt Patching and Skim Coats
Mt. Pleasant Road from Municipal Numbers 593 to 610	\$ 61,348.50	\$ 54,300.00				
Silver Street at Municipal Number 144	\$ 13,858.00	\$ 11,250.00				
Pinehurst Road between Municipal Numbers 301 and 304	\$ 50,708.00	\$ 46,000.00				
Silver Street and Forest Drive Intersection	\$ 22,711.50	\$ 19,600.00				
Eighth Concession Road and Kimberly Road Intersection	\$ 17,958.50	\$ 11,900.00				
Pleasant Ridge Road between Municipal Numbers 449 and 453	\$ 19,758.00	\$ 16,900.00				
King Edward Street between Church Street and Church Street	\$ 129,382.00	\$ 103,500.00				
Willow Street between Dundas Street East and Municipal Number 6 Willow Street	\$ 73,648.00	\$ 73,648.00				
Parks Projects						
Burford Community Centre South-East Parking Lot	\$ 117,544.00	\$ 111,950.00	\$ 130,000.00	752533-7000	RFC176	Burford Community Centre East Parking Lot
Oakhill Heights Multi Purpose Pad	\$ 24,563.50	\$ 23,555.00	\$ 35,000.00	751739-7000	PRT332	Oakhill Heights Multi Purpose Pad
Paris Cemetery Paving	\$ 63,204.00	\$ 65,000.00	\$ 75,000.00	755605-7000	CEM039	Paris Cemetery Paving
Rising Park Pathway Paving	\$ 36,596.00	\$ 30,790.00	\$ 35,000.00	751759-7000	PRT249	Rising Park Pathway Paving
			\$ 3,000.00	752533-7000	RFC176	Burford Community Centre East Parking Lot
Walkability Infrastructure						
Oakhill Paved Multi-use Trail (Roads)	\$ 84,063.00	\$ 77,000.00	\$ 361,240.00	733309-7020	RDS352-22	Walkability Infrastructure
Rest Acres Ridge Pathway Paving (Parks)	\$ 28,604.00	\$ 30,070.00	\$ 361,240.00	733309-7000	RDS352-22	Walkability Infrastructure
Subtotal Contract Amount:	\$ 927,740.00					



Administration and Operations Committee Report

To: The Chair and Members of the Administration and Operations Committee
From: Brian Grice, Accessibility and Inclusion Coordinator
Date: July 16, 2024
Report #: RPT-0363-24
Subject: Request to Join the United Nations Educational, Scientific and Cultural Organization Coalition of Inclusive Municipalities
Purpose: For Approval

Recommendation

That RPT-0363-24 be received as information.

That the County of Brant join the United Nations Educational, Scientific and Cultural Organization Coalition of Inclusive Municipalities.

And that Mayor Bailey sign the Declaration to Join the United Nations Educational, Scientific and Cultural Organization Coalition of Inclusive Municipalities, on behalf of the County of Brant.

Executive Summary

Joining the United Nations Educational, Scientific and Cultural Organization Coalition of Inclusive Municipalities (the Coalition) presents a strategic opportunity to enhance inclusion and equity, addressing both current challenges and future growth. By joining the Coalition, the County will gain access to tailored strategies and resources specifically designed to combat racism and foster inclusion in communities like ours. This membership will support the County's efforts in building sustainable communities through economic, environmental, social, and cultural initiatives.

Strategic Plan Priority

Strategic Priority 5 - Healthy, Safe, and Engaged Citizens

Impacts and Mitigation

Social Impacts

Social and cultural benefits involve strengthening community cohesion, promoting diverse artistic expressions, and enhancing public safety and trust. Moreover, joining the Coalition will provide us with valuable guidance on structuring, planning, and implementing our inclusion efforts, as well as recognizing and addressing various forms of discrimination.

Environmental Impacts

Not applicable.

Economic Impacts

Economic benefits include attracting and retaining diverse businesses and talent and increasing our marketability as a great place to live, work and play.

Report

Background

The County of Brant is dedicated to fostering a community that values diversity, equity, and inclusion. These sentiments have recently been emphasized through various initiatives to promote social cohesion and equitable treatment for all residents, including:

- the County signing its first ever Inclusion Charter during National AccessAbility Week
- a very responsive public engagement period to inform the County's Multi-Year Accessibility Plan
- the creation of a comprehensive Diversity, Equity, and Inclusion Strategy and Implementation Plan, in collaboration with CultureAlly, an organization that supports the development of inclusive policies and practices.

These efforts have reinforced the importance of recognizing and addressing issues related to racism, discrimination, exclusion, and intolerance. In line with these efforts, joining the Coalition presents an opportunity to enhance our initiatives further. Established to unite municipalities committed to combating discrimination and fostering inclusive communities, the Coalition provides a robust platform for collaboration and knowledge sharing. With 118 member cities across Canada, including Brantford, Hamilton and Woodstock, the Coalition offers a wealth of resources and shared experiences that can benefit our ongoing Diversity, Equity and Inclusion efforts.

Analysis

Joining the Coalition provides for a comprehensive framework to address and overcome challenges related to racism, discrimination, exclusion, and intolerance. With a network of 118 member cities across Canada, the Coalition facilitates the sharing and exchanging of valuable experiences and best practices, all of which can be leveraged to enhance our current initiatives, such as the ongoing development of our Diversity, Equity, and Inclusion Strategy and Implementation Plan with CultureAlly. This collaboration will facilitate the exchange of innovative ideas and proven strategies, enabling us to build partnerships, maximize existing resources, and engage in effective public education. Moreover, the Coalition's support in establishing policies and promoting human rights aligns with our goal of fostering a more inclusive and equitable community. By aligning our efforts with these objectives, we can better address local challenges and ensure a sustainable and inclusive future for all residents. This initiative not only demonstrates our commitment to diversity and inclusion but also positions the County of Brant as a proactive leader in promoting social justice and equity.

Summary and Recommendations

The Coalition is a powerful network that brings together municipalities committed to improving their policies against racism, discrimination, exclusion, and intolerance. The Coalition provides a robust framework for addressing common challenges, such as limited resources and resistance to anti-discrimination efforts, through building partnerships, leveraging existing assets, and engaging in public education. Joining the Coalition will enhance the County's

current diversity, equity and inclusion efforts and further solidify our commitment to creating an inclusive and equitable community for all residents.

Accordingly, staff recommend that the County of Brant join the United Nations Educational, Scientific and Cultural Organization Coalition of Inclusive Municipalities.

Attachments

- 1. Declaration to Join the United Nations Educational, Scientific and Cultural Organization Coalition of Inclusive Municipalities

Reviewed By

- 1. M. Connor, General Manager of Strategic Initiatives
- 2. L. Jackson, Director of Community Partnerships

Copied To

- 1. SMT

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	Yes

Declaration to Join the Coalition of Inclusive Municipalities

Given that:

1. The Canadian Commission for UNESCO (United Nations Educational, Scientific and Cultural Organization) is calling on municipalities to join a Coalition of Inclusive Municipalities and to be part of UNESCO's international Coalition launched in 2004; and
2. The Federation of Canadian Municipalities (FCM) endorses the Call for a Coalition of Inclusive Municipalities and encourages its members to join; and

Whereas:

3. Municipal governments in Canada, along with other levels of government, have responsibilities under Canada's *Charter of Rights and Freedoms* as well as federal, provincial and territorial human rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equality and respect for all citizens;

Be it resolved that:

4. The *County of Brant* agrees to join the Coalition of Inclusive Municipalities and, in joining the Coalition, endorses the Common Commitments and agrees to develop or adapt its own unique Plan of Action accordingly.
5. These Common Commitments and the Municipality's unique Plan of Action will be an integral part of the Municipality's vision, strategies and policies.
6. In developing or adapting and implementing its own unique Plan of Action toward progressive realization of the Common Commitments, the Municipality will cooperate with other organizations and jurisdictions, including other levels of government, Indigenous peoples, public and private sector institutions, and civil society organizations, all of whom have responsibilities in the area of human rights.
7. The Municipality will set its priorities, actions and timelines and allocate resources according to its unique circumstances, and within its means and jurisdiction. The Municipality will exchange its expertise and share best practices with other municipalities involved in the Coalition and will report publicly on an annual basis on actions undertaken toward the realization of these Common Commitments.

County Of Brant, July 16, 2024

His Worship Mayor David Bailey





Administration and Operations Committee Report

To: The Chair and Members of the Administration and Operations Committee
From: Stacey Ellins, Director of Parks & Recreation
Kathy Ballantyne, Director of Facilities & Special Projects
Date: July 16, 2024
Report #: RPT-0306-24
Subject: Community Services Fees Update
Purpose: For Approval

Recommendation

Whereas fees and charges for all Municipal services including applications, licenses and permits are established through the Municipal Fees and Charges By-Law;

And whereas additional recreational programs, facilities and cemetery services are offered to meet the needs of the Community;

Therefore, be it recommended that the following additions and revisions to the 2024 Municipal Fees & Charges By-Law be approved:

Seniors Programs

Seniors Dance/Workshop	\$10.00 per participant (includes HST)
Seniors Program	\$25.00 per participant (includes HST)
Seniors Art Workshop	\$35.00 per participant (includes HST)

Facility Administration/Miscellaneous

Event Security Deposit (refundable)	\$250.00 (includes HST)
Special Occasion Permit Event Security Deposit (refundable)	\$500.00 (includes HST)
Dressing Room Annual Fee	\$2,000.00 (excluding HST)
Dressing Room Monthly Fee	\$187.50 (excluding HST)

St. George Lawn Bowling Club

Clubhouse Rental Rate	\$150.00 per day (includes HST)
Clubhouse Rental Rate	\$40.00 per hour (includes HST)

Cemetery Services

Bereavement Authority of Ontario Consumer Protection Fee	\$30.00 (includes HST)
Saturday (extra) Full Burial	\$600.00 (excluding HST)
Saturday (extra) Cremation	\$260.00 (excluding HST)

Strategic Plan Priority

Strategic Priority 5 - Healthy, Safe, and Engaged Citizens

Impacts and Mitigation

Social Impacts

Communities that participate in sport and recreation develop strong social bonds, are safer places and the people who live in them are generally healthier and happier than places where physical activity is not a priority. Recreation facilities provide amenities to support programs and rentals that foster community spirit, education and socialization.

Environmental Impacts

N/A

Economic Impacts

Recreation services contribute to economic development by attracting business to communities (recreation, sport, arts, culture, outdoor/ environmental).

Report

To meet the needs of the community, various community programs and services are offered throughout the year and as such an amendment to the Municipal Fees & Charges By-Law is required to reflect these additions and revisions. Update to the fees include Seniors Programs, Facility Administration/Miscellaneous, St. George Lawn Bowling Club and Cemetery Services, see complete listing below.

Seniors Programs

New - Seniors Dance/Workshop	\$10.00 per participant (includes HST)
New - Seniors Program	\$25.00 per participant (includes HST)
New - Seniors Art Workshop	\$35.00 per participant (includes HST)

In the County of Brant, the need for additional seniors recreational programming is increasing. In response, the Recreation Services Division has expanded seniors recreational programming by creating opportunities for seniors to participate in social activities. The Seniors Dance program will create a welcoming atmosphere where seniors can enjoy an evening of music, dancing and socialization. The Seniors Workshops have been very successful and were offered at no cost through a grant. The Seniors Workshops offer a variety of experiences including Arts, Culture, Heritage and Culinary. These new programming opportunities will be offered at various locations throughout the County of Brant, with the intention to start in Fall of 2024.

Facility Administration/Miscellaneous

New - Event Security Deposit (refundable)	\$250.00 (includes HST)
New - Special Occasion Permit Event Security Deposit (refundable)	\$500.00 (includes HST)
Revised - Dressing Room Annual Fee	\$2,000.00 (excluding HST)
Revised - Dressing Room Monthly Fee	\$187.50 (excluding HST)

Hall and Room rentals will have the Event Security Deposit (refundable) charged in full at the time of booking. Hall and Room rentals that hold a Special Occasion Permit will have the Special Occasion Permit Event Security Deposit (refundable) charged in full at the time of booking. Funds will be returned to the customer after the event if the space is left in good condition. Funds will be kept by the County of Brant if staff are required beyond standard cleaning or if a third-party service is required and/or the replacement of furnishings/equipment related to damage/repairs, misuse of space, etc., is required.

The Dressing Room Fee is charged for teams who request and are approved sole use/access of a dressing room within the County of Brant Recreational Facility on an annual or monthly basis.

St. George Lawn Bowling Club

New - Clubhouse Rental Rate \$150.00 per day (includes HST)

New - Club House Rental Rate \$40.00 per hour (includes HST)

The St. George Lawn Bowling Clubhouse will be available for rentals in summer of 2024.

Cemetery Services

New - Bereavement Authority of Ontario Consumer Protection Fee \$30.00 (includes HST)

Current - Saturday (extra) Full Burial \$830.00 (excluding HST)

Revised - Saturday (extra) Full Burial \$600.00 (excluding HST)

Current - Saturday (extra) Cremation \$330.00 (excluding HST)

Revised - Saturday (extra) Cremation \$260.00 (excluding HST)

The Bereavement Authority of Ontario Consumer Protection Fee is a mandated fee, that was instated in July of 2023.

In the 2023 Fees & Charges By-Law, Interment Fees for Saturday Full Burials (\$485.00) and Saturday Cremations (\$195.00) that took place until 11:55am were removed. These fees were significantly less than the Interment Fees for Saturday Full Burials and Saturday Cremations that took place after 12:00pm. Since 2023, there has been one fee for Saturday Full Burials and one fee for Saturday Cremations. This has caused a financial burden on families who may require Saturday Interments. Staff have completed a cost analysis, including a cost comparison of neighboring municipalities and propose the above adjustment to both the Saturday Full Burial and Saturday Cremation Fees.

Attachments

N/A

Reviewed By

Phil Mete, General Manager of Community Services

Copied To

Sarah Dredge, Manager of Recreation Services

DJ Hussey, Parks & Cemetery Supervisor

Stephanie Delaronde-Husband, Client & Business Services Supervisor

Katie Harrison, Tax Financial Analyst

By-law and/or Agreement

By-law Required	Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No



Administration and Operations Committee Report

To: To the Chair and Members of the Administration and Operations Committee
From: Briar Allison, Deputy Clerk
Date: July 16, 2024
Report #: RPT-0366-24
Subject: Update to the 2024 Council and Committee Calendar
Purpose: For Approval

Recommendation

That RPT-0366-24 Update to the 2024 Council and Committee Calendar be received as information;

And that the July 30th Planning and Development Committee meeting be removed from the 2024 Council and Committee Calendar.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Impacts and Mitigation

Social Impacts

There are no social impacts associated with this report.

Environmental Impacts

There are no environmental changes associated with this report.

Economic Impacts

There are no economic changes associated with this report.

Report

Background

At the County of Brant Council meeting of January 30, 2024, Council ratified the following recommendation from the Administration and Operations Committee meeting of January 16, 2024:

That RPT 0129-24 be received as information;

And that Council approve adding an additional Planning and Development Committee and Council meeting on Tuesday July 30, 2024, to the 2024 Council calendar, subject

to any amendments made by resolution or special meetings at the call of the Mayor and/or Chair, as provided for in the Procedural By-law.

Further, at the County of Brant Council meeting of June 30, 2024, Council ratified the following recommendation from the June 11, 2024, Planning and Development Committee:

1. That RPT-0331-24 be approved; and

That the Procedural By-law be amended to allow Council to hold public meetings under the Planning Act; and

That the standing committee schedule be amended to remove the Planning and Development Committee from the Council calendar, as amended;

And that the following amendments to Procedural By-law 14-20 be prepared for Council's consideration:

Amendment of Subsection 4.e.: Council shall meet on the second Tuesday of each month to consider Planning Act applications and matters associated with said applications in the form of a public meeting(s) as required under the Planning Act, 1990.

This report aims to remove the July 30th, 2024 Planning and Development Committee from the Council calendar as staff have effectively managed workloads and the additional Planning and Development Committee meeting is no longer needed. Any outstanding business has been identified to appear on the Council meeting held on the second Tuesday of the month in September.

Analysis

Staff originally proposed the second Planning and Development meeting in July with anticipation of additional planning business, however it is no longer required.

Summary and Recommendations

This report is technical in nature and seeks to remove the July 30th Planning and Development Committee from the Council and Committee Calendar.

Attachments

Attachment A – Revised Council and Committee July Calendar

Reviewed By

1. Alysha Dyjach, Clerk/Acting General Manager of Development Services
2. Heather Boyd, General Manager of Corporate Services

Copied To

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

JULY 2024

	1 Canada Day Offices Closed	2	3 LPRCA BOD – 6:30 pm	4 TAC – 10:00 am – Council Chambers Brant Heritage Committee 4:00 pm Council Chambers	5 WOWC CAOs – 10:00 am	6
7	8	9 Planning & Dev 6:00 p.m. – Council Chambers Council – Immediately Following	10	11	12 SWIFT Executive Committee – 8:00 am - Virtual	13
14	15 CIP Committee 9:00 am – Council Chambers	16 Administration & Operations 9:00 am. – Council Chambers	17 Board of Health 9:30 am - BCHU	18 Committee of Adjustment – 6:00 pm Council Chambers	19	20
21	22	23 Brant OPP Detachment Board 9:00 a.m. Council Chambers Special Council (drains) – 4pm Council 6:00 p.m. - Council Chambers	24	25 SCOR EDC BOD – 9:00 am Cemetery Advisory Committee 9:30 am – St. George Cemetery Communication Tower Preferred Location Protocol Update – 6:00 pm – BSC Lafarge Hall	26	27
28	29 Ag Advisory Committee 9:00 am – Council Chambers Government Relations Committee 1 pm - Council	30 Council 6:00 p.m. – Council Chambers	31			



Administration and Operations Committee Report

To: To the Chair and Members of the Administration and Operations Committee
From: Kim DaCosta, Insurance and Legal Clerk
Date: July 8, 2024
Report #: RPT-365-24
Subject: Insurance Renewal
Purpose: For Approval

Recommendation

That the County of Brant renew the Municipal Insurance and Risk Management Program with Intact Public Entities Inc. (IPE) for a one-year term commencing August 30, 2024, at the annual premium amount of \$2,028,608.00 plus applicable taxes; and

That the Chief Administrative Officer be directed to execute all applicable renewal documents on behalf of The Corporation of the County of Brant to effect the renewal.

Executive Summary

This report provides an update on the current insurance landscape and in particular with respect to municipal insurance and the costs associated with the renewal of the 2024 Municipal Insurance and Risk Management Program with Intact Public Entities Inc. for a one-year term.

Strategic Plan Priority

Strategic Priority 6 - Stable and Responsive Governance

Impacts and Mitigation

Social Impacts

There are no direct social impacts to the municipality resulting from the recommendation of this report.

Environmental Impacts

There are no direct environmental impacts to the municipality resulting from the recommendation of this report.

Economic Impacts

The 2024 premium for renewal of the insurance and risk management program is \$2,028,608 plus taxes, representing a rate increase of \$91,611.00 from the previous year. The 2024 premium represents a 4.7% increase from the 2023 premium paid.

The County's Insurance Reserve was created to stabilize and smooth the impact of premium increases that are estimated at budget time. The Insurance Reserve balance as of December 31, 2023, was \$274,253.08.

\$2,054,507.00 has been included in the 2024 budget for insurance premiums and therefore there is no budget shortfall. The insurance premium increase will be included in the 2025 proposed budget.

Report

Background

In 2019, Council approved the recommendation to accept the proposal from Frank Cowan Company (now Intact Public Entities Inc.) for a one-year term including an option to renew for subsequent terms for up to a total of five (5) years inclusive, subject to and with due consideration for any premium increases that may apply, satisfactory performance and Council approval.

The County is currently in the fifth year of the five (5) year option to renew cycle with Intact Public Entities Inc. (IPE).

Renewal Analysis

The global insurance market has begun to stabilize in the first half of 2024 compared with the volatile swings of the previous few years, but insurers remain disciplined in their underwriting. While rates have relaxed on the casualty side, there is more focus on property premiums due to increasing weather related losses along with the impact of inflation and the cost of goods and services when having to rebuild after a property loss. There is also a focus on auto rates with losses increasing, collision, thefts, the costs of parts and longer wait times for vehicle replacement.

This year, IPE requested a review of the schedule of property values to ensure the list of County buildings and property insured under the policy are both accurate in quantity and value. Along with inflationary factors and the information supplied by the County, property values increased approximately \$48,000,000. Even with the increase in property values, the increase to this year's premium is the lowest in the past five (5) years at 4.7%.

The table below outlines the County's insurance renewal costs (excluding taxes) for the past five years:

Table 1 – Five Year Insurance Costs

Year	Insurance Premium	Change
2019	\$1,171,972	36%

2020	\$1,356,231	13.6%
2021	\$1,564,057	15.3%
2022	\$1,759,740	12.5%
2023	\$1,936,997	9.1%
2024	\$2,028,608	4.7%

Staff recommend increasing the Equipment Breakdown policy deductible to \$50,000 from \$25,000 for an annual premium of \$11,406 which represents a \$2,570 savings. The \$50,000 deductible is in keeping with the Property policy deductible.

Table 2 – 2024 Insurance Renewal Cost Analysis

Coverage	2023 Premium	2024 Premium	\$ Increase	Factors affecting Increase
Casualty	\$1,472,740	\$1,504,483	\$ 31,743	General market conditions, population growth, & recent claims activity in Ontario
Property	\$ 267,289	\$ 309,490	\$ 42,201	Updated review of property values of County buildings & property resulting in an increase in property values
Auto	\$ 196,968	\$ 214,635	\$ 17,667	Current market conditions, including loss increases due to thefts, collisions & increased costs of parts & vehicle replacement
*Total (Excluding Taxes)	\$1,936,997	\$2,028,608	\$ 91,611	

**Includes savings for the staff recommended proposal of increasing deductible on Equipment Breakdown Policy to \$50,000.*

The above overall insurance premium increase indicates that the increase to the County's 2024 renewal is 4.7%.

To help ascertain the County's position at renewal, staff researched the renewal rates of neighbouring municipalities. Norfolk County's premium was \$2,070,245 (plus taxes) after issuing an RFP and receiving only two (2) bids. Haldimand County's premium was \$941,873

(including taxes) after issuing an RFP and receiving only one (1) bid. Oxford County's premium was \$2,092,704 (plus taxes) with additional premiums in the amount of \$163,949 (plus taxes) for their Social Housing Insurance Program. Given the variability across municipalities in changes/increases to their premiums, along with the very modest increase to the County's 2024 premium, renewal of the policy with IPE continues to be most favorable option for the County.

Cyber and Fraud Induced Coverage Analysis

In addition to the renewal policy, staff have been exploring the (separate) purchase of Cyber Insurance and an optional endorsement for Fraudulently Induced Transfer (otherwise known as Social Engineering) coverage to expand the County's current Crime Coverage.

1. **Cyber Insurance** – This coverage is provided when an Insured has been a victim of cybercrime, which can include unauthorized electronic funds transfer, theft of money from the Insured's bank or corporate credit cards by electronic means, and transfer of funds to an unintended third party through phishing and extortion. This coverage generally provides First Party coverage including payment of expenses resulting from a cyber extortion event, costs of crisis management resulting from a public relations event, breach response costs resulting from an actual or suspected security failure or data breach; and reimbursement for loss of profit and operational expenses during the period of restoration caused by a network compromise. This coverage often extends to Third Parties where the Insured has failed to protect personal or confidential data after a data breach or distribution of malware originating from the Insured's computer to that of the third party. Payment of expenses, regulatory fines and costs to perform computer forensics and legal fees resulting from a security failure or data breach are often also covered.
2. **Fraudulently Induced Transfer Endorsement** – This coverage is provided when an Insured under the policy has been intentionally misled by someone claiming to be a vendor, client or another employee of the company and the Insured (employee) has transferred, paid or delivered money or securities to this third party. This coverage requires a separate premium, with separate limits of insurance ranging from \$10,000 to \$100,000 subject to an additional deductible.

Both forms of coverage above require additional/supplementary applications to the general insurance renewal. Staff will accordingly bring forward an additional report to Council once these applications have been completed and a response provided by the insurer.

Summary and Recommendations

Although the insurance market is beginning to show signs of stabilizing, the hard market continues. Despite this, with the County's prudent business decisions, the continued efforts to mitigate exposure to risks with effective risk management strategies such as heeding prudent objective advice from professionals within the corporation and fiscally responsible reserve policies, the County continues to maintain a comparatively favourable claims history.

The Municipal Insurance and Risk Management Program provides the County with fiscally sound protection against financial loss of the County's assets and provides liability protection

to employees, Councilors, volunteer firefighters and volunteers from acts attributed to negligence while under the direction of the County of Brant.

The County continues to receive excellent customer service including risk management services and contract reviews, in addition to their insurance claims services from Intact Public Entities Inc. Risk management workshops are also included in their insurance program and provided for all County employees at no additional cost.

It is therefore recommended that the County of Brant renew the Municipal Insurance and Risk Management Program with Intact Public Entities Inc. for a one-year term commencing August 30, 2024, at the annual premium amount of \$2,028,608 plus applicable taxes; and

That the Chief Administrative Officer be directed to execute all applicable renewal documents on behalf of The Corporation of the County of Brant to effect the renewal.

Attachments

None

Reviewed By

- 1. Heather Boyd, General Manager of Corporate Services
- 2. Rochelle Welchman, Solicitor and Corporate Counsel

Copied To

- 1. Alison Newton, CAO
- 2. Rochelle Welchman, Solicitor and Corporate Counsel
- 3. Heather Boyd, General Manager of Corporate Services
- 4. Heather Mifflin, Director of Finance, Treasurer

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

Fire Prevention Activity Report

June 2024

Property Inspections

Property Type	Monthly Total	Previous Total	Year-to-Date
Residential	16	71	87
Commercial	11	55	66
Industrial	12	76	88
Assembly	16	92	108
Institutional	1	18	19
Agricultural/Other	1	19	20
Total:	57	331	388

Type of Inspection	Total
Burn Bylaw Inspections	4
Fire Administration Smoke/Carbon Monoxide Alarm Inspections	8

Public Education Activities

Type of Activity	Total
Learn Not to Burn	3
Station Tour / Other	17
Children's Safety Village	2

Fire Prevention Activity Report

June 2024

Fire Investigation/Incidents

Type of Investigation/Incident	Total
Structure Fires	4
Other Incidents	2



Administration and Operations Committee Report

To: The Chair and Members of the Administration and Operations Committee
From: Cindy Stevenson, General Manager, Emergency & Protective Services
Heather Boyd, General Manager, Corporate Services
Date: July 16, 2024
Report #: RPT-0379-24
Subject: FCM Green Municipal Fund
Purpose: For Information

Recommendation

That Committee receive report RPT-0379-24 for information.

Executive Summary

At its meeting on June 25, 2024, Council deferred a decision on which project (the Library Main Branch or the North Paris Fire Hall) to apply for a grant and loan funding through the Federation of Canadian Municipalities (FCM) Fund program. Council requested additional information regarding the fund and financial impact of a successful application. Additional investigation and analysis has been conducted, as outlined in this report.

The resolution that was deferred will be included on the agenda as on the table for further deliberation and a vote.

Strategic Plan Priority

Strategic Priority 5 - Healthy, Safe, and Engaged Citizens

Impacts and Mitigation

Social Impacts

The FCM Green Municipal Fund is accelerating a transformation to resilient, net-zero communities. Designing energy efficient and sustainable facilities supports the County's commitment to mitigating the impacts of climate change and supports community well-being.

Environmental Impacts

The funding helps Canadian cities and communities of all sizes undertake sustainability projects that reduce emissions, accelerate energy savings, and keep energy dollars in the community.

Economic Impacts

If the County were to successfully apply for FCM Funding for the North Paris Fire Station, there would be a reduction in the funds that need to be collected through Development Charges (DCs). The main advantage to the County would be that it would reduce the amount that would be debentured to be raised through DCs, thereby reducing the impact to the County's Annual Repayment Limit and debt capacity.

If the County were to successfully apply for FCM Funding for the Main Branch Library Project, the proposed funding model would have these funds applied directly against the Federal and Provincial Grant contributions, which is modeled to fund the benefit to existing. Any shortfall in the overall Federal and Provincial Grant contribution would have to be raised through either an increase in fundraising or the tax levy.

Report

Background

At the Council meeting June 25, 2024, Council deferred the following resolution:

That the Main Branch Library project updates provided in this report be received as information;

And that Council direct staff to finalize detailed designs and issue tender documents;

And that Council direct staff to prepare an FCM Green Municipal Fund grant application for the Paris Fire Hall, as amended, be deferred.

Council has requested further information from staff on the funding model of the new North Paris Fire station.

Analysis

Staff have further reviewed the funding model of the new North Paris Fire station. The Draft Development Charges Background Study, 2024, includes the North Paris Fire Station as 100% funded by Development Charges. The DC Study includes \$5.3 million dollars for costs related to construction of the fire station. If the construction price surpasses \$5.3 million dollars, Development Charges will fully fund the additional costs.

The FCM Green Municipal Fund provides funding, if approved, in the form of a grant (rebate) and a loan. Initial investigations suggest that loan parameters from FCM are comparable to loans from Infrastructure Ontario (IO), which is typically how the County debentures project funding. As provided in RPT-0332-24, funding can cover up to 80% of eligible costs, with the maximum combined grant and loan amount being \$10 million. Generally, 15% of the loan amount can be granted. A comparison of the potential funding available from the FCM fund for the library and fire projects is as follows:

Library Project:

Total FCM funding: \$10 million

Loan: \$8.5 million (85%)

Grant: \$1.5 million (15%)

Fire Project:

Total FCM funding: \$4.24 million

Loan: \$3,604,000 (85%)

Grant: \$636,000 (15%)

If the County were to proceed with the Fire project as the preferred application for FCM funding, and was successful, there would be minor benefits from a financial perspective, including a small cashflow benefit with receipt of the grant portion and a small decrease in

debt needing to be issued. Debt issued for the project would be repaid from future DC's collected.

The Library project funding model is much more complex than the Fire project. A combination of contributions from reserve funds, DC's, debentures funded by tax levy, fundraising, grants, bequest, and donation make up the current funding model, with the overall project cost estimated at \$41.1M. If the County were to proceed with the Library project as the preferred application for FCM funding, the grant received (maximum \$1.3 million) would contribute towards the federal and provincial grants target of \$5M. If the federal and provincial grant targets are not met, the shortfall would need to come from exceeding the fundraising campaign target, or the tax levy.

Project Qualifications

As provided in RPT-0332-24, FCM has advised the County to evaluate both projects and submit the most qualified project for their consideration. Some of the qualifications for each project are summarized below:

Main Branch Library	North Paris Fire Station
<ul style="list-style-type: none">• Higher project cost could potentially receive the full \$10M maximum FCM grant/loan funding• Design is nearing completion• More community interaction with this facility to demonstrate the County's sustainability initiatives to residents• Challenging to meet energy targets while preserving heritage building elements	<ul style="list-style-type: none">• Lower construction value translates into higher chance of success for funding, per discussions with FCM• New construction of an essential service building• Scope, timelines, and budget are well-defined• Building design has just begun and can incorporate sustainability targets from the beginning

Grant Timelines & Eligible Costs

Applications for funding are accepted year-round, though the offer may close when all funding has been allocated. The average time for a funding decision is four to six months after the full application form is submitted. Projects must be substantially completed within three years of FCM Board Approval. It is important to note that eligible costs for funding are restricted based on timing in which FCM receives the funding application. Eligible costs for costs incurred prior to the date of application received by FCM include consulting costs to write the funding application. Ineligible are all other costs incurred prior to the application receipt date.

Eligible costs incurred after date application received by FCM are far broader, and include actual construction costs, services, administrative costs, meeting costs, etc.

Given that eligible costs are based on receipt of the application, the timing of the application is important in terms of when project construction will commence, as the construction costs would form a large portion of the overall project costs.

The draft project schedule for the Fire Station currently projects construction to start Q2 of 2025. The timing for construction of the Library project is dependent on timing of Council approvals but is estimated to start by Q1 of 2025.

The County may apply for a project in 2024, and a different project for the 2025 funding intake. It is expected the same FCM fund will be available in 2025.

Aside from a financial benefit, a successful application for either project would bring positive attention and broader awareness both locally and nationally on the County’s commitment to climate action initiatives and sustainable energy practices.

Summary and Recommendations

This report is presented as further information to assist Council in its decision on the deferred motion regarding an application for FCM funding for the North Paris Fire Hall.

Attachments

N/A

Reviewed By

R. Walton, General Manager, Operations

Copied To

Kelly Bernstein, CEO, County of Brant Library
S. Yacoub, Director, Energy, Brant Municipal Enterprises
D. Lee, CEO, Brant Municipal Enterprises
A. Newton, CAO
M. Maxwell, Director of Engineering, and Infrastructure Planning

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No



Administration and Operations Committee Report

To: To the Chair and Members of the Administration and Operations Committee
From: Heather Boyd, General Manager of Corporate Services
Heather Mifflin, Director of Finance, Treasurer
Date: July 16, 2024
Report #: RPT-0377-24
Subject: 2024 Development Charges Update – Project Update
Purpose: For Approval

Recommendation

That the 2024 Development Charges Update presentation of the final report and by-law be deferred for consideration at the September Council meeting;

That a by-law to amend the County of Brant Development Charges By-law Number 100-19, removing the expiration date of the current by-law, be brought forward for Council's consideration on July 23, 2024;

And that staff continue to work with members of the development community and the public who have expressed an interest in meaningful dialogue regarding the Development Charges Background Study and By-law to respond to questions and address concerns raised and to present any proposed amendments through an addendum to the Background Study in September.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 3 - Economic Resilience

Impacts and Mitigation

Social Impacts

Development charges are a legislative tool which provides municipalities with a source of revenue for capital works required to support the growth and development which benefit from those projects. They are highly-regulated and support the concept of "growth pays for growth" while accelerating the timing of development-supporting infrastructure.

Environmental Impacts

No environmental impacts are anticipated as a result of the recommendations of this report.

Economic Impacts

The recommendations of this report will have an economic impact in that development projects that proceed to the stage that development charges are payable between September 1 and October 1 would be subject to the current Development Charges rates, not the new rates. Based on units filed in 2023, this could result in an estimated loss of revenue of \$304,400.

Report

Background

The County of Brant hired Watson & Associates Ltd. to undertake an update of its Development Charges Background Study and By-law in 2023. County staff and the consultant have worked diligently to prepare a defensible and thorough review of the development charges program, proposed project lists and fee calculations. As a reminder, the timelines for the Development Charges Process were as follows:

1. May 2023 – April 2024 – Data collection, staff review, DC Calculations and policy work
2. April 30, 2024 – Council Workshop / DC 101 Presentation
3. May 9, 2024 – Stakeholder Meeting
4. May 24, 2024 – Release of Final Background Study
5. June 20, 2024 – Release of Addendum Report to Background Study
6. June 25, 2024 – Mandatory Public Meeting
7. July 23, 2024 – Council Consideration of By-law.

These project timelines were developed in accordance with legislative requirements for public participation and notice and were based on ensuring that the County's new by-law would be in place before the expiration of the current by-law, August 31, 2024.

On June 6, 2024, the Province gave Royal Assent to Bill 185 (Cutting Red Tape to Build More Homes Act), which had some significant impacts on Development Charges legislation and was the primary reason for issuing an addendum report. Of note, changes to re-instate certain studies as eligible capital costs and the removal of the mandatory phase-in of charges have a considerable impact on the overall increase in charges from the current study to those that would be implemented as of September 1, 2024 under the new by-law.

At its meeting on June 25, 2024, Council heard from several members of the development community expressing concerns about the proposed increase in charges and limited time to fully review the background study and addendum.

Analysis

The County of Brant 2024 Development Charges Background Study and Draft By-law are nearing completion and have been presented to the public, the development community and to Council, with direction being given by Council to proceed to bring the final study and by-law forward for Council's consideration.

Staff and the consultant are prepared to bring the study forward on July 23, having met all legislative requirements for a public hearing and 60-days between the publication of the Background Study and Council's consideration. If Committee does not support deferring this project until September, staff are prepared to bring the documents forward at that time.

However, at the public hearing on June 25, there were a number of concerns / questions raised by the development community, specifically with regards to the scale of the proposed

increase and requesting additional time to review the documents and enter into dialogue with County staff and our consultant. Since the public hearing, the County has received several detailed submissions from developers, with specific questions regarding the background study and related figures.

County staff and the consultant are working to respond to these submissions as they come in, but recognize that there may be insufficient time for back and forth discussions / deliberations with the authors, who are generally working on behalf of a number of development interests, to arrive at a common understanding. Staff appreciate the respectful and professional manner of these submissions and are hopeful that further opportunities for dialogue may resolve a number, if not all, of the concerns and questions raised.

Staff is requesting that the Development Charges Update be deferred to provide an opportunity for more detailed discussion with the development community, but would commit that regardless of the status of discussions, the report and by-law would be presented to Council in September, as further delays will result in additional lost revenues and impact other finance projects, including the final presentation of the Long Term Financial Plan and the 2025 Budget.

Deferral of the project until September will also provide additional time for staff to finalize communication documents and infographics regarding the new fees, the timing of development charge calculations and interest / indexing impacts.

If Council approves the Development Charges By-law in September, with an October 1 effective date, then the resulting delay in implementation would be limited to one (1) month.

Summary and Recommendations

Staff recommends that the presentation of the final report on the 2024 Development Charges Update, Background Study and By-law to Council be deferred until September to facilitate further meaningful discussion with the development community and other stakeholders, to respond to questions raised and to consider challenges / proposals put forward. Staff further recommends that this deferral be limited to ensure that discussions continue in a timely manner and this and other financial projects are not stalled indefinitely.

Attachments

None

Reviewed By

N/A

Copied To

- 1. Alison Newton, CAO
- 2. Heather Bailey, Manager of Budgets and Long-Term Financial Planning
- 3. Byron Tan, Watson & Associates, DC Consultant

By-law and/or Agreement

By-law Required	Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

Administration and Operations Committee Report

To: To the Chair and Members of the Administration and Operations Committee
From: Greg Bergeron, Director of Enforcement and Regulatory Services
Date: July 16, 2024
Report #: RPT-311-24
Subject: Implementation of Administrative Penalty System (APS)
Purpose: For Approval

Recommendation

WHEREAS, staff presented RPT-198-23 at Policy Development Committee meeting on May 23, 2023 to bring forward the necessary by-law amendments to implement an Administrative Penalty System; and

WHEREAS, on July 25, 2023, Council enacted By-law #88-23, being a by-law to establish and operate an Administrative Penalty System for violations of by-laws enacted under the authority of the Municipal Act;

THAT the Committee receive this report; and

THAT By-law #88-23 and its schedules been repealed; and

THAT the Committee and Council approve the enactment of the Administrative Penalty By-law and Schedules, attached as **Appendix 1**, being a by-law to establish and operate an Administrative Penalty System for violations of the County of Brant Parking By-law and future designated non-parking by-laws enacted under the authority of the Municipal Act, 2001 and the Building Code Act; and

THAT the Committee approve, and Council enact by By-law, the mandatory policies attached as **Appendix 2.1 to 2.5**, which support the operationalization and integrity of the Administrative Penalty System; and

1. Policy to Prevent Political Interference
2. Conflict of Interest Policy
3. Policy Regarding Financial Management and Reporting
4. Public Complaints Policy
5. Undue Hardship Policy

THAT the proposed amendments to the County of Brant Parking By-law #004-19, attached as **Appendix 3**, be approved; and

THAT Schedule 17 of the County Parking By-law 004-19 be repealed; and

THAT, pursuant to By-law #87-23 being a By-law to establish the positions of Screening and Hearing Officers, Madeline Huether and Julie McKeen be appointed as Screening Officers for the purpose of conducting screening reviews for Penalty Notices issued under the County Parking By-law and non-parking By-laws; and

THAT the attached Administrative Penalty System By-law, Schedules, and Parking By-law No. 004-19 amendments simultaneously come into force and effect upon the execution and delivery of the Authorized Requestor Agreement between the County of Brant and the Ontario Ministry of Transportation, governing Administrative Penalties.

Executive Summary

An Administrative Penalty System (hereafter referred to as APS) is an enhanced procedural justice system which will allow the County to administer and deal with Penalty Notices in a timely manner as authorized under the Municipal Act, 2001 and Ontario Regulation 333/07.

When a Penalty Notice is challenged, municipalities assign internal Screening and external Hearing Officers to assist notice holders by providing a fair and efficient dispute resolution process.

APS is a customer service-based program, with a focus on early resolution. APS moves disputes out of the court system and provides municipalities with the discretion to resolve tickets during an internal screening review. If a notice holder disagrees with the decision of the Screening Officer, they can request a Hearing Review before a Hearing Officer.

Under this new process, most Penalty Notices can be resolved within approximately 120 days, much faster than the previous, court-based system. The APS program will provide for the same open, transparent, and impartial process as is currently in place with the Provincial Offences Act (herein referred to as POA) system.

As a first step, (Phase 1) the introduction of the APS in the County of Brant will commence with the administration and enforcement of Parking By-law No. 004-19.

Phase 2 of the implementation program will be the processing and adjudication of Automated Speed Enforcement contraventions which is currently in development.

Phase 3 of the APS implementation will be to incorporate Municipal Act and Building Code Act By-laws into the APS program.

Strategic Plan Priority

Strategic Priority 2 - Effective Communication

Strategic Priority 5 - Healthy, Safe, and Engaged Citizens

Strategic Priority 6 – Stable and Responsive Governance

Impacts and Mitigation

Social Impacts

An Administrative Penalty System is an established approach to deal with by-law infractions in a manner that is fair, effective, and efficient. The system is more user friendly and less intimidating, while maintaining the fundamental principles of justice and due process. This

approach has been adopted by numerous municipalities, the province, and the federal government, and is designed to streamline the enforcement process and to increase compliance County by-laws.

Environmental Impacts

There are no Environmental Impacts associated with this report.

Economic Impacts

Unpaid parking Penalty Notices ultimately result in plate denial until payment, including administrative fees, are paid in full.

Confirmed and unpaid non-parking Penalty Notices can be either sent to a Collection Agency or Small Claims Court or reported to a Credit Bureau as determined by the municipality. The APS system for non-parking violations also gives municipalities the ability to have unpaid Penalty Notices and administrative fees applied to the property tax roll if the offending party owns property located in the municipality.

Additional resources will likely be required in 2025 to successfully deliver the Administrative Penalty System and Automated Speed Enforcement program.

Report

Background

Staff presented RPT-198-23 at Policy Development Committee meeting on May 23, 2023, to bring forward the necessary by-law amendments to implement an Administrative Penalty System;

Council enacted By-law #88-23 being a by-law to establish and operate an Administrative Penalties System for violations of by-laws constituted under the Municipal Act on July 25, 2023;

This project was delayed due to the County having to procure new parking enforcement software. Staff are working with the new service provider in developing the software for the processing of Penalty Notices issued under the APS framework.

Analysis

The APS program provides for a two-step resolution process when someone chooses to dispute a parking ticket. The ticket holder will conveniently be able request a “screening” online through the County’s website. This will replace the POA system which requires the ticket recipient wishing to dispute a ticket to request a trial which is adjudicated in a provincial courtroom by a Justice of the Peace.

The APS process provides staff with an increased level of discretion to resolve the ticket (Penalty Notice) through a screening. If the ticket holder chooses not to accept the resolution offered by the Screening Officer, they can request a hearing before a Hearing Officer. Screenings will primarily be conducted in writing but may occasionally take place over the phone, virtually or at an office within the County. All hearings will be conducted virtually.

A Hearings Officer has already been appointed through By-Law #87-23 being an independent and impartial person appointed by Council. The decisions of Hearing Officers are final and binding.

As part of this process, staff have undertaken a review of the existing set fines for parking offences. There have been no increases to the previously established set fine amounts.

In efforts to encourage prompt payment of parking Penalty Notices, staff are maintaining the “early payment” option to all parking Penalty Notices. The early payment option provides notice holders to pay a reduced fine amount if paid within seven (7) days from the effective date of service. Staff are recommending that Schedule 17 be repealed as mentioned in section 44 of the Parking By-law. Although voluntary payment within seven (7) days will continue to be an option, the framework will be removed from the Parking By-law and moved to the APS By-law.

Process overview

Uncontested Penalty Notices

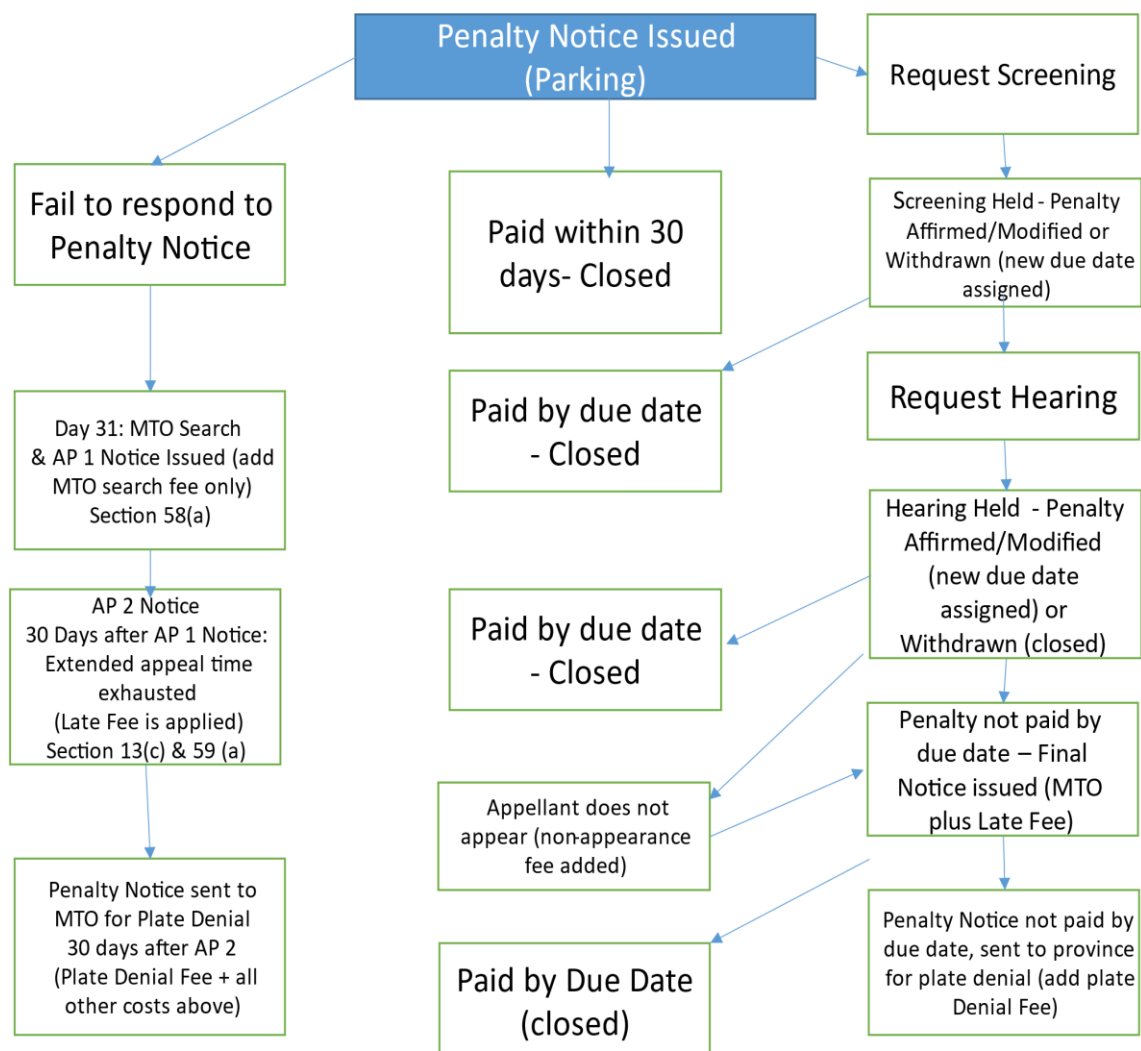
- When a penalty notice is issued, recipients will have thirty (30) days from the effective date of service to pay the set amount as per Schedule “A” of the draft By-law. If the amount is paid, the penalty notice will be satisfied with no further action.
- Should a penalty notice not be paid within thirty (30) days, a reminder notice (AP1) will be mailed to the registered owner after an MTO search has been conducted which will occur on or after day thirty-one (31). The owner shall be responsible for the MTO search fee.
- If the penalty notice is not paid by the due date set out in the AP1 notice, a late fee will subsequently be applied, approximately fifteen (15) days after the due date.
- A second notice (AP2) will be mailed out approximately thirty (30) days after the AP1 notice advising the vehicle owner of the outstanding fees, including the late fee. The notice will set out a final due date to pay and advising that failure to pay will result in the County submitting a request for plate denial (including costs) to the province.
- If not paid approximately fifteen (15) days after final due date established in the AP2 notice, the County will proceed with the plate denial process through the Defaulted Fine Control Centre (DFCC) which will result in the registered owner not being able to renew their vehicle permit plate until the outstanding debt to the County has been paid.
- The provincial government recently announced that plates for passenger vehicles, light-duty trucks, motorcycles, and mopeds will renew automatically 90 days before expiry if the vehicle owner has valid insurance and no outstanding fines or tolls. If there are outstanding tickets or fines, that person must pay them before the licence plate renewal process can begin.

Contested Penalty Notices

- When a person wishes to dispute a Penalty Notice, they can submit a screening request form online or by attending the By-law Enforcement office at any time during normal business hours;
- Screening requests will generally need to be completed within the thirty (30) day window.

- As required under the Provincial regulations, the proposed By-law provides for an extension of time to request a screening or hearing for extenuating circumstances.
- Upon review, a Screening Officer can affirm, cancel, reduce, or extend the time for payment of the Administrative Penalty.
- The APS program provides staff with discretion to attempt to resolve Penalty Notices. This may include the potential to reduce the fine or provide for a payment program, if appropriate. Under the current POA process, the only option to resolve a Provincial Offence Notice, is to pay it, request an early resolution date or a trial;
- If the person is not satisfied with the outcome of the screening meeting, they can request a hearing. This would be similar to requesting a trial under the current process; however, the hearing process follows the Statutory Powers and Procedures Act and will be less formal and timelier;
- The existing Hearings Officer will be utilized to adjudicate matters at a hearing. The Hearings Officer is independent of County staff and Council;
- The timelines associated with screenings and hearings will vary based on the due dates established by the Screening Officer and, if applicable, by the Hearing Officer.
- The flowchart below provides a general overview of the APS process.

APS Flow Chart



Mandatory APS Policies

Section 7 of Ontario Regulation 333/07 made under the authority of the Municipal Act, 2001 requires municipalities to develop standards relating to the administration of the system of administrative penalties;

- (a) policies and procedures to prevent political interference in the administration of the system;
- (b) guidelines to define what constitutes a conflict of interest in relation to the administration of the system, to prevent such conflicts of interest and to redress such conflicts should they occur;
- (c) policies and procedures regarding financial management and reporting;
- (d) procedures for the filing and processing of complaints made by the public with respect to the administration of the system.

As required by regulations, staff are recommending that the County of Brant adopt the following five policies which are briefly explained below:

- APS Policy 1 - Prevention of Political Interference Policy - Appendix 2.1

This policy is to prevent political interference of any kind in the administration of the APS program, and to minimize and restrict opportunities for political interference, intentionally or unintentionally.

- APS Policy 2 – Conflict of Interest Policy - Appendix 2.2

This policy defines what constitutes a conflict of interest in relation to the APS program, to prevent such conflicts of interest and to redress such conflicts should they occur, to maintain the integrity of the program.

- APS Policy 3 - Financial Management and Reporting Policy – Appendix 2.3

This policy applies to the financial management and reporting of the APS program for transparency and accountability.

- APS Policy 4 -, Public Complaints Policy - Appendix 2.4

This policy is to ensure the APS program is a responsive and effective system for enforcement of County By-laws and to ensure any public complaints are addressed in a timely and responsible manner as prescribed in the policy.

APS Policy 5 – Undue Financial Hardship Policy -Appendix 2.5

- This policy assists Screening and Hearing Officers in responding to requests by persons with a penalty notice for relief from paying all, or part, of an Administrative Penalty, including any Administrative Fees, on the basis that they would suffer undue hardship if required to pay the penalty or fee.

BENEFITS OF APS

Staff believe there are several significant benefits to implementing an APS program. The following is a brief overview of these benefits:

- The APS allows for the municipality to control all the timelines associated to the life of a Penalty Notice. The timelines for such things as late payment fees, screening and hearings are established by the County. The program provides enhanced customer service, and is less formal and less intimidating for the public as compared to the Provincial Offences Court process;
- Removing Provincial Offence tickets issued for by-law violations from the court process will allow the local court administration to reallocate time and resources to address other pressures;
- Staff will have increased flexibility and discretion to attempt to resolve disputes in the early stages of the process, through the screening process, which will be available through email, phone, in person or virtually;
- The APS program will provide for less formal (quasi-judicial) hearings to be held virtually;
- The hearings schedule will be within the County's control and will not have to be dependent upon the court schedules at the Brantford courthouse. With the current volume of Provincial Offence Notices, under the current system, the wait time for a court date could be as much twelve (12) months after the ticket is issued. Under the APS program, staff are anticipating significantly reduced wait times;
- Increased ability for Officers to issue Penalty Notices to out-of-area persons who have committed a by-law violation through different methods of service, which are not available in the POA system;
- Under the current POA system, fine amounts are recommended by the municipality, but require final approval by the Ministry of the Attorney General. This approval process often takes several weeks and limits a municipality's ability to have full control of the approved fines. APS allows for Council to approve fines provided they are not punitive in nature and reasonable to promote compliance with the By-laws of the municipality, and therefore, permits for a new approach to setting fines to effectively deal with local issues;
- Through the APS program, the County has established the fees to be imposed on late/defaulted penalties. Imposing fees for defaulted penalties can serve two (2) purposes, the first being an incentive to resolve the penalty notice as early as possible and secondly, to function as cost recovery for the added staff resources required to process Penalty Notices where the defendant fails to respond accordingly. As an example, Parking Penalty Notices that are completely ignored will cost the registered vehicle owner an additional \$61.00 over and above the set penalty amount.
- The proposed By-law provides for escalated fines for non-parking by-law violations for repeat offenders to encourage compliance.

FINANCIAL IMPLICATIONS

The factors that influence annual ticket activities may increase given the fact that under that APS, parking tickets can be issued after the fact which is not the case under the POA framework. Staff expect that APS will have a positive impact on parking enforcement in school zones, where offending drivers often drive away before a ticket is issued. Under the

APS program, Penalty Notices for violations observed by Municipal Law Enforcement Officers can be mailed to the registered owner after the fact.

The APS program will also reduce the amount of time Legal staff and By-law Officers spend at court, therefore increasing staff availability with existing staffing resources for other priorities and responding to customer concerns.

Compensation for the Hearings Officer (third party contractor) to adjudicate hearings will be required and staff estimate that hearings will take place approximately six times per year. On this basis, staff are forecasting an additional expense of \$3,000 to \$4,000 annually, which will be funded through the By-law Division's operating budget.

The implementation of the APS program is not likely to significantly alter the annual ticket issuance rates and the resulting revenue from the face value of the tickets. However, staff believe that there will be an increase in fine revenue in 2025 as it relates to the continued growth and the collection of late fees imposed where someone fails to fulfill their obligations to respond appropriately to resolve their Penalty Notices.

Additional resources

Depending on the volume of Penalty Orders, the number of screening reviews and appeals related to Administrative Penalties combined with the additional responsibilities for the impending implementation of the Automated Speed Enforcement program (Phase 2), additional human resources will likely be required to handle and process all Penalty Notices (APS & ASE), conduct screening reviews and to act as the County representative during hearings. Additional resources will form part of a Decision Package during 2025 divisional budget planning process. Staff are also in the process of developing a permit parking system for residents of the Paris BIA.

COMMUNICATION

Staff will focus on educating the public to inform them on the process through a communications plan which will include a comprehensive APS page on the County of Brant website.

Summary and Recommendations

That the Committee receive this report as information;

THAT By-law #88-23 and its schedules been repealed; and

THAT the Committee and Council approve the enactment of the Administrative Penalty By-law and Schedules attached as Appendix 1, being a by-law to establish and operate an Administrative Penalty System for violations of the County of Brant Parking By-law and future designated non-parking by-laws enacted under the authority of the Municipal Act, 2001 and the Building Code Act; and

THAT the Committee approve, and Council adopt the mandatory policies attached as Appendix 2.1 to 2.5, which support the operationalization and integrity of the Administrative Penalty System (APS); and

- 1. Policy to Prevent Political Interference
- 2. Conflict of Interest Policy
- 3. Policy Regarding Financial Management and Reporting
- 4. Public Complaints Policy
- 5. Undue Hardship Policy

THAT amendments to the County of Brant Parking By-law #004-19 as per the amending by-law, attached as Appendix 3, be approved; and

THAT Schedule 17 of the County Parking By-law 004-19 be repealed; and

THAT, pursuant to By-law #87-23 being a By-law to establish the positions of Screening and Hearing Officers, Madeline Huether and Julie McKeen be appointed as Screening Officers for the purpose of conducting screening reviews for Penalty Notices issued under the County Parking By-law and non-parking by-laws; and

THAT the attached APS By-law, Schedules, and Parking By-law No. 004-19 amendments simultaneously come into force and effect upon the execution and delivery of the Authorized Requestor Agreement between the County of Brant and the Ontario Ministry of Transportation, governing Administrative Penalties.

Attachments

- 1) Appendix 1 – Draft APS By-law & Schedules
- 2) Appendix 2.1 to 2.5 – APS Policies
- 3) Appendix 3 - Amending Parking By-law 004-19
- 4) Appendix 4 – Redline Version of By-law 004-19
- 5) Appointment By-law – Screening Officers

Reviewed By

Cindy Stevenson – General Manager Emergency and Protective Services

Copied To

Alison Newton – CAO
Rochelle Welchman – Solicitor and Corporate Council
Amanda Paine – Supervisor of Enforcement and Regulatory Services
Adam Crozier – Director of Director of Corporate Strategy
Suzie Keczan - Director of Communications and Public Relations

By-law and/or Agreement

By-law Required	Yes
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

BY-LAW NUMBER XX-24
-OF-
THE CORPORATION OF THE COUNTY OF BRANT

Being a By-law to establish an administrative penalty system for violations of By-laws within the County of Brant

WHEREAS Sections 23.2, 23.3 and 23.5 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the “Municipal Act, 2001”) authorize the County to delegate its administrative and hearing powers;

AND WHEREAS section 102.1 of the *Municipal Act, 2001* and O. Reg. 333/07, authorizes the County to require a person to pay an Administrative Penalty for a contravention of any by-law respecting the parking, standing, or stopping of vehicles;

AND WHEREAS section 391 of the *Municipal Act, 2001* authorizes the County to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it;

AND WHEREAS section 434.1 of the *Municipal Act, 2001* authorizes the County to require a Person, subject to such conditions as the municipality considers appropriate, to pay an Administrative Penalty if the municipality is satisfied that the Person has failed to comply with a by-law of the County;

AND WHEREAS, section 434.2(1) of the *Municipal Act, 2001* provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS subsection 434.2(2) of the *Municipal Act, 2001*, provides that if an administrative penalty imposed under section 434.1 is not paid within 15 days after the day that it becomes due and payable, the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, shall, add the administrative penalty to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the administrative penalty, and collect it in the same manner as municipal taxes”

AND WHEREAS section 15.4.1 of the *Building Code Act, 1992*, authorizes the County to require a Person, subject to such conditions as the municipality considers appropriate, to pay an Administrative Penalty if the municipality is satisfied that the Person has failed to comply with a by-law passed under section 15.1 of the *Building Code Act, 1992*; or an order of an officer under subsection 15.2 (2) as deemed confirmed or as confirmed or modified by the committee or a judge under section 15.3 of the *Building Code Act, 1992*;

AND WHEREAS, Section 12(1)3 of Ontario Regulation 333/07 of the *Municipal Act, 2001* provides that a municipality may charge administrative fees in the amount

specified in the administrative penalty system by-law for any other fee or charge imposed by the municipality in respect of the administration of the administrative penalty system under section 391 of the Act.

AND WHEREAS the Council for the County considers it desirable and necessary to provide for a system of Administrative Penalties and Administrative Fees for the designated by-laws set out herein;

NOW THEREFORE the Council of the Corporation of the County of Brant enacts as follows:

Interpretation and Definitions

1. A reference to any legislation, by-law, or any provision thereof in this By-law shall include reference to any amendment to, modification or re-enactment thereof, any legislative provision substituted therefor, any regulation made thereunder, and any successor legislation or by-law.
2. Where words and phrases used in this by-law are not defined herein but are defined in the *Highway Traffic Act, R.S.O. 1990, c. H. 8*, the definitions in the *Highway Traffic Act* shall apply.
3. For the purpose of this By-law:

“Administrative Penalty” means an administrative penalty as set out in Schedules “A” and “B” of this By-law, for a contravention of a Designated By-law;

“Clerk” means the County Clerk, or anyone designated by the County Clerk to perform their duties pursuant to this By-law;

“County” means the Corporation of the County of Brant and includes the geographical area within the County;

“Court” means any court of law of the Province of Ontario, including but not limited to the Ontario Court of Justice, the Superior Court of Justice, and the Court of Appeal for Ontario;

“Designated By-law” means a by-law, or a part or provision of a by-law, that is designated under this or any other by-law, and is listed in the attached Schedules “A” and “B”;

“Effective Date of Service” means the date on which service of a Penalty Notice is deemed to be effective in accordance with this By-law;

“Fees” includes the following:

- (a) “Administrative Fee” means any fee(s) listed in Schedule “C” of this By-law;
- (b) “Hearing Non-Appearance Fee” means an Administrative Fee established by the County from time to time, as listed in Schedule “C” in respect of a Person’s failure to appear at the time and place scheduled for a hearing before a Hearing Officer;
- (c) “Late Payment Fee” means an Administrative Fee established in Schedule “C” of this By-law in respect of a Person’s failure to pay an Administrative Penalty within the time prescribed;
- (d) “MTO Plate Denial Fee” means an Administrative Fee listed in Schedule “C”, as represented by the Ontario Ministry of Transportation, for notifying the Registrar of Motor Vehicles for the purpose of denying renewal of a vehicle permit;
- (e) “MTO Search Fee” means an Administrative Fee established by the County from time to time for any search of the records of, or any inquiry to, the Ontario Ministry of Transportation, or related authority, for the purposes of this By-law;
- (f) “Screening Non-Appearance Fee” means an Administrative Fee established by the County from time to time, as listed in Schedule “C” in respect of a Person’s failure to appear at the time and place scheduled for a review by a Screening Officer.

“Hearing Decision” means a notice that contains the decision of a Hearing Officer;

“Hearing Officer” means any person appointed by the County from time to time consistent with the APS conflict of interest policy and pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Hearing Officer in accordance with this By-law and pursuant to the County’s Screening and Hearing Policy;

“Hearing Officer Appeal Form” means the form attached to the Screening Decision that may be filed by a Person under this By-law;

“Holiday” means a Saturday, Sunday and any statutory holiday in the Province of Ontario or any day on which the offices of the County are officially closed for business;

“Non-Parking By-law Penalty Notice” means a Penalty Notice issued pursuant to section 9 of this By-law in respect of a contravention of a provision of a Designated By-law listed in Schedule “B” of this By-law;

“Officer” means a person appointed/authorized by the County to enforce a Designated By-law, or a police officer employed by the Ontario Provincial Police;

“Owner” means the Person whose name appears on the permit for the vehicle as provided by the Ontario Ministry of Transportation, and if the vehicle permit consists of a vehicle portion and a plate portion and different Persons are named on each portion, the Person whose names appears on the plate portion;

“Parking Penalty Notice” means a Penalty Notice issued pursuant to section 8 of this By-law in respect of a contravention of a provision of a Designated By-Law listed in Schedule “A” of this By-law;

“Penalty Notice” means a notice as described in this-By-law, and for greater certainty includes both a Non-Parking By-law Penalty Notice and a Penalty Notice;

“Penalty Notice Date” means the date of the contravention;

“Penalty Notice Number” means the reference number specified on the Penalty Notice that is unique to that Penalty Notice, pursuant to this By-law;

“Person” includes an individual, corporation, a partnership, an association or an authorized representative thereof;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P. 33;

“Regulation” means O. Reg. 333/07, made under the *Municipal Act, 2001* and any regulation enacted with respect to section 434.1 of the *Municipal Act, 2001*;

“Screening and Hearing Officer By-law” means a by-law of the County to appoint screening and hearing officers, as amended from time to time, or any successor thereof;

“Screening Decision” means a notice which contains the decision of a Screening Officer;

“Screening Officer” means any person appointed by the County from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a screening officer pursuant to this By-law;

“Statutory Powers Procedure Act” means the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22.

Application

4. The By-laws, or portions of By-laws, listed in the attached Schedule “A” of this By-law shall be Designated By-laws for the purposes of Section 102.1 of the *Municipal Act, 2001* and paragraph 3(1)(b) of the Regulation.
5. The By-laws, or portions of By-laws, listed in the attached Schedule “B” of this By-law shall be Designated By-laws for the purposes of Section 434.1 of the *Municipal Act, 2001*.
6. Schedules “A” and “B” set out the Administrative Penalty and include short form wording to be used on Penalty Notices, for the contraventions of By-laws listed in Schedules “A” and “B”, respectively.

Administration

7. The *Clerk* may:
 - (a) designate areas within the County, or at another location, as approved, and determine times, for conducting reviews and hearings under this By-law;
 - (b) prescribe all forms, notices, including the Penalty Notice, guidelines, processes, policies, and procedures, necessary to implement the By-law and the administrative penalty system, and to amend such forms, notices, guidelines, policies, procedures, and processes from time to time as the Clerk deems necessary without amendment to this by-law; and
 - (c) amend the Administrative Fees, as may be necessary to reflect changes in fees imposed by the Province of Ontario in relation to the administration of the administrative penalty system.

Penalty Notice – Parking

8. If a vehicle has been left parked, standing or stopped in contravention of a provision of a Designated By-Law listed in Schedule “A” the Owner of the vehicle shall, upon issuance of a Parking Penalty Notice in accordance with this By-Law, be liable to pay to the County an Administrative Penalty in the amount specified in Schedule “A”, and shall be liable to pay to the County any Administrative Fees in accordance with this By-Law.

Penalty Notice – Non-Parking By-law

9. If a Person is found to have contravened a provision of Designated By-Law listed in Schedule “B”, the Person shall, upon issuance of a Non-Parking By-law

Penalty Notice in accordance with this By-Law, be liable to pay to the County an Administrative Penalty in the amount specified in Schedule “B” and shall be liable to pay to the County any Administrative Fees in accordance with this By-Law.

10.

- (a) If a Person is found to have contravened the same provision of a Designated By-law listed in Schedule “B” for a second time within a twenty-four (24) month period commencing on the date that the first Non-Parking By-law Penalty Notice is deemed to be affirmed, the Person shall, upon issuance of a subsequent Non-Parking By-law Penalty Notice, be liable to pay an administrative penalty to the County in the amount of \$100 more than the amount specified in Schedule “B”, and shall be liable to pay to the County any Administrative Fees in accordance with this By-law.
- (b) If a Person is found to have contravened the same provision of a Designated By-law listed in Schedule “B” for a third time within a twenty-four (24) month period commencing on the date that the first Non-Parking Penalty Notice is deemed to be affirmed, the Person shall, upon issuance of a subsequent Non-Parking By-law Penalty Notice, be liable to pay an administrative penalty to the County in the amount of \$200 more than the amount specified in Schedule “B”, and shall be liable to pay to the County any Administrative Fees in accordance with this By-law.

Officer to Issue Penalty Notice

11. An Officer who has reason to believe that a Person has contravened a Designated By-Law may issue a Penalty Notice in accordance with this By-Law.

Penalty Notice – Information required

12. The Penalty Notice shall include the following information:

- (a) the Penalty Notice Date;
- (b) the Penalty Notice Number;
- (c) the short form wording for the contravention listed in Schedule “A” (Parking) or Schedule “B” (Non-Parking By-law), as the case may be, which describes the particulars of the contravention;
- (d) the amount of the Administrative Penalty;
- (e) information respecting the process by which the person may pay the Administrative Penalty or request a review of the Administrative Penalty;

- (f) a statement advising that an Administrative Penalty, including any Administrative Fee, will, unless cancelled or reduced pursuant to a review, constitute a debt of the Owner or Person, to the County; and
- (g) the name or identification number of the Officer issuing the Penalty Notice.

Payment Deadline – Parking Penalty Notice

- 13. (a) Payment of an Administrative Penalty payable pursuant to a Parking Penalty Notice is due within thirty (30) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law.
- (b) Where an Owner or Person chooses to pay the Administrative Penalty within seven (7) business days of the effective date of service, the Owner may pay the Early Payment Amount set out in Schedule “A” of this By-law.
- (c) If the Owner or Person fails to make payment of the Administrative Penalty on or before payment due date set out in subsection (a), the Owner shall be liable to pay, in addition to the amount of the Administrative Penalty, the designated Late Payment Fee set out in Schedule “C” of this By-law.

Payment Deadline – Non-Parking Penalty Notice

- 14. (a) Payment of an Administrative Penalty payable pursuant to a Non-Parking By-law Penalty Notice is due within thirty (30) calendar days from the Effective Date of Service of the Penalty Notice in accordance with this By-law.
- (b) If the Person fails to make payment of the Administrative Penalty before payment due date set out in subsection (a), the Person shall be liable to pay, in addition to the amount of the Administrative Penalty, the designated Late Payment Fee set out in Schedule “C” of this By-law.

Review by Screening Officer

- 15. A Person who is served with a Penalty Notice may request that the Administrative Penalty be reviewed by a Screening Officer within thirty (30) calendar days of the Effective Date of Service and shall do so on or before the date on which the Administrative Penalty is due and payable.
- 16. If a Person has not requested a Screening Review on or before the date on which the Administrative Penalty is due and payable, the Person may request that the Screening Officer extend the time to request a review for a period up to

thirty (30) days after the Penalty Notice due date.

17. In order to request a Screening Review pursuant to Section 15 or to request an extension of time to request Screening Review pursuant to Section 16, a Person shall, using the prescribed forms, deliver to the County written notice of the request that includes:
 - (a) the Penalty Notice Number;
 - (b) the Person's mailing address and, if applicable, telephone number, and e-mail address;
 - (c) in the case of a request to extend time to request a review, the reasons, if any, for having failed to exercise the right to request a review within thirty (30) days from the date the Penalty Notice was served; and
 - (d) the Person's preference of the following options for a Screening Review meeting format:
 - (i) in-person;
 - (ii) by telephone;
 - (iii) remotely by videoconference; or
 - (iv) in writing.
18. Upon receipt of the request for review, the Screening Officer shall determine the format to be used for the review, including but not limited to in-person, by telephone, remotely by videoconference or in writing.
19. Written submissions to a Screening Officer relating to a scheduled screening review shall be submitted to the Screening Officer by 12:00 noon, one business day prior to the review.
20. Unless the screening review proceeds in writing, the Person shall be provided no fewer than seven (7) calendar days' notice of the date, time, and place of the Screening Review.
21. Unless the screening review proceeds in writing, if the Person fails to appear at the time and place scheduled for a screening review, or fails to remain at such place until the Screening Officer has made a Screening Decision respecting the Administrative Penalty,
 - (a) the Person shall be deemed to have abandoned the request for the review;

- (b) the Administrative Penalty shall be deemed to be final;
 - (c) the Administrative Penalty shall not be subject to further review by a Hearing Officer or review by any Court; and
 - (d) the Person shall pay to the County a Screening Non-Appearance Fee as set out in Schedule "C".
22. Every Person who has requested a review by a Screening Officer shall be served with a copy of the Screening Decision within fifteen (15) calendar days of the Screening Review.
23. When dealing with a request to extend the time to request a screening review pursuant to Section 16, the Screening Officer may only extend the time to request a review of the Administrative Penalty where the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Screening Officer shall consider the request for extension before reviewing the Administrative Penalty.
24. Where an extension of time to request a review is not granted by the Screening Officer, the Administrative Penalty and any applicable Administrative Fees shall be deemed to be affirmed and shall not be subject to review.
25. Where neither a review nor an extension of time for review are requested in accordance with this By-law, or where the person fails to request a review within any extended period of time granted by the Screening Officer:
- (a) the Person shall be deemed to have waived the right to a screening and a hearing;
 - (b) the Administrative Penalty, and any applicable Administrative Fees, shall be deemed to be affirmed; and
 - (c) the Administrative Penalty, and any applicable Administrative Fees, shall not be subject to review.
26. On a review of an Administrative Penalty, the Screening Officer may:
- (a) affirm the Administrative Penalty (including any applicable Administrative Fees, or the Screening Officer); or
 - (b) cancel, reduce, or extend the time for payment of the Administrative Penalty (including any applicable Administrative Fees), on the following grounds:

- (i) in a review of a Parking Penalty Notice, where the Screening Officer is satisfied, on a balance of probabilities, that the vehicle was not parked, standing, or stopped in contravention of the Designated By-law as set out in the Penalty Notice;
 - (ii) in a review of a Non-Parking By-law Penalty, where the Screening Officer is satisfied, on a balance of probabilities, that the Person did not contravene a Designated By-law as set out in the Penalty Notice.
 - (iii) Where the Screening Officer is satisfied, on a balance of probabilities, that the cancellation, reduction, or extension of the time for payment of the Administrative Penalty, including any applicable Administrative Fees, is necessary to reduce any undue hardship.
27. A Screening Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation, or by-law.

Review by Hearing Officer

28. A Person may request a review by a Hearing Officer on or before the due and payable date for the Administrative Penalty listed in the Screening Decision.
29. If a Person has not requested a review hearing on or before the date on which the Administrative Penalty is due and payable, the Screening Decision shall be deemed final unless the Person requests within thirty (30) calendar days after the Screening Decision was served that the Hearing Officer extend the time to appeal.
30. A Person's right to appeal the Screening Decision to a Hearing Officer, or request an extension of time to appeal, shall be exercised by giving to the County written notice of the request to appeal that includes:
- (a) the Penalty Notice Number;
 - (b) the Person's mailing address and, if applicable, telephone number, and email address;
 - (c) in the case of a request to extend time to appeal, the reasons, if any, for having failed to exercise the right to appeal within thirty (30) days from the date the Screening Decision was served; and
 - (d) the reasons for which the appeal has been requested.

31. Written notice of the request to appeal or to request an extension of time to appeal shall be provided by completing the Hearing Officer Appeal Form and delivering it to the County.
32. The Person shall be given at least thirty (30) calendar days notice of date, time, and place of the hearing of the appeal by the Hearing Officer.
33. If the Person fails to appear at the time and place scheduled for the hearing of the appeal:
 - (a) the Person shall be deemed to have abandoned the appeal;
 - (b) the Screening Decision and the Administrative Penalty as it may have been affected by the Screening Decision shall be deemed to be final and shall not be subject to any further review, including review by any Court; and
 - (c) the Person shall pay to the County a Hearing Non-Appearance Fee.
34. The Hearing Officer shall conduct hearings in an impartial manner and shall not make a determination with respect to a review of the Screening Decision where a Person appears unless he or she has given the Person an opportunity to be heard.
35. The Hearing Officer may only extend the time to appeal the Screening Decision where the Person requesting the extension demonstrates, on a balance of probabilities, extenuating circumstances that warrant the extension of time. The Hearing Officer will consider the request for extension before reviewing the Screening Decision.
36. Where an extension of time to appeal is not granted by the Hearing Officer, the Screening Decision shall be deemed to be affirmed, and shall not be subject to review.
37. Where neither an appeal hearing nor an extension of time to appeal are requested in accordance with this By-law, or where the person fails to appeal within any extended period of time granted by the Hearing Officer:
 - (a) the person shall be deemed to have waived the right to an appeal hearing;
 - (b) the Screening Decision shall be deemed to be affirmed; and
 - (c) the Screening Decision shall not be subject to review.
38. (a) On a review of a Screening Decision relating to a Parking Penalty Notice, the Hearing Officer may affirm the Screening Decision, or the

Hearing Officer may cancel, reduce, or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:

- (i) Where the Hearing Officer is satisfied, on a balance of probabilities, that the vehicle was not parked, standing, or stopped in contravention of the Designated By-law set out in the Penalty Notice; or
 - (ii) Where the Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction, or extension of the time for payment of the Administrative Penalty, including any Administrative Fees, is necessary to reduce any undue hardship in accordance with the undue hardship policy.
 - (b) On a review of the Screening Decision relating to a Non-Parking By-law Penalty Notice, the Hearing Officer may affirm the Screening Decision, or the Hearing Officer may cancel, reduce, or extend the time for payment of the Administrative Penalty, including any applicable Administrative Fees, on the following grounds:
 - (i) Where the Hearing Officer is satisfied, on a balance of probabilities, that the Person did not contravene a Designated By-law as set out in the Penalty Notice; or
 - (ii) Where the Hearing Officer is satisfied, on a balance of probabilities, that the cancellation, reduction, or extension of the time for payment of the Administrative Penalty, including any Administrative Fees, is necessary to reduce any undue hardship in accordance with the undue hardship policy.
39. A Hearing Officer has no authority to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation, or by-law.
40. A Hearing Officer shall not make any decision respecting a review of the Screening Decision unless the Hearing Officer has given the person, and the County an opportunity to be heard.
41. The hearing shall be subject to the *Statutory Powers Procedure Act*.
42. The Hearing Officer may consider and rely on a certified statement of an Officer, including but not limited to, certified photographs taken by an Officer. For this purpose, the Penalty Notice, signed by the Officer, shall constitute a certified statement of the Officer.

43. In addition to anything else that is admissible as evidence in accordance with the *Statutory Powers Procedure Act*, the materials referred to in Section 42 are admissible as evidence as proof of the facts contained therein, in the absence of evidence to the contrary.
44. If evidence referred to in Section 42 is being admitted at a hearing, the Hearing Officer shall not adjourn the hearing for the purpose of having the Officer attend to give evidence unless the Hearing Officer is satisfied that the oral evidence of the Officer is necessary to ensure a fair hearing.
45. The Person requesting the hearing shall be served with a copy of the Hearing Decision within fifteen (15) calendar days of the hearing review.
46. The decision of a Hearing Officer is final.
47. Where notice has been given in accordance with this By-law, and the person fails to appear at the time and place scheduled for a review by the Hearing Officer:
 - (a) the person shall be deemed to have abandoned the hearing;
 - (b) the Screening Decision shall be deemed to be affirmed; and
 - (c) the person shall pay to the County a Hearing Non-Appearance Fee, in addition to any other fees payable pursuant to this By-law.

Service of Documents

48. Service of a Parking Penalty Notice, in any of the following ways is deemed effective by:
 - (a) affixing it to the vehicle in a conspicuous place at the time of the contravention;
 - (b) delivering it personally to the operator of the vehicle or the person having care and control of the vehicle at the time of the contravention;
 - (c) mailing it by regular mail to the Owner at the address as set out on the ownership as soon as reasonably practicable after the contravention; or
 - (d) delivering it personally to an occupant at the address of the Owner as set out on the ownership, who appears to be at least 16 years of age, as soon as reasonably practicable after the contravention.
49. Service of a Non-Parking Penalty Notice, in any of the following ways is deemed effective by:

- (a) delivering it personally to the person named in the Penalty Notice at the time of the contravention;
 - (b) mailing it by regular mail to the person named in the Penalty Notice at their last known address, as soon as reasonably practicable after the contravention;
 - (c) delivering it personally to an occupant at the last known address of the person named in the Penalty Notice, who appears to be at least 16 years of age, as soon as reasonably practicable after the contravention;
 - (d) sending it by email to an email address that the person to whom the Penalty Notice is directed has provided for the purpose of receiving electronic documents or at which the person is known to receive email communications. Service by email is effective only if the person provides a written response to the email.
50. Service of any document other than a Penalty Notice may be effected by:
- (a) in the case of a Screening Decision or Hearing Decision, by delivering it personally to the Person who requested the screening or hearing review;
 - (b) for any document, including a Screening Decision or Hearing Decision:
 - (i) delivering it personally to an occupant at the last known address of the Owner or Person named in the Penalty Notice, who appears to be at least 16 years of age; or
 - (ii) delivering it by regular mail to the Owner or Person named in the Penalty Notice, at their last known address; or
 - (iii) by email to the email address provided by the Owner or Person named in the Penalty Notice.
51. For purposes of this By-Law, the last known address of the Owner shall be the address as set out on the vehicle ownership or, where an updated address has been provided in writing by the Owner to the By-law Enforcement Division of the County at the time of service, such updated address.
52. Any Penalty Notice or document sent in writing to the Owner or Person named in the Penalty Notice, by regular mail, as set out in this By-Law, is deemed to have been served on the fifth (5th) calendar day after the date of mailing.

53. Any Penalty Notice affixed to the vehicle to which it applies, or any Penalty Notice or document delivered personally in accordance with this By-Law, is deemed to have been served on the date and time of such delivery.
54. Service on a Person who is not the Owner, in accordance with this By-Law, including service of a Screening Decision or Hearing Decision by handing it to the Person, shall be deemed to be service on the Owner.
55. Where the Person served with a Penalty Notice or issued a Screening Decision is not the Owner, the Owner may exercise any right that such Person may exercise under this By-law.
56. Service of a document on the County may be made by:
 - (a) sending it by regular or registered mail to the County of Brant By-law Enforcement Office;
 - (b) sending a copy by email to the email address indicated on the Penalty Notice; or
 - (c) by delivering it personally to the County of Brant By-Law Enforcement Office.

General Provisions

57. A Penalty Notice that is paid prior to a screening review shall be deemed to be final and will not be subject to screening, unless there is an error on the face of the Penalty Notice as determined by the Clerk.
58. Where an Administrative Penalty, including any Administrative Fees, is affirmed, or reduced by a Screening Officer or a Hearing Officer, the Administrative Penalty and any Administrative Fees shall be due and payable on the date specified in the Screening Decision or Hearing Decision, as the case may be.
 - (a) Subject to subsection (b), where an Administrative Penalty issued pursuant to a Parking Penalty Notice is not paid within thirty (30) calendar days of the Effective Date of Service, the Owner of the vehicle in respect of which the Penalty Notice was issued, shall pay to the County an MTO Search Fee as set out in Schedule "C" to this By-law.
 - (b) Where an Administrative Penalty issued pursuant to a Parking Penalty Notice is not paid within fifteen (15) calendar days after it becomes due and payable in accordance with a Screening Decision or Hearing Decision, the Owner of the vehicle in respect of which the Penalty Notice was issued, shall pay to the County, in addition to any other fees, a Late Fee, as set out

in Schedule "C" to this By-law.

59. Where an Administrative Penalty issued pursuant to a Parking Penalty Notice and any Administrative Fees are not paid within fifteen (15) calendar days after they become due and payable, the County may:
- (a) notify the Registrar of Motor Vehicles of the default and the Registrar shall not validate the permit of a person name in the default notice nor issue a new permit to that person, in respect of the vehicle to which the Administrative Penalty and Administrative Fees apply, until the penalty is paid, and the Owner of the vehicle in respect of which the Penalty Notice was issued shall, in addition to any other fees, pay to the County a Plate Denial Fee; and
 - (b) pursue any other collection mechanisms available to the County pursuant to the Regulation or law.
60. Where a person provides a method of payment to the County for payment of any Administrative Penalty or Administrative Fee, which has insufficient funds available in the account on which the instrument was drawn, the Owner shall, in addition to any other fees, be liable to pay to the County a Non-Sufficient Funds (NSF) Fee in accordance with the Fees and Charges By-law as amended.
61. All amounts due and payable to the County pursuant to this By-law constitute a debt to the County.
62. Where a person makes a request for an extension of time for payment, and the request is granted, the date on which the Administrative Penalty is due and payable shall be the date established in accordance with the extension of time, and,
- (a) the Administrative Penalty will not be subject to the Late Payment Fee or the MTO Search Fee, until the time for payment has expired, and then in accordance with the provisions herein; and
 - (b) the enforcement mechanisms available to the County shall be suspended until the extension of time has expired, and then shall apply in accordance with the provisions herein.
63. Where an Administrative Penalty is cancelled by a Screening Officer or a Hearing Officer, any Administrative Fee is also cancelled.
64. Where a Person has paid an Administrative Penalty or an Administrative Fee that is cancelled or reduced by a Screening Officer or Hearing Officer, the County shall refund the amount cancelled or reduced.

65. Where the Person served with a Non-Parking By-law Penalty Notice or issued a Screening Decision is not the Owner, the Owner may exercise any right that such Person may exercise under this By-law.
66. No Officer may accept payment in respect of an Administrative Penalty or Administrative Fee.
67. Payments of an Administrative Penalty or Administrative Fee must be received by the date on which they are due and payable, or any extended due date in accordance with this By-law and will not be credited until received by the County.
68. Any time limit that would otherwise expire on a Holiday is extended to the next day that is not a Holiday.

Severability

69. Should any provision, or any part of a provision, of this By-law, be declared invalid or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, be severed from this By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

Offences

70. No Person shall attempt, directly or indirectly, to communicate with a Screening Officer or Hearing Officer for the purpose of influencing or interfering, financially, politically, or otherwise, with the Screening Officer or Hearing Officer respecting a Penalty Notice and/or respecting a Power of Decision in a proceeding that is or will be pending before a Screening Officer or Hearing Officer, except:
 - (a) a Person who is entitled to be heard in the proceeding or the Person's lawyer, licensed paralegal, or authorized representative; and
 - (b) only by that Person or the Person's lawyer, licensed paralegal or authorized representative during the hearing of the proceeding in which the issues arise.
71. Nothing in Section 70 prevents a Screening Officer or a Hearing Officer from seeking or receiving legal advice.
72. Any Person, who:
 - (a) makes a false, misleading, or fraudulent statement in relation to a Penalty Notice, or on any form submitted to the County in relation to a Penalty

Notice;

(b) obstructs an Officer exercising any authority under this By-law; or

(c) contravenes Section 70 of this By-law,

is guilty of an offence and, upon conviction, is subject to a penalty as provided for in the *Provincial Offences Act*.

Short Title

73. This By-law may be cited as the “Administrative Penalty By-law”.

Schedules and Effective Date

74. The following schedules attached form part of this By-law:

(a) Schedule “A” – Designated By-laws and Penalties – Parking

(b) Schedule “B” – Designated By-laws and Penalties – Non-Parking By-laws

(c) Schedule “C” – Administrative Fees

75. This By-law shall come into force and effect upon the execution and delivery of the Authorized Requester Agreement between the Corporation of the County of Brant and the Ontario Ministry of Transportation being an agreement governing the processing of Administrative Penalties for municipal parking violations.

READ for a first and second time on this this day of ____, 2024.

READ and third time and enacted by Council this ____ day of ____, 2024.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk

Schedule “A”

Administrative Monetary Penalty System - Parking

Designated By-law, Short Form Wordings and Administrative Penalties

1. The provisions of each by-law listed in Column 3 of the following tables are Designated By-laws.
2. Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in Column 2.
3. Column 5 in the following table sets out the Administrative Penalty Amount that is payable for a contravention of the designated provision listed in Column 3 for the matter(s) identified in Column 2.
4. The penalties shown in Column 4 below set out the Administrative Penalty Amount that is payable for contraventions of the designated provisions in cases where payment is made to the County within Early Payment Amount timeline set out in this by-law

BY-LAW #004-19 COUNTY OF BRANT PARKING BY-LAW				
Column 1 Item	Column 2 Short Form Wording	Column 3 Designated Provision	Column 4 Early Payment Amount	Column 5 Set Penalty Amount
1	Failure to park in compliance with parking control device	4	\$25.00	\$35.00
2	Park vehicle – contrary to direction of travel	5 (a)	\$20.00	\$25.00
3	Park vehicle – over 0.15 metres from curb	5 (b)	\$20.00	\$25.00
4	Park vehicle – wheels not parallel to curb	5 (b)	\$20.00	\$25.00
5	Park vehicle –wheels not parallel to right hand limit of highway	5 (b)	\$20.00	\$25.00
6	Park vehicle improper angle	6	\$20.00	\$25.00
7	Park vehicle outside designated parking space	7	\$20.00	\$25.00
8	Park vehicle obstruct sidewalk	8 (a) (i)	\$30.00	\$45.00
9	Park vehicle obstruct crosswalk	8 (a) (ii)	\$30.00	\$45.00

10	Park vehicle within 1.5 metres of entrance to highway	8(a)(iii)	\$25.00	\$35.00
11	Park vehicle obstruct traffic	8(a)(iv)	\$30.00	\$45.00
12	Park vehicle obstruct road repairs	8(a)(iv)	\$30.00	\$45.00
13	Park vehicle obstruct maintenance	8(a)(iv)	\$30.00	\$45.00
14	Park vehicle obstruct snow removal	8(a)(iv)	\$30.00	\$45.00
15	Park vehicle within 3 metres fire hydrant	8 (b)	\$40.00	\$55.00
16	Park vehicle within 100 metres bridge	8 (c)	\$25.00	\$35.00
17	Park vehicle within 6 metres public entrance to Hotel	8 (d)(i)	\$25.00	\$35.00
18	Park vehicle within 6 metres public entrance to Theatre	8 (d)(ii)	\$25.00	\$35.00
19	Park vehicle within 6 metres public entrance Public Hall	8 (d)(iii)	\$25.00	\$35.00
20	Park vehicle within 9 metres intersection	8 (e)	\$25.00	\$35.00
21	Park vehicle within 15 metres signalised intersection	8 (f)	\$25.00	\$35.00
22	Park vehicle within 15 metres level railway crossing	8 (g)	\$25.00	\$35.00
23	Park vehicle prevent removal of previously parked vehicle	8 (h)	\$20.00	\$25.00
24	Parked vehicle in excess of 24 hours	8 (i)	\$35.00	\$45.00
25	Park vehicle on boulevard, not improve for parking purposes	8 (j)	\$25.00	\$35.00
26	Park unlicensed vehicle	8(k)	\$35.00	\$45.00
27	Park vehicle having tire(s) off apron			
28	Park vehicle off apron on landscaped boulevard	8.1(a)	\$25.00	\$35.00
29	Park vehicle off apron on hardscaped boulevard	8.1(a)	\$25.00	\$35.00
30	Park vehicle off apron on grassy portion of boulevard	8.1(a)	\$25.00	\$35.00
31	Park vehicle on apron overhang sidewalk	8.1(b)	\$25.00	\$35.00
32	Park vehicle on apron overhang roadway	8.1(b)	\$25.00	\$35.00
33	Park vehicle on apron overhang curbline	8.1(b)	\$25.00	\$35.00

34	Park vehicle on apron not parallel to roadway	8.1(c)	\$25.00	\$35.00
35	Park vehicle on apron contrary to direction of traffic	8.1(d)	\$25.00	\$35.00
36	Park vehicle on shared apron	8.2	\$25.00	\$35.00
37	Park vehicle on apron abut another apron	8.2	\$25.00	\$35.00
38	Park vehicle on apron without consent of owner	8.3	\$25.00	\$35.00
39	Park vehicle on apron without consent of occupant	8.3	\$25.00	\$35.00
40	Parked oversized vehicle over 2 hours	10	\$30.00	\$45.00
41	Park unattached trailer – highway / municipal lot	11	\$30.00	\$45.00
42	Stop vehicle near entrance to fire hall	12	\$205.00	\$305.00
43	Stop vehicle when prohibited	13	\$40.00	\$55.00
44	Park vehicle when prohibited	14	\$30.00	\$45.00
45	Park vehicle during posted prohibited day or time	15	\$25.00	\$35.00
46	Park vehicle over time limit	16	\$20.00	\$25.00
47	Stop vehicle school bus loading zone	18	\$40.00	\$55.00
48	Park vehicle on highway during Significant Weather Event	19	\$35.00	\$45.00
49	Unauthorized parking– Loading Zone	20	\$25.00	\$35.00
50	Unauthorized stopping– Loading Zone	20	\$25.00	\$35.00
51	Park vehicle over time limit – municipal lot	21	\$20.00	\$25.00
52	Park oversized vehicle – municipal lot over 2 hours	22	\$30.00	\$45.00
53	Park on municipal property without consent	25	\$25.00	\$35.00
54	Park accessible parking space without accessible parking permit	27	\$300.00	\$300.00
55	Park posted fire route	30	\$40.00	\$55.00
56	Park in municipal permit only area without a permit	32(b)	\$95.00	\$110.00
57	Park in private permit parking lot without a permit	34	\$30.00	\$45.00
58	Park in private parking lot contrary to posted restrictions	35	\$30.00	\$45.00

SCHEDULE “B”

**DESIGNATED BY-LAWS, SHORT FORM WORDINGS AND ADMINISTRATIVE
PENALTIES – NON-PARKING BY-LAWS**

Schedule B to be enacted by Council on a date to be determined

SCHEDULE “C”
ADMINISTRATIVE FEES

ITEM	FEE
Service by Mail Fee	\$12
Late Payment Fee (Parking By-law Contraventions)	\$25
MTO Search Fee (Parking By-law Contraventions)	\$11
Plate Denial Fee (Parking By-law Contraventions)	\$25
Screening Non-Appearance Fee	\$25
Hearing Non-Appearance Fee	\$50
Late Payment Fee (Non-Parking By-law Contraventions)	25% of administrative penalty
Land Title Search Fee (Non-Parking By-law Contraventions)	\$35
Title Deed Fee (Non-Parking By-law Contraventions)	\$20
Corporate Search Fee (Non-Parking By-law Contraventions)	\$35

BY-LAW NUMBER XX-24

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To establish Administrative Penalty System Policies.

WHEREAS subsection 102.1 of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS subsection 434.1 of the Municipal Act provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS subsection 434.2(1) of the Municipal Act provides that an administrative penalty imposed by a municipality on a person constitutes a debt of the person to the municipality;

AND WHEREAS Ontario Regulation 333/07 of the Municipal Act 2001, as amended, outlines the requirements to operate an Administrative Penalties System if the municipality is satisfied that a person has failed to comply with a by-law of the municipality passed under the Municipal Act;

AND WHEREAS Ontario Regulation 333/07 requires the municipality to develop standards and procedures related to the administration of the system of administrative penalties.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. **THAT** the attached Schedule "A" entitled "Policy to Prevent Political Interference" be adopted.
2. **THAT** the attached Schedule "B" entitled "Conflict of Interest Policy" be adopted.
3. **THAT** the attached Schedule "C" entitled "Policy Regarding Financial Management and Reporting" be adopted.
4. **THAT** the attached Schedule "D" entitled "Public Complaints Policy" be adopted.

5. **AND THAT** the attached Schedule “E” entitled “Undue Hardship Policy” be adopted.

READ a first and second time, this XX day of XX, 2024

READ a third time and finally passed in Council, this XX day of XX, 2024

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk

County of Brant
519-449-2451
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Enforcement Services Division
26 Park Ave
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bylawenforcement@brant.ca

**EMERGENCY AND PROTECTIVE
SERVICES DEPARTMENT**

APS policy on Political Interference

POLICY

#APS-2024-01

**ENFORCEMENT SERVICES
DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

This policy is to prevent political interference in the administration of the Administrative Penalty System (APS).

PURPOSE

To prevent political interference of any kind in the administration of the APS program, and to minimize and restrict opportunities for political interference, intentionally or unintentionally.

This policy defines what constitutes political interference in relation to the APS program, to ensure the responsibilities of the Screening and Hearing Officers are conducted in accordance with fundamental principles of justice, which include decision making and procedural independence, fairness, impartiality, and integrity, without any political interference.

APPLICATION

This policy applies to all elected Members of the Council of the Corporation of the County of Brant, as well as other County officials and staff.

Regarding Members of County Council, this policy should be read and interpreted within the context of prevailing provincial legislation (i.e., Municipal Conflict of Interest Act) and the Code of Conduct, including its related policies, procedures, and guidelines.

PROCEDURE

Principles of Preventing Political Interference

No person shall attempt directly or indirectly to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, with employees or other persons performing duties related to the administration of APS.

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, a Screening Officer

or Hearing Officer respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing Review.

All persons involved with the enforcement and administration functions of the APS program shall endeavor to carry out such duties in a manner which upholds the integrity of the administration of justice.

If someone attempts to influence a Screening Officer, Hearing Officer or County employee engaged in the administration of the APS program, contrary to the rules above, the Screening Officer, Hearing Officer or County employee shall report the incident to the Director of Enforcement and Regulatory Services as soon as possible. No action will be taken against a Screening Officer or Hearing Officer for making any such report in good faith.

Procedures may be defined by the Director of Enforcement and Regulatory Services to address specific implementation of this policy.

Implementation

All Members of Council shall be provided with a copy of this policy.

This policy shall form part of the orientation for all Members of Council at the start of new term of Council, as well as all current and new municipal officials and staff, with the potential for interaction with the APS program.

This policy shall form part of the orientation for all current and new Screening and Hearing Officers and APS administration staff.

ACCOUNTABILITY

Attention is brought to the fact that any interference with the APS program may result in charges under the Criminal Code of Canada, Provincial statute, or other disciplinary action.

A Screening or Hearing Officer, employee or other person performing duties related to the APS program under this policy shall report any attempt at political influence or interference, financial, political, or otherwise, to the Director of Enforcement and Regulatory Services. No action shall be taken against the employee or other person(s) for making any such report in good faith.

Where any employee, Screening Officer, Hearing Officer, or other person performing duties related to the APS program, is contacted by a Member of

Council or County official with respect to the administration of the APS program, he or she shall immediately disclose such contact to the Solicitor & Corporate Counsel and Chief Administrative Officer in order to maintain the integrity of the APS program.

A Screening Officer or Hearing Officer shall disclose any actual or perceived political interference as soon as possible to the Director of Enforcement and Regulatory Services who will notify the Chief Administrative Officer.

REFERENCES AND RELATED POLICIES

Municipal Act, 2001

Ontario Regulation 333/07 (Administrative Penalties)

Applicable County policies and procedures

CONSEQUENCES OF NON-COMPLIANCE

In accordance with the Municipal Act.

REVIEW CYCLE

In conjunction with the review of the Administrative Penalty System By-law.

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519-449-2451
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**EMERGENCY AND PROTECTIVE
SERVICES DEPARTMENT**

APS Conflict of interest policy

POLICY

#APS-2024-02

**ENFORCEMENT SERVICES
DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

This policy addresses conflict of interest provisions in relation to the administration of the Administrative Penalty System (APS) program.

PURPOSE

To define what constitutes a conflict of interest in relation to the APS program, to prevent such conflicts of interest and to redress such conflicts should they occur. This policy is to establish conflict of interest guidelines to ensure that APS program responsibilities are conducted in accordance with fundamental principles of justice, which include judicial and prosecutorial independence, fairness, impartiality, competence, and integrity.

APPLICATION

This policy applies to all Screening Officers, Hearing Officers and all County officials and staff involved in the administration of the APS program.

CONFLICT OF INTEREST

A conflict of interest arises where a Screening Officer, Hearing Officer or staff person involved in the administration of the APS program has a personal or business interest that conflicts, might conflict, or may be perceived to conflict with the interests of the APS program. A conflict of interest could arise in relation to personal or business matters including:

- directorships or other employment;
- interests in business enterprises or professional practices;
- share ownership or beneficial interests in trusts;
- existing professional or personal associations with a person;
- professional associations or relationships with other organizations; and
- personal associations with other groups or organizations, or family relationships including relatives.

For the purpose of this policy, relative includes any of the following persons:

- a) spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage;
- b) parent or legal guardian;
- c) child, including a stepchild and grandchild;
- d) siblings and children of siblings;
- e) aunt, uncle, niece, and nephew;
- f) in-laws, including mother, father, sister, brother, daughter, and son; or
- g) any person who lives with the person on a permanent basis.

Screening Officers must be and appear to be impartial at all times. It would be inappropriate for a Screening Officer to review a Penalty Notice for a personal or business acquaintance or relative (as defined above). A conflict of interest includes an actual conflict and a potential conflict.

Hearing Officers have obligations to conduct Hearing reviews in an impartial manner. Hearing Officers, in conducting a Hearing Review, are bound by the Statutory Powers and Procedures Act, as well as bound by general administrative common law principles (i.e., procedural fairness, natural justice, impartial and unbiased decision making, legitimate expectation, etc.). Hearing Officers must be and appear to be impartial at all times. It would be inappropriate for a Hearing Officer to review a Screening Review Decision for a personal or business acquaintance or relative (as defined above). A conflict of interest includes an actual conflict and a potential conflict.

Every Screening Officer, Hearing Officer or other County staff person involved in the administration of APS, must disclose any obligation, commitment, relationship, or interest that could conflict or may be perceived to conflict with his or her duties to or interests in the administration of the APS program. A Screening Officer or Hearing Officer shall not represent any person at a Screening Review or Hearing Review.

CONDUCT OF A SCREENING OFFICERS AND HEARING OFFICERS:

All Screening Officers and Hearing Officers shall conduct themselves in the following manner:

With independence:

- must both be and appear to be independent, impartial, and unbiased.

Conflict of Interest in Relation to the Administration of the APS Program:

- must avoid all conflicts of interest, whether real or perceived, and are responsible for promptly taking appropriate steps to disclose, resolve, or obtain advice with respect to such conflicts when they arise.
- should not be influenced by partisan interests, public opinion, or by fear of criticism.
- should not use their title and position to promote their own interests or the interests of others.
- should discharge their duties in accordance with the law, County By-laws and APS policies, procedures, and guidelines.

With knowledge:

- should maintain their competence through their work, by participating in training and education courses and by seeking guidance from their colleagues and County, as required.
- should remain up to date on changes in the law, County by-laws, policies, and procedures relevant to their function.

With conduct becoming:

- are subject to ongoing public scrutiny and therefore they must respect and comply with the law and conduct themselves, at all times, in a manner that promotes public confidence in the integrity and impartiality of the APS program.
- should approach their duties in a calm and courteous manner when dealing with the public and others and should present and conduct themselves in a manner consistent with the dignity of the APS system and their appointment.
- should convey in plain language their decisions and the reasons therefore where such are required.
- must safeguard the confidentiality of information that comes to them by virtue of their work and should not disclose that information except as required by law.
- In discharging their duties, must treat those with whom they deal in a respectful and tolerant manner regardless of the gender, sexual orientation, race, religion, culture, language, mental abilities, or physical abilities of those persons.

With administration of natural justice paramount:

- shall refrain from openly and publicly criticizing the administration of the APS program or the conduct of others. Screening and Hearing Officers shall recognize that only the Director of Enforcement and Regulatory Services may speak publicly on behalf of the County's APS program. Any criticisms, suggestions, or concerns related to the APS program should be communicated through appropriate channels to the Director of Enforcement and Regulatory Services.
- shall deal with the tasks that come before them in a timely manner and should make themselves accessible to those requiring their services.
- must not knowingly exercise a power or function for which they have not been designated.

Procedures may be defined by the Director of Enforcement and Regulatory Services to address specific implementation of this policy.

PREVENTING CONFLICT OF INTEREST:

The keys to preventing conflicts of interest are: disclosure and withdrawal from the power of decision in regard to a Screening Review or Hearing review. The need for disclosure and withdrawal from a power of decision applies to any real or perceived conflict of interest.

If a Screening Officer or Hearing Officer becomes aware of any real or perceived conflict of interest in regard to a review of an administrative penalty or Screening Decision, as the case may be, the Screening Officer or Hearing Officer shall notify the Director of Enforcement and Regulatory Services, or designate, of the conflict of interest and in the case of a scheduled review of an administrative penalty or Screening Decision that has not yet commenced, request another Screening Officer or Hearing Officer to conduct the review to avoid actual or potential conflicts of interest; or in the case of a review of an administrative penalty or Screening Decision that has commenced, adjourn the review, and withdraw from the power of decision, and advise the Director of Enforcement and Regulatory Services, or designate. The County will reschedule the Screening review or Hearing Review with another Screening Officer or Hearing Officer, as the case may be.

If all appointed Screening Officers and/or Hearing Officers have a conflict of interest with a matter, then the Director of Enforcement and Regulatory Services shall retain another Screening Officer or Hearing Officer to handle the matter that is subject of the conflict of interest.

Screening Officers and Hearing Officers are not permitted to dispute their own Penalty Notices and are expected to pay the administrative penalty for an infraction in a timely manner.

If there are further questions or if the Director of Enforcement and Regulatory Services or staff are looking for further guidance regarding this policy, the General Manager of Emergency and Protective Services, the Chief Administrative Officer or external legal counsel, maybe be consulted.

ADDRESSING CONFLICTS IF THEY OCCUR:

If someone suspects that a Screening Officer or Hearing Officer conducted a Screening Review or Hearing review where there was a conflict of interest, the person shall advise the Director of Enforcement and Regulatory Services and an investigation may be conducted. Any finding of a conflict of interest shall be reported to the CAO, including any recommendation for appropriate disciplinary action, up to and including revocation of appointment.

INFLUENCE:

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, with employees or other persons performing duties related to the administration of APS.

No person shall attempt, directly or indirectly, to communicate for the purpose of influencing or interfering, financially, politically, or otherwise, a Screening Officer or Hearing Officer respecting the determination of an administrative penalty matter and/or respecting a delegated power of decision in a proceeding that is or will be pending before the Screening Officer or Hearing Officer, except a person who is entitled to be heard in a Screening Review or Hearing Review.

CHARGES UNDER THE CRIMINAL CODE OR OTHER STATUTES OR REGULATIONS:

Where a Screening Officer or Hearing Officer is charged with an offence under the Criminal Code of Canada or any other federal statute or regulation that is dealt with under the Criminal Code of Canada, such charge shall be disclosed forthwith to the Director of Enforcement and Regulatory Services.

Where a Screening Officer or Hearing Officer is charged with an offence under other federal or provincial statutes or regulations and where, continuing to perform his or her duties may erode public confidence in the administration of the

APS program, the charge shall be disclosed to the Director of Enforcement and Regulatory Services.

A determination will be made by the Director of Enforcement and Regulatory Services as to whether or not an actual or perceived conflict of interest exists or if public confidence in the administration of the APS program has been compromised and, if so, the Screening Officer or Hearing Officer may be removed from his or her duties until the final disposition of the charge.

IMPLEMENTATION

This policy shall form part of the orientation for all current and new Screening Officers and Hearing Officers and APS administration staff.

ACCOUNTABILITY

All Screening Officers, Hearing Officers and County staff involved in the administration of the APS program are accountable for implementing and abiding by this policy. Accountability for interpretation of this policy in relation to a real or perceived conflict of interest shall be determined by the Director of Enforcement and Regulatory Services.

REFERENCES AND RELATED POLICIES

Municipal Act, 2001
Ontario Regulation 333/07 (Administrative Penalties)
Applicable County policies and procedures

CONSEQUENCES OF NON-COMPLIANCE

In accordance with the Municipal Act.

REVIEW CYCLE

In conjunction with the review of the Administrative Penalties By-Law.

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**EMERGENCY AND PROTECTIVE
 SERVICES DEPARTMENT**

APS financial reporting policy

POLICY

#APS-2024-03

**ENFORCEMENT SERVICES
 DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

This policy is to affirm the County of Brant's ("County") commitment to ensuring accurate financial management and reporting responsibilities in relation to the Administrative Penalty System ("APS").

PURPOSE

Ontario Regulation 333/07 under the Municipal Act, 2001, requires a municipality to establish a policy and procedure relating to financial management and reporting with respect to the administration of the APS program.

This policy will provide the financial management, reporting and tracking of administrative penalties and fees under the APS program.

APPLICATION

This policy applies to all financial management and reporting responsibilities and accountabilities regarding the APS program. All County employees and other persons responsible for the administration of the APS program shall comply with this policy.

The County has established a number of financial management policies and procedures which along with proactive financial planning processes, provide a framework for the County's overall fiscal planning and management. The County continues to display financial accountability through regular, thorough, and transparent financial performance reporting and analysis. This will be reflected in routine reporting on APS financial results, as well as efficiency and effectiveness measures of the APS program.

PROCEDURES

Overall Financial Management and Reporting:

Preparation of the County budget revolves around priority setting that reflects the County's Strategic Plan, Council priorities, service delivery objectives and standards and historical financial performance, all balanced with the need for prudent financial management.

Priority setting and budgeting with respect to the APS program shall be the responsibility of the Enforcement Services Division. Through the process of current and financial management and reporting for the APS program, Enforcement Services shall:

1. Review and monitor current year actual, budgeted, and projected financial performance and operating results.
2. Proactively compare program financial activity with past performance to identify trends, issues, and opportunities.
3. Determine priorities for maintaining and improving APS program service levels.
4. Identify and mitigate factors impacting the APS budget and financial performance, such as inflation, fixed costs and legislative requirements that are beyond the control of County decision-makers.
5. Comply with all corporate reporting standards and requirements as part of the County's financial management and reporting processes.
6. Ensure all necessary financial signing authorities are in place and followed by all staff involved in the APS program administration.
7. Comply with the County purchasing policy and procedures regarding the APS program.

PAYMENT OF PENALTY NOTICES

Any person issuing a Penalty Notice for an infraction of a designated by-law is not permitted to accept payment for an Administrative Penalty.

Screening Officers and Hearing Officers are prohibited from directly accepting any payment from any person in respect of an administrative penalty.

If a person has paid any administrative fees in respect of an administrative penalty and the penalty is subsequently cancelled by a Screening Officer or Hearing Officer, the County shall refund in full such administrative fees to the person.

County employees shall ensure compliance with corporate and/or departmental cash/payment handling procedures for financial stewardship.

METHODS OF PAYMENT

Following the issue of a Penalty Notice, the person is permitted to make a voluntary payment by using one of the following methods:

- In Person – Using cash, cheque, debit card or credit card (Visa or Mastercard)
- On-line using Visa or Mastercard
- Overnight Drop box using a cheque (located at the Burford and Paris CSO)

- By Mail - Payable to the County of Brant by Personal Cheques/Certified Cheques/Money Order (include Penalty Notice number)

APS Program Administrative Fees:

Various administrative fees may be payable by a person with a Penalty Notice and administrative penalty due and payable, as set out in the County of Brant Fees and charges By-law and APS By-law as amended.

Reporting and Tracking Administrative Penalties and Administrative Fees:

Upon receipt of a Penalty Notice payment, a County employee will apply the payment to a specific Penalty Notice in the appropriate database. The Penalty Notice will reflect "paid" status.

The County employee will process the various methods of payment as follows:
In Person: Apply the various methods of payments to the Penalty Notice. Provide a person with a receipt of payment for their records.

By Mail: Apply the cheque payment to the Penalty Notice Mail receipt if requested.

ACCOUNTABILITY

All persons responsible for administering the APS program shall be responsible for implementation of this policy. Any person shall bring to the attention of the Director of Enforcement and Regulatory Services or General Manager of Emergency and Protective Services any contravention of this policy. This policy shall be administered by the Emergency and Protective Services Department - Enforcement Services Division.

REFERENCES AND RELATED POLICIES

Municipal Act, 2001
Ontario Regulation 333/07 (Administrative Penalties)
Applicable County financial policies and procedures

CONSEQUENCES OF NON-COMPLIANCE

In accordance with the Municipal Act.

REVIEW CYCLE

In conjunction with the review of the Administrative Penalties By-law.

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**EMERGENCY AND PROTECTIVE
SERVICES DEPARTMENT**

APS policy on Public Complaints

POLICY

#APS-2024-04

**ENFORCEMENT SERVICES
DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

This policy is to address any public complaint regarding the administration of the Administrative Penalty System (APS) program.

PURPOSE

Ontario Regulation 333/07 under the Municipal Act, 2001, requires a municipality to establish a procedure for the filing and processing of public complaints with respect to the administration of the Administrative Penalty System.

To ensure the APS program remains an open, accessible, responsive, accountable, efficient, and effective system for enforcement in the County, and any public complaints are addressed in a timely and responsible manner.

APPLICATION

This policy applies to all public complaints, informal or formal, regarding all aspects of the APS program, and applies to all administrative actions and functions of all County employees and other persons responsible for the administration of the APS program.

Screening Officers and Hearing Officers do not have jurisdiction to consider questions relating to the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation, or by-law.

Any public complaints regarding the validity of a statute, regulation or by-law or the constitutional applicability or operability of any statute, regulation or by-law will not be processed through this policy. This policy is not intended to replace other specific County policy/procedures and legal processes available to the public to address public concerns with the APS program.

PROCEDURES

A public complaint shall be processed as follows:

1. Any public complaint must be in writing, identifying the name and full contact information of the complainant and sent to the Director of Enforcement and Regulatory Service, or designate, within 30 days in respect to the date of the event for which the complaint is being made. Complaints that are anonymous will not be accepted.
2. All complaints shall be treated as confidential by the Enforcement Services Division, respecting personal information privacy and confidentiality, subject to legislative provisions.
3. Any complaint regarding a Member of Council in respect of the administration of APS program shall be processed in accordance with the County Code of Conduct.
4. The Director of Enforcement and Regulatory Services, or designate, will not address, or process any public complaint that is deemed by the Director of Enforcement and Regulatory Services, or designate, as frivolous, vexatious, trivial, or made in bad faith.
5. A complainant may withdraw their complaint at any time.
6. Where possible, attempts will be made to address public complaints through an informal resolution process before proceeding to a formal resolution process.
7. A formal complaint process shall require the undertaking of an investigation by the Director of Enforcement and Regulatory Services, or designate or a consultant hired for that purpose, and shall require the issuance of a written report which sets out the findings of the investigation and any remedial or other actions that are required.
8. Any deemed resolution of a formal complaint will be provided to the person filing the complaint but may be amended or redacted for privacy purposes in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*. A public complaint substantiated through a review cannot be used as the basis to change or void a decision of a Screening Officer or Hearing Officer, including any penalty fines and administrative fees due or paid.
9. The Director of Enforcement and Regulatory Services will report annually as part of the annual APS program report on the summary of public complaints filed and addressed in respect of the APS program.

Procedures may be defined by the Director of Enforcement and Regulatory Services to address specific implementation of this policy.

General comments and suggestions regarding the APS program will not be investigated pursuant to this Policy. However, general comments and suggestions will be accepted, and may be used by the County from time to time, as the County determines appropriate, for continuous improvement of the program.

ACCOUNTABILITY

All persons responsible for administering the APS program shall be responsible for implementation of this policy. The Director of Enforcement and Regulatory Services, or designate, shall be responsible for addressing public complaints regarding the administration of the APS program.

REFERENCES AND RELATED POLICIES

Municipal Act, 2001
Ontario Regulation 333/07 (Administrative Penalties)

CONSEQUENCES OF NON-COMPLIANCE

In accordance with the Municipal Act.

REVIEW CYCLE

In conjunction with the review of the Administrative Penalties By-law, redaction process shall create an edited copy while leaving the original record unaltered.

“Supervisor” shall mean the Supervisor of Enforcement and Regulatory Services.

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**EMERGENCY AND PROTECTIVE
 SERVICES DEPARTMENT**

Undue Hardship in Relation to the
 Administration of the Administrative
 Penalty System (APS)

POLICY

#APS-2024-05

**ENFORCEMENT SERVICES
 DIVISION**

Effective Date: September 16, 2024

Revision Date:

GENERAL DESCRIPTION

This policy assists Screening Officers and Hearing Officers in responding to requests by persons with a Penalty Notice for relief from paying all, or part, of an Administrative Penalty, including any Administrative Fees, on the basis that they would suffer undue hardship if required to pay the penalty or fee.

PURPOSE

Ontario Regulation 333/07 made under the Municipal Act, 2001 requires a municipality establishing an Administrative Penalty System (APS) to have procedures that permit persons to be excused from paying all or part of the administrative penalty, including any administrative fees, if requiring them to do so would cause undue hardship. The General Administrative Penalty By-law provides discretion to Screening Officers and Hearing Officer to cancel, reduce or extend time for payment of Administrative Penalties and Administrative Fees where the Officer determines it is necessary to reduce undue hardship.

APPLICATION

This Policy is intended to provide guidelines to Screening Officers and Hearing Officers in exercising their discretion in accordance with the By-law. It is not intended to provide criteria for establishing undue hardship in respect of other County programs or services.

DEFINITIONS:

“Administrative Fee” means any fee specified in the General Administrative Penalty System By-law;

“Administrative Penalty” means an administrative penalty established by the Administrative Penalty System By-law for a contravention of a Designated By-law as defined therein;

“APS” means Administrative Penalty System;

“County” means The Corporation of the County of Brant;

“Financial Hardship” means a significant financial difficulty or expense and focuses on the resources and circumstances of the Person owing an Administrative Penalty or Administrative Fee, in relation to the cost or difficulty of paying the Administrative Penalty or Administrative Fee;

“Administrative Penalty System By-law” means the by-law passed by the County to establish administrative penalties for the Parking By-law and various designated (non-parking) by-laws, as amended from time to time, or any successor thereof;

“Hearing Officer” means any person who is appointed by the County from time to time pursuant to the Screening and Hearing Officer by-law, to perform the functions of a Hearing Officer in accordance with the Screening and Hearing Officer By-law and the Administrative Penalty System By-law.

“Hearing Decision” means a notice which contains the decision of a Hearing Officer, as set out the Administrative Penalty System By-law;

“Hearing Review” means the process related to review of a screening decision, as set out in the Administrative System Penalty By-law;

“Municipal Freedom of Information and Protection of Privacy Act” means the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990. c. M. 56, as amended from time to time, or any successor thereof;

“Penalty Notice” means a penalty notice as defined in the Administrative Penalty System By-law;

“Person” includes an individual or a corporation;

“Records Retention By-law” means the by-law passed by the County providing for the classification retention and disposition of records in the County of Brant, as amended from time to time, or any successor thereof;

“Screening Review” means the process related to review of a Penalty Notice, as set out in Administrative Penalty System By-law;

“Screening Decision” means a notice which contains the decision of a Screening Officer, as set out in the Administrative Penalty System By-law;

“Screening Officer” means any person appointed by the County from time to time pursuant to the Screening and Hearing Officer By-law, to perform the functions of a Screening Officer in accordance with the Screening and Hearing Officer By-law and the Administrative Penalty System By-law;

“Undue Hardship” means financial hardship or other extenuating circumstances based on compassionate grounds.

SCOPE:

1.1 This Policy applies to Screening Officers and Hearing Officers in the conduct of a Screening Review and a Hearing Review, respectively, pursuant to the Administrative Penalty System By-law.

POLICY COMMUNICATION:

This Policy will be posted on the County’s website.

Employees will be advised of the new Policy via distribution to the Senior Management Team; and

This Policy shall form part of the orientation for all Screening Officers, Hearing Officers and Administrative Penalty System enforcement and administration employees.

POLICY:

Process

In accordance with the Administrative Penalty System By-law, a Screening Officer, or Hearing Officer:

- a) May cancel, reduce, or extend the time for payment of an Administrative Penalty and/or any Administrative Fee, where the Screening Officer or Hearing Officer is satisfied, on a balance of

probabilities, that the cancellation, reduction, or extension of time for payment is necessary to reduce Undue Hardship; and

- b) Will consider and satisfy themselves at the Screening Review or Hearing Review as to the authenticity/credibility of any oral or documentary evidence provided, in respect of Undue Hardship, and will include an assessment of such evidence in their decision.

Documentation to support Financial Hardship

A Person who wishes to seek relief pursuant to the Administrative Penalty System By-law based on Financial Hardship should bring documentation to support their claim to the Screening Review or Hearing Review. Examples of documents that may be considered in relation to Financial Hardship include, but are not limited to:

- (a) Old Age Security;
- (b) Guaranteed Income Supplement;
- (c) Disability Pension;
- (d) Ontario Student Assistance Program; or
- (e) Any other form of social assistance

A Screening Officer or Hearing Officer may also consider the oral evidence provided by the Person in relation to Financial Hardship.

Records Retention

All information and documentation provided supporting financial hardship shall be treated confidentially, in accordance with the Municipal Freedom of Information and Protection of Privacy Act. Photocopies of the documentation may be required and attached to the Screening Decision and/or Hearing Decision record and will be retained according to the County's Records Retention By-Law.

COMPLIANCE

In cases of Policy violation, the County may investigate and determine appropriate corrective action.

BY-LAW NUMBER XX-24

- of -

THE CORPORATION OF THE COUNTY OF BRANT (As amended by By-law 48-23 & 43-24)

Being a By-law to regulate
parking, as amended.

WHEREAS section 10 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass bylaws with respect to any public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 63 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that if a municipality passes a by-law for prohibiting or regulating the stopping, standing or parking of a vehicle on or near a highway, it may provide for the removal and impounding or restraining and immobilizing of any vehicle stopped, standing or parked on or near a highway in contravention of the by-law, may at any reasonable time, enter upon land near a highway for that purpose and that subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications;

AND WHEREAS section 100 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land if a sign is erected at each entrance to the land clearly indicating the regulation or prohibition;

AND WHEREAS section 101 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that if a municipality passes a by-law regulating or prohibiting the parking or leaving of a vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law;

AND WHEREAS section 102 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that if a municipality passes a by-law for establishing a system of accessible parking, the sole manner of identifying vehicles shall be an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act* and the regulations made under it and further may require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying an accessible parking permit and if it does so, the local municipality shall prescribe the conditions of use of the accessible parking permit, shall prohibit the improper use of the permit and may provide for the removal and impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT
HEREBY ENACTS** as follows:

1. **THAT** the following operating clause be added: WHEREAS section 102.1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to require a person to pay an administrative penalty for a contravention of any by-law respecting the parking, standing, or stopping of vehicles.
2. **AND THAT** the following definitions be added:

Administrative Penalty System By-law - means any By-law passed by the County to implement administrative penalties related to parking or stopping of vehicles and general by-law enforcement as amended from time to time or any successor thereof;

Administrative Penalty - means monetary penalties as defined under the County of Brant Administrative Penalty System By-law and set out in Schedule "A" of Administrative Penalty By-law as amended.
3. **AND THAT** the remainder of Section 1, Definitions, be renumbered to reflect the addition of 1. (a) and (b).
4. **AND THAT** "as amended" follow reference to the Polic Service Act, under the definition of Municipal Law Enforcement Officer.
5. **AND THAT** Section 28 (b) be repealed and replaced with the following: Fire Route – means a private roadway, lane, ramp, or other means of vehicular access to a building required to be constructed and maintained pursuant to Section 2.5.1.1 (1) of the Ontario Fire Code, O. Reg 213/07, as amended.
6. **AND THAT** Section 40 be repealed and replaced with the following: Any person who contravenes any provision of this By-law, is guilty of an offence and when issued a Penalty Notice in accordance with the Administrative Penalty System By-law, is liable to pay the early payment or penalty amount as set out in Schedule "A" and administrative fees as set out in Schedule "C" of the Administrative Penalty System By-law.
7. **AND THAT** Section 41 be repealed.
8. **AND THAT** the remainder of Section 41 to 54 be renumbered to reflect the removal of section 41.
9. **AND THAT** the newly numbered Section 41 be repealed and replaced with the following: A Police Officer, Police Cadet, Municipal Law Enforcement Officer, or an Officer appointed for carrying out the provisions of the Highway Traffic Act, R.S.O. 1990, as amended, upon discovery of any vehicle parked or stopped in contravention of the provisions of this by-law, may issue a Penalty Notice pursuant to the Administrative Penalty System By-law.
10. **AND THAT** the newly numbered Section 42 be repealed and replaced with the following: Where a vehicle has been left parked, stopped, or standing in contravention of this by-law, the owner of the vehicle is guilty of an offence, even though the owner was not the driver of the vehicle at the time of the contravention of the by-law, and is liable to the applicable fees as set out in the Administrative Penalty System By-law and Schedules.
11. **AND THAT** Section 43 be repealed.

12. **AND THAT** the remainder of Section 43 to 54 be renumbered to reflect the removal of section 43.
13. **AND THAT** the by-law simultaneously come into force and effect upon the execution and delivery of the Authorized Requestor Agreement between the County of Brant and the Ontario Ministry of Transportation.

READ a first and second time, this XX day of XX , 2024.

READ a third time and finally passed in Council, this XX day of XX, 2024.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk

BY-LAW NUMBER 004-19

- of -

THE CORPORATION OF THE COUNTY OF BRANT (As amended by By-law 48-23 & 43-24)

To regulate parking

WHEREAS section 10 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a single-tier municipality may pass bylaws with respect to any public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 63 of the Municipal Act, 2001, S.O. 2001, c. 25, provides that if a municipality passes a by-law for prohibiting or regulating the stopping, standing or parking of a vehicle on or near a highway, it may provide for the removal and impounding or restraining and immobilizing of any vehicle stopped, standing or parked on or near a highway in contravention of the by-law, may at any reasonable time, enter upon land near a highway for that purpose and that subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications;

AND WHEREAS section 100 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a local municipality may, in respect of land not owned or occupied by the municipality that is used as a parking lot, regulate or prohibit the parking or leaving of motor vehicles on that land without the consent of the owner of the land if a sign is erected at each entrance to the land clearly indicating the regulation or prohibition;

AND WHEREAS section 101 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that if a municipality passes a by-law regulating or prohibiting the parking or leaving of a vehicle on land, it may provide for the removal and impounding or restraining and immobilizing of any vehicle, at the vehicle owner's expense, parked or left in contravention of the by-law and subsection 170 (15) of the *Highway Traffic Act* applies with necessary modifications to the by-law;

AND WHEREAS section 102 of the Municipal Act, 2001, S.O. 2001, c. 25 provides that if a municipality passes a by-law for establishing a system of accessible parking, the sole manner of identifying vehicles shall be an accessible parking permit issued and displayed in accordance with the *Highway Traffic Act* and the regulations made under it and further may require the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for vehicles displaying an accessible parking permit and if it does so, the local municipality shall prescribe the conditions of use of the accessible parking permit, shall prohibit the improper use of the permit and may provide for the removal and impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law;

AND WHEREAS section 102.1 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes a municipality to require a person to pay an administrative penalty for a contravention of any by-law respecting the parking, standing, or stopping of vehicles;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

DEFINITIONS

1. For the purposes of this bylaw:

- (a) **Administrative Penalty System By-law** - means any By-law passed by the County to implement administrative penalties related to parking or stopping of vehicles and general by-law enforcement as amended from time to time or any successor thereof;
- (b) **Administrative Penalty** - means monetary penalties as defined under the County of Brant Administrative Penalty System By-law and set out in Schedule "A" of Administrative Penalty By-law as amended.
- (c) **Apron** - means the area of the boulevard in a residential zone consisting of an asphalt, concrete or gravel surface leading from the travelled portion of the highway to private property but does not include the portion of the driveway on private property. (By-law 48-23)
- (d) **Boulevard** - means that portion of the road allowance lying between the adjacent property line and the edge of the travelled portion of the *highway* or the edge of the *shoulder* where such exists, furthest from the travelled portion of the *highway*.
- (e) **County** - means the Corporation of the County of Brant.
- (f) **Council** - means the Municipal Council of the Corporation of the County of Brant.
- (g) **Crosswalk** - means any portion of a *roadway* at an *intersection* or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (h) **Curb** - means a structure composed of concrete or other suitable material erected to define the edge of a *roadway*.
- (i) **Director** - means the Director of Road Operations for the *County* and includes their designate or successor.
- (j) **Driveway** - means the designated area on private property adjacent to the *boulevard* used primarily for vehicular parking. (By-law 48-23)
- (k) **Entrance** - means improved land on a *highway* which provides vehicular access from the *roadway* to a laneway or parking area on adjacent land.
- (l) **Highway** - includes a common and public highway, street, avenue, parkway, apron, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of *vehicles* and includes the area between the lateral property lines thereof. (By-law 48-23)
- (m) **Intersection** - means the area embraced within the prolongation or the connection of the lateral *curb* lines or, if none, then the lateral boundary lines of two or more *highways* that join one another at an angle, whether or not one *highway* crosses the other.
- (n) **Loading Zone** - means a part of the *highway* set apart for the exclusive use of *vehicles* to load or unload.
- (o) **Motor Vehicle** - means a motor vehicle as defined in the *Highway Traffic Act, R.S.O.*

1990, as amended, and includes an automobile, a motorcycle, a motor assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine

- (p) **Municipal Law Enforcement Officer** – means a person appointed by the *County* pursuant to the Police Services Act **as amended** for the purpose of enforcing the provisions of this by-law.
- (q) **Municipal Parking Lot** – means a parking lot owned or operated by the *County* and described in Schedule 10.
- (r) **Oversized Motor Vehicle** – means any *motor vehicle* or connected *vehicles* regardless of intended use, which has more than two axles or four tires, but does not include rear-dual wheeled pick-up truck. (By-law 48-23)
- (s) **Park, Parked or Parking** – when prohibited, means the *standing* of a *vehicle*, whether occupied or not, except when *standing* temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
- (t) **Parking Control Device** – means any *sign*, signal or other *roadway*, pavement, *curb*, or *sidewalk* marking, or any other device erected or placed under the authority of this by-law for the purpose of warning, regulating, guiding, or directing the *parking* of *vehicles*.
- (u) **Person** – includes a corporation and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law.
- (v) **Police Officer** – means a Police Officer as defined in the *Police Services Act, R.S.O.* 1990, as amended.
- (w) **Roadway** – means that part of the *highway* that is improved, designed, or ordinarily used for vehicular traffic, but does not include the *shoulder*, and where a *highway* includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively.
- (x) **Shoulder** – means that part of the *highway* immediately adjacent to the travelled portion of the *roadway* and having a surface which has been improved for the use of *vehicles* with asphalt, concrete, or gravel.
- (y) **Sidewalk** – means that portion of the road allowance between the *curb* lines or the lateral lines of the *roadway* and the adjacent property lines, specifically designed and constructed for the use of pedestrians.
- (z) **Sign** – means a sign placed or erected under the authority of this by-law for the purpose of regulating *parking*, *stopping*, or *standing*.
- (aa) **Significant Weather Event** – means an approaching or occurring weather hazard with the potential to pose a significant danger to users of the highways within a municipality; (By-law 43-24)
- (bb) **Traffic Control Signal** – means that part of a traffic control signal system that consists of one set of no less than three coloured lenses, red, amber, and green, mounted on a frame and commonly referred to as a signal head and includes a bicycle traffic control

signal.

- (cc) **Stand or Standing** - when prohibited, means the halting of a *vehicle*, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.
- (dd) **Stop or Stopping** – when prohibited, means the halting of a *vehicle*, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic, or in compliance with the directions of a *Police Officer* or *traffic control signal* or *sign*.
- (ee) **Supervisor** - means the Supervisor of Enforcement and Regulatory Services and includes their designate or successor.
- (ff) **Trailer** – means a *vehicle* that is designed to be drawn upon a *highway* by a *vehicle*.
- (gg) **Unlicensed Vehicle** - means a *vehicle* that does not have a current validated permit displayed in the prescribed manner, number plates issued in accordance with the regulations showing the number of the permit issued for the *vehicle* and, if required, does not have displayed evidence of the current validation of the permit affixed in the prescribed manner, all as required pursuant to the *Highway Traffic Act, R.S.O. 1990* and Regulations, as amended. (By-law 48-23)
- (hh) **Vehicle** – means a *motor vehicle* as defined in the *Highway Traffic Act, R.S.O. 1990*, as amended, and includes a *motor vehicle*, *trailer*, traction engine, farm tractor, road building machine, bicycle and any *vehicle* drawn, propelled, or driven by any kind of power, including muscular power, but does not include a motorized snow *vehicle* or a streetcar.
- (ii) **Weather Hazard** – means the weather hazards determined by Environment Canada as meeting the criteria for the issuance of an alert under its Public Weather Alerting Program. (By-law 43-24)

ENFORCEMENT

- 2. *Municipal Law Enforcement Officers* and *Police Officers* are authorized to enforce the provisions of this By-law.

APPOINTMENT OF MUNICIPAL LAW ENFORCEMENT OFFICERS

- 3. *Council* by by-law may appoint or employ such *persons* as may be deemed necessary as *Municipal Law Enforcement Officers* for the purpose of enforcing this by-law.

OBEDIENCE TO SIGNS

- 4. No *person* shall park in a manner that fails to comply with any and all *parking control devices* erected under the provisions of this bylaw.

GENERAL PARKING AND STOPPING REGULATIONS

- 5. No *person* shall *park* or *stop* any *vehicle* on any *highway* except:

- (a) on the right-hand side of the *highway*, having regard to the direction in which the *vehicle* was travelling, and
 - (b) with the right front and rear wheels parallel to, and not more than 0.15 metres from the *curb* where there is a raised *curb* or where there is no *curb* or a rolled *curb*, with the right front and rear wheels parallel to and as near to the right hand limit of the *highway* as is practicable without *stopping* or *parking* over a *sidewalk* or footpath or over any part of the *highway* where grass has grown or which is not intended for the use of *vehicles*.
 - (c) This section shall not apply where angle *parking* is marked by *signs* or lines on the pavement, to indicate that the area may be used for *parking vehicles* at an angle, nor to prevent the *parking* or *stopping* of a *vehicle* on the left-hand side of a *highway* designated for one-way traffic, where such *parking* is not otherwise prohibited.
6. No *person* shall *park* a *vehicle* on a *highway* marked by *signs* or lines on the pavement, to indicate that the area may be used for *parking vehicles* at an angle to the edge of the *roadway* except, between the *signs* or within the lined area, and on the right-hand side of the *highway* having reference to the direction in which the *vehicle* has been travelling and so that:
- (a) they travelled portion of the *highway* is to the rear of the *vehicle*, and
 - (b) in the case where the area is not clearly marked into parking spaces, so that the line formed to the left-hand side of the *vehicle* intersects the pavement edge line at an angle of not less than 40 degrees, and not greater than 50 degrees.
7. In the case of an area on the *highway* or within a *municipal parking lot* that is clearly marked into parking spaces, no *person* shall *park* a *vehicle* except within a parking space, so that no part of the *vehicle* encroaches on a contiguous parking space.
8. No *person* shall *park* a *vehicle* on a *highway* except when necessary to avoid conflict with other traffic or in compliance with a *traffic control signal*, *sign* or device or the direction of a *Police Officer*,
- (a) In such manner as to obstruct;
 - i. a *sidewalk*;
 - ii. a *crosswalk*;
 - iii. within one point five (1.5) metres of an *entrance* on the highway to, or from, a private road or lane, or land contiguous to the *highway*; (By-law 48-23)
 - iv. traffic, road repairs, maintenance, or snow removal. (By-law 48-23)
 - (b) within three (3) metres of a point in the edge of the *roadway* and nearest a fire hydrant;
 - (c) on or within one hundred (100) metres of a bridge over, under or across which the *highway* passes;
 - (d) within six (6) metres of a point at the edge of the *roadway* and the nearest point of a public entrance to;
 - i. a hotel as defined in the *Hotel Fire Safety Act*, or
 - ii. a place where film, as defined in the *Film Classification Act, 2005*, is exhibited and where

- the place is open to the public, or
- iii. a public hall as defined in the *Public Halls Act*, while the hall is open to the public;
- (e) subject to clause (f), within nine (9) metres of an *intersection* on the *highway*;
- (f) where there is a *traffic control signal* installed at an *intersection* on the *highway*, within fifteen (15) metres of the *intersection*;
- (g) within fifteen (15) metres of the nearest rail of a level railway crossing;
- (h) in a position or place that prevents or is likely to prevent the removal of any *vehicle* already *parked* on the *highway*;
- (i) for a longer period of time than twenty-four hours;
- (j) on a *boulevard*, except where it has been improved under lawful authority with asphalt, concrete, or gravel, for the purpose of accommodating the *parking* of *vehicles* and the *vehicle* is *parked* in compliance with this By-law; (By-law 48-23)
- (k) if the *vehicle* is an *unlicensed vehicle*;

Apron Parking Prohibitions (By-law 48-23)

8.1 No *person* shall *park* a *vehicle* on an *apron* in such a manner as to:

- (a) have any tire off of the *apron* or be on the landscaped, hardscaped, or grassy portion of the *boulevard*;
- (b) overhang any part of the *sidewalk* or *roadway* or curb line;
- (c) not be parallel to the *roadway*;
- (d) be contrary to the direction of traffic.

8.2 No *person* shall park a vehicle on an *apron* which is shared or abuts another *apron*.

8.3 No *person* shall *park* a vehicle on an *apron* without the consent of the owner or occupant.

9. No *person* shall *park* any *vehicle* upon a highway in such a manner or under such conditions as to leave available less than four (4) metres of the width of the *roadway* for free movement of vehicular traffic.

10. No *person* shall *park* an *oversized motor vehicle* on a highway for a period longer than two (2) consecutive hours.

11. No *person* shall *park* a *trailer* at any time that is not attached to a *motor vehicle* on any *highway* or within any *municipal parking lot*.

STOPPING AND PARKING RESTRICTIONS AND PROHIBITIONS ON CERTAIN ROADS

12. Where a *sign* to that effect is displayed, no *person* shall *stop* a *vehicle* on a *highway*, near the *entrance* way to a fire hall, on the sides and between the limits as set out in Schedule 1 to this by-law.

13. Where a *sign* to that effect is displayed, no *person* shall *stop* a *vehicle* on any *highway* on the side and between the limits and during the prohibited days and times all as set out in Schedule 2 to this By-law.
14. Where a *sign* to that effect is displayed, no *person* shall *park* a *vehicle* on any *highway*, at any time, on the side and between the limits as set out in Schedule 3 to this By-law.
15. Where a *sign* to that effect is displayed no *person* shall *park* a *vehicle* on any *highway* on the side and between the limits and during the prohibited days and times all as set out in Schedule 4 and Schedule 5 to this By-law.
16. Where a *sign* to that effect is displayed, no *person* shall *park* a *vehicle* on any *highway* for a longer period of time on the side, between the limits and during the prohibited days and times all as set out in Schedule 6 to this By-law. For the purposes this section, where a *person* permits a *vehicle* to remain *parked* for subsequent increments of the specified time permitted, each increment shall constitute a separate offence
17. Despite the provisions of Section 16, any *person* displaying an *Accessible Parking Permit* in accordance with the requirements of the *Highway Traffic Act, R.S.O. 1990*, as amended, is exempt from the time-limited restrictions set out in Schedule 6.
18. Where a *sign* to that effect is displayed no *person* shall *stop* a *vehicle* or permit a *vehicle* to remain *stopped*, other than a school bus, in an area designated as a school bus loading zone as set out in Schedule 7.
19. No person shall park a vehicle or permit a vehicle to remain parked on the highways or portions of the highways, during any *significant weather event*.

For the purposes of this section, a *significant weather event* shall commence upon public notice by the *Director* that the parking of vehicles on all roads are prohibited to accommodate road operations and shall remain in effect until public notices is issued by the Director announcing the end of the *significant weather event*.

The *Director*, or his or her designate, shall ensure that public notice of a *significant weather event* or an extension or cancellation thereof is given in at least two (2) of the following means:

- a) The issuance of a media advisory;
- b) Posting on the County internet site;
- c) Posting through the County of Brant official social media channels; or
- d) Any other means of giving notices that has a reasonable likelihood of coming to the attention of *persons* who are affected. (By-law 43-24)

LOADING ZONES

20. Where a *sign* to that effect is displayed, no *person* shall *stop* or *park* any *vehicle* other than a commercial *motor vehicle* engaged in the loading or unloading of cargo, in any *Loading Zone*, during the restricted period or for a longer period of time, as set out in Schedule 9.

MUNICIPAL PARKING LOTS

21. Where a *sign* to that effect is displayed, no *person* shall *park* a *vehicle* within any *municipal parking lot*, for a longer period of time than is permitted, during the restricted days and times, all as indicated in Schedule 11. Despite the provisions of this section, any *person* displaying an *Accessible Parking Permit* in accordance with the requirements of the *Highway Traffic Act, R.S.O. 1990*, as amended, is exempt from the time-limited restrictions set out in Schedule 11.
22. Despite the provisions of Section 21, no *person* shall *park* an *oversized motor vehicle* within a *municipal parking lot* for a period of time exceeding two (2) consecutive hours. Despite the provisions of this section, any *person* displaying an *Accessible Parking Permit* in accordance with the requirements of the *Highway Traffic Act, R.S.O. 1990*, as amended, is exempt from the time limited restrictions in this section.
23. For the purposes of Section 21 and 22, where a *person* permits a *vehicle* to remain *parked* for subsequent increments of the specified time permitted, each increment shall constitute a separate offence.

UNAUTHORIZED PARKING ON MUNICIPAL PROPERTY

24. *Municipal Property* means any real property owned or leased by the *County* but does not include a *municipal parking lot*.
25. No *person* shall *park* a *vehicle* on *municipal property* without the consent of the *County*.

ACCESSIBLE PARKING

26. In this part:
 - (a) *Accessible Parking Space* means a *parking* space designated in Schedule 12 and signed in accordance with Regulation 581 of the *Highway Traffic Act, R.S.O. 1990*, as amended.
 - (b) *Accessible Parking Permit* – means an Accessible Parking Permit as described in the *Highway Traffic Act, R.S.O. 1990* and the regulations as amended.
27. No *person* shall *park* a *vehicle* in an *Accessible Parking Space*, unless a valid *Accessible Parking Permit* has been displayed in accordance with the requirements of Regulation 581 of the *Highway Traffic Act, R.S.O. 1990*, as amended. For greater certainty, the determination regarding when an *Accessible Parking Permit* is not valid will be made in accordance with the requirements of Regulation 581 of the *Highway Traffic Act, R.S.O., 1990*, as amended.

FIRE ROUTES

28. In this part:
 - (a) *Authorized Emergency Vehicle* – means fire department *vehicles*, police *vehicles*, ambulances, and any other *vehicles* of utility companies that are required for control of any emergency at the properties designated in Schedule 13 of this By-law.
 - (b) *Fire Route* – means a private *roadway*, lane, ramp, or other means of vehicular access to a building required to be constructed and maintained pursuant to Section 2.5.1.1 (1) of the *Ontario Fire Code, O. Reg 213/07* as amended.
 - (c) *Private Roadway* – means any private road, lane, ramp, or other means of vehicular access

to or egress from a building or structure and it may include part of a parking lot.

29. For the purpose of this By-law, the *private roadways*, at the locations as indicated in Schedule 13, are designated as *fire routes* by this by-law. All designated *fire routes* shall be indicated by official *fire route signs* erected and maintained by the property owner, consistent with standards contained within the Ontario Traffic Manual.
30. Where a *sign* to that effect is posted, no *person* shall *park a vehicle*, except an *authorized emergency vehicle*, within a *fire route*, at the locations indicated in Schedule 13.

PARKING PERMITS

31. Relief from certain provisions of this by-law may be granted through the issuance of a *County* parking permit by the *Supervisor* in accordance with the conditions detailed in Schedule 14 parking permit applications and by submitting the prescribed fees as set out in the *County Fees and Charges By-law*. (By-law 48-23)
32. The areas as set out in Schedule 15 are designated as *Municipal Permit Only Parking Areas*.
- (a) For the purpose of this section a *Municipal Permit Only Parking Area* is an area where *parking* is permitted only under the authority of a parking permit issued by the *Supervisor*.
- (b) Where a *sign* to that effect is posted, no *person* shall *park a vehicle* in a *Municipal Permit Only Parking Area* without a *County* parking permit.

PARKING ON PRIVATE PARKING LOT

33. In this part:

- (a) **Owner** means the registered owner of the property or where the property is included in a description registered under the Condominium Act, the Board of Managers of the Condominium Corporation and includes any *person* authorized in writing by the Owner.
- (b) **Private Parking Permit** – means a permit issued by the *Owner* of a *Private Parking Lot* in a form approved by the *Supervisor* that identifies a *Motor Vehicle* which is authorized by said *Owner* to *park* on the *Private Parking Lot*.
- (c) **Private Parking Lot** – means a parking lot that is listed in Schedule 16, that is not owned or occupied by the *County*, where the *owner* has authorized the *County* to regulate or prohibit the *parking* or leaving of *motor vehicles* on that land without the consent of the *owner* of the land.
- (d) **Private Permit Parking Lot** means a *Private Parking Lot* where *parking* is only permitted for *Motor Vehicles* identified on a *Private Parking Permit*.
- (e) **Suitable Sign** means a *sign* which complies with such standards respecting size, shape, colour, content, mounting position and location as are established or approved of from time to time by the *Supervisor*.

34. No *person* shall *park a motor vehicle* in a *Private Permit Parking Lot* without a *Private Parking Permit* authorizing the *parking* of the *vehicle*.

35. Where a *Suitable Sign* is erected at each *entrance* to a *private parking lot* clearly indicating

parking regulations or prohibitions, no *person* shall *park* any *motor vehicle* contrary to the posted regulation or prohibition.

36. Where a *sign* is erected on the *Private Parking Lot* specifying conditions on which a *motor vehicle* may be *parked* or left on the *Private Parking Lot* or regulating or prohibiting the *parking* or leaving of a *motor vehicle* on the *Private Parking Lot*, a *motor vehicle* *parked* or left on the *Private Parking Lot* contrary to the conditions or prohibition shall be deemed to have been *parked* or left without consent.
37. If it is alleged in a proceeding that this section of the bylaw has been contravened, the oral or written evidence of a *Police Officer*, *Police Cadet* or *Municipal Law Enforcement Officer* is receivable in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it in respect of,
- (a) the ownership or occupancy of the land;
 - (b) the absence of the consent of the owner or occupant; and
 - (c) whether any *person* is an occupant or is an owner.

and written evidence shall be admitted without notice under the *Evidence Act*.

AUTHORITY TO ERECT TEMPORARY SIGNS

38. The *Director* is hereby authorized to temporarily prohibit *parking* or *stopping* on such *highways* and *municipal parking lots* and during such days and times as deemed necessary in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of a *County* operation and may erect or cause to be erected temporary *parking control devices* for that purpose.
39. The *Director* is hereby authorized to temporarily annul any existing *parking* or *stopping* regulation normally in force and effect under the provisions of this bylaw on such *highways* and *municipal parking lots* and during such days and times as deemed necessary in the interest of the safety or convenience of the public, the proper movement of traffic, or the proper and safe performance of a *County* operation and may erect or cause to be erected any temporary *parking control devices* or cover or cause to be removed or covered any *parking control device* for that purpose .

PENALTY

40. Any *person* who contravenes any provision of this By-law, is guilty of an offence and when issued a *Penalty Notice* in accordance with the *Administrative Penalty System By-law*, is liable to pay the early payment or penalty amount as set out in Schedule "A" and administrative fees as set out in Schedule "C" of the *Administrative Penalty System By-law*
41. A *Police Officer*, *Police Cadet*, *Municipal Law Enforcement Officer*, or an Officer appointed for carrying out the provisions of the *Highway Traffic Act*, R.S.O. 1990, as amended, upon discovery of any *vehicle* *parked* or *stopped* in contravention of the provisions of this by-law, may issue a *Penalty* Notice pursuant to the *Administrative Penalty System By-law*.
42. Where a *vehicle* has been left *parked*, *stopped*, or *standing* in contravention of this by-law, the owner of the *vehicle* is guilty of an offence, even though the owner was not the driver of the *vehicle* at the time of the contravention of the by-law, and is liable to the applicable fees as set out in the *Administrative Penalty System By-law* and Schedules.

43. Where a *vehicle* has been left *parked, stopped, or standing* on or near a *highway* in contravention of this bylaw, it may be removed, impounded, restrained, and immobilized at the *vehicle* owner's expense and subsection 170 (15) of the *Highway Traffic Act, R.S.O. 1990*, as amended, applies with necessary modifications. The *County* may, at any reasonable time, enter upon land for this purpose.
44. Where a *motor vehicle* has been *parked* or left in contravention of this Bylaw, on land not owned or occupied by the *County* that is used as a parking lot, it may be removed, impounded, restrained, and immobilized at the vehicle owner's expense, and subsection 170 (15) of the *Highway Traffic Act, R.S.O. 1990*, as amended, applies with necessary modifications to the by-law. The *County* may, at any reasonable time, enter upon land for this purpose.
45. Parking restrictions shall not, if compliance thereof would be impractical, apply to *vehicles* utilized by the *County* or the Brant County O.P.P. while such *vehicles* are engaged in their official capacity.

GENERAL

46. The Schedules referred to in this by-law shall form a part of this by-law and each entry in a column of such a schedule shall be read in conjunction with all entries across there from, and not otherwise.
47. In the Schedules referred to in this by-law, the abbreviations contained therein, shall be interpreted as follows:

N-North
S-South
E-East
W-West
NE- Northeast
NW-Northwest
SE-Southeast
SW-Southwest
#-Number
Hwy-Highway

48. In this by-law:
- (a) words importing the singular number, or the masculine gender include more persons, parties, or things of the same kind and females as well as males and the converse.
 - (b) a word interpreted in the singular number has a corresponding meaning when used in the plural.
 - (c) "may" shall be construed as permissive.
 - (d) "shall" shall be construed as imperative.
49. Where a distance is used in the by-law as part of a prohibition of *parking* or *stopping* within a specified distance of an object, structure, land or part of a *highway*, such distance shall be measured:
- (a) along the *curb* or edge of the *roadway* from a point in such *curb* or edge of *roadway* opposite such object, structure, land, or part of a *highway*, unless the context otherwise requires; and

- (b) from such object, structure, land or part of a *highway* in all directions;
- (c) when in reference to an *intersection* or *highway*, shall mean from the prolongation of the closest *curb* line or boundary line of the *intersecting highway*.

50. Whenever certain hours are named herein, they shall mean standard time or daylight savings time whichever is in current use in the *County*.
51. The various prohibitions of this by-law are cumulative and not mutually self-exclusive.
52. If it is declared that if any section, subsection or part or parts be declared by any Court of Law to be illegal or ultra vires, such part or parts shall be deemed to be severable and all parts are declared to be separate and independent and enacted as such.
53. The short title of this Bylaw shall be the "Parking Bylaw."
54. That *County* Bylaw 164-01 and any amendments to said Bylaw are repealed upon a resolution of *Council* following receipt of Provincial approval of set fines in respect to this by-law.

READ a first and second time, this 22nd day of January, 2019.

READ a third time and finally passed in Council, this 22nd day of January, 2019.

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk

BY-LAW NUMBER XX-24

- of -

THE CORPORATION OF THE COUNTY OF BRANT

To Appoint Madeline Huether and Julie McKeen as Screening Officers

WHEREAS Ontario Regulation 333/07 (Administrative Penalties) outlines the requirements of municipal administrative penalty systems, including the requirement for the appointment of a Screening Officer and a Hearing Officer;

AND WHEREAS pursuant to the Administrative Penalties Regulation a person who receives a penalty notice shall have the right to request a review of the administrative penalty by a Screening Officer appointed by the municipality;

AND WHEREAS pursuant to the Administrative Penalties Regulation a person who receives notice of a decision from a Screening Officer shall have the right to a review of the Screening Officer's decision by a Hearing Officer appointed by the municipality;

AND WHEREAS Council considers it desirable and necessary to establish the position of a Screening Officer and a Hearing Officer which are required for the operation of an administrative penalties system;

AND WHEREAS, Council enacted By-law #87-23 on July 25, 2023, being a bylaw to establish the positions of Screening and Hearing Officers;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS as follows:

1. **THAT** Madeline Huether and Julie McKeen be appointed as Screening Officers for the purpose of conducting screening reviews for Penalty Notices issued under the County Parking By-law and non-parking By-laws.

READ a first and second time, this XX day of XX, 2024

READ a third time and finally passed in Council, this XX day of XX, 2024

THE CORPORATION OF THE COUNTY OF BRANT

David Bailey, Mayor

Alysha Dyjach, Clerk



Administration and Operations Committee Report

To: The Chair and Members of the Administration and Operations Committee
From: Braedan Robinson, Engineering Technologist
Date: Tuesday July 16, 2024
Report #: RPT-0351-24
Subject: Court of Revision Appointment – Gore Municipal Drain
Purpose: For Information and Direction

Recommendation

Whereas a Standing Court of Revision for the current Council Term (2022-2026) was appointed through RPT-0202-24;

And Whereas Drains subject to Section 97(3) of *the Drainage Act RSO 1990*, specific Court of Revision appointments be made by Council as they are required;

THAT one (1) representative for the County of Brant be appointed to the Court of Revision for the Gore Municipal Drain in the Township of Norwich respecting any appeals of the Engineer's Report, as prepared by R.J. Burnside & Associates, dated May 2024.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 4 - Reliable Infrastructure

Impacts and Mitigation

Social Impacts

N/A

Environmental Impacts

N/A

Economic Impacts

The Court of Revision is required for an Engineers Report. Any landowner can appeal their assessed costs in the Engineers Report to the Court of Revision.

Report

Background

A request for drainage improvements of the Gore Municipal Drain was submitted to the Township of Norwich (Norwich) in February 2020. The Gore Municipal Drain affects landowners in Norwich, the County of Brant (Brant) and Norfolk County (Norfolk).

Norwich engaged the services of R.J. Burnside & Associates under Section 78 of *the Drainage Act* to prepare a drainage report for improvements to the Gore Municipal Drain.

The Drainage Report will be considered by Norwich Council at a Public Meeting scheduled July 9, 2024, at 9:00 am in their Council Chambers. Following provisional adoption of the Drainage Report, Norwich will be scheduling a meeting of the Court of Revision and a notice of hearing by the Court will be delivered to affected landowners in Norwich, Brant and Norfolk.

The requirements of the Court of Revision is outlined in RPT-0202-24.

As the lands assessed for the drainage works extend from Norwich into Brant and Norfolk, both Brant and Norfolk are to appoint one (1) member to the Court of Revision to hear and rule on appeals.

Attachments

- 1. RPT-0202-24 Standing Court of Revision Appointments for remainder of the Council Term 2022 to 2026
- 2. [Engineer’s Report – Gore Municipal Drain, Township of Norwich](#) (link)

Reviewed By

R. Walton, General Manager of Operations

Copied To

S. Tweedle, Drainage Superintendent
G. Demers, Director of Roads
A. Dyjach, Director of Council Services, Clerk

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No



County of Brant Council Report

To: To the Mayor and Members of County of Brant Council
From: Robert Walton, P.Eng., General Manager of Operations
Date: February 27, 2024
Report #: RPT-0202-24
Subject: Standing Court of Revision Appointments for remainder of the Council Term 2022 to 2026
Purpose: For Approval

Recommendation

Whereas the County of Brant (the County) has many upcoming Drain Reports pursuant to the Drainage Act RSO 1990 (the Act);

And Whereas each of these Reports will require a Court of Revision;

And Whereas Council discussed the possibility of appointing members to a Standing Court of Revision for all upcoming projects during the remainder of the 2022 to 2026 Council Term;

THAT, Council appoints five (5) members to the Court of Revision for appeals subject to Section 97 (1) of the Act for the remainder of the Council term 2022 to 2026;

And That for Drains subject to Section 97(3) of *the Act*, specific Court of Revision appointments be made by Council as they are required.

Strategic Plan Priority

Strategic Priority 1 - Sustainable and Managed Growth

Strategic Priority 4 - Reliable Infrastructure

Impacts and Mitigation

Social Impacts

N/A

Environmental Impacts

N/A

Economic Impacts

The Court of Revision is required for an Engineers Report. Any landowner can appeal their assessed costs in the Engineers Report to the Court of Revision.

Report

Background

Section 97 of *the Act* sets out the requirements for the Court of Revision as follows:

Court of Revision

97 (1) Subject to subsections (3), (4) and (5), a court of revision shall consist of three or five members appointed by the council of the initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide. R.S.O. 1990, c. D.17, s. 97 (1).

Qualification

(2) Every such member shall be a person eligible to be elected a member of council or shall be a member of council. R.S.O. 1990, c. D.17, s. 97 (2).

Where more than one (1) municipality

(3) Where the lands assessed for the drainage works extend from the initiating municipality into a neighbouring municipality, the court of revision shall consist of two members appointed by the council of the initiating municipality, of whom one shall be chair and one member appointed by the council of each of the neighbouring municipalities and the court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality. R.S.O. 1990, c. D.17, s. 97 (3).

Quorum

(4) A majority of the members of the court of revision shall constitute and, despite the decision of any court, shall be deemed always to have constituted a quorum. R.S.O. 1990, c. D.17, s. 97 (4).

Jurisdiction and powers of quorum

(5) A quorum of the court of revision is sufficient and, despite the decision of any court, shall be deemed always to have been sufficient to exercise all of the jurisdiction and powers of the court of revision. R.S.O. 1990, c. D.17, s. 97 (5).

The basis for an appeal to the Court of Revision is set out in *the Act* as follows:

52 *(1) An owner of land assessed for the drainage works may appeal to the court of revision on any of the following grounds:*

- 1. Any land or road has been assessed an amount that is too high or too low.*
- 2. Any land or road that should have been assessed has not been assessed.*
- 3. Due consideration has not been given to the use being made of the land. 2010, c. 16, Sched. 1, s. 2 (21).*

The Court of Revision may alter any assessment, but they cannot change the total cost of the drain in the Provisional By-Law (i.e. any reduced assessments must be placed against other properties or roads). Any decision or non-decision of the Court of Revision can be appealed to the Drainage Tribunal by affected landowners.

The use of a Standing Court of Revision will accomplish a few things:

- 1. There will not be a need for Council to appoint a Court of Revision each time a new report is considered, unless more than one (1) municipality is involved (Section 97(3)).
- 2. The members of the Court of Revision can receive training and will become familiar with their duties.
- 3. The appointment of five (5) members is suggested as quorum is defined as a majority in *the Act* and the Court can proceed if up to two (2) members are not available.

With approval of this report, staff will arrange for a brief training session for the newly appointed Court of Revision members at the earliest opportunity.

Attachments

N/A

Reviewed By

S. Tweedle, Drainage Superintendent
G. Demers, Director of Roads
A. Dyjach, Director of Council Services, Clerk

Copied To

N/A

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No



Administration and Operations Committee Report

To: The Chair and Members of the Administration and Operations Committee
From: Kathy Ballantyne, Director – Facilities and Special Projects
Date: July 16, 2024
Report #: RPT-0146 -24
Subject: Newport River Access
Purpose: For Information and Direction

Recommendation

That the Newport River Access Project be cancelled;

That Staff be directed to assess, and report back to Committee, the viability of sale of the Property, or other potential uses for the Property;

That the donation received from BWF, in the amount of \$50,000, be returned to BWF;

That the cost for Property acquisition, in the amount of \$89,592, be funded via the Property Reserve and that any remaining TIRA reserve funds previously approved be returned to that fund;

That staff be directed to cancel CPS-RFT-22-01 Newport River Access Point in the amount of \$219,032.09 + HST as awarded to South Brant Excavating, March 22, 2022.

And further that the County of Brant support and assist Six Nations of the Grand River in the creation of new river access point if deemed viable.

Strategic Plan Priority

Strategic Priority 5 - Healthy, Safe, and Engaged Citizens

Impacts and Mitigation

Social Impacts

River-side areas on the Grand River and its tributaries have been utilized over the years by local residents for paddling and fishing. Natural spaces provide residents and tourists with opportunities to be physically and socially active. Participation in recreation builds community capacity, strengthens social networks, fosters community pride, and provides for safe spaces and active transportation corridors. Strong correlations exist between equitable access to recreation and physical and mental health. Recreational facilities and partnerships with sport and cultural organizations ensure community members can access a variety of services to stay healthy and live longer.

With a view to fostering and maintaining good relationships with Indigenous partners, as well as mitigating any potential future controversy surrounding proposed greenfield projects in the

County, Archaeological Assessments (AA) will continue to be a standard consideration by the County.

Environmental Impacts

Recreation programs, parks and natural spaces provide a number of positive environmental impacts, including: reduction of pollution, promotion of clean air and water, preservation of open space, protection of the ecosystem and an increase in community pride.

Economic Impacts

Investment in parks and recreation infrastructure protects our environment, promotes conservation, and can serve as a catalyst for economic sustainability.

Expenses for this project to date include;

Land purchase and appraisals	\$89,592
Consulting Services (design and archaeological)	\$59,392
Archaeological Monitoring	\$4,581
Allocated Wages	\$1,214
Fees and Taxes	970
Total	\$155,749

If the project were to proceed more funds would be required for a scoped Stage 3 AA estimated at \$22,000 – 32,000 for a scaled back alternate plan on the east side of Newport Road. A Stage 4 AA is highly likely to be also required to construct a viable river access point on Newport Road. A Stage 4 AA for the alternate plan, if required would be in the \$200,000 - \$420,000 range. The full original plan cost estimates for Stage 4 AA were \$450,000 – \$650,000.

Report

Background

Following the award of the construction tender for the Newport River Access Project in 2022, Staff received an inquiry about the potential archaeological significance of the Property. After consideration of the Grand River Notification Agreement, and location of the Project, a Stage 1 AA was completed by Archaeological Consultants Canada (ACC).

Following the completion of the Stage 1 AA, ACC determined that a Stage 2 AA would be required, given the Property's location and the archaeologically rich nature of the Grand River and its shorelines.

Following completion of the Stage 2 AA, ACC reported that the Stage 2 AA produced 119 artifacts diagnostically indicative of a multicomponent archaeological site dating from 1200 B.C to roughly 1500 A.D. Attachment 2 to this report is a copy of the Stage 1 and Stage 2 AA report from ACC.

ACC further reported that a Stage 3 AA would be required. Council authorized this work to proceed in 2023 and the work was completed during the summer and fall. Indigenous monitoring was completed by both the Mississauga's of Credit First Nation and Six Nations of the Grand River. The Stage 3 AA was received in Q1 2024, and the study yielded 1,146 indigenous and 165 Euro-Canadian artifacts across an area that is 20m x 80m on the west side of Newport Road. The majority of artifacts recovered were rock fragments (detritus) consistent with the production and refinement of tools. Four formal tools and a small amount of pottery were discovered at the site.

Analysis

Upon discovery that the project site yielded numerous artifacts in the Stage 3 AA and considering the substantial cost for a Stage 4 archaeological assessment, Community Services staff explored an alternate plan with the assistance of Operations staff.

Staff sent the proposed plan to AAC to determine the next steps. Because the alternate site is within close proximity to the original project site, a 70 m protective and monitoring area is required. As a portion of the alternate plan site is within the 70 m area, an additional scoped Stage 3 AA would be required to proceed. The estimated cost to complete these works is \$22,000 - \$32,000 including indigenous monitoring. Based on the artifact findings to date on the west side of Newport Road, ACC provided an opinion that there is a high probability of finding more artifacts during a Stage 3 AA of the alternate site which would then require a Stage 4 AA, estimated to cost between \$200,000 and \$420,000 in order to proceed with the construction of the river access point.

The alternate plan and project constraint information was sent to tourism representatives from Six Nations of the Grand River for comments, but none have been received. Staff met with Six Nations Tourism representatives to review the Stage 3 report implications and have begun discussions about supporting the creation of river access point located between Cockshutt Road river access point and Chiefswood Park. If a suitable location is located within Six Nations of the Grand River Territory, then equipment obtained for the Newport River access through a grant could be provided to Six Nations of the Grand River. County staff would also be amenable to assisting Six Nations of the Grand River with landscape design.

As this site requires a substantial investment to complete further archaeological assessment to proceed with the project, staff have recommend that the project be cancelled.

Implications of Cancelling the Project

Total land acquisition costs incurred to date for the project are \$89,592, with \$36,592 being funded from the TIRA Reserve, and \$50,000 by a directed donation from BWF.

If the Project is cancelled and the \$50,000 donation is returned to BWF, the full purchase price for the Property could be funded by the TIRA Reserve, as was previously approved via report RPT-21-176.

Alternatively, the Property acquisition costs could be funded via the Property Reserve. Staff believe this is the most prudent approach to take if the Project is cancelled and the Property will not be used for river access or trail improvements. Funds previously allocated from the TIRA reserve would then be returned to that reserve for future development of trails and river access projects. The funds that would be returned are estimated at \$70,600.

County Legal Staff have confirmed that there are no identified issues with respect to the County's quality of title, nor anything which would prevent a sale of the Property. With Committee's direction, Staff will assess, and report back to Committee, the viability of sale of the Property, or other potential uses for the Property.

Recommendations

Should Committee decide that canceling the project is the appropriate course of action, the following resolution is submitted for Committee's consideration:

That the Newport River Access Project be cancelled;

That Staff be directed to assess, and report back to Committee, the viability of sale of the Property, or other potential uses for the Property;

That the donation received from BWF, in the amount of \$50,000, be returned to BWF;

That the cost for Property acquisition, in the amount of \$89,592, be funded via the Property Reserve and that any remaining TIRA reserve funds previously approved be returned to that fund.

Next Steps

Staff will continue to liaise and support Six Nations of the Grand River to locate and construct a river access point on territory land that will support residents and tourists who paddle and fish for recreation. If a viable location is selected, County staff will provide technical resources and amenities that will assist with the development of the site.

Improving and creating access to the Grand River for residents remains a high priority for Community Services. A new accessible river access point will be created in the Paris Grand subdivision as part of the trail network being constructed. This special landing point and will be available by special request for residents and visitors who require an accessible place to land prior to Penmans Dam.

Staff evaluate development opportunities for river access continuously and will bring forward viable projects at the appropriate time.

Attachments

Stage 3 Archaeological Report

Reviewed By

Phil Mete, General Manager, Community Services

Alison Newton, CAO

Cindy Stevenson, General Manager, Emergency & Protective Services

Copied To

Heather Boyd, General Manager of Corporate Services

Heather Bailey, Manager of Budget and Long-term Financial Planning

Laura-Lynn Rouse, Purchaser

By-law and/or Agreement

By-law Required

No

Agreement(s) or other documents to be signed by Mayor and /or Clerk

No



ACC

ARCHAEOLOGICAL
CONSULTANTS CANADA

Stage 3 Archaeological Assessment

Site AgHb-709, Proposed Parking Lot Development

25 Newport Road, Part of Lot 87, Burtch Tract, Brant County, Ontario

Original Report

Prepared for:

Ontario Ministry of Citizenship and Multiculturalism

Prepared by:

Archaeological Licensee: Matthew Muttart, M.A., P1208

Archaeological Consultants Canada

PO Box 81045 Ancaster, RPO Fiddlers Green

Hamilton, ON L9G 4X1

PIF#: P1208-0202-2023

Project No. 221-03-22

20 March 2024

EXECUTIVE SUMMARY

Archaeological Consultants Canada (“ACC”) was contracted by the Proponent to conduct a Stage 3 site-specific archaeological assessment of registered site AgHb-709. The assessment was conducted in advance of a proposed parking lot development. The assessment is required under the *Planning Act, R.S.O. 1990*. The subject property is 0.44 hectares (“ha”) in size and is located on Part Lot 87, Burch Tract, Brant County, Ontario (Figure 1). The Proponent provided the limits of the study area.

The Stage 3 site-specific assessment was conducted under Professional Archaeological License P1208, held by Matthew Muttart. The fieldwork was completed under the direction of Joshua Garrett (P1293). The Ontario Ministry of Citizenship and Multiculturalism (“MCM”) assigned Project Information Number (“PIF”) P1208-0202-2023 to this project. The licensee of ACC received permission from the Proponent to access the property and to conduct all required archaeological fieldwork activities including the removal of artifacts, as necessary. The property was assessed in 2023, on July 21, August 10, Sept 20, 21, 22, and October 23, 24, 25.

ACC conducted a Stage 1 and a Stage 2 archaeological assessment of the subject property in 2022, under PIF P1208-0068-2022 (ACC, 2023a) and PIF P1208-0102-2022 (ACC, 2023b). During the assessment, one Indigenous site, AgHb-709, was documented and was determined to be an archaeological resource of cultural heritage value or interest and was recommended for Stage 3 assessment. AgHb-709 is the subject of this report.

The present Stage 3 excavations at AgHb-709 recovered 1311 Indigenous artifacts from 17 units across a 20 by 80 m area. Artifact yields ranging from 0 to 505 artifacts per unit. The majority of artifacts recovered were chipping detritus consistent with the production and refinement of tools. Four formal tools, including three projectile points, and a small amount of pottery was also present. Approximately 10% of the assemblage consisted of Euro-Canadian artifacts as well.

Recovered projectile points were a Brewerton corner notch point, a Kirk corner notch point, and a Stanly point. These temporally diagnostic projectile points indicate that the site was occupied throughout the early and middle Archaic periods (Ellis, 1987; Justice, 1987). The presence of Indigenous pottery, including a Glen Meyer Oblique vessel recovered in the Stage 2, indicates a Woodland period occupation of the site as well. Recovered Euro-Canadian artifacts, with a high degree of ironstone and wire nails, are consistent with an occupation period from the late 1800s into the early 1900s. These findings indicate that Site AgHb-709 has witnessed multiple occupations beginning as early as the early Archaic period and extending into the 20th century.

Stage 3 excavations of AgHb-709 remain incomplete. Due to the amorphous and stratigraphically complex nature of site AgHb-709, it is recommended that additional Stage 3 test unit excavations take place across the extent of the site prior to formulating the Stage 4 strategy.

The following recommendation is provided for consideration by the Proponent and the Ontario Ministry of Citizenship and Multiculturalism:

1. Due to the amorphous and stratigraphically complex nature of site AgHb-709, it is recommended that additional Stage 3 test unit excavations take place across the extent

of the site prior to formulating the Stage 4 strategy (see Supplementary Documentation). Stage 3 excavations should consist of test-unit excavations on a 5-metre grid with 20% infill units. A 10-metre grid will not adequately capture the site extents due to the high degree of soil disturbance that has occurred here. It is also recommended that units are hand excavated at least 20 cm into sterile subsoil due to the presence of redeposited artifact bearing layers throughout the subject property. Furthermore, it is recommended that the Stage 3 excavation illustrate the extent of the site with at least two consecutive rows of low-yielding units.

2. 1.74 ha of the subject property has not been assessed and requires Stage 1 & 2 archaeological assessment prior to any development (see Figures 8 & 9).



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PROJECT PERSONNEL

Project Manager:	Matthew Muttart, M.A., P1208
Professional Licence:	Matthew Muttart, M.A., P1208
Field Directors:	Joshua Garrett, M.A., P1293
Field Technicians:	Leha Peacock, B.A., R1273 Morgan Berg, B.A. Cassandra Bunsee, B.A. Melanie Chan, B.A. Spencer Krick Elise MacDonald, B.A. Dylan Maunder Jodi McKay Delaney Parent, B.Sc., R1349 John Wasilik
Indigenous Liaisons: Mississaugas of the Credit First Nation:	Grant Laforme Steve Sault Dennis Laforme
Six Nations of the Grand River Elected Council:	Tyler Hill
Artifact Analysis:	Michelle Volpe, M.L.I.S., R1241
Report Preparation:	Kristy O'Neal, M.A., P066 Michelle Volpe, M.L.I.S., R1241 Donny Vongphakdy, B.Sc.
Graphics:	Kristy O'Neal, M.A., P066



Stage 3 Archaeological Assessment

Site AgHb-709, Proposed Parking Lot Development

25 Newport Road, Part of Lot 87, Burtch Tract, Brant County, Ontario

1.0 PROJECT CONTEXT

1.1 Development Context

Archaeological Consultants Canada (“ACC”) was contracted by the Proponent to conduct a Stage 3 site-specific archaeological assessment of registered site AgHb-709. The assessment was conducted in advance of a proposed parking lot development. The assessment is required under the *Planning Act, R.S.O. 1990*. The subject property is 0.44 hectares (“ha”) in size and is located on Part Lot 87, Burtch Tract, Brant County, Ontario (Figure 1). The Proponent provided the limits of the study area.

ACC conducted a Stage 1 and a Stage 2 archaeological assessment of the subject property in 2022, under PIF P1208-0068-2022 (ACC, 2023a) and PIF P1208-0102-2022 (ACC, 2023b). During the assessment, one Indigenous site, AgHb-709, was documented and was determined to be an archaeological resource of cultural heritage value or interest and was recommended for Stage 3 assessment. AgHb-709 is the subject of this report.

The objective of a Stage 3 site-specific investigation is to assess the cultural heritage value or interest of any sites identified during a Stage 2 property assessment, and to determine whether it they have been sufficiently documented or further measures are required to protect or document the site fully. A Stage 3 site-specific investigation will determine the extent of an archaeological site and characteristics of the artifacts. A representative sample of artifacts are collected to assess the cultural heritage value or interest of an archaeological site to determine the need for mitigation of development impacts and recommend appropriate strategies for mitigation and future conservation.

The Stage 3 site-specific assessment was conducted under Professional Archaeological License P1208, held by Matthew Muttart. The fieldwork was completed under the direction of Joshua Garrett (P1293). The Ontario Ministry of Citizenship and Multiculturalism (“MCM”) assigned Project Information Number (“PIF”) P1208-0202-2023 to this project. The licensee of ACC received permission from the Proponent to access the property and to conduct all required archaeological fieldwork activities including the removal of artifacts, as necessary. The property was assessed in 2023, on July 21, August 10, Sept 20, 21, 22, and October 23, 24, 25.

All fieldwork and reporting were completed using MCM’s 2011 *Standards and Guidelines for Consultant Archaeologists*. This report documents the research, the field methods and results, and the conclusions and recommendations based on the Stage 3 archaeological assessment. All documents and records related to this project will be curated at the offices of Archaeological Consultants Canada, in accordance with subsection 66(1) of the *Ontario Heritage Act*.

1.2 Historical Context

1.2.1 Background Research

Previous Stage 1 background research was conducted by ACC to determine the potential for finding and identifying archaeological resources including sites within the current subject property and to determine the necessity of conducting a Stage 2 survey. This was done by reviewing geographic, archaeological, and historical data for the property and the surrounding area. The background research was conducted to:

- amass all the readily available information on any previous archaeological surveys in the area.
- determine the locations of any registered and unregistered sites within and around the subject property.
- develop an historical framework for assigning levels of potential significance to any new sites discovered during fieldwork.

The following sections summarize the findings from ACC's Stage 1 & 2 archaeological assessment report (ACC, 2022). When applicable, ACC has updated the previous findings with new information to conform to the 2011 *Standards and Guidelines for Consultant Archaeologists* (MCM, 2011).

1.2.2 A Cultural Chronology for Southern Ontario

Over their thousands of years of occupation in the general region, Indigenous peoples have left behind physical evidence of their lifeway activities and settlements at many locations. Based upon a published synthesis of Indigenous cultural occupations (Wright, 1968), Table 1 is a general outline of the cultural history of southern Ontario that is applicable to the subject property. Ellis and Ferris (1990) provide greater detail of the distinctive characteristics of each time period and cultural group.

It is likely that Ontario was occupied soon after the retreat of the Ice Age glaciers. The earliest known human occupation in the area was during the Paleoindian period (between 12,000 and 9,500 years ago) wherein small groups of nomadic peoples hunted big game such as caribou in a cool sub-arctic climate. Sites are typically found near glacial features such as the shorelines of glacial lakes or kettle ponds which allowed access to the low-lying environments favoured by the caribou and other wildlife. These people were few and their small, temporary campsites are relatively rare. Paleoindian sites are recognized by the presence of distinctive artifacts such as fluted projectile points, beaked scrapers, and gravers and by the preference for light colored cherts, such as Collingwood chert. The Paleoindian Period is divided into two sub-periods, Early Paleoindian, and Late Paleoindian.

Table 1: General Cultural Chronology for Southwestern Ontario

PERIOD	SUBDIVISION I	SUBDIVISION II	YEARS BEFORE PRESENT	COMMENTS
PALEOINDIAN	Early Paleoindian	Fluted Point Horizon	12,000-10,500	big game hunters
	Late Paleoindian	Holcombe & Hi-Lo Horizons	10,500-9,500	small nomadic groups
ARCHAIC	Early Archaic	Side Notched Horizon	10,000-9,700	nomadic hunters and gatherers
		Corner-Notched Horizon	9,700-8,900	
		Bifurcate Horizon	8,900-8,000	
	Middle Archaic	Middle Archaic I/Stemmed Horizon	8,000-5,500	territorial settlements
		Middle Archaic II	5,500-4,500	polished ground stone tools
	Late Archaic	Narrow Point Horizon	4,500-3,500	
		Broad Point Horizon	4,000-3,500	
		Small Point Horizon (including Haldimand and Glacial Kame Complexes)	3,500-2,800	burial ceremonialism
WOODLAND	Early Woodland	Meadowood Complex	2,900-2,400	introduction of pottery
		Middlesex Complex	2,500-2,000	
	Middle Woodland	SW Ontario: Saugeen	2,300-1,500	long distance trade networks
		Western Basin: Couture	2,300-1,500	
	Transitional Woodland	SW Ontario:		
		Princess Point	1,500/1,400-1,200	incipient agriculture
		Western Basin:		
		Riviere au Vase	1500/1400-1200/1100	
	Late Woodland: Ontario Iroquois Tradition	Early: Glen Meyer	1200/100-750/700	transition to village life
		Middle I: Uren	720/700-710/670	large villages with palisades
		Middle II: Middleport	710/670-670/600	wide distribution of ceramic styles
		Late: Neutral	600-450	
	Late Woodland: Western Basin Tradition	Younge Phase	1200/1100-800	
		Springwells Phase	800-600	
		Wolf Phase	600-450	
HISTORIC	SW Ontario Iroquois	Historic Neutral	450-350	tribal warfare
	European Contact	Initial Contact	380-300	tribal displacement
		European Settlement	200 >	European settlement
		First Nations Resettlement	200 >	

(Compiled from Adams, 1994, Ellis *et al.*, 1990, Wright, 1968)

People during the Archaic period (*circa* 10,000 to 2,800 years ago) were still primarily nomadic hunters, but they adapted to a more temperate climate. Groups were dispersed during winter months and converged around watercourses from the spring to fall in large fishing campsites. The Archaic period is characterized by the appearance of ground stone tools, notched, or stemmed projectile points. The Archaic Period is divided into three sub-periods, Early, Middle and Late Archaic. During the Archaic Period groups began to establish territorial settlements and introduce burial ceremonialism. There is a marked increase in the number and size of sites, especially during the Late Archaic period.



The Woodland period is distinguished by the introduction of pottery vessels for storage and cooking. Sites of the Woodland period (*circa* 2,900 to 400 years ago) are usually the most numerous because the population levels in southern Ontario had significantly increased, especially along the shores of Lakes Erie and Ontario. The Woodland Period is also marked by the establishment of complex long distance trading networks. The Woodland Period is divided into three sub-periods, Early, Middle and Late Woodland. During the Late Woodland Period, there is increasing sedentarism and the establishment of horticulture, a reliance on tribal warfare, and the introduction of semi-permanent villages with large protective palisades. The Late Woodland period also envelops the emergence of Iroquoian tribes and confederacies.

The historic period (from A.D. 1650 to 1900) begins with the arrival of Euro-Canadian groups. While North America had been visited by Europeans on an increasing scale since the end of the fifteenth century, it was not until the voyages of Jacques Cartier in the 1530s that Europeans visited Ontario Iroquoians in their home territories. Sites of this period document European exploration, trade, and the displacement and devastation of native groups caused by warfare and infectious disease. The most common sites of this period include Euro-Canadian homesteads, industries, churches, schools, and cemeteries.

By the mid-seventeenth century, warring between the Iroquois and the Huron-Wendat had expelled the Huron-Wendat out of Southern Ontario. Conflict then erupted between the Mississaugas and the Iroquois, resulting in the migration and settlement of the Mississaugas further into Southern Ontario, and the Iroquois settling south of the Great Lakes.

The subject property is located within Lot 87, Burtch Tract, in the Geographic Township of Brantford, County of Brant. This land falls under Treaty 4, the Crown Grant to the Six Nations or the Haldimand Tract, also known as the Simcoe Patent, which was issued in 1793. The British purchased lands from the Mississauga peoples and then issued the Haldimand Proclamation that same year. The Haldimand Tract was granted to the Six Nations for their support of the Crown during the American Revolution. Treaty 4, the Simcoe Patent, is a later issue which clarified the extent of the land granted to Six Nations (Ontario Ministry of Indigenous Affairs, 2022).

In 1626 the French Catholic missionary Father Joseph de la Roche Daillon visited what is now Brant County. The county was inhabited by Neutrals, whose chief village was named Kandoucho (Kempster & Muir, 1986). This village was probably close to the location of the current city of Brantford. The Neutral settlements were destroyed by the Iroquois between 1649 and 1651 (Reville, 1920)

Brant County was formed in 1852 out of six townships that formerly belonged to Halton, Oxford, and Wentworth Counties (Carter, 1984). The county was named after Joseph Brant, the Mohawk chief who fought for the British in the American Revolution. In 1784, Brant and his followers settled in the Grand River valley where they were given a large tract of land in honour of their services to the British and in restitution for lands they lost in New York State. They settled along the Grand River near a shallow, easily traversed area, which became known as Brant's Ford, eventually the city of Brantford (Mika & Mika 1977).

Brantford Township was incorporated in 1850 (Carter, 1984). It had a population of 6,410 in 1852 and 4,000 in 1875 (Carter 1984). The first settlers in the township found the region covered



in forested hunting grounds used by the Six Nations (Warner & Beers, 1883). These settlers began clearing the forests for agricultural use. The earliest settled district in the township was at Fairchild's Creek, named for its earliest settler. The town of Brantford quickly surpassed any other settlement in the township in size and economic significance (Page & Smith, 1875).

Historical records and mapping were examined for evidence of early Euro-Canadian occupation within and near the subject property. Figures 2 and 3 represent the Euro-Canadian settlement in and around the current subject property in the late nineteenth century. Tremaine's 1858 Historic Atlas Map of Brant County shows that the subject property was owned by two people: the Late D. Thompson and Thaddeus Smith. The study area aligns most closely with D. Thompson's portion of Lot 87 of the Burtch Tract. No structures are depicted within 300 m of the subject property.

Page & Smith's 1875 Historic Atlas Map of Brantford Township West, Brant County shows that the subject property is now at this time a part of the small town of Newport.

While no structures are shown near the current subject property, this does not necessarily mean that one or more additional structures were not present at that time, earlier or later. Not all features of interest were mapped systematically on the Ontario series of historical maps and atlases, given that they were financed by subscription, and subscribers were given preference regarding the level of detail provided on the maps.

The Burtch Tract is an historically contentious portion of land involved in the Haldimand Proclamation and Simcoe Patent—Treaty 4—that has been a point of friction between the Government of Canada, the Province of Ontario, and the Six Nations of the Grand River (Hill, 2009).

1.3 Archaeological Context

1.3.1 Natural Environment

The subject property is located within the Norfolk Sand Plain physiographic region (Chapman and Putnam, 1984:176-177). This wedge-shaped area has a curved base along the coast of Lake Erie and tapers to a point at Brantford. The region is made up of sand deposited from meltwater of the Grand River that formed a delta of glacial Lakes Whittlesey and Warren. It is made up of light textured soils left behind by retreating glaciers that is best used for tobacco crops.

The Soil Survey of Brant County (Acton, 1989) indicates that the soil within the subject property is comprised of alluvium, a fine textured clay floodplain (see Figure 4, Acton 1989). Soils here include silty clay loams and clay loams (Acton, 1989).

Potable water is the single most important resource required for any extended human occupation. The Grand River borders the eastern edge of the subject property. The Grand River has an extensive and rich archaeological history.

1.3.2 Current Land Use

The subject property is currently surrounded by uncultivated and vacant land in a largely rural and agricultural area of Brantford in Brant County.

Figure 1 provides the location of the subject property on a 1:5,000-scale topographic map.

1.3.3 Previous Archaeological Investigations

1.3.3.1 Registered Archaeological Sites

Previously registered archaeological sites can be used to indicate archaeological potential. To determine if any previous assessments have yielded archaeological sites, either within or surrounding the current subject property, two main sources were consulted. These include the *Ontario Archaeological Sites Database* (“OASD”) and the *Public Register of Archaeological Reports*, both of which are maintained by MCM.

The *Ontario Archaeological Sites Database* contains archaeological sites registered within the Borden system (Borden, 1952). The Borden system divides Canada into 13 kilometre (“km”) by 18.5 km blocks based on longitude and latitude. Each Borden block is designated with a four-letter label and sites identified within the block are numbered sequentially as they are registered. The subject property is located within the *AgHb* Borden block.

One archaeological site, AgHb-709, has been registered within the subject property. Four additional sites have been registered within 1 km of the subject property (MCM 2023a). No sites are within 250 m of the subject property.

Information in Table 2 is provided by MCM through the OASD.

Table 2: Registered Archaeological Sites within 1 km of the Subject Property

REG. #	NAME	TIME PERIOD	CULTURAL AFFILIATION	SITE TYPE	STATUS
AgHb-5	Glass 1	Unknown	Unknown	Unknown	Unknown
AgHb-38	Marshall	Pre-Contact	Aboriginal	Scatter	Unknown
AgHb-36	Coleman	Pre-Contact	Woodland	Campsite	Unknown
AgHb-355		Pre-Contact	Aboriginal	Findspot	No Further CHVI

1.3.3.2 Previous Archaeological Reports

A review of archaeological reports within the *Public Register of Archaeological Reports* indicated that one archaeological report detailing previous archaeological fieldwork within the subject property has been filed with MCM at the time this report was written. No archaeological reports detailing previous archaeological fieldwork within 50 m of the subject property have been filed with MCM at this time (MCM).

Stage 1 & 2 Archaeological Assessment. 25 Newport Road, formerly Part of Lot 87, Burtch Tract, now Part of Blocks ‘E’, ‘F’, and ‘H’, Part of Second Street Registered Plan 37, Part of Burtch Tract, Geographic Township of Brantford, County of Brant, Ontario. Archaeological Consultants Canada. Report dated 21 March 2023. MCM PIF P1208-0068-2022 & P1208-0102-2022.

In 2022, ACC conducted a Stage 1 & 2 archaeological assessment of 0.44 ha of the subject property. The Stage 1 assessment concluded that the entire subject property retained

archaeological potential and required a Stage 2 archaeological assessment. The property was subject to test pit survey at 5 m intervals and one Indigenous site, AgHb-709, was encountered. The site consisted of 119 Indigenous artifacts across a 65 m by 30 m area. The site appeared to be a multicomponent Woodland site based on the presence of a Meadowood cache blade, a Glen Meyer Oblique vessel, and a lithic tool comprised of gunflint. Stage 3 archaeological assessment of Site AgHb-709 was recommended. 1.74 ha of the subject property was not assessed and requires Stage 1 & 2 assessment prior to development.

1.3.4 Potential for Archaeological Resources

Archaeological potential is defined as the likelihood of finding archaeological sites within a subject property. For planning purposes, determining archaeological potential provides a preliminary indication that significant sites might be found within the subject property, and consequently, that it may be necessary to allocate time and resources for archaeological survey and mitigation.

The framework for assigning levels of potential archaeological significance is drawn from provincial guidelines found in the *Standards and Guidelines for Consultant Archaeologists* (MCM, 2011: Sections 1.3.1 and 1.3.2). The following are features or characteristics that can indicate archaeological potential:

- previously identified archaeological sites
- water sources (It is important to distinguish types of water and shoreline, and to distinguish natural from artificial water sources, as these features affect site locations and types to varying degrees.).
 - primary water sources (e.g., lakes, rivers, streams, creeks)
 - secondary water sources (e.g., intermittent streams and creeks, springs, marshes, swamps)
 - features indicating past water sources (e.g., glacial lake shorelines indicated by the presence of raised sand or gravel beach ridges, relic river or stream channels indicated by clear dip or swale in the topography, shorelines of drained lakes or marshes, cobble beaches)
 - accessible or inaccessible shoreline (e.g., high bluffs, swamp or marsh fields by the edge of a lake, sandbars stretching into marsh)
- elevated topography (e.g., eskers, drumlins, large knolls, plateaus)
- pockets of well-drained sandy soil, especially near areas of heavy soil or rocky ground
- distinctive land formation that might have been special or spiritual places, such as waterfalls, rock outcrops, caverns, mounds, and promontories and their bases. There may be physical indicators of their use, such as burials, structures, offerings, rock paintings or carvings.
- resource areas, including:

- food or medicinal plants (e.g., migratory routes, spawning areas, prairie)
- scarce raw materials (e.g., quartz, copper, ochre or outcrops of chert)
- early Euro-Canadian industry (e.g., fur trade, logging, prospecting, mining)
- areas of early Euro-Canadian settlement. These include places of early military or pioneer settlement (e.g., pioneer homesteads, isolated cabins, farmstead complexes), early wharf or dock complexes, pioneer churches and cemeteries. There may be commemorative markers of their history, such as local provincial, or federal monuments or heritage parks
- early historical transportation routes (e.g., trails, passes, roads, railways, portages)
- property listed on a municipal register or designated under the *Ontario Heritage Act* or that is in a federal, provincial, or municipal historic landmark site
- property that local histories or informants have identified with possible archaeological sites, historical events, activities, or occupations

Archaeological potential can be determined not to be present for either the entire property or parts of it when the area under consideration has been subject to extensive and deep land alterations that have severely damaged the integrity of any archaeological resources. This is commonly referred to as “disturbed” or “disturbance” and may include:

- quarrying
- major landscaping involving grading below topsoil
- building footprints
- sewage and infrastructure development
- activities such as agricultural cultivation, gardening, minor grading and landscaping do not necessarily affect archaeological potential.

Several factors can be used to assess the potential for recovery of Indigenous and Euro-Canadian archaeological resources on a property. The subject property is comprised of well drained land that is suitable for human habitation. The entirety of the subject property is within the historic boundaries of the Town of Newport, is within 100 m of the Grand River, and is within 1 km of four registered archaeological sites.

Given the above, background archival research indicates that all previously undisturbed portions of the subject property exhibit general archaeological potential for the discovery of both pre/post-contact Indigenous and Euro-Canadian archaeological resources therefore, a Stage 2 archaeological assessment was required.

2.0 FIELD METHODS

2.1 Dates of Archaeological Fieldwork and Weather Conditions

The Stage 3 site-specific investigation of AgHb-709 was conducted according to the *2011 Standards and Guidelines for Consultant Archaeologists*. Fieldwork was conducted in 2023 on July 21, August 10, Sept 20, 21, 22, and October 23, 24, 25. Weather conditions during the assessment varied, with temperate weather and variable skies. There were no conditions detrimental to the recovery of artifacts. As such, it is confirmed that the assessment met Section 3.2 Standard 2 of the *Standards and Guidelines for Consultant Archaeologists* regarding weather and lighting. Table 3 provides the weather conditions for each day of assessment.

Table 3: Weather Conditions during the Stage 3 Assessment

DATE	MAXIMUM TEMPERATURE	WEATHER
July 21 st , 2023	25°C	Mostly sunny
August 10 th , 2023	25°C	Partly cloudy
September 20 th , 2023	21°C	Mostly sunny
September 21 st , 2023	23°C	Cloudy
September 22 nd , 2023	12°C	Mostly sunny
October 23 rd , 2023	13°C	Cloudy
October 24 th , 2023	21°C	Mostly sunny
October 25 th , 2023	21°C	Overcast

2.2 Methods

The Stage 3 site-specific assessment of AgHb-709 began with relocation of the artifact bearing, or “positive” test pits recorded during the Stage 2 assessment. Following this, establishment of a permanent datum and grid was completed using a transit and tape measure. Stakes were placed at 5 m intervals in strategic locations along the grid. A permanent datum was established, and the location coordinates of this datum were recorded using a Global Positioning System set to the North American Datum 83 (“NAD 83”) with an accuracy of ± 3 metres. The datum was also tied to a fixed reference landmark.

Grid excavation began at 10 m intervals surrounding the site extents suggested by the Stage 2 assessment in order to establish spatial boundaries. Seventeen units were excavated on a 10 m grid across a 80 m by 20 m area. Budgetary restraints prevented the completion of Stage 3 excavations at this time.

All excavated unit soils were screened through 6-mm wire mesh maximize the potential for artifact recovery. The soil was screened by stratigraphic level, which consisted of topsoil and subsoil on this site. Once hand excavation of topsoil was complete, the exposed subsoil of each unit was trowelled to expose any possible sub-surface cultural features. Some units exhibited comingled pockets of topsoil and subsoil. No features or other soil stains were observed during



the Stage 3 assessment. As no features were observed in any of the units, at least 5 centimetres (“cm”) of subsoil was screened in each unit to ensure that no “ghost” features were present.

All artifacts were collected and retained for analysis. Artifact provenience was recorded by grid unit designation and stratigraphic layer. All test units were backfilled upon completion. Photographs documenting fieldwork activities were taken throughout the assessment.

Results of the Stage 3 assessment are shown in Figure 10.

GPS coordinates were recorded for the site using a Garmin ETrex set to the North American Datum 83 (“NAD 83”) with an accuracy of ± 3 m. There were no conditions that affected the accuracy of the readings. A centre point for the site and the furthest extent of the site in each cardinal direction was recorded. Locations of fixed reference landmarks were also taken. GPS information is provided in the supplementary documentation accompanying this report.



3.0 RECORD OF FINDS

3.1 Soils

In total, nine 1 m by 1 m units were hand excavated at AgHb-709 (Table 4). Stratigraphy across the site was uniform with a ploughzone layer above subsoil. The ploughzone layer consisted of medium brown loam to clay loam ploughzone. The subsoil consisted of orange clay loam to yellow-orange clay loam. Ploughzone depths ranged from 27 to 35 cm (see Section 12.0).

Table 4: Depth and Artifact Yield, by Unit, AgHb-709

EASTING	NORTHING	ARTIFACT YEILD
180	500	14
180	510	51
180	520	11
180	530	0
180	560	10
180	570	4
180	580	4
190	500	51
190	510	38
190	520	75
190	530	1
190	540	505
200	540	42
200	550	109
200	560	374
200	570	10
200	580	12
TOTAL		1311

3.2 Artifacts

A total of 1311 artifacts were recovered from the 17 units excavated at site AgHb-709. Unit artifact recovery rates ranged from a low of 0 to a high of 505 artifacts per unit. All artifacts found during unit excavation came from the topsoil layer. All artifacts found during the Stage 3 excavations were removed from the property. Select artifacts recovered from the site are shown in Section 8.0. All artifacts were catalogued and analysed according to the standards for analysis presented in Table 6.1 of MCM's Standards and Guidelines for Consultant Archaeologists. Both Euro-Canadian and Indigenous artifacts were recovered from AgHb-709. Table 5 summarizes the ratio of recovered artifacts.



Table 5: Summary of Cultural Affiliation of Artifacts Recovered from AgHb-709

CULTURAL AFFINITY	ARTIFACT COUNT	PERCENTAGE
Euro-Canadian	137	10.5%
Indigenous	1174	89.5%
TOTAL	1311	100%

3.3 Euro-Canadian Artifacts

A total of 137 Euro-Canadian artifacts were recovered from site AgHb-709. Select artifacts recovered from the site are shown in Section 8.0. All artifacts were catalogued and analysed according to the standards for analysis presented in Table 6.1 of MCM's *Standards and Guidelines for Consultant Archaeologists*.

Table 6 summarizes the types of artifacts recovered from AgHb-709 by functional class. A full catalogue of all Stage 3 artifacts recovered AgHb-709, by provenience, can be found in Section 10.0.

Table 6: Euro-Canadian Artifact Frequency by Functional Class, AgHb-709

FUNCTIONAL CLASS	COUNT	PERCENTAGE
Architectural	23	16.8%
Kitchen/Food	105	76.6%
Personal	9	6.6%
TOTAL	137	100%

The largest proportion of artifacts found at AgHb-709 belong to the kitchen/food functional classes. Architectural class artifacts are the next most represented. Personal class artifacts are also present in smaller quantities. There were no artifacts recovered from the household/furnishings class. A discussion of each artifact class is presented in the following sections.

3.3.1 Architectural Class Artifacts

Architectural class artifacts are comprised of various construction materials for houses and outbuildings such as barns, stables, sheds, and outhouses. In total, 23 architectural class artifacts were recovered from the Stage 3 excavations. This is the second largest class of Euro-Canadian artifacts at AgHb-709. Table 7 provides a detailed list of the architectural class artifacts recovered from the site.



Table 7: Architectural Class Artifacts, AgHb-709

ARTIFACT TYPE	DESCRIPTION	COUNT
nail	machine cut	5
	wire	16
metal	misc.; rusted	2
TOTAL		23

In total, 21 nails were recovered during excavations. These include five machine cut nail and 16 wire nails. Machine cut nails were invented in 1790 and were commonly used until 1890 (Adams, 1994:94). Between 1790 and the 1820s machine cut nails were typically made with hand wrought heads. After around 1830, as nail manufacture became more mechanized, fully machine cut nails were produced (Nelson, 1968). Wire nails were not widely available until after 1885 (Nelson, 1968:7). Despite the dates of manufacture, early nail types were often reused making dating sites using nails less reliable (Horn, 2005).

3.3.2 Kitchen/Food Class Artifacts

Kitchen/food class artifacts are items used for the storage, preparation, and consumption of food. In total, 105 artifacts of this class were recovered, including 100 ceramic sherds and five container glass sherds.

3.3.2.1 Ceramics

A total of 100 ceramic artifacts were recovered. Table 14 presents the ceramics by body type and decorative motif. Ceramic artifacts include refined ceramic wares such as white earthenware, ironstone, coarse red earthenware and stoneware.

Table 8: Ceramic Artifacts by Ware and Decoration Type, AgHb-709

WARE	DECORATION	DATE RANGE*	FREQUENCY
coarse earthenware, red	plain/unglazed	1796-1920	2
	lead glaze	1796-1920	2
white earthenware	plain/undecorated fragment	1820-twentieth century	39
	edged, blue	1820-1875	2
	transfer printed, black	1820-1880, 1900+	1
	transfer printed, blue	1820-present	6
stoneware	salt-glazed	1850-present	11
ironstone	plain/undecorated fragment	1840-1920	37
TOTAL			277

*References: Carpentier & Rickard, 2006; Cushion & Cushion, 1992; Kenyon, 1980b, 1985; Ketchum, 1991; Greer, 1981; Jouppien, 1980; Lofstrom & Tordoff, 1982; Majewski and O'Brien, 1987; Miller, 1991; Newlands, 1979; Samford & Miller, 2002; Stelle, 2001; Sussman, 1985; Zimler, 1987.



Coarse Red Earthenware

A total of four fragments of coarse red earthenware were recovered. Two of the fragments are unglazed; two were lead glazed. Vessel form could not be determined from the recovered fragments; however, coarse earthenware tends to have utilitarian purposes in the kitchen and include various items such as crocks, pitchers, jugs, and most commonly, milk pans. Coarse earthenware is generally not a temporally sensitive artifact due to its wide date range of manufacture. It was manufactured in Canada as early as 1796 and was popular until the end of the 19th century, until glass storage containers became increasingly popular due to their relative inexpensiveness (Kenyon, 1980b:14). Although the popularity of red earthenware declined it was still being manufactured in Ontario until 1920 (Newlands, 1979:22).

White Earthenware

White earthenware appeared in Ontario by 1820 and replaced the earlier creamware and pearlware. White earthenware has a nearly colourless glaze. Early white earthenware tends to have a porous paste, with more vitrified, harder ceramic becoming increasingly common toward the end of the 19th century. White earthenware provided more selection when it came to decorative styles and colours than pearlware and creamware and because of this white earthenware remained in production throughout the 19th and 20th centuries and continues to be manufactured into the 21st century (Majewski and O'Brien, 1987)

A total of 48 white earthenware fragments were recovered. A total of 39 pieces are undecorated or plain fragments. Nine of the white earthenware fragments are decorated and include transfer printed and edged.

Transfer Printed Wares

Transfer printing involves the transfer of an etched pattern onto a ceramic vessel. Transfer printed wares did not become common in Ontario until after 1820, with the introduction of blue transfer printing. By the 1830s several other colours were introduced, including black, green, red, mulberry, brown, red/pink, and purple shades. A total of seven white earthenware fragments with transfer printing were recovered, in blue and black.

Blue is the most popular colour used for transfer printing. It was introduced in Ontario around 1820 and is still being manufactured today (Kenyon, 1985). Blue transfer printing was observed on six sherds.

Black transfer printing was introduced in Ontario around 1830 and was popular until around 1850, and then again around the twentieth century (Kenyon, I., 1985). Black transfer printing was observed on one sherd.

Stoneware

Eleven fragments of stoneware were recovered. Fragments were too small to determine a vessel type. All fragments had been treated with a salt glaze. No marks are present on any fragments to allow identification of a manufacturer.

Stoneware was manufactured in Ontario after 1850 (Ketchum, 1991:86). Stoneware clay is not found naturally in Ontario, therefore, stoneware vessels had to be imported during the first half of the 19th century. Because stoneware vessels were heavy and expensive to import they were relatively rare (Kenyon, I, 1980b). In the last half of the 19th century, local potters made stoneware vessels using imported clay. Generally, earlier kitchen stonewares are grey or brown, often with cobalt decoration or impressed marks. Later stonewares are whiter and are highly glazed. Stoneware was used for storage of food and other items, such as ink or blacking.

Salt-glaze was one of the most common glazes seen on North American stoneware, with a characteristic “orange peel” texture that resulted from salt being introduced into the kiln when firing (Greer, 1981:35).

Ironstone

A total of 37 fragments of ironstone were recovered. Ironstone is commonly found on sites dating to the late 19th and early 20th centuries (Kenyon, 1980b:21). It is a partially vitrified refined white earthenware first manufactured in the 1840s. Ironstone, or white granite ware, was manufactured in England largely for export to North America, where it became the dominant ware between 1875 and 1920 (Sussman, 1985:7; Kenyon, 1980:21). All fragments of ironstone are undecorated.

3.3.2.2 Container Glass

The glass assemblage is made up of five container glass fragments. All fragments were aqua in colour, which has a general production date between 1800 and the 1920s (Horn, 2005:1; the Society for Historical Archaeology [SHA], 2020).

In general, most glass colours cannot be used to accurately date a site because glass was often reused many times prior to discard (Jones & Sullivan, 1985). As well, colours were generally manufactured over a long period.

3.3.3 Personal Class Artifacts

Artifacts in this category include items related to clothing, leisure, and recreation activities and include items that would have generally been owned or used by a single person. Nine artifacts belonging to this class were recovered. Personal items include metal buttons, a marble, and four white clay smoking pipe fragments.

A total of four buttons were recovered from AhGx-780. Two buttons are copper, one is wood, and one is milk glass. These button materials are not temporally sensitive, generally being produced throughout the 19th and into the 20th century (Marcel, 1995). One of the two copper alloy buttons has impressed writing on the back: “WILLIAM GRANT BRANTFORD”. The wood and milk glass buttons are both 4-hole.

The majority of the personal class artifacts are four white ball clay smoking pipe stem fragments. Clay pipes have been mass produced in Europe since the 18th century, which made them inexpensive to purchase (Adams, 1994:93). Because smoking was a prevalent pastime, and the pipes were also easily broken and frequently discarded and common in the archaeological record.



One clay marble was recovered. Clay marbles are not temporally sensitive.

3.4 Indigenous Artifacts

A total of 1174 Indigenous artifacts were recovered at Site AgHb-709. This includes 1146 pieces of chipping detritus, four formal tools (including three projectile points), and 24 fragments of pottery. Table 9 summarizes recovered Indigenous artifact counts.

Table 9: Summary of Indigenous Artifacts Recovered from AgHb-709

TYPE	COUNT	PERCENTAGE
Chipping debitage	1146	97.6%
Formal tool	4	0.3%
Pottery	24	2.0%
TOTAL	1174	100%

3.4.1 Chipping Detritus

Chipping detritus is the waste by-product of stone tool manufacture. The analysis of these waste flakes provides information about techniques used by knappers. Certain flakes have a characteristic appearance and indicate the tools that were made or prepared at a site even when the tools themselves are absent. Each flake was analyzed according to chert type and the descriptive categories listed in Table 6.1 of the 2011 Ontario Ministry of Tourism, Culture and Sport's *Standards and Guidelines for Consultant Archaeologists*. A summary of the flake analysis is presented in Table 10.

The flakes were all made on Onondaga chert, a locally available source. None of the chert flakes showed evidence of heat treatment.

Table 10: Analysis of Flakes Recovered from AgHb-709

FLAKE TYPE	COUNT	PERCENTAGE
Block shatter	286	25.0%
Flake fragment	573	50.0%
Thinning flake	143	12.5%
Tertiary flake	97	8.5%
Secondary flake	47	4.0%
TOTAL	1146	100%

Five types of flakes were recovered from the excavations: block shatter, flake fragments, tool thinning flakes, tertiary flakes and secondary flakes. While some secondary flakes were recovered, the vast majority of recovered flakes were produced during the late stages of tool production, and for tool maintenance. This suggests that the production and refinement of tools was the main lithic activity at the site.



3.4.2 Formal Tools

Four formal tools were recovered from Site AgHb-709: three projectile points and one scraper fragment made of gunflint. The scraper fragment is not temporally diagnostic, but all three projectile points are.

The recovered projectile points are a Kirk corner notched point, a Brewerton side notched point, and a Stanly point. Kirk corner notched points date to the Early Archaic Period, approximately 9,500 to 8,500 B.P. (Justice, 1987). Stanly points date to the Middle Archaic period, approximately 8,000 to 7,500 B.P. (Ellis, 1987). Brewerton corner notched points date to the Middle to Late Archaic periods, approximately 6,000 to 4,000 B.P. (Justice, 1987).

3.4.3 Pottery

Twenty-four sherds of Indigenous ceramic (labelled “pottery”) were recovered, indicating a Woodland period occupation. Five of these have incised decoration present.

3.5 Cultural Features

No cultural features or other soil stains were observed during the Stage 3 assessment of Site AgHb-709.

3.6 Documentary Records

All fieldwork-related activities were documented and kept, including field notes and observations and detailed maps. Appropriate photographic records were kept of the excavation, and all pictures were recorded in a photo log.

A detailed list of field records is presented in Table 11. All digital items have been duplicated and all paper items have been scanned and stored as digital documents. All items are housed in the corporate offices of ACC.

Under Section 6 of Regulation 881 of the *Ontario Heritage Act*, ACC will keep in safekeeping all objects of archaeological significance that are found under the authority of the license and all field records that are made in the course of the work authorized by the license, except where the objects and records are donated to Her Majesty the Queen in right of Ontario or are directed to be deposited in a public institution under subsection 66 (1) of the Act.



Table 11: Inventory of Documentary and Material Records

PROJECT INFORMATION		
ACC project number	221-03-22	
Licensee	Matthew Muttart	
MCM PIF number	P1208-0202-2023	
DOCUMENT/MATERIAL	NUMBER	DESCRIPTION
field notes & photo logs	4	pages (paper, with digital copies)
maps	1	sketch map of site
	2	survey plan of subject property
artifacts	1311	12 flakes, stored in a 10 cm by 15 cm by 2 cm box
photos	13	digital format



4.0 ANALYSIS AND CONCLUSIONS

ACC's Stage 1 background research and visual property inspection determined that the entire subject property had archaeological potential and required a Stage 2 archaeological assessment. Because the property could not be ploughed, the Stage 2 assessment of the subject property was completed by test pit assessment at 5 m intervals.

One archaeological site, registered in the *Ontario Archaeological Sites Database* as Site AgHb-709, was encountered during the Stage 1 & 2 assessment. This Indigenous site, consisting of 119 artifacts found within a 80 m by 20 m area, was determined to represent a multicomponent Woodland site based on the presence of a Meadowood cache blade, a Glen Meyer Oblique vessel, and a lithic tool comprised of gunflint, a later period Euro-Canadian material (ACC, 2023).

The present Stage 3 excavations at AgHb-709 recovered 1311 Indigenous artifacts from 17 units across a 20 by 80 m area. Artifact yields ranging from 0 to 505 artifacts per unit. The majority of artifacts recovered were chipping detritus consistent with the production and refinement of tools. Four formal tools, including three projectile points, and a small amount of pottery was also present. Approximately 10% of the assemblage consisted of Euro-Canadian artifacts as well.

Recovered projectile points were a Brewerton corner notch point, a Kirk corner notch point, and a Stanly point. These temporally diagnostic projectile points indicate that the site was occupied throughout the early and middle Archaic periods (Ellis, 1987; Justice, 1987). The presence of Indigenous pottery, including a Glen Meyer Oblique vessel recovered in the Stage 2, indicates a Woodland period occupation of the site as well. Recovered Euro-Canadian artifacts, with a high degree of ironstone and wire nails, are consistent with an occupation period from the late 1800s into the early 1900s. These findings indicate that Site AgHb-709 has witnessed multiple occupations beginning as early as the early Archaic period and extending into the 20th century.

Stage 3 excavations of AgHb-709 remain incomplete. Due to the amorphous and stratigraphically complex nature of site AgHb-709, it is recommended that additional Stage 3 test unit excavations take place across the extent of the site prior to formulating the Stage 4 strategy.

5.0 RECOMMENDATIONS

Subject to acceptance of the results and approval of the recommendations, MCM is requested to deem this report compliant with ministry requirements for archaeological fieldwork and reporting and to issue a letter accepting this report into the *Ontario Public Register of Archaeological Reports*.

The following recommendation is provided for consideration by the Proponent and the Ontario Ministry of Citizenship and Multiculturalism:

1. Due to the amorphous and stratigraphically complex nature of site AgHb-709, it is recommended that additional Stage 3 test unit excavations take place across the extent of the site prior to formulating the Stage 4 strategy (see Supplementary Documentation). Stage 3 excavations should consist of test-unit excavations on a 5-metre grid with 20% infill units. A 10-metre grid will not adequately capture the site extents due to the high degree of soil disturbance that has occurred here. It is also recommended that units are hand excavated at least 20 cm into sterile subsoil due to the presence of redeposited artifact bearing layers throughout the subject property. Furthermore, it is recommended that the Stage 3 excavation illustrate the extent of the site with at least two consecutive rows of low-yielding units.
2. 1.74 ha of the subject property has not been assessed and requires Stage 1 & 2 archaeological assessment prior to any development (see Figures 8 & 9).



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6.0 ADVICE ON COMPLIANCE WITH LEGISLATION

The following advice on compliance with current legislation is provided for consideration:

- a. This report is submitted to the Minister of Heritage, Sport, Tourism and Culture Industries as a condition of licensing in accordance with Part IV of the *Ontario Heritage Act*, R.S.O. 2005, c O.18. The report is reviewed to ensure that it complies with the standards and guidelines that are issued by the Minister, and that the archaeological fieldwork and report recommendations ensure the conservation, protection, and preservation of the cultural heritage of Ontario. When all matters relating to archaeological sites within the project area of a development proposal have been addressed to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries, a letter will be issued by the ministry stating that there are no further concerns with regard to alterations to archaeological sites by the proposed development.
- b. It is an offence under Sections 48 and 69 of the *Ontario Heritage Act* for any party other than a licensed archaeologist to make any alteration to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from the site, until such a time as a licensed archaeologist has completed archaeological fieldwork on the site, submitted a report to the Minister stating that the site has no further cultural heritage value or interest, and the report has been filed in the Ontario Public Register of Archaeological Reports referred to in Section 65.1 of the *Ontario Heritage Act*.
- c. Should previously undocumented archaeological resources be discovered, they may be a new archaeological site and therefore subject to Section 48 (1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48 (1) of the *Ontario Heritage Act*.
- d. The *Funeral, Burial and Cremation Services Act*, 2002, S.O. 2002, c.33 requires that any person discovering human remains must notify the local police or coroner and the Registrar of Cemeteries at the Ministry of Government and Consumer Services.

7.0 BIBLIOGRAPHY AND SOURCES

Acton, C.J.

1989 *Soils of Brant County, Ontario*. Soil Survey Report No. 55. Ontario Institute of Pedology. Guelph, Ontario.

Adams, Nick

1994 *Field Manual for Avocational Archaeologists in Ontario*. Publication No.16, Ontario Archaeological Society Inc.

Archaeological Consultants Canada

2023 *Stage 1 & 2 Archaeological Assessment. 25 Newport Road, formerly Part of Lot 87, Burtch Tract, now Part of Blocks 'E', 'F', and 'H', Part of Second Street Registered Plan 37, Part of Burtch Tract, Geographic Township of Brantford, County of Brant, Ontario*. In MCM Register. PIF P1208-0068-2022 & P1208-0102-2022.

Borden, Charles E.

1952 A Uniform Site Designation Scheme for Canada. *Anthropology in British Columbia*, No. 3, 44-48.

Carter, Floreen Ellen

1984 *Place Names of Ontario*. Phelps Publishing, London.

Chapman, Lyman John and Donald F. Putnam

1984 *The Physiography of Southern Ontario (Third Edition). Ontario Geological Survey Special Volume 2*. Ontario Ministry of Natural Resources, Toronto.

Ellis, Chris

1987 *Stanly/Neville Points*. KEWA 87(9):21

Ellis, Chris & Neal Ferris

1990 *The Archaeology of Southern Ontario to A.D. 1650*. Occasional Publication No. 5. London Chapter, Ontario Archaeological Society Inc.

Energy, Mines and Resources Canada

1994 *Map 30-M/12, Brantford*, 1:50,000 scale. Quo Vadis Mapping software.

Hill, Susan

2009 Conducting Haudenosaunee Historical Research from Home: In the Shadow of the Six Nations-Caledonia Reclamation. *American Indian Quarterly*, 33(4):479-498).

Justice, Noel D.

1987 *Stone Age Spear and Arrow Points of the Midcontinental and Eastern United States*. Indiana University Press: Bloomington.



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Kempster, Janet and Gary Muir

1986 *Brantford: Grand River Crossing*. Burlington: Windsor Publications (Canada) Inc.

Mika, Nick and Helma Mika

1977 *Places in Ontario: Their Name Origins and History. Part I, A-E*. Mika Publishing Company, Belleville.

Ministry of Heritage, Sport, Tourism and Culture Industries (“MCM”)

2005 *The Heritage Act, R.S.O. 2005*. Queen's Printer, Toronto.

2011 *Standards and Guidelines for Consultant Archaeologists*. Toronto.

2023a Sites within a one km radius of the subject property. Provided from the *Ontario Archaeological Sites Database*.

2023b Archaeological assessments completed within the subject property or within 50 m of the subject property. Provided from the *Ontario Public Register of Archaeological Report*.

Ministry of Natural Resources and Forestry (“MNR”) (“MNR”)

2019 Topographic Map, Land Information Ontario

https://www.linfoapplications.lrc.gov.on.ca/MakeATopographicMap/index.html?viewer=Make_A_Topographic_Map.MATM&locale=en-CA

[Accessed 22 February 2024].

Ontario Ministry of Agriculture, Food and Rural Affairs (“OMAFRA”)

2012 *GIS Layers for Soils and Physiography in the Province of Ontario*.

<http://sis.agr.gc.ca/cansis/publications/surveys/on/index.html>.

[Accessed 22 February 2024].

Page & Smith

1875 *Illustrated Historical Atlas of the County of Brant, Ontario*. Page & Smith, Toronto. Reprint 1972.

Reville, F. Douglas

1920 *History of the County of Brant*. Brantford: Hurley Printing Company.

Tremaine, G.C.

1858 *Tremaine's Map of Brant County, Canada West*. Tremaine, Toronto.

Warner, Beers & Co.

1883 *The History of the County of Brant*. Toronto: Warner, Beers & Co.

Wright James V.

1968 *Ontario Prehistory: an eleven thousand-year archaeological outline*.

Archaeological Survey of Canada, National Museums of Canada, Ottawa.



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8.0 IMAGES



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Image 1: Site AgHb-709, facing northeast from southwest corner.



Image 2: Site AgHb-709, facing east from western edge.



Image 3: Site AgHb-709, facing southeast from near northwest corner.



Image 4: Site AgHb-709, facing southeast from northwest corner.



Image 5: Site AgHb-709, facing northeast near centre.



Image 6: Site AgHb-709, facing southwest from northeast corner.



Image 7: Site AgHb-709, facing southwest from eastern edge.



Image 8: Site AgHb-709, facing northwest from southeast corner.



Image 9: North profile of unit 190E 540N.



Image 10: North profile of unit 200E 560N.



Image 11: Select Indigenous artifacts from Site AgHb-709. Left to right: Brewerton corner notch point, Kirk corner notch point, Stanly point.



Image 12: Select Indigenous artifacts from Site AgHb-709, including pottery sherds, chipping detritus, and gunflint scraper.



Image 13: Select Euro-Canadian artifacts from Site AgHb-709.

9.0 FIGURES



Figure 1: Location of the Subject Property on a 1:50,000 Scale Topographic Map

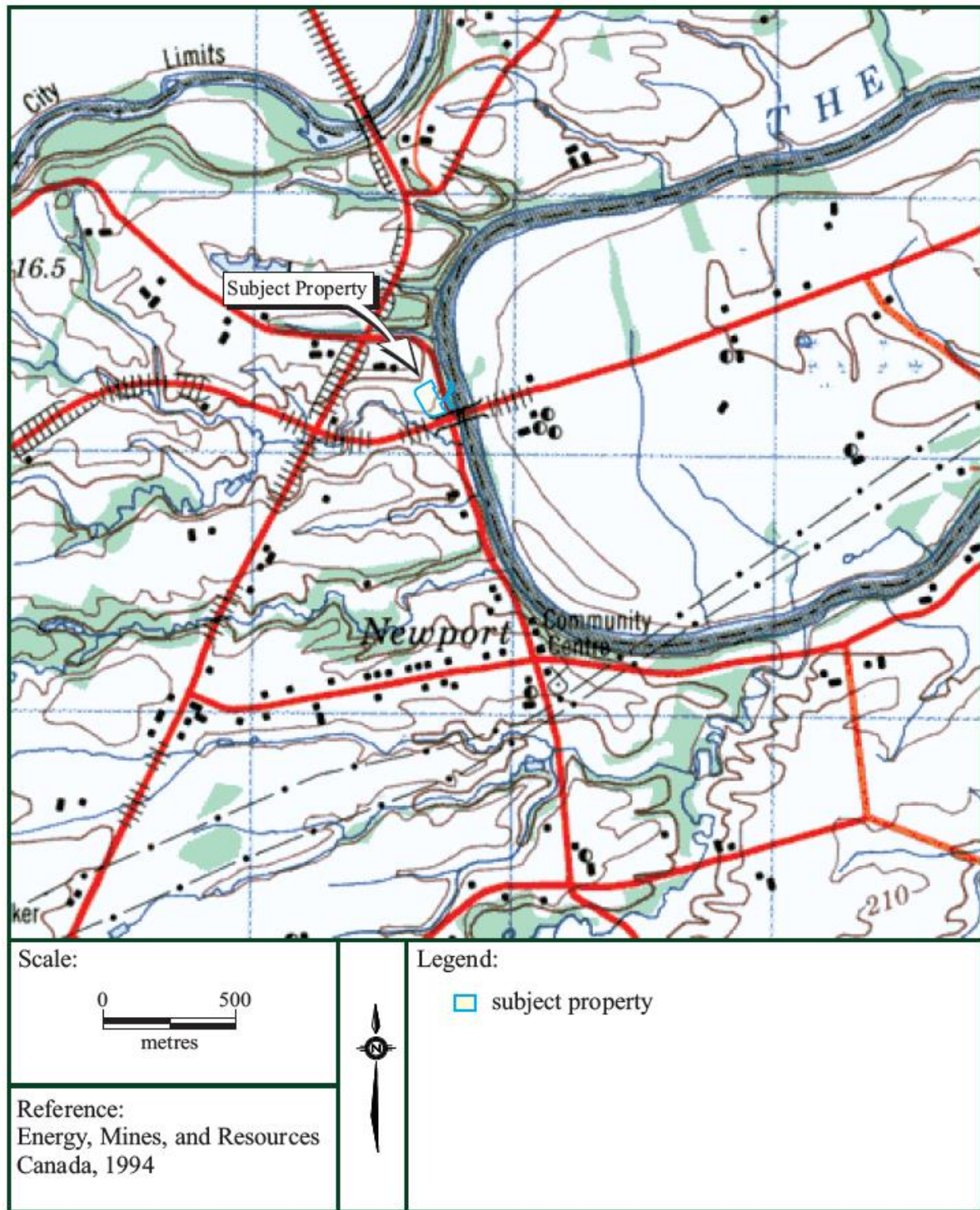


Figure 2: Location of the Subject Property on Tremaine's 1858 Map of Brant County

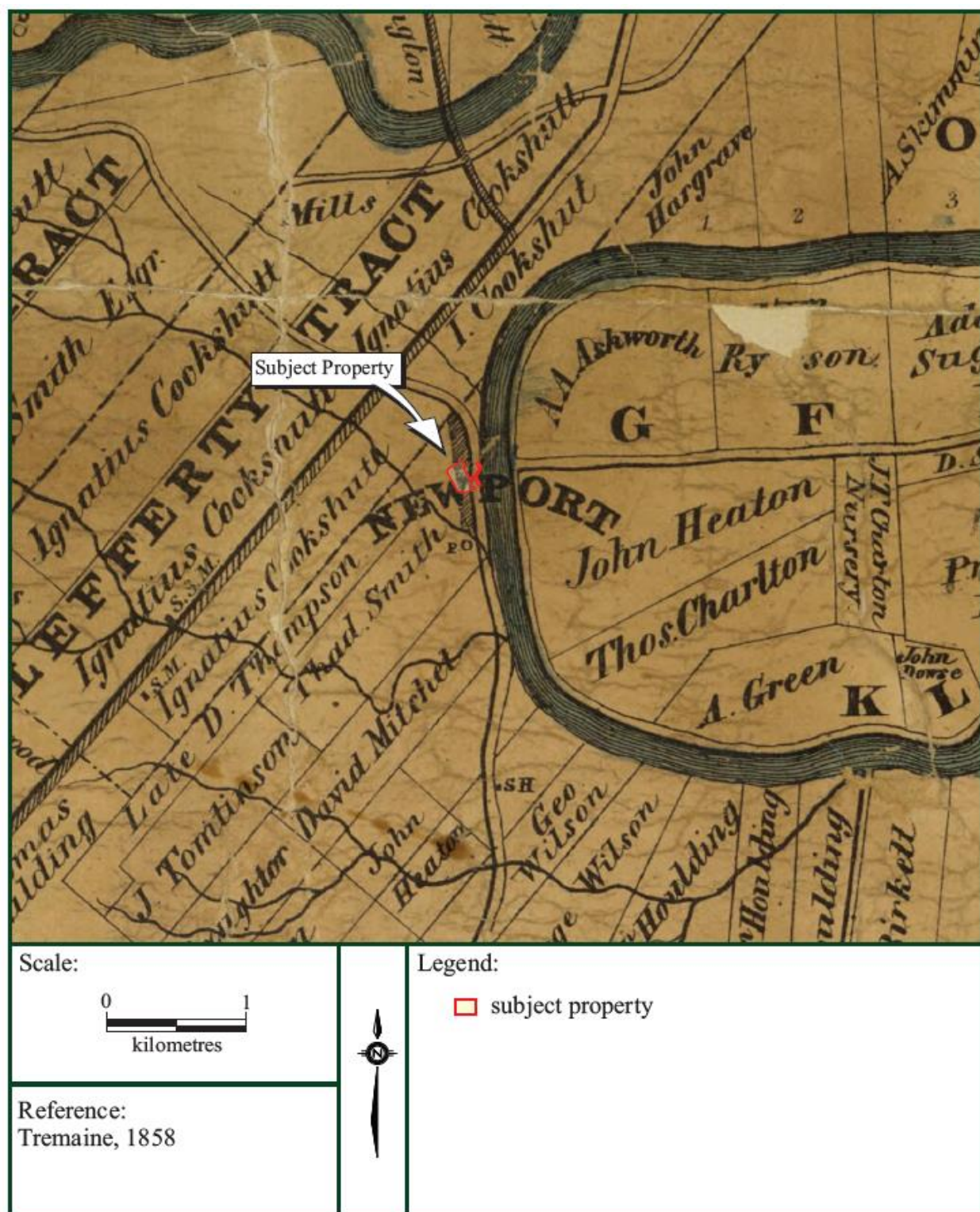




Figure 5: Current Land Use of the Subject Property

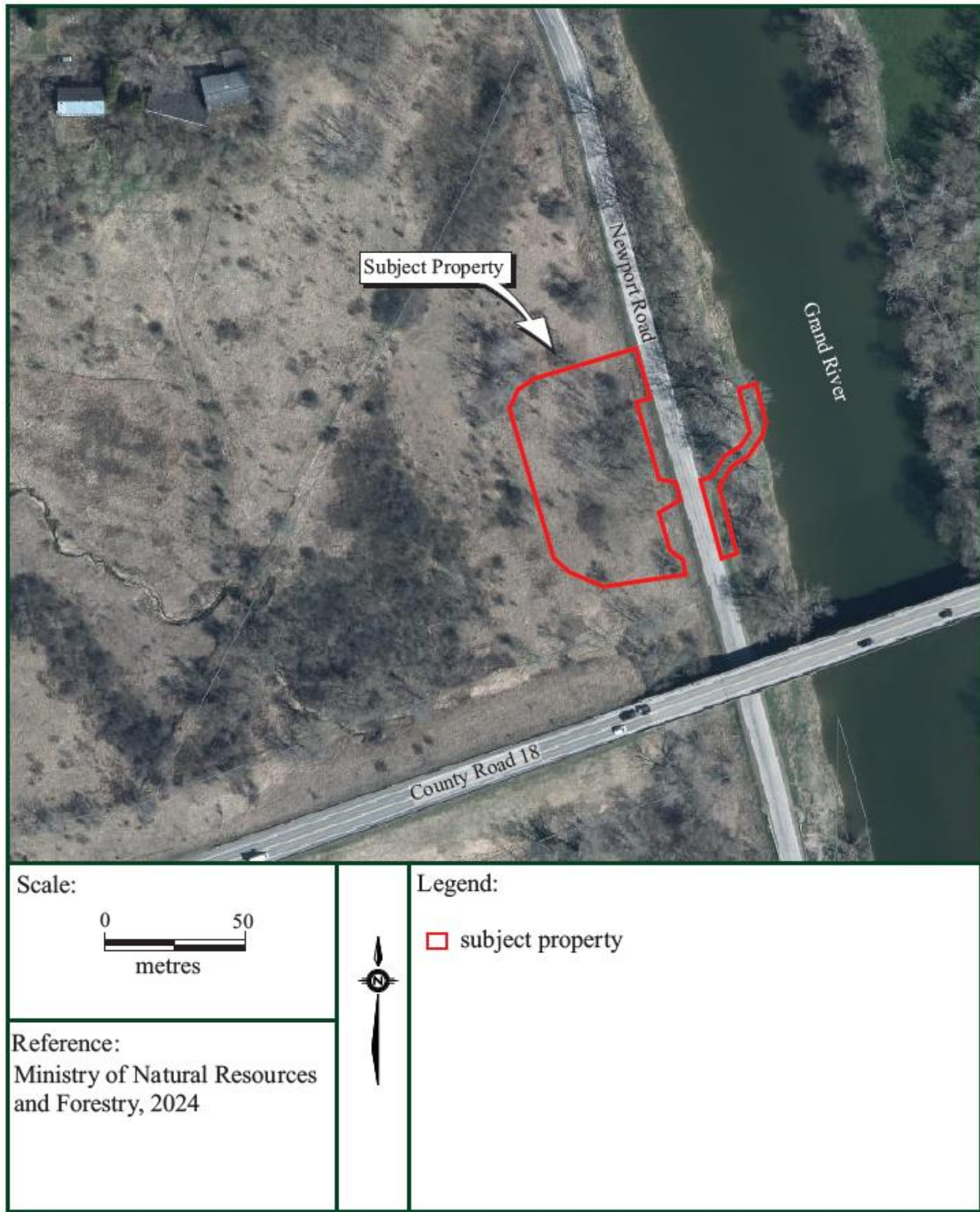


Figure 6: Aerial Imagery Showing the Results of ACC's Stage 1 & 2 Archaeological Assessment

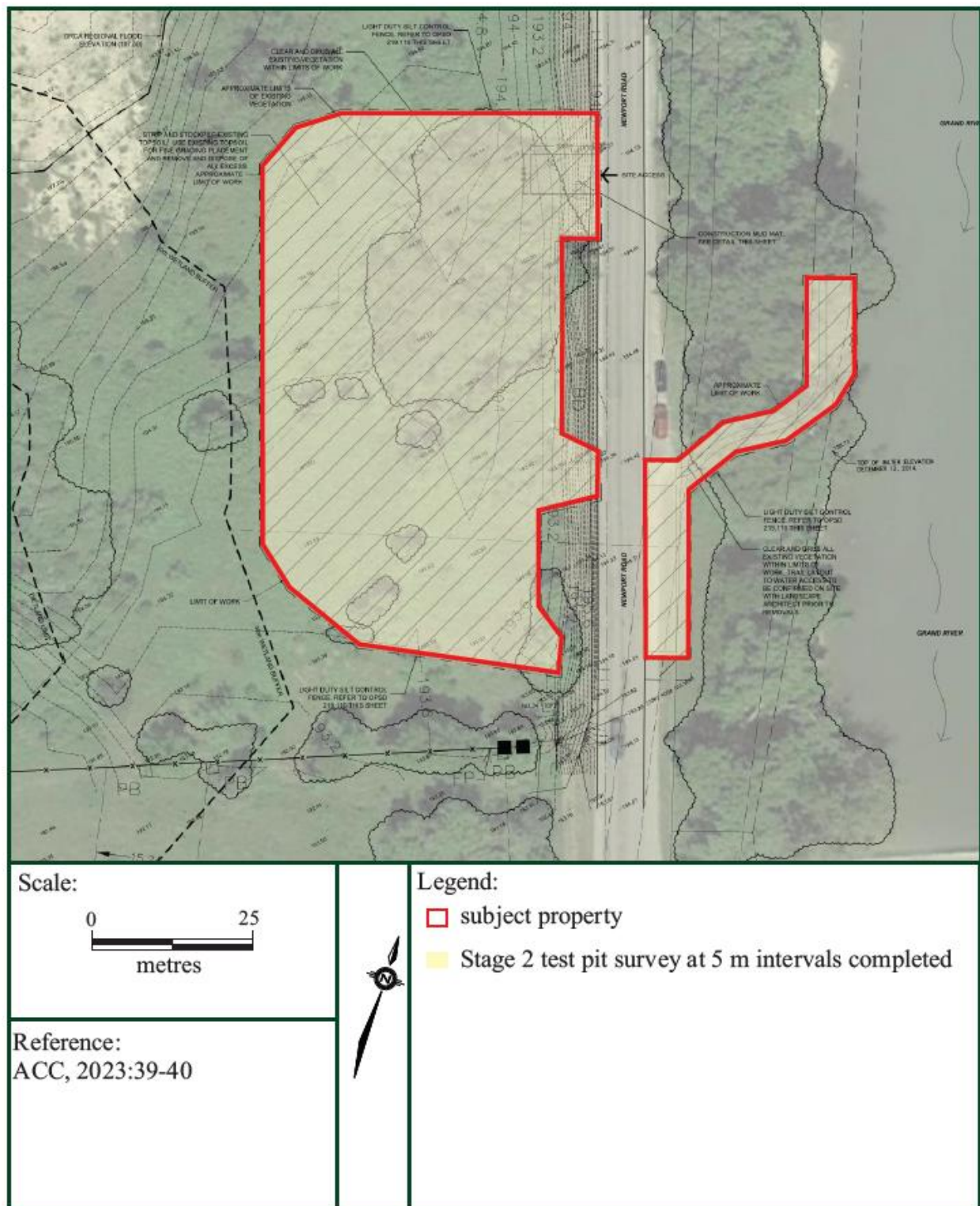


Figure 7: Development Plan Showing the Results of ACC's Stage 1 & 2 Archaeological Assessment

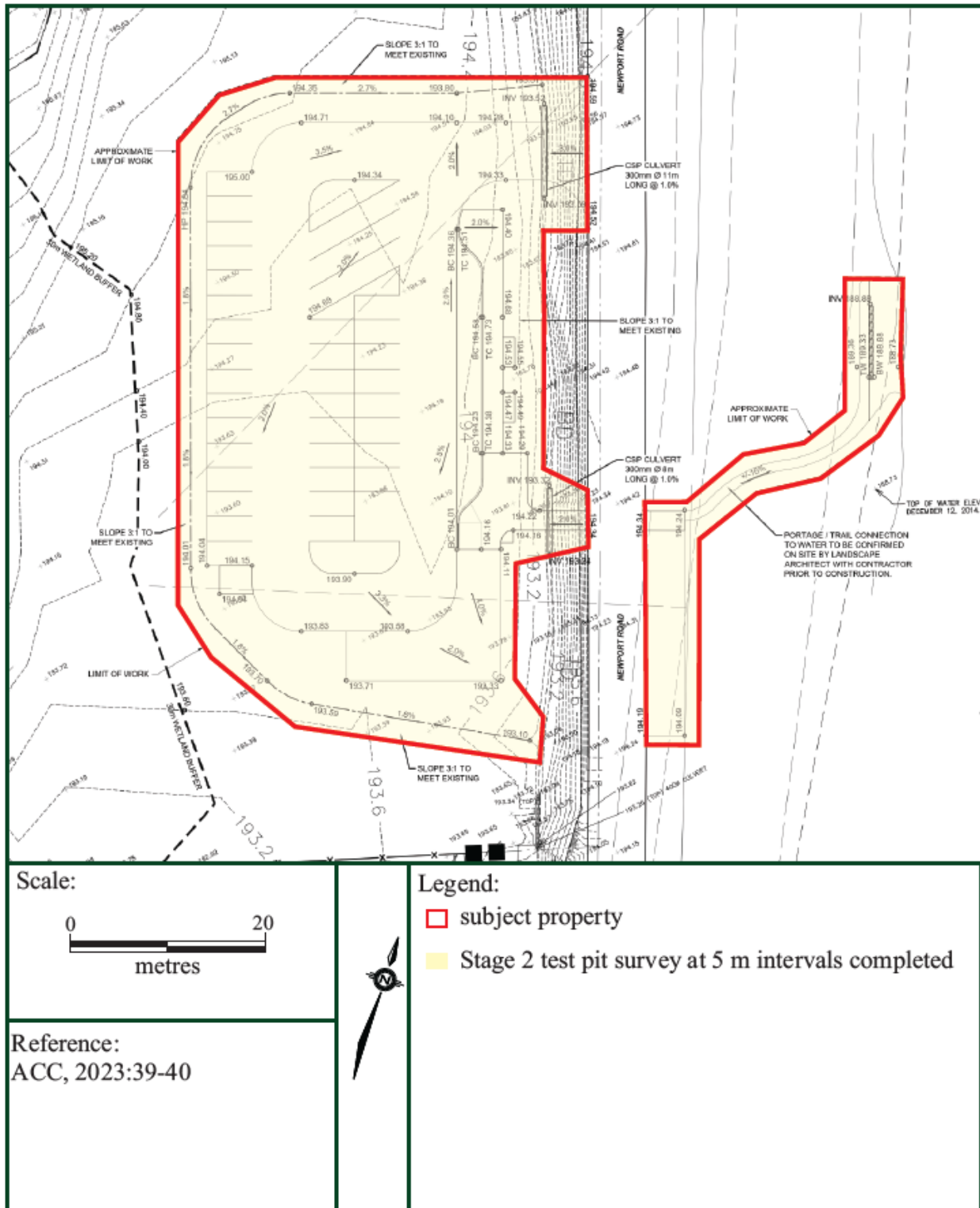


Figure 8: Aerial Image Showing the Legal Property Boundary Showing the Results and Recommendations of ACC's Stage 1 & 2 Archaeological Assessment

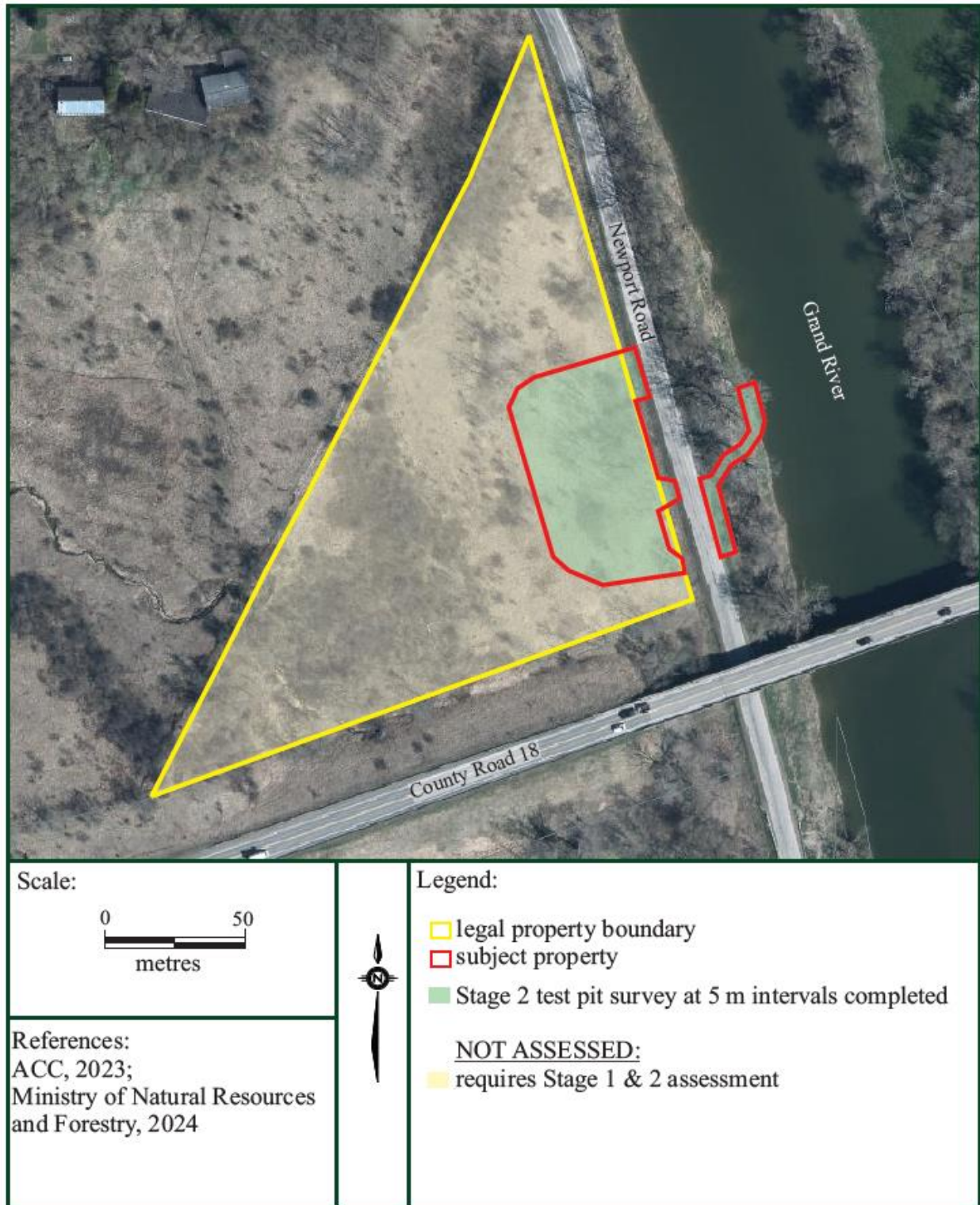


Figure 9: Plan of Survey of the Legal Property Boundary Showing the Results and Recommendations of the Stage 1 & 2 Archaeological Assessment

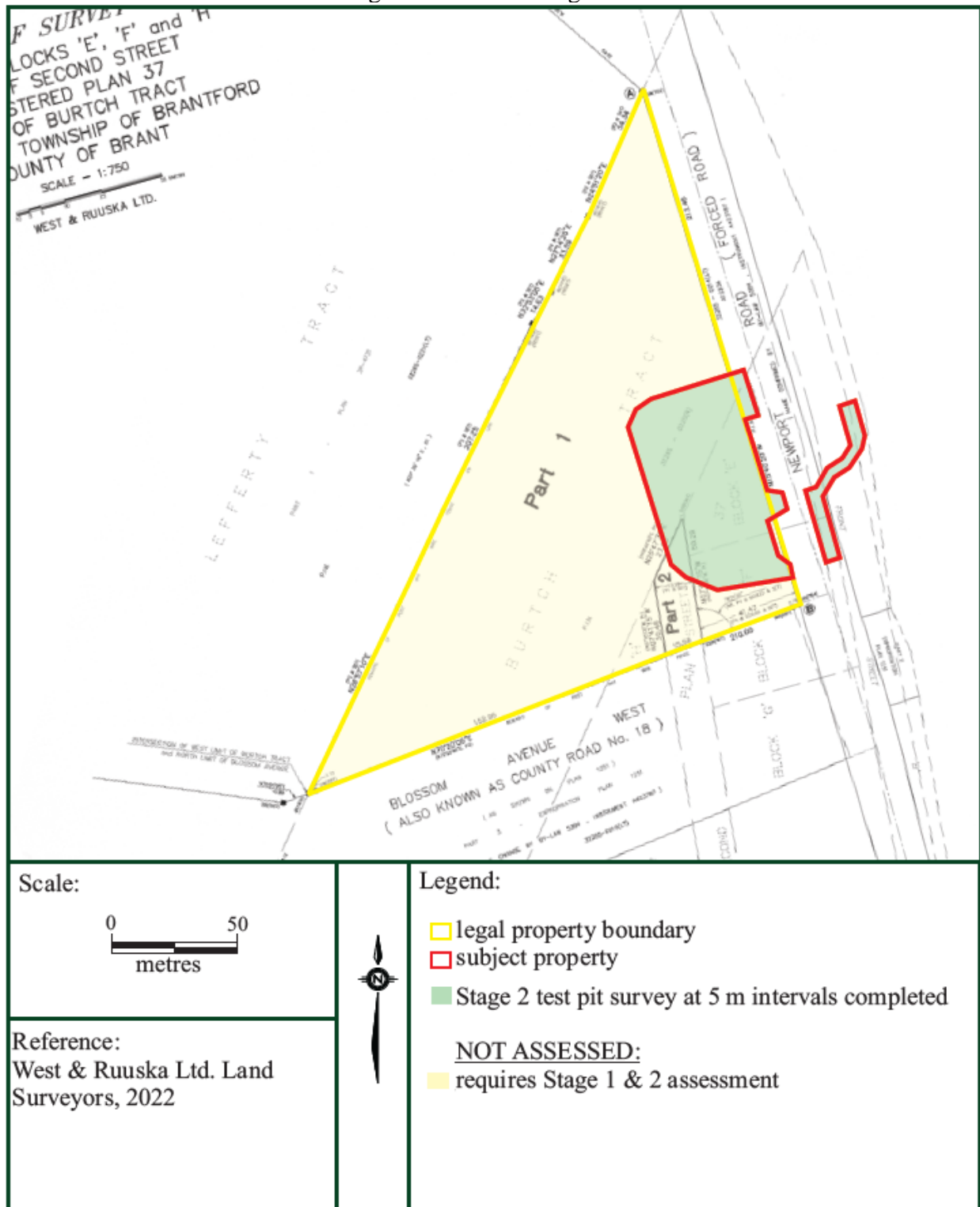
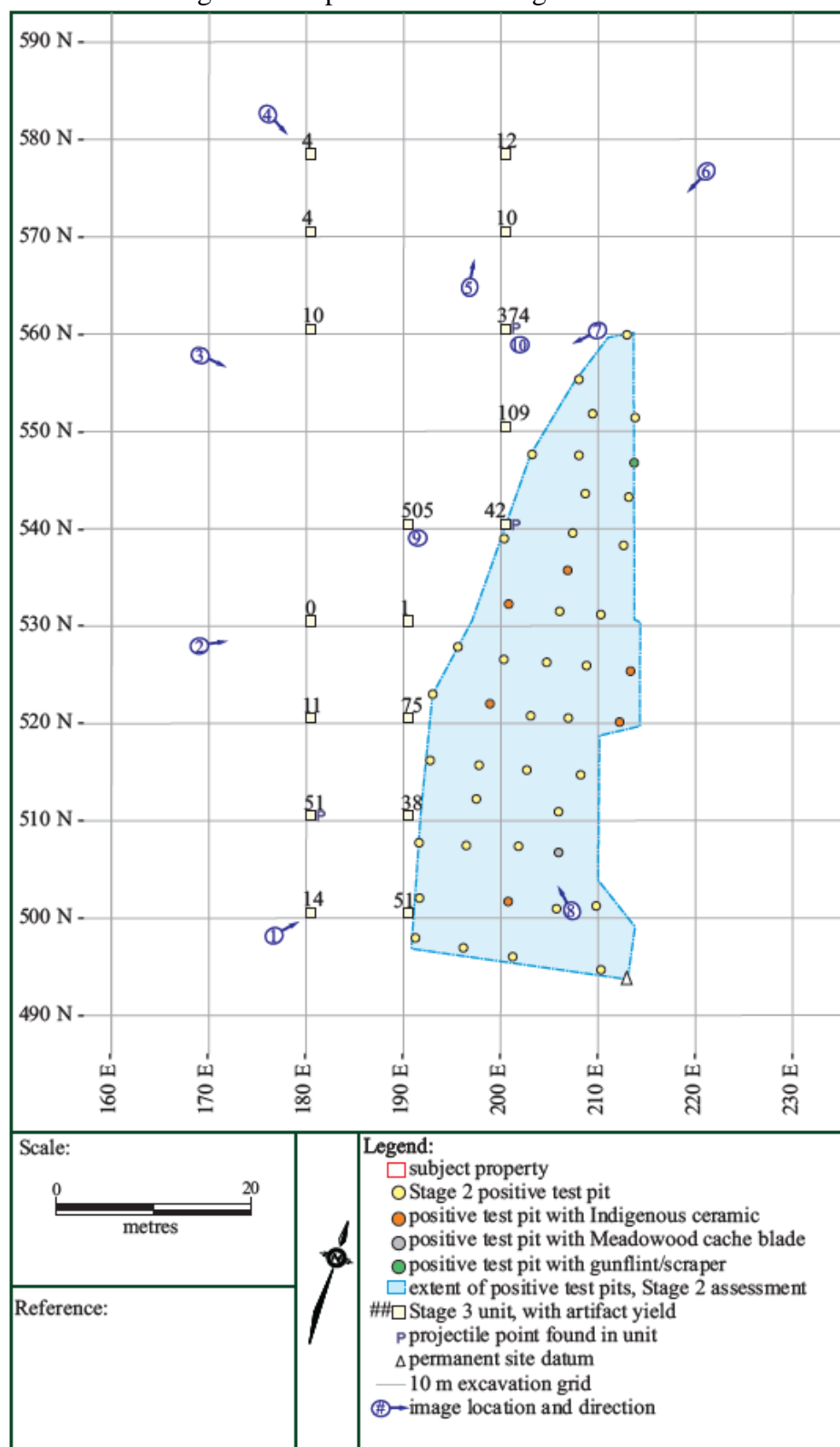


Figure 10: Results of the Stage 3 Site-Specific Archaeological Assessment at Site AgHb-709



10.0 AgHb-709 ARTIFACT CATALOGUE

All artifacts recovered during Stage 3 excavation were collected. Artifacts from this project are stored in one standard size bankers' box labelled 221-03-22 Stage 3 Assessment, AgHb-709.

CAT. #	EASTING	NORTHING	COUNT	CLASS	DESCRIPTION	TYPE
1001	180	500	1	Chipping detritus	Block/shatter	Onondaga
1002	180	500	9	Chipping detritus	Flake fragment	Onondaga
1003	180	500	1	Chipping detritus	Thinning flake	Onondaga
1004	180	500	3	Ceramic	White earthenware	Undecorated
1005	180	510	9	Chipping detritus	Block/shatter	Onondaga
1006	180	510	20	Chipping detritus	Flake fragment	Onondaga
1007	180	510	8	Chipping detritus	Thinning flake	Onondaga
1008	180	510	7	Chipping detritus	Tertiary flake	Onondaga
1009	180	510	1	Formal tool	Projectile point	Brewerton corner notch; 3.6 cm x 2.4 cm x 0.7 cm
1010	180	510	1	Pottery	Body sherd	Incised decoration
1011	180	510	3	Ceramic	Ironstone	Undecorated
1012	180	510	2	Nail	Wire	
1013	180	520	3	Chipping detritus	Block/shatter	Onondaga
1014	180	520	4	Chipping detritus	Flake fragment	Onondaga
1015	180	520	4	Ceramic	Ironstone	
1016	180	560	5	Chipping detritus	Block/shatter	Onondaga
1017	180	560	2	Chipping detritus	Flake fragment	Onondaga
1018	180	560	3	Chipping detritus	Thinning flake	Onondaga
1019	180	570	2	Ceramic	Ironstone	Undecorated
1020	180	570	2	Bottle glass	Aqua	
1021	180	580	1	Chipping detritus	Block/shatter	Onondaga
1022	180	580	3	Chipping detritus	Flake fragment	Onondaga
1023	190	500	7	Chipping detritus	Block/shatter	Onondaga
1024	190	500	19	Chipping detritus	Flake fragment	Onondaga
1025	190	500	4	Chipping detritus	Thinning flake	Onondaga
1026	190	500	6	Chipping detritus	Tertiary flake	Onondaga
1027	190	500	3	Pottery	Body sherd	Undecorated

CAT. #	EASTING	NORTHING	COUNT	CLASS	DESCRIPTION	TYPE
1028	190	500	2	Nail	Machine cut	
1029	190	500	4	Nail	Wire	
1030	190	500	4	Ceramic	Ironstone	Undecorated
1031	190	500	2	Ceramic	White earthenware	Blue edged
1032	190	510	8	Chipping detritus	Block/shatter	Onondaga
1033	190	510	13	Chipping detritus	Flake fragment	Onondaga
1034	190	510	5	Chipping detritus	Tertiary flake	Onondaga
1035	190	510	1	Pottery	Body sherd	Incised decoration
1036	190	510	2	Button	Copper	
1037	190	510	6	Ceramic	Ironstone	Undecorated
1038	190	510	3	Ceramic	Stoneware	Salt glazed
1039	190	520	19	Chipping detritus	Block/shatter	Onondaga
1040	190	520	16	Chipping detritus	Flake fragment	Onondaga
1041	190	520	9	Chipping detritus	Thinning flake	Onondaga
1042	190	520	3	Chipping detritus	Tertiary flake	Onondaga
1043	190	520	5	Chipping detritus	Secondary flake	Onondaga
1044	190	520	1	Pottery	Rim sherd	Incised decoration
1045	190	520	4	Pottery	Body sherd	Undecorated
1046	190	520	1	Marble	Clay	
1047	190	520	1	Button	Milk glass	
1048	190	520	3	Bottle glass	Aqua	
1049	190	520	7	Ceramic	White earthenware	Undecorated
1050	190	520	1	Ceramic	White earthenware	Black transferprint
1051	190	520	3	Ceramic	Stoneware	Salt glazed
1052	190	520	2	Ceramic	Coarse red earthenware	
1053	190	530	1	Chipping detritus	Flake fragment	Onondaga
1054	190	540	108	Chipping detritus	Block/shatter	Onondaga
1055	190	540	274	Chipping detritus	Flake fragment	Onondaga
1056	190	540	48	Chipping detritus	Thinning flake	Onondaga
1057	190	540	33	Chipping detritus	Tertiary flake	Onondaga
1058	190	540	17	Chipping detritus	Secondary flake	Onondaga
1059	190	540	3	Pottery	Body sherd	Undecorated



Stage 3 Archaeological Assessment, Site AgHb-709
Newport Water Access Point, 25 Newport Road
County of Brant, ON

CAT. #	EASTING	NORTHING	COUNT	CLASS	DESCRIPTION	TYPE
1060	190	540	2	Clay pipe	stem fragment	
1061	190	540	3	Ceramic	White earthenware	Blue transferprint
1062	190	540	9	Ceramic	White earthenware	Undecorated
1063	190	540	2	Ceramic	Ironstone	Undecorated
1064	190	540	1	Nail	Machine cut	
1065	190	540	4	Nail	Wire	
1066	190	540	1	Button	Wood	
1067	200	540	10	Chipping detritus	Block/shatter	Onondaga
1068	200	540	14	Chipping detritus	Flake fragment	Onondaga
1069	200	540	6	Chipping detritus	Thinning flake	Onondaga
1070	200	540	3	Chipping detritus	Secondary flake	Onondaga
1071	200	540	1	Formal tool	Projectile point	Kirk Corner Notch; 5.0 cm x 1.7 cm x 0.4 cm
1072	200	540	4	Ceramic	Ironstone	Undecorated
1073	200	540	2	Ceramic	Coarse red earthenware	Lead glazed
1074	200	540	2	Nail	Wire	
1075	200	550	21	Chipping detritus	Block/shatter	Onondaga
1076	200	550	36	Chipping detritus	Flake fragment	Onondaga
1077	200	550	16	Chipping detritus	Thinning flake	Onondaga
1078	200	550	10	Chipping detritus	Tertiary flake	Onondaga
1079	200	550	4	Chipping detritus	Secondary flake	Onondaga
1080	200	550	1	Formal tool	Scraper fragment	Gunflint
1081	200	550	1	Pottery	Body sherd	Undecorated
1082	200	550	2	Pottery	Body sherd	Incised decoration
1083	200	550	3	Ceramic	White earthenware	Blue transferprint
1084	200	550	7	Ceramic	White earthenware	Undecorated
1085	200	550	5	Ceramic	Ironstone	Undecorated
1086	200	550	3	Ceramic	Stoneware	Salt glazed
1087	200	560	90	Chipping detritus	Block/shatter	Onondaga
1088	200	560	156	Chipping detritus	Flake fragment	Onondaga
1089	200	560	47	Chipping detritus	Thinning flake	Onondaga
1090	200	560	33	Chipping detritus	Tertiary flake	Onondaga
1091	200	560	18	Chipping detritus	Secondary flake	Onondaga



CAT. #	EASTING	NORTHING	COUNT	CLASS	DESCRIPTION	TYPE
1092	200	560	1	Formal tool	Projectile point	Stanley/Neville; 4.1 cm x 2.3 cm x 0.5 cm
1093	200	560	6	Pottery	Body sherd	Undecorated
1094	200	560	2	Pottery	Rim sherd	Undecorated
1095	200	560	5	Ceramic	White earthenware	Undecorated
1096	200	560	4	Ceramic	Ironstone	Undecorated
1097	200	560	2	Ceramic	Stoneware	Salt glazed
1098	200	560	2	Nail	Machine cut	
1099	200	560	4	Nail	Wire	
1100	200	560	2	Miscellaneous metal		
1101	200	560	2	Clay pipe	stem fragment	
1102	200	570	3	Chipping detritus	Block/shatter	Onondaga
1103	200	570	2	Chipping detritus	Flake fragment	Onondaga
1104	200	570	1	Chipping detritus	Thinning flake	Onondaga
1105	200	570	4	Ceramic	White earthenware	Undecorated
1106	200	580	1	Chipping detritus	Block/shatter	Onondaga
1107	200	580	4	Chipping detritus	Flake fragment	Onondaga
1108	200	580	4	Ceramic	White earthenware	Undecorated
1109	200	580	3	Ceramic	Ironstone	Undecorated



Administration and Operations Committee Report

To: To the Chair and Members of the Administration and Operations Committee
From: Kathy Ballantyne, Director of Facilities and Special Projects
Date: July 16, 2024
Report #: RPT - 0375 - 24
Subject: Oakland Community Centre – Potential Tenant
Purpose: For Information and Direction

Recommendation

That staff be authorized to continue discussions and enter into negotiations with the proponent to lease a portion of the Oakland Community Centre for the purposes of opening a childcare centre;

And that staff hire a consultant to prepare a renovation floor plan acceptable to the Oakland Community Centre Volunteer Management Committee, the proponent and all authorities having jurisdiction.

And that staff prepare a draft lease agreement for Council approval upon the finalization of negotiations if successful.

Strategic Plan Priority

Strategic Priority 5 - Healthy, Safe, and Engaged Citizens

Impacts and Mitigation

Social Impacts

Qualified early childcare educators are trained to support social and cognitive development of children and offer fun and engaging experiences.

As per the Brantford/Brant Child Care and Early Years 10-Year Plan;

- Reduces gender-based income and employment inequality.
- Fosters to a sense of belonging and well-being.
- For newcomer families, finding childcare is often their first step to securing employment, improving English, or upgrading qualifications.
- Helps families build social networks.
- Provides families with tools and resources and connects with other community services.

Environmental Impacts

N/A

Economic Impacts

Access to affordable, high-quality care allows individuals to enter the labor force, reduce absenteeism at work, and retain more income.

As per the Brantford/Brant Child Care and Early Years 10-Year Plan;

- Allows more people, particularly women, to participate in the workforce or go to school.
- Creates jobs.
- Boosts the economy through increased tax revenue.
- For every dollar spent on early childhood education, the broader economy receives between \$1.50 and \$2.80 in return.
- Increases household income.

Report

In 2023, an unsolicited inquiry from a local resident in Oakland was received by Community Services staff regarding the potential to lease space at the Oakland Community Centre for the purpose of opening a licensed childcare centre.

Following the conclusion of the lease with the OPP, staff renewed discussions with the proponent and asked that a business plan be prepared to review the potential use more fully.

The business plan reviewed by staff outlines the potential use of the former Oakland Municipal Office for a licensed childcare centre that provides childcare services for 26 children. Some renovations would be required to make the space compliant with the Child Care and Early Years Act. Although renovations will be required to the community centre, the main hall will remain available for community rentals and programs. Staff would work through negotiations with the proponent to minimize any major impact to the community hall operation.

The proponent was invited to present the business plan at the Oakland Community Centre Volunteer Management Committee on June 17. Committee members and staff received a verbal presentation and were able to ask questions related to the plan at the meeting. Although the Volunteer Management Committee was receptive to providing childcare services at the Oakland Community Centre, there were concerns about ensuring all community centre functions/ events would work within the renovated space. Staff propose hiring a consultant to prepare a renovation floor plan acceptable to the Oakland Community Centre Volunteer Management Committee, the proponent and all authorities having jurisdiction.

The proponent intends to become an authorized provider under the Consolidated Municipal Service Manager (City of Brantford) who is responsible and accountable for managing a coordinated childcare system. This provision would ensure the childcare spaces could be offered through OneList Brantford Brant.

The Building Our Community from the Kids Up Child Care and Early Years 10 Year Plan 2022 to 2032, 2024 Status Report / Update outlines the following Key Action;

Support the Ministry funded growth of CWELCC full day childcare spaces by 985 by 2026, resulting in 32% of children aged 0-4 having access to CWELCC funding childcare (based on 2021 Census population data).

As the proposal aligns with the Key Action statement and will reduce the waiting list by providing much needed childcare spaces, staff are seeking approval to proceed with discussions with the proponent and enter into negotiations with the proponent with the goal of returning to council with a draft lease agreement.

It is anticipated this process will take several months. If a mutually satisfactory agreement is reached, new childcare spaces may be available within 6-8 months.

Attachments

None

Reviewed By

Phil Mete, General Manager Community Services

Copied To

Stacey Ellins, Director of Parks, and Recreation
BJ Foster, Parks, and Facilities Supervisor

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No



Administration and Operations Committee Report

To: The Chair and Members of the Administration and Operations Committee
From: Heather Mifflin, Director of Finance, Treasurer
Date: July 16, 2024
Report #: RPT-0347-24
Subject: 2023 Surplus
Purpose: For Approval

Recommendation

Whereas the 2024 approved budget included a contribution from the Contingency Reserve of \$1.5mil with the assumption the 2023 Surplus would be directed to the Contingency Reserve;

And whereas Council resolved in March 2024 to fund requests from agencies providing support to victims of Intimate Partner Violence/Gender-based Violence from the 2023 Surplus totalling \$266,177;

That the 2023 Surplus report detailing an overall surplus of \$892,703 be received for information;

And that the remaining \$626,526 be transferred to the Contingency Reserve.

Strategic Plan Priority

Strategic Priority 6 - Stable and Responsive Governance

Impacts and Mitigation

Social Impacts

Council has declared Intimate Partner Violence and Gender-Based Violence (IPV/GBV) an epidemic and supported this declaration by approving allocation of surplus funds to agencies that provide support to victims of IPV/GBV.

Environmental Impacts

There are no environmental impacts resulting from this recommendation.

Economic Impacts

Financial details are included throughout this report.

Report

Background

The 2023 Financial Audit is underway, and the Financial Statements will be presented to Council in September 2024. Staff are completing the provincially required Financial Information Return.

Analysis

Attached for Committee's review is the Variance Analysis and 2023 Budget to Actual as at December 31st, 2023. The actual 2023 surplus is \$892,703.

Staff worked diligently to stay on budget. Most departments were slightly under budget. The variance report reflects the new organizational structure; staff have been moved to their new divisions for 2023 with the budget being reallocated to reflect the moves in 2024.

The approved 2024 budget included a contribution from the contingency reserve of \$1.5mil with the assumption the 2023 surplus would be directed to the contingency reserve. Subsequently, in March Council approved \$266,177 to fund agencies for the support of victims of IPV/GBV from the 2023 surplus.

Ontario Land Tribunal Costs

Legal and consultant costs related to Ontario Land Tribunal (OLT) appeals are being tracked by case. This is an unbudgeted item in the Taxation & Corporate Finance section with expenditures at yearend of \$144,498; this is reflected in the overall surplus.

Purchasing Awards

In July 2022 Council approved an updated Purchasing Policy and Bylaw. The updated bylaw increased the dollar value required for Council approval of purchasing awards from \$100,000 to \$250,000. Staff committed to providing Committee with a list of the purchasing awards that fell between the old and new dollar value. Attached please find the list of Purchasing Awards between \$100,000 and \$250,000 for August to December 2023.

Summary and Recommendations

Continuing into 2023 the economy has been recovering from the pandemic with inflation slowing but still higher than pre-pandemic. The County concluded 2023 with a comfortable surplus of \$892,703.

Use of the 2023 surplus to fund agencies who support victims of IPV/GBV will support Council's declaration of an IPV/GBV epidemic.

The Contingency Reserve is used to smooth tax levy increases and to fund unanticipated expenditures. During the 2024 Budget Council choose to smooth the tax levy by approving contributing \$1.5mil from the contingency reserve with the assumption the 2023 surplus be directed to the contingency reserve.

A 2024 budget to actual variance report will be presented to Committee in October.

Attachments

1. Variance Explanations
2. County of Brant Operating Budget to Actual at December 31, 2023
3. August to December 2023 – Purchasing Awards between values \$100,000 and \$250,000

Reviewed By

Heather Boyd, General Manager of Corporate Services
Alison Newton, Chief Administrative Officer

Copied To

Heather Bailey, Manager of Accounting & Budgets
Senior Management

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No

Department	Variance \$	Explanation
Mayor and Council	(\$11,369)	
Office of the CAO	(\$72,799)	The CAO's department is under budget at yearend with Physician Recruitment budget being unspent in 2023. As reported, a plan for these funds has been developed for 2024.
Corporate Services	\$184,480	The Corporate Services Administration budget has actuals higher than budget at yearend due to a reallocation of administrative overhead. Human Resources has an overage in HR legal services, while Business & Technology Solutions has budget for consulting services that was not required in 2023. Finance is overbudget from increases to software licensing, bank charges for increased use of credit cards to receive payments, and tax consulting services to assist with the gravel pit appeals.
Taxation & Corporate Finances	\$146,501	<p>The Taxation & Corporate Finance area of the budget has many substantial budget lines. In 2023 some large variances offset each other.</p> <p>Property tax supplementaries exceeded the budget of \$1.9 mil by \$1.3 mil. Property tax write offs are over budget by \$200k.</p> <p>Investment revenue is on budget.</p> <p>A contribution from the contingency reserve of \$600k was budgeted, however with an overall surplus at yearend the funds have not been transferred.</p> <p>The 2023 OLT costs are \$144k; these costs are unbudgeted.</p> <p>Microfits were overbudget at yearend by \$240k; future budgets will be adjusted to reflect actual net revenue being realized.</p>

Development Services	\$218,137	<p>Development Services actuals are greater than budget at yearend; Planning revenues which are dependent on timing of receipt and processing of applications and permits are less than budget by \$480k; this is partially offset with staffing vacancies. Development Services Admin was over budget from an administrative overhead adjustment.</p> <p>During the 2023 Budget process a reserve fund was created for Development Engineering to move it to a self-sustaining model as work that may straddle yearends proceeds payment of fees. Staff are monitoring this new model as less than budgeted revenue was received and a net expense was funded from the reserve.</p>
Strategic Initiatives	(\$173,892)	<p>Strategic Initiatives is under budget overall at yearend. Staffing vacancies and transitions from the staffing reorganization are reflected in some divisions being over and others under budget. Economic Development is under budget in expenses for promotions, special events, and advertising. The Brant Transit program is over budget driven by low fare revenue and the up-front costs from moving to the new provider.</p>
Operations	(\$471,664)	<p>The Operations department is under budget at the end of the year. The Municipal Utility Locates program has continued as in past years and based on quotes coming in beyond budget did not transition to the new proposed format resulting in \$320k being unspent. Roads is slightly overbudget at yearend with impacts from an increased focus on municipal drains, overages relating to building/facility maintenance and some small, unexpected infrastructure failures. Winter Control was slightly underbudget at yearend. Gravel Pits and Stormwater Management were under budget in 2023. The Solid Waste division budget is impacted by the leachate budget being unneeded and unused. Property Management is over budget from utility cost pressures, lease increases, and additional building maintenance.</p>

Community Services	(\$189,939)	Community Services overall is under budget at the end of the year. Community Services Admin was impacted by the staff reorganization and related staff vacancies. Parks, Trails & Forestry was underbudget mainly from the invasive species contract which required less treatment in 2023. Cemeteries is underbudget at yearend from higher than expected revenue in some cemeteries, and staffing vacancies. Recreation Facilities is feeling some budget pressures in unexpected building and facility maintenance and repairs. Ice and rental revenues were on budget at yearend.
Emergency & Protective Services	(\$121,462)	The newly created Emergency & Protective Services department is slightly under budget at yearend. Both Fire and Paramedic budgets are driven by call volume. At yearend Fire is under budget in Firefighter wages offset by some pressures in station maintenance. Dispatch is also underbudget. Paramedics Services is overbudget impacted by increased calls through wages, fuel, vehicle maintenance, and medical supplies. Enforcement Services is under budget from increased fine revenue, staffing vacancies and some expense savings.
External Agencies	(\$400,697)	Provincial Offences Act revenue is above budget at yearend which is a positive change from the past 5 years. The County's share of Social Housing and Family & Income Stability both came in underbudget.
Capital Financing	\$0	The capital levy has been fully allocated for the year to the capital program.
Overall		Throughout most areas natural gas and hydro budget lines are over budget.

County of Brant
Budget to Actual at December 31, 2023
Summary

Department	2023 Budget	2023 Actuals	Variance \$	Variance %
Mayor and Council	739,519	728,150	(11,369)	(1.5%)
Office of the CAO	651,599	578,800	(72,799)	(11.2%)
Corporate Services	7,566,549	7,751,029	184,480	2.4%
Taxation & Corporate Finances	(5,046,086)	(4,899,585)	146,501	(2.9%)
Capital Financing	12,676,311	12,676,311		
Development Services	974,190	1,192,327	218,137	22.4%
Strategic Initiatives	2,931,438	2,757,546	(173,892)	(5.9%)
Operations	17,306,915	16,835,251	(471,664)	(2.7%)
Community Services	7,446,517	7,256,578	(189,939)	(2.6%)
Emergency & Protective Services	7,131,009	7,009,547	(121,462)	(1.7%)
External Agencies	15,926,367	15,525,670	(400,697)	(2.5%)
Total County of Brant	\$68,304,328	\$67,411,625	(\$892,703)	(1.3%)

County of Brant
Budget to Actual at December 31, 2023
By Division

	2023 Budget	2023 Actuals	Variance \$	Variance %
Mayor and Council				
Mayor and Council	739,519	728,150	(11,369)	(1.5%)
Total Mayor and Council	739,519	728,150	(11,369)	(1.5%)
Office of the CAO				
CAO	292,981	277,558	(15,423)	(5.3%)
Corporate Strategy	358,618	301,243	(57,375)	(16.0%)
Total Office of the CAO	651,599	578,800	(72,799)	(11.2%)
Corporate Services				
Corporate Services Administration	335,897	454,561	118,664	35.3%
Council Services	985,390	960,510	(24,880)	(2.5%)
Legal Services	1,054,354	1,059,155	4,801	0.5%
Human Resources	890,681	915,227	24,546	2.8%
Business & Technology Solutions	2,253,325	2,204,617	(48,708)	(2.2%)
Finance	2,046,902	2,156,959	110,057	5.4%
Total Corporate Services	7,566,549	7,751,029	184,480	2.4%
Taxation & Corporate Finances				
Taxation & Corporate Finances	(5,046,086)	(4,899,585)	146,501	2.9%
Total Taxation & Corporate Finances	(5,046,086)	(4,899,585)	146,501	2.9%
Capital Financing				
Capital Financing	12,676,311	12,676,311		
Total Capital Financing	12,676,311	12,676,311		
Development Services				
Development Services Administration	196,489	243,297	46,808	23.8%
Development Planning	198,948	374,664	175,716	88.3%
Policy Planning	491,220	494,540	3,320	0.7%
Development Engineering				
Building Administration	87,533	79,826	(7,707)	(8.8%)
Total Development Services	974,190	1,192,327	218,137	22.4%

County of Brant
Budget to Actual at December 31, 2023
By Division

	2023 Budget	2023 Actuals	Variance \$	Variance %
Strategic Initiatives				
Strategic Initiatives Administration	482,676	345,505	(137,171)	(28.4%)
Economic Development & Tourism	1,058,897	910,407	(148,490)	(14.0%)
Communications and Marketing	800,689	717,180	(83,509)	(10.4%)
Community Partnerships	195,224	264,889	69,665	35.7%
Public Transit	393,952	519,564	125,612	31.9%
Total Strategic Initiatives	2,931,438	2,757,546	(173,892)	(5.9%)
Operations				
Public Works Administration				
Roads	12,208,593	12,347,037	138,444	1.1%
Gravel Pits	373,478	85,197	(288,281)	(77.2%)
Storm Water	374,697	210,322	(164,375)	(43.9%)
Fleet	225,611	244,080	18,469	8.2%
Water				
Rural Water	185,595	162,345	(23,250)	(12.5%)
Solid Waste/Wastewater Op Admin				
Wastewater				
Solid Waste	3,264,959	3,038,348	(226,611)	(6.9%)
Infrastructure & Asset Management				
Property Management	673,982	747,922	73,940	11.0%
Total Operations	17,306,915	16,835,251	(471,664)	(2.7%)
Community Services				
Community Services Administration	503,591	279,721	(223,870)	(44.5%)
Recreation & Community Development	1,230,148	1,223,669	(6,479)	(0.5%)
Affordable Housing - Russell Heights				
Parks, Trails & Forestry	2,035,893	1,973,514	(62,379)	(3.1%)
Cemetery	746,399	637,155	(109,244)	(14.6%)
Recreational Facilities	2,755,838	2,975,737	219,899	8.0%
Community Halls	174,648	166,783	(7,865)	(4.5%)
Total Community Services	7,446,517	7,256,578	(189,939)	(2.6%)

County of Brant
Budget to Actual at December 31, 2023
By Division

	2023 Budget	2023 Actuals	Variance \$	Variance %
Emergency & Protective Services				
Emergency & Protective Services Admin		138,661	138,661	
Fire Services	3,402,983	3,141,092	(261,891)	(7.7%)
Paramedic Services	2,290,580	2,433,807	143,227	6.3%
Paramedic Grant Programs				
911 Services	20,790	20,790		
Emergency Management	101,528	105,812	4,284	4.2%
Enforcement Services	1,315,128	1,169,384	(145,744)	(11.1%)
Total Emergency & Protective Services	7,131,009	7,009,547	(121,462)	(1.7%)
External Agencies				
Library	2,457,481	2,457,481		
Brant County Health Unit	1,188,552	1,188,552		
Social Agencies	4,154,007	3,858,825	(295,182)	(7.1%)
John Noble Home	1,425,769	1,425,769		
Police	5,775,008	5,756,541	(18,467)	(0.3%)
Provincial Offences Act	(225,000)	(312,048)	(87,048)	38.7%
Conservation Authorities	536,114	536,114		
MPAC	614,436	614,436		
Total External Agencies	15,926,367	15,525,670	(400,697)	(2.5%)
Total County of Brant	\$68,304,328	\$67,411,625	(\$892,703)	(1.3%)

* Divisions with a net budget and actuals of zero are 1) self-sustaining (with specific reserve funds), 2) are fully funded from grants, or 3) are allocated through overheads to other divisions.

Purchasing Awards between \$100,000 and \$250,000 for August to December 2023

Project			Successful Bid	Cost
OPS-RFQ-23-28	Tree Maintenance & Removal Service Requirements	Area 1 Mt. Vernon	Davey Tree Expert Co. of Canada, Limited	\$ 72,855.88
		Area 2 Paris	Davey Tree Expert Co. of Canada, Limited	\$ 12,763.98
		Area 3 St. George	Kodiak Tree Service	\$ 14,900.00
		Area 4 Mt. Pleasant	Davey Tree Expert Co. of Canada, Limited	\$ 11,762.49
		Area 5 Parks	Beswick Tree Service	\$ 14,225.00
		Area 6 Cemeteries	Kodiak Tree Service	\$ 37,225.00
			TOTAL	\$ 163,732.35
OPS-RFQ-23-23	Supply One (1) Valve Maintenance Trailer		Wachs Canada Ltd.	\$ 108,250.00
Pre-Approved by Council (RPT 29-291)	1 Tandem Axle Cab and Chassis Diesel Truck		Metro Freightliner Brantford	\$ 184,916.00
Pre-Approved by Council (RPT 29-291)	1 Single Axle Cab and Chassis Diesel Truck		Metro Freightliner Brantford	\$ 139,689.00

Brant Heritage Committee Report

The Brant Heritage Committee makes the following recommendations from its meeting on July 04, 2024:

1. That the following recommendations and directions, as further outlined in this report, be sent to the Administration and Operations Committee and Council for direction, including:
 - a. That the heritage planning duties outlined in this report be formalized under the Policy Planning Division as part of the forthcoming review of staff's operational duties and that consideration for a consultant to undertake heritage designations be referred to the 2025 Budget process.
 - b. That staff prepare a report on heritage incentives to be considered in the 2025 Budget process.
 - c. That user-friendly resources be prepared and made available for property owners related to heritage designations, and that the County's heritage register be included on the updated Arts, Culture and Heritage webpage before September 2024.
 - d. That a standard heritage designation by-law template be created to meet legislative requirements and that the attached submission guideline for heritage studies be endorsed by Council for use in the development application process.
 - e. That a heritage district conservation study not commence at this time, until further education and consultation has been undertaken, and until the conclusion of the Downtown Paris Master Plan implementation, and that the focus remain on individual designations.
 - f. That the forthcoming report on implementation tools includes consideration and implications of a community planning permit system, building by-law requirements and demolition control to benefit heritage conservation.

AND THAT RPT-0346-24, recommending implementation of the Arts, Culture and Heritage Strategy regarding Heritage Planning in the County of Brant, be endorsed by the Brant Heritage Committee and received as information by Council.

Respectfully Submitted,

Joan Telfer Faux
Chair



Brant Heritage Committee Minutes

Date: July 4, 2024
Time: 4:00 p.m.
Location: Council Chambers
7 Broadway Street West
Paris, ON

Present: Mayor Bailey, Councillors MacAlpine, Howes, and Garneau, Members Brown, Dirycz, Telfer Faux, Kavanagh, Varney, and Workman Rose

Staff: Gable, Cicman, Kortleve, Todd, and Pluck

Alternative formats and communication supports are available upon request. For more information, please contact the County of Brant Accessibility and Inclusion Coordinator at 519-442-7268 or by email accessibility@brant.ca

Member Telfer Faux in the Chair.

1. Attendance

Attendance was taken.

2. Approval of Agenda

Councillor Howes add three items under communications.

Moved by Member Dirycz

Seconded by Member Brown

That the Brant Heritage Committee agenda of July 04, 2024 be approved, as amended,

Carried

3. Declaration of Pecuniary Interests

None.

4. Delegations / Petitions / Presentations

None.

5. Adoption of Minutes from Previous Meetings

5.1 Brant Heritage Committee minutes of June 06, 2024

Moved by Councillor Howes
Seconded by Mayor Bailey

That the Brant Heritage Committee minutes of June 06, 2024, be approved.

Carried

6. Business Arising from the Minutes

None.

7. Staff Reports

7.1 RPT-0346-24 Heritage Planning - Arts, Culture & Heritage Strategy Implementation - B. Kortleve & K. Cicman

Brandon Kortleve, Planner, and Kayla Cicman, Arts Culture Heritage Officer, presented RPT-0346-24 Heritage Planning - Arts, Culture & Heritage Strategy Implementation. Discussion was held with regards to heritage conservation districts and in response to questions, B. Kortleve noted that there is no specific timeline for the recommendations within the report. In response to questions, B. Kortleve advised that a façade study of Downtown Paris was completed in 1986 and that the Paris Museum and Historical Society has supporting documents regarding changes to downtown properties.

THAT the following recommendations and directions, as further outlined in this report, be sent to the Administration and Operations Committee and Council for approval, including:

- a. That the heritage planning duties outlined in this report be formalized under the Policy Planning Division as part of the forthcoming review of staff's operational duties and that consideration for a consultant to undertake heritage designations be referred to the 2025 Budget process.
- b. That staff prepare a report on heritage incentives to be considered in the 2025 Budget process.
- c. That user-friendly resources be prepared and made available for property owners related to heritage designations, and that the County's heritage register be included on the updated Arts, Culture and Heritage webpage before September 2024.
- d. That a standard heritage designation by-law template be created to meet legislative requirements and that the attached submission guideline for heritage studies be endorsed by Council for use in the development application process.
- e. That the focus for heritage conservation in downtown Paris be on pursuing individual designations and not a heritage conservation district.
- f. That the forthcoming report on implementation tools includes consideration and implications of a community planning permit system,

building by-law requirements and demolition control to benefit heritage conservation.

AND THAT RPT-0346-24, recommending implementation of the Arts, Culture and Heritage Strategy regarding Heritage Planning in the County of Brant, be endorsed by the Brant Heritage Committee and received as information by Council.

No Vote. Motion to Amend Follows

Moved by Councillor Howes
Seconded by Member Workman Rose

That clause "e" be struck out and replaced with:

"That a heritage district conservation study not commence at this time, until further education and consultation has been undertaken, and until the conclusion of the Downtown Paris Master Plan implementation, and that the focus remain on individual designations."

Carried

Moved by Councillor MacAlpine
Seconded by Member Brown

That the following recommendations and directions, as further outlined in this report, be sent to the Administration and Operations Committee and Council for direction, including:

- a. That the heritage planning duties outlined in this report be formalized under the Policy Planning Division as part of the forthcoming review of staff's operational duties and that consideration for a consultant to undertake heritage designations be referred to the 2025 Budget process.
- b. That staff prepare a report on heritage incentives to be considered in the 2025 Budget process.
- c. That user-friendly resources be prepared and made available for property owners related to heritage designations, and that the County's heritage register be included on the updated Arts, Culture and Heritage webpage before September 2024.
- d. That a standard heritage designation by-law template be created to meet legislative requirements and that the attached submission guideline for heritage studies be endorsed by Council for use in the development application process.
- e. That a heritage district conservation study not commence at this time, until further education and consultation has been undertaken, and until the conclusion of the Downtown Paris Master Plan implementation, and that the focus remain on individual designations.
- f. That the forthcoming report on implementation tools includes consideration and implications of a community planning permit system,

building by-law requirements and demolition control to benefit heritage conservation.

AND THAT RPT-0346-24, recommending implementation of the Arts, Culture and Heritage Strategy regarding Heritage Planning in the County of Brant, be endorsed by the Brant Heritage Committee and received as information by Council.

Carried

7.2 Arlington Brickwork Repairs - Verbal Update - B. Kortleve & K. Cicman

K. Cicman provided an update to the committee on the Arlington brickwork repairs, noting that a CIP application will be coming forward.

8. Committee Workplan

8.1 Heritage Banner Review - K. Cicman

K. Cicman presented the draft Brant Heritage Committee banner that will be used at the September 28 Culture Days event. The committee discussed the banner and provided comments and revisions.

9. Communications

9.1 24 Barker St - Resident Inquiry

B. Kortleve noted that staff have reviewed this and that the matter would have been planned at the subdivision stage, which was done prior to the designation. Given that the property wasn't designated when the subdivision was reviewed, a study for "adjacency" to the heritage property would only be done if another planning application is received before construction on that property (e.g. zoning, variance etc.).

9.2 Heritage Inquiry - G. Varney

In response to questions, B. Kortleve noted that the Hiram Capron House was designated on October 15, 1991 and that there are specific architectural features that are protected.

In response to questions, K. Cicman advised that they have photos of the properties located at 3 Yeo Street and 5, 7, and 9 Grand River Street North, which will be shared with the committee.

9.3 Penman's National Plaque - K. Cicman

K. Cicman advise that there has been communications regarding the unveiling ceremony for the Penman's National Plaque, during the Culture Days event on September 28, 2024.

9.4 Strengthening Heritage Protections

The committee discussed the communication, noting the concerns brought forward. Further discussion was held with emphasis on educating the community on heritage designations.

9.5 Resident Conversation - Councillor Howes

Councillor Howes updated the committee on a conversation that was held with a community member regarding renovations. Councillor Howes noted the importance of educating the community on heritage designations and properties.

9.6 Culture Days Scavenger Hunt - Councillor Howes

Councillor Howes reminded the committee to submit their scavenger hunt questions to be included within the 2024 Culture Days. Councillor Howes asked committee members to submit their scavenger hunt questions to Spencer Pluck, Executive Assistant to the Mayor & Council Services for the end of July.

9.7 Donation of Bell - Councillor Howes

Councillor Howes advised that the bell from the old Paris Highschool is looking to be donated, and that he received an inquiry if the County of Brant would have a location for the bell to be installed, and inquired to the committee for suggestions. Mayor Bailey inquired for photos of the bell.

10. Other Business

10.1 Update re: Ontario Heritage Conference - J. Telfer Faux

Member Telfer Faux updated the committee on their time at the Ontario Heritage Conference.

11. Next Meeting and Adjournment

Committee adjourned at 5:37pm to meet again on September 5, 2024 at 4:00 pm at the County of Brant Council Chambers.

Secretary



Tourism Advisory Committee Minutes

Date: July 4, 2024
Time: 10:00 a.m.
Location: Council Chambers
7 Broadway Street West
Paris, ON

Present: Councillors Oakley and Kyle, Members Pate, Stone, and Von Schleinitz

Regrets: Mayor Bailey, Members Harder, Pottruff, Pickering, Sinning, and Howell

Staff: Gable, Clements, and Pluck

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Quorum was not achieved. The meeting proceeded for information purposes only.

Member Stone in the Chair.

1. Attendance

Attendance was taken, noting quorum was not made. The meeting proceeded for information purposes only.

2. Approval of Agenda

3. Declaration of Pecuniary Interests

None.

4. Delegations / Petitions / Presentations

None.

5. Adoption of Minutes from Previous Meetings

5.1 Tourism Advisory Committee Minutes of June 6, 2024

6. Business Arising from the Minutes

Zoning for Glamping Pods

In response to questions regarding having zoning within the County of Brant to allow for Glamping Pods in rural settings, Zach Gable, Director of Economic Development & Tourism advised that the Niche Accommodations presentation will speak further on this and recommended for the presentation to come forward prior to further discussion.

7. Staff Reports

7.1 Niche Accommodations - B. Webb

This presentation was deferred until the September 5, 2024, Tourism Advisory Committee meeting.

7.2 Staff Update - D. Clements

Donna Clements, Tourism Coordinator, provided an updated to the committee from Economic Development and Tourism. She noted events that took place within the County of Brant in the month of June and advised that staff are working on a draft film policy. D. Clements provided an update on Arts, Culture and Heritage, advising of Culture Days, the Cobblestone Tour and action items from the Arts, Culture and Heritage Strategy. D. Clements advised on special events and filming taking place within the County and noted that Music in the Parks is starting on July 9. She concluded with an update on tourism within the County of Brant.

8. Communications

None.

9. Other Business

None.

10. Next Meeting and Adjournment

Committee adjourned at 10:25 am to meet again on September 5, 2024 at the County of Brant Council Chambers.

Secretary