### **CITY COUNCIL AGENDA**



Consolidated as of March 21, 2013

#### Council Chambers, Guelph City Hall, 1 Carden Street

#### DATE March 25, 2013 – 7:00 p.m.

Please turn off or place on non-audible all cell phones, PDAs, Blackberrys and pagers during the meeting.

O Canada Silent Prayer Disclosure of Pecuniary Interest and General Nature Thereof

#### PRESENTATION

a) Ann Pappert, CAO – 2013 CAO Performance Objectives (*Report Attached*)

#### **CONFIRMATION OF MINUTES** (Councillor Guthrie)

**"THAT** the minutes of the Council Meetings held February 12 and 25, and March 4 and 5, 2013 and the minutes of the Closed Meeting of Council held February 25, and March 4 and 5, 2013 be confirmed as recorded and without being read."

#### CONSENT REPORTS/AGENDA – ITEMS TO BE EXTRACTED

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Reports/Agenda, please identify the item. The item will be extracted and dealt with separately. The balance of the Consent Reports/Agenda will be approved in one resolution.

#### Consent Reports/Agenda from:

Closed Meeting of Council			
Item	<b>City Presentation</b>	Delegations	To be Extracted
COW-2013.1			
Citizen Appointment to the			
Guelph Public Library Board			

Adoption of balance of the Closed Meeting of Council First Consent Report -

Community & Social Services Committee			
Item	<b>City Presentation</b>	Delegations	To be Extracted
CSS-2013.5			
2013-2018 Guelph Youth			
Strategy			
CSS-2013.7			
Community Investment			
Strategy Implementation –			
Community Wellbeing Grant			
Program			
CSS-2013.8			
County Proposed Infant			
Program at Willowdale Child			
Care and Learning Centre			

Adoption of balance of Community & Social Services Committee Second Consent Report - Councillor Dennis, Chair

Corporate Administration, Finance & Enterprise Committee			
Item	<b>City Presentation</b>	Delegations	To be Extracted
CAFE-2013.3			
Development Charge			
Exemption Policy			
CAFE-2013.4			
Capital Renewal Reserve Fund			
CAFE-2013.6			
Renegotiation of The Elliott			
Promissory Note Agreement			

Adoption of balance of Corporate Administration, Finance & Enterprise Second Committee Consent Report - Councillor Hofland, Chair

Operations, Transit & Emergency Services Committee			
Item	<b>City Presentation</b>	Delegations	To be Extracted
OTES-2013.1		<ul> <li>James Gordon</li> </ul>	<b>√</b>
Public Nuisance By-law		<ul> <li>Tom Higson</li> </ul>	
		<ul> <li>Ron Foley</li> </ul>	
OTES-2013.2			
Revised U-Pass Agreement			

Adoption of balance of Operations, Transit & Emergency Services Committee First Consent Report - Councillor Findlay, Chair

Planning & Building, Engineering and Environment Committee			
Item	<b>City Presentation</b>	Delegations	To be Extracted
PBEE-2013.8			
Stormwater Funding Study –			
Terms of Reference			
PBEE-2013.9			
Sign By-law Variances for 40			
Wellington Street West			
(Belmont Equity Partners Inc.)			

Adoption of balance of Planning & Building, Engineering and Environment Committee Second Consent Report - Councillor Piper, Chair

Council Consent Agenda			
Item	<b>City Presentation</b>	Delegations	To be Extracted
CON-2013.3			
City of Guelph Response to			
Proposed Amendment 2 to the			
Growth Plan for the Greater			
Golden Horseshoe			
CON-2013.4			
86 Lane Street – Proposed			
Zoning By-law Amendment			
(File: ZC1209) Ward 1			
CON-2013.5			
Annual Asphalt, Contract 2-			
1301			
CON-2013.6			
Easement Agreement			
– 40 Wellington Street West			
CON-2013.7			
Litigation Status Report			

Adoption of balance of the Council Consent Agenda – Councillor

### **ITEMS EXTRACTED FROM COMMITTEES OF COUNCIL REPORTS AND COUNCIL CONSENT AGENDA** (Chairs to present the extracted items)

Once extracted items are identified, they will be dealt with in the following order:

- 1) delegations (may include presentations)
- 2) staff presentations only
- 3) all others.

Reports from:

- Closed Meeting of Council -
- Community & Social Services Committee Councillor Dennis
- Corporate Administration, Finance & Enterprise Committee– Councillor Hofland
- Operations, Transit & Emergency Services Committee Councillor Findlay
- Planning & Building, Engineering and Environment Committee
   Councillor Piper
- Council Consent Mayor Farbridge

#### SPECIAL RESOLUTIONS

#### **BY-LAWS**

Resolution – Adoption of By-laws (Councillor Hofland)

#### MAYOR'S ANNOUNCEMENTS

Please provide any announcements, to the Mayor in writing, by 12 noon on the day of the Council meeting.

#### NOTICE OF MOTION

**ADJOURNMENT** 



TO City Council

SERVICE AREA Office of the Chief Administrative Officer

DATE March 25, 2013

SUBJECT 2013 CAO Performance Objectives

REPORT NUMBER CAO-C-1302

#### **EXECUTIVE SUMMARY**

#### PURPOSE OF REPORT

To present the 2013 CAO Performance Objectives in Open Council.

#### **KEY FINDINGS**

The 2013 CAO Performance Objectives represents the mandate of the CAO as directed by City Council. There are six goal statements and six objectives (action) that represent City Council's priorities for the CAO.

Breaking with tradition, it was determined that the CAO would present her mandate in open session of Council in order to build greater transparency to the public and our employees and to further the practice of performance management.

#### FINANCIAL IMPLICATIONS

The required financial expenditures to achieve the 2013 CAO Performance Objectives are currently budgeted within the 2013 budget.

#### **ACTION REQUIRED**

No action required.

#### RECOMMENDATION

N/A

#### BACKGROUND

The Chief Administrative Officer (CAO) position is the most senior management position in municipal government. The position is the only direct employee of City Council and is accountable to Council for the overall performance of the Corporation.

Through the CAO Bylaw, Council delegates the authority for operating the municipality to the CAO. It is therefore imperative that a CAO has a clear mandate



from City Council in order to lead the management of the organization and its performance.

Traditionally, the CAO Performance Objectives have been confidential in nature. However, as these goals and objectives represent the mandate of the CAO position, as directed by Guelph City Council, and in order to lead the organization with greater transparency, it was decided to break from tradition ("doing business differently") and present the approved CAO Performance Objectives in Open Council beginning in 2013.

Goals, objectives and performance reporting were discussed at three meetings of closed Council occurring first in November 2012 and again in February and March 2013. The final document represents the top priorities of City Council for the CAO.

Guelph City Council approved the 2013 CAO Performance Objectives as presented in Closed Session on March 4, 2013 and directed the CAO to make a presentation of these Performance Objectives at the start of open Council on March 25, 2013.

#### REPORT

The core work of the City's Chief Administrative Officer is organized under the following four headings:

- 1. Strategic Planning & Transformation
- 2. Leadership & Organizational Effectiveness
- 3. Financial Stewardship
- 4. Communications & Relationships

#### Six Goals Statements

Under these four headings, Council directed the CAO to achieve the following six goal statements. Together, these statements describe the mandate of the Chief Administrative Officer for the City of Guelph.

These goals are written as 'future' statements because they will take several years to fully achieve.

- 1. We maximize our ability to achieve Guelph's community vision and our City's mission by transforming our municipal government.
- 2. Our targeted investment in skill development and in broadening employee engagement opportunities revitalizes our organization.
- *3. System optimization and alignment advances accountability and builds a new, more competitive level of organizational performance and renewal.*



- 4. Strengthening confidence and transparency while building predictability into our budget model enables the sustainable provision of outstanding municipal service and value by balancing priorities over multiple years.
- 5. Guelph is positioned to influence and assert its interests with the Provincial and Federal Governments, County of Wellington and Region of Waterloo.
- 6. The positive reputation of the Corporation of the City of Guelph in contributing to building an exceptional city sustains our local competitive edge in attracting diversity, talent, business, partnership opportunities and prosperity within our community.

#### Six Objectives for 2013

Council approved 6 priority objectives (actions) to be achieved in 2013 along with performance indicators that define how progress will be reported publically.

#### 1: Strategic Transformation

Initiate the phased application of the Key Performance Indicators (KPI's) to measure progress on Council's Corporate Strategic directions.

Performance Indicator: A progress report will be completed by Q3 and presented to Governance Committee.

#### 2: Employee Engagement

Ensure Service Areas deliver and implement employee engagement action plans to address specific Service Area outcomes of the Employee Engagement survey.

Performance Indicator: *Employee Action Plans will be presented to appropriate Standing Committees in Q2.* 

#### 3: Organizational Assessment

Complete an Organizational Assessment ensuring the delivery of a comprehensive work planning system that manages and aligns resources to strategic and operating priorities and an assessment of our employee capacity.

Performance Indicator: A report on the Organizational Assessment will be presented to Council in Q3.



#### 4: Budget Model

Deliver a new budget model and budget development process for both operating and capital, that establishes greater predictability in both the tax levy and in anticipating budgets over multiple years.

Performance Indicator: A new budget model will be recommended to Council in Q3.

#### 5: Intergovernmental Relations

Develop a comprehensive and assertive Intergovernmental Action Plan.

Performance Indicator: An Intergovernmental Action Plan will be recommended to Council in Q4.

#### 6: Corporate Identity

Review our City's corporate identity. If it is deemed necessary, scope options to revitalize and position our City as a vital partner in marketing Guelph as a destination for economic and community prosperity.

Performance Indicator: A report will be presented to CAFES Committee on this topic in Q4.

Throughout 2013 additional work will be underway on many other objectives including a focus on Open Government and business development under Guelph Municipal Holding Inc.

#### CORPORATE STRATEGIC PLAN

This report is linked to all the Corporate Strategic Plan directions and supports Council's approved Vision and our Corporate Mission which is focused on providing '*outstanding municipal service and value.*'

#### **DEPARTMENTAL CONSULTATION**

The Executive Directors of each Service Area were consulted on the CAO Performance Objectives and given opportunity to directly input on the goals, objectives and delivery of the performance indicators.

#### COMMUNICATIONS

The 2013 CAO Performance Objectives will be communicated to all employees of the City of Guelph.



ATTACHMENTS N/A

and agent

Authored and Recommended by Ann Pappert Chief Administrative Officer 519-837-5602 administration@guelph.ca Committee Room C Tuesday February 12, 2013 7:00 p.m.

#### A Special Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper and Wettstein

Absent: Councillors Burcher, Laidlaw and Van Hellemond

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Ms. C. Bell, Executive Director of Community & Social Services; Mr. A. Horsman, Executive Director of Finance & Enterprise; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations, Transit & Emergency Services; and Mr. B. Labelle, City Clerk

#### 2014 Budget Workshop

Mr. Al Horsman, Executive Director, Finance & Enterprise advised of the feedback and input received relating to the 2013 budget process. He outlined the current budget model and the proposed model and the current budget guideline and the proposed guideline.

He reviewed the capital budget prioritization framework and methodology and outlined the proposed prioritization framework.

There was considerable discussion on the 2014 proposed budget model and capital prioritization.

 Moved by Councillor Piper Seconded by Councillor Hofland
 That the February 12, 2013 report entitled FIN-13-06
 "2014 Budget Workshop", be received for information.

VOTING IN FAVOUR: Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Wettstein and Mayor Farbridge (10)

VOTING AGAINST: (0)

 Moved by Councillor Burcher Seconded by Councillor Dennis
 That the special meeting of Guelph City Council of February 12, 2013 be adjourned.

Carried

The meeting adjourned at 9:15 p.m.

Minutes to be confirmed on March 25, 2013.

Mayor

Clerk

Council Caucus Room February 25, 2013 5:30 p.m.

#### An Open Meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond and Wettstein

Absent: Councillor Laidlaw

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Ms. C. Bell, Executive Director of Community & Social Services; Mr. A. Horsman, Executive Director of Finance & Enterprise; Ms. D. Jaques, General Manager of Legal & Realty Services/City Solicitor; Mr. D. Wyman, General Manager, Solid Waste; Mr. S. Armstrong, General Manager/Fire Chief Emergency Services Fire/Ambulance; Mr. B. Labelle, City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

1. Moved by Councillor Seconded by Councillor

That the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

#### **Ontario Municipal Board Hearing**

S. 239 (2) (e) of the *Municipal Act* – litigation or potential litigation

#### Report of the Audit Committee: Status Update-Implementation of the 2011 Audit Recommendations

S. 239 (2) (a) of the *Municipal Act* – security of the property of the municipality

#### **Citizen Appointment to the Guelph Public Library Board**

S. 239 (2) (b) of the *Municipal Act* – personal matter about an identifiable individual.

CARRIED

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Mayor

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Clerk Council Caucus Room February 25, 2013 5:31 p.m.

#### A Closed Meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond and Wettstein

Absent: Councillor Laidlaw

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Ms. C. Bell, Executive Director of Community & Social Services; Mr. A. Horsman, Executive Director of Finance & Enterprise; Ms. D. Jaques, General Manager of Legal & Realty Services/City Solicitor; Mr. D. Wyman, General Manager, Solid Waste; Mr. S. Armstrong, General Manager/Fire Chief Emergency Services Fire/Ambulance; Ms. S. Kirkwood, Manager of Development Planning; Mr. M. Witmer, Development & Urban Design Planner; Mr. B. Labelle, City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

## DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no disclosures.

#### **Citizen Appointment to the Guelph Public Library Board**

1. Moved by Councillor Findlay Seconded by Councillor Kovach

That staff be given direction with respect to a citizen appointment to the Guelph Public Library Board.

CARRIED

#### **Ontario Municipal Board Hearing**

2. Moved by Councillor Burcher Seconded by Councillor Guthrie

That staff be given direction with respect to an upcoming Ontario Municipal Board Hearing.

CARRIED

#### **Report of the Audit Committee: Status Update-Implementation of the 2011 Audit Recommendations**

3. Moved by Councillor Guthrie Seconded by Councillor Kovach

That the status update on implementation of the 2011 Audit recommendations be received.

CARRIED

#### ADJOURNMENT

4. Moved by Councillor Hofland Seconded by Councillor Burcher

That the closed meeting of Guelph City Council of February 25, 2013 be adjourned.

CARRIED

The meeting adjourned at 5:47 p.m.

Mayor

Mayor

.....

Clerk

Council Chambers February 25, 2013 7:00 p.m.

#### An Open Meeting of Guelph City Council

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond and Wettstein

Absent: Councillor Laidlaw

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Ms. C. Bell, Executive Director of Community & Social Services; Mr. A. Horsman, Executive Director of Finance & Enterprise; Mr. D. Wyman, General Manager, Solid Waste; Mr. S. Armstrong, General Manager/Fire Chief Emergency Services Fire/Ambulance; Mr. B. Labelle, City Clerk; and Ms. J. Sweeney, Council Committee Co-ordinator

### DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

There were no disclosures.

#### PRESENTATIONS

Councillor Piper presented the Mayor with the Lieutenant Governor's Ontario Heritage Award for Community Leadership for a Municipality with a population over 125,000.

Mr. Stephen Robinson, Heritage Planner advised that Terry Crowley, Shirley Perrior and Susan Ratcliffe received individual Lieutenant Governor's Ontario Heritage Awards and highlighted their achievements.

1. Moved by Councillor Findlay Seconded by Councillor Wettstein

That the minutes of the Council meeting held on December 17, 2012 be amended by removing Councillor Piper from the recorded vote for Resolution #18 due to her disclosure of pecuniary interest, and that the minutes be confirmed as amended;

And that the minutes of the Council meeting held on February 4, 2013, Page 2, Resolution #1 be amended to reflect Councillors Piper and Findlay moving and seconding the motion; and that the minutes of be confirmed as amended;

And the minutes of the Closed Meetings of Council held December 17, 2012 and February 4, 2013 be confirmed as recorded and without being read.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

#### **CONSENT REPORTS AND AGENDAS**

The following item was extracted from the Audit Committee First Consent Report to be voted on separately:

 AUD-201.1 2012 Audit Committee Final Work Plan Report

#### **Councillor Guthrie presented the balance of the Audit Committee First Consent Report.**

2. Moved by Councillor Guthrie Seconded by Councillor Kovach

That the balance of the February 25, 2013 Audit Committee First Consent Report as identified below, be adopted:

#### a) 2013 Audit Committee Work Plan

That Report FIN-13-03 2013 Audit Committee Work Plan be approved.

#### b) Internal Audit 2013 Work Plan

- 1. That the Internal Audit 2013 Work Plan as presented in Appendix A to report CAO-A-1301 entitled Internal Audit 2013 Work Plan, dated February 13, 2013 be approved.
- 2. That the Internal Auditor be directed to discuss with management, value for dollar audits for consideration and report back to the Audit Committee in April.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

The following item was extracted from the Community & Social Services Committee First Consent Report to be voted on separately:

 CSS-2013.1 Child Friendly Designation for Guelph Wellington

#### Councillor Hofland presented the Corporate Administration, Finance & Enterprise Committee First Consent Report.

3. Moved by Councillor Hofland Seconded by Councillor Wettstein

That the February 25, 2013 Corporate Administration, Finance & Enterprise Committee First Consent Report as identified below, be adopted:

#### a) Budget Impacts per Ontario Regulation 284/09

That Council approve compliance report FIN-13-01 Budget Impacts per Ontario Regulation 284/09 for expenditures excluded from the 2013 Budget as required by Ontario Regulation 284/09 passed under the Municipal Act, 2001.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

#### CARRIED

The following item was extracted from the Governance Committee First Consent Report to be voted on separately:

GOV-2013.5 Annual Report of the Integrity Commissioner

## Mayor Farbridge presented the balance of the Governance Committee First Consent Report.

4. Moved by Councillor Findlay

Seconded by Councillor Dennis

That the balance of the February 25, 2013 Governance Committee First Consent Report as identified below, be adopted:

#### a) Delegation of Authority By-law Update

That Council repeal and replace the Current Delegation of Authority By-law (2010)-18935, as amended, with an updated version attached as Attachment A to the report entitled "Delegation of Authority By-law Update" dated February 11, 2013.

#### b) Terms of Reference: City Council and Standing Committee

- 1. That the 'City Council Terms of Reference' and the 'Standing Committee Terms of Reference' as attached in the report CAO-C-1301 of February 11, 2013 be approved in principle;
- 2. That Council adopts and directs the implementation of the Next Steps as outlined in this same report CAO-C-1301

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

#### CARRIED

The following items were extracted from the Planning & Building, Engineering and Environment Committee First Consent Report to be voted on separately:

- PBEE-2013.1 Guelph Cycling Master Plan
- PBEE-2013.2 Rental Housing Licensing Directions
- PBEE-2013.3 Investment in Affordable Housing Michael House
- PBEE-2013.4 Greater Toronto Area West Corridor Environmental Assessment Study

**Councillor Piper presented the balance of the Planning & Building, Engineering and Environment Committee First Consent Report.** 

5. Moved by Councillor Piper Seconded by Councillor Guthrie That the balance of the February 25, 2013 Planning & Building, Engineering and Environment Committee First Consent Report as identified below, be adopted:

#### a) **By-law Number (2013)- Regulating Solid Fuel** Heating Appliances

- That the Report from Planning, Building, Engineering and Environment dated February 19, 2013, regarding the By-law to regulate certain indoor solid fuel heating appliances be received.
- 2. That the By-law to regulate certain indoor solid fuel heating appliances be approved.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

#### **CONSENT AGENDA**

6. Moved by Councillor Findlay Seconded by Councillor Hofland

That the February 25, 2013 Council Consent Agenda as identified below, be adopted:

#### a) Guelph Cycling Advisory Committee

- 1. That the Council Report entitled "Guelph Cycling Advisory Committee", dated February 25, 2013, be received.
- 2. That Council authorize the dissolution of the Guelph Cycling Advisory Committee (GCAC) and that committee members be notified and thanked for their service to the community.

#### b) **Re-Election of Councillor Burcher to the FCM Board of Directors and Election as Third Vice-President**

1. That Council endorse Councillor Lise Burcher to stand for re-election to the Federation of Canadian Municipalities Board of Directors and for the election of the third Vice-President.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

#### **Annual Report of the Integrity Commissioner**

Mr. Robert Swayze, Integrity Commissioner, responded to questions relating to the current and proposed process he follows in order to provide advice to individual Members of Council. Council discussed the merits of providing this information generally within the Integrity Commissioner's annual report.

#### Councillor Dennis presented Clause GOV-2013.5 that was extracted from the Governance Committee First Consent Report.

#### Main Motion

7. Moved by Councillor Dennis Seconded by Councillor Findlay

That the code of Conduct for Council and Local Boards be amended in accordance with Appendix 1 attached to this report.

#### First Amendment

8. Moved by Councillor Kovach Seconded by Councillor Guthrie

That the number of calls from members of Council and staff be contained within the Integrity Commissioner's Annual Report, including the general nature of the call and/or advice given and the associated costs.

#### Amendment to the First Amendment

9. Moved by Councillor Wettstein Seconded by Councillor Burcher

That the phrase "recognizing that confidentiality by the Integrity Commissioner is preserved" be added.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillor Kovach (1)

CARRIED

#### First Amendment as Amended

10. Moved by Councillor Kovach Seconded by Councillor Guthrie

That the number of calls from members of Council and staff be contained within the Integrity Commissioner's Annual Report, including the general nature of the call and/or advice given and the associated costs, recognizing that confidentiality by the Integrity Commissioner is preserved.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, Van Hellemond, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillor Kovach (1)

CARRIED

#### Main Motion as Amended

11. Moved by Councillor Dennis Seconded by Councillor Findlay

That the code of Conduct for Council and Local Boards be amended in accordance with Appendix 1 attached to this report;

And that the number of calls from members of Council and staff be contained within the Integrity Commissioner's Annual Report, including the general nature of the call and/or advice given and the associated costs, recognizing that confidentiality by the Integrity Commissioner is preserved.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

#### VOTING AGAINST: (0)

#### Investment in Affordable Housing – Michael House

Councillor Piper presented Clause PBEE-2013.3 that was extracted from the Planning & Building, Engineering and Environment Committee First Consent Report.

- 12. Moved by Councillor Piper Seconded by Councillor Guthrie
  - 1. That the proposal for an affordable housing project by Michael House, and located at 185-187 Bristol Street, be approved in principle.
  - 2. That staff be directed to finalize the form of an Indemnity Agreement between the City and the County of Wellington, to the satisfaction of the City Solicitor and the Chief Financial Officer.
  - That the Mayor and Clerk be authorized to execute the Indemnity Agreement in time for it to be received by the County by February 28, 2013.
  - 4. That the Clerk be directed to inform the County of Wellington by February 28, 2013 of the City's decision regarding the proposal, and to further advise that no City action is required to provide the mandatory municipal incentives required by the Investment in Affordable Housing for Ontario program.
  - 5. That municipal incentives be offered in the form of a grant equivalent to the cost of the rezoning application site plan fees, building permit fees, development charges and parkland levy to Michael House, and notwithstanding various bylaws that staff be authorized to accept deferred payment of required municipal fees and charges to coincide with the timing of receipt of funds through the Investment in Affordable Housing program.
  - 6. That staff be directed to finalize an agreement with Michael House to implement the municipal incentives to the satisfaction of the General

Manager of Planning Services, the City Solicitor and the Chief Financial Officer.

- 7. That the Mayor and Clerk be authorized to execute the Municipal Incentives Agreement.
- 8. That the proposed demolition of one detached dwelling at 185 Bristol Street be approved.
- That the applicant be requested to contact the General Manager of Solid Waste Resources, Planning, Building, Engineering and Environment, regarding options for the salvage or recycling of all demolition materials.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

#### **Greater Toronto Area West Corridor Environmental Assessment Study**

Mr. Lloyd Longfield, President & CAO, Guelph Chamber of Commerce, stated that investing in transportation strengthens economic and community development. He requested that Council consider adopting Clause 2 (c) and (d) which were not carried forward as part of the recommendation from the February 19, 2013 meeting of the Planning and Building, Engineering and Environment Committee.

Dr. Hugh Whiteley, presented statistics with respect to the changing economy and transportation needs in Ontario and suggested that the economy has changed and has stabilized. He encouraged Council to adopt Clause 2(a) of the staff report.

Councillor Piper presented Clause PBEE-2013.4 that was extracted from the Planning & Building, Engineering and Environment Committee First Consent Report.

#### Main Motion

13. Moved by Councillor Piper Seconded by Councillor Burcher

- 1. That the Planning, Building, Engineering and Environment report dated February 19, 2013, and entitled "Greater Toronto Area West Corridor Environmental Assessment Study" be received.
- 2. That the City of Guelph advise the Ontario Ministry of Transportation (MTO) in regard to the Transportation Development Strategy proposed by the GTA West Corridor EA Study, as follows:
  - a) That the City of Guelph supports the Group #1 (Optimize Existing Networks) and Group #2 (New/Expanded Non-Road Infrastructure) elements of the Transportation Development Strategy for the GTA West Corridor;
  - b) That the City of Guelph requests the Ministry of Transportation to implement Group 1 and Group 2 recommendations, including the expansion of GO Transit service west of the GTA, prior to commencing the proposed highway expansions.
- 3. That the Council Resolution and this report be circulated with a letter from the Mayor to the Minister of Transportation, Member of Provincial Parliament for Guelph, the County of Wellington and the Region of Waterloo.

#### First Amendment

A separated vote was requested on the First Amendment

14. Moved by Councillor Dennis Seconded by Councillor Guthrie

That the following clauses be added to the main motion:

2(c) That the City of Guelph appreciates the need for widening 400-series highways in the GTA and for identifying a new corridor within the GTA, as well as the concerns about extending a new corridor through the Niagara Escarpment.

VOTING IN FAVOUR: Councillors Bell, Dennis, Furfaro, Guthrie, Kovach, Van Hellemond and Wettstein (7)

VOTING AGAINST: Councillors Burcher, Findlay, Hofland, Piper and Mayor Farbridge (5)

CARRIED

- 15. Moved by Councillor Dennis Seconded by Councillor Guthrie
  - 2(d) That the City of Guelph requests the Ministry of Transportation to include as a recommendation in the proposed Transportation Development Strategy that MTO continue with the assessment of a New Transportation Corridor (Group #4) to the west of the Niagara Escarpment, along with a new north-south connection to Hwy 401 east of Guelph, in consultation with the County of Wellington, City of Guelph and the Region of Waterloo, as outlined in this report.

VOTING IN FAVOUR: Councillors Dennis, Guthrie, Kovach, Piper, Van Hellemond and Wettstein (6)

VOTING AGAINST: Councillors Bell, Burcher, Findlay, Furfaro, Hofland, and Mayor Farbridge (6)

DEFEATED

#### Main Motion as Amended

A separated vote was requested on the Main Motion as Amended

- 16. Moved by Councillor Piper Seconded by Councillor Burcher
  - 1. That the Planning, Building, Engineering and Environment report dated February 19, 2013, and entitled "Greater Toronto Area West Corridor Environmental Assessment Study" be received.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

- 17. Moved by Councillor Piper Seconded by Councillor Burcher
  - 2. That the City of Guelph advise the Ontario Ministry of Transportation (MTO) in regard to the Transportation Development Strategy proposed by the GTA West Corridor EA Study, as follows:
    - by the GTA west Corridor EA Study, as follows:
    - a) That the City of Guelph supports the Group #1 (Optimize Existing Networks) and Group #2 (New/Expanded Non-Road Infrastructure)

elements of the Transportation Development Strategy for the GTA West Corridor;

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

- 18. Moved by Councillor Piper Seconded by Councillor Burcher
  - 2.b) That the City of Guelph requests the Ministry of Transportation to implement Group 1 and Group 2 recommendations, including the expansion of GO Transit service west of the GTA, prior to commencing the proposed highway expansions.

VOTING IN FAVOUR: Councillors Bell, Burcher, Findlay, Furfaro, Hofland, Kovach, Piper, Van Hellemond and Mayor Farbridge (9)

VOTING AGAINST: Councillors Dennis, Guthrie and Wettstein (3)

CARRIED

- 19. Moved by Councillor Piper Seconded by Councillor Burcher
  - 2(c) That the City of Guelph appreciates the need for widening 400-series highways in the GTA and for identifying a new corridor within the GTA, as well as the concerns about extending a new corridor through the Niagara Escarpment.

VOTING IN FAVOUR: Councillors Bell, Dennis, Furfaro, Guthrie, Kovach, Van Hellemond and Wettstein (7)

VOTING AGAINST: Councillors Burcher, Findlay, Hofland, Piper and Mayor Farbridge (5)

CARRIED

20. Moved by Councillor Piper Seconded by Councillor Burcher 3. That the Council Resolution and this report be circulated with a letter from the Mayor to the Minister of Transportation, Member of Provincial Parliament for Guelph, the County of Wellington and the Region of Waterloo.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

#### 2012 Audit Committee Final Work Plan

#### Councillor Guthrie presented Clause AUD-2013.1 that was extracted from the Audit Committee First Consent Report.

21. Moved by Councillor Guthrie Seconded by Councillor Furfaro

That Report FIN-13-02 "2012 Audit Committee Final Work Plan Report" be approved.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

#### **Child Friendly Designation for Guelph Wellington**

Councillor Dennis presented Clause CSS-2013.1 that was extracted from the Community & Social Services Committee First Consent Report. He introduced the main motion with an amendment.

- 22. Moved by Councillor Dennis Seconded by Councillor Van Hellemond
  - 1. That Council acknowledge and publicize the Child Friendly recognition when it is received;

- That staff provide regular updates on the work of the Council for Opportunities for Children to Council;
- That Council direct staff to identify ways that children and youth voices can be encouraged in the planning and development of programs, services and policy through the upcoming Community Engagement Framework and the Youth Strategy;
- 4. That Council approve staff's continued involvement in the Council for Opportunities for Children, the Report Card Coalition and the Children's Planning Council; and
- 5. That staff consider the importance of access to culture and recreation opportunities and other services offered by the City for children and youth in the development of discount mechanisms of the Community Investment Strategy.
- 6. That Council endorse the application, attachment 3 to the report "Child Friendly Designation for Guelph Wellington" dated February 12, 2013, subject to refinement from staff.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

#### **Guelph Cycling Master Plan**

Councillor Piper presented Clause PBEE-2013.1 that was extracted from the Planning & Building, Engineering and Environment Committee First Consent Report.

#### Main Motion

- 23. Moved by Councillor Piper Seconded by Councillor Burcher
  - 1. That the Planning, Building, Engineering and Environment Report entitled "Guelph Cycling

Master Plan", dated February 19, 2013, be received.

- 2. That Council approve the Cycling Master Plan, including the cycling network, as illustrated in Schedule 1 to this report, and the recommendations for implementing physical and social infrastructure for cycling, as outlined in this report.
- 3. That Council approve the recommended network of on-street bike lanes, and direct staff to implement them as part of road reconstruction or road restriping projects, subject to appropriate budget approvals as outlined in this report, and categorized in Schedules to the report as follows:
  - a. Schedule 3: On-street bike lanes involving road widening
  - b. Schedule 4: On-street bike lanes without road widening
  - c. Schedule 5: On-street Shared (Sharrow) lanes without road widening
- 4. That Council approve the implementation of onstreet bike lanes on the five streets (Downey Road, Eastview Road, Grange Road, Starwood Drive and Stevenson Street) listed in Schedule 4, that will result in the removal of on-street parking as currently provided on those streets, and direct staff to:
  - (i) inform residents, as well as the community at large, that on-street parking may be impacted by the need to provide bike lanes on those streets to establish a continuous and convenient citywide cycling network;
  - (ii) give those residents adequate notice and opportunity to provide feedback on safety concerns or other relevant information;
  - (iii) take steps to address residents' concerns and minimize the impact on parking to the extent possible.
- 5. That Council authorize staff to investigate the feasibility, including costs, of paving and maintaining approximately 30 km of the City's existing primary trail system to provide a continuous system of on-street and off-street cycling network for commuter use.
- 6. That a summary of capital financing to implement the Guelph Cycling Master Plan be

brought back in advance of the capital prioritization process.

7. That staff consider current trail systems that currently do not allow bicycling within the overall network.

#### First Amendment

24. Moved by Councillor Wettstein Seconded by Councillor Dennis

That Clause 4 be amended by removing Downey Road from the Guelph Cycling Master Plan.

VOTING IN FAVOUR: Councillors Dennis, Van Hellemond and Wettstein (3)

VOTING AGAINST: Councillors Bell, Burcher, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper and Mayor Farbridge (9)

DEFEATED

#### Main Motion

Clause 4v was added with the leave of Council.

- 25. Moved by Councillor Piper Seconded by Councillor Burcher
  - 1. That the Planning, Building, Engineering and Environment Report entitled "Guelph Cycling Master Plan", dated February 19, 2013, be received.
  - 2. That Council approve the Cycling Master Plan, including the cycling network, as illustrated in Schedule 1 to this report, and the recommendations for implementing physical and social infrastructure for cycling, as outlined in this report.
  - 3. That Council approve the recommended network of on-street bike lanes, and direct staff to implement them as part of road reconstruction or road restriping projects, subject to appropriate budget approvals as outlined in this report, and categorized in Schedules to the report as follows:
    - a. Schedule 3: On-street bike lanes involving road widening

- b. Schedule 4: On-street bike lanes without road widening
- c. Schedule 5: On-street Shared (Sharrow) lanes without road widening
- 4. That Council approve the implementation of onstreet bike lanes on the five streets (Downey Road, Eastview Road, Grange Road, Starwood Drive and Stevenson Street) listed in Schedule 4, that will result in the removal of on-street parking as currently provided on those streets, and direct staff to:
  - (i) inform residents, as well as the community at large, that on-street parking may be impacted by the need to provide bike lanes on those streets to establish a continuous and convenient citywide cycling network;
  - (ii) give those residents adequate notice and opportunity to provide feedback on safety concerns or other relevant information;
  - (iii) take steps to address residents' concerns and minimize the impact on parking to the extent possible;

#### (v) that staff report back on various options.

- 5. That Council authorize staff to investigate the feasibility, including costs, of paving and maintaining approximately 30 km of the City's existing primary trail system to provide a continuous system of on-street and off-street cycling network for commuter use.
- 6. That a summary of capital financing to implement the Guelph Cycling Master Plan be brought back in advance of the capital prioritization process.
- 7. That staff consider current trail systems that currently do not allow bicycling within the overall network.

VOTING IN FAVOUR: Councillors Bell, Burcher, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillor Dennis (1)

CARRIED

#### **Rental Housing Licensing Directions**

Councillor Piper presented Clause PBEE-2013.2 that was extracted from the Planning & Building, Engineering and Environment Committee First Consent Report.

- 26. Moved by Councillor Piper Seconded by Councillor Burcher
  - 1. That Report 13-04 from Planning, Building, Engineering and Environment regarding the Rental Housing Licensing Directions dated February 19, 2013, be received.
  - 2. That prior to proceeding with the public consultation on a proposed rental housing licensing program, that a cost benefit analysis be completed on the proposed direction.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (11)

VOTING AGAINST: Councillor Guthrie (1)

CARRIED

#### **BY-LAWS**

27. Moved by Councillor Furfaro Seconded by Councillor Van Hellemond

THAT By-laws Numbered (2013)-19526 to (2013)-19632, inclusive, are hereby passed.

VOTING IN FAVOUR: Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, Van Hellemond, Wettstein and Mayor Farbridge (12)

VOTING AGAINST: (0)

CARRIED

#### ADJOURNMENT

28. Moved by Councillor Dennis Seconded by Councillor Hofland

That the meeting of Guelph City Council of February 25, 2013 be adjourned.

CARRIED

The meeting adjourned at 9:00 p.m.

Minutes to be confirmed on March 25, 2013.

Mayor

Clerk

Council Caucus Room March 4, 2013 5:30 p.m.

#### A meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Piper, and Wettstein

Absent: Councillors Kovach, Laidlaw and Van Hellemond

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. A. Nix, Environmental Planner – Policy; Ms. T. Agnello, Deputy City Clerk and Ms. D. Black, Council Committee Coordinator

Also Present: Mr. P. Pickfield, Solicitor, Garrod Pickfield

### DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no disclosures.

1. Moved by Councillor Hofland Seconded by Councillor Burcher

THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

#### **Final Presentation - CAO Performance Objectives 2013**

S. 239 (2) (b) of the *Municipal Act* - personal matters about identifiable individuals

#### **OPA 42 Settlement Update**

S. 239 (2) (e) and (f) of the *Municipal Act* – litigation or potential litigation and advice that is subject to solicitor/client privilege

#### **ATU Update**

S. 239 (2) (d) of the *Municipal Act* – labour relations or employee negotiations

The meeting adjourned at 5:31 o'clock p.m.

Mayor

Cutten Fields March 5, 2013 5:45 p.m.

#### A special meeting of Guelph City Council.

Present: Mayor Farbridge, Councillors Bell, Findlay, Furfaro, Guthrie, Hofland, Kovach, Piper, and Wettstein

Absent: Councillors Burcher, Dennis, Laidlaw and Van Hellemond

Staff Present: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director of Corporate & Human Resources; Dr. J. Laird, Executive Director of Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director of Operations & Transit; Ms. C. Bell, Executive Director of Community & Social Services; and Mr. A. Horsman, Executive Director of Finance and Enterprise

Also Present: Mr. M. Calzonetti, Meeting Facilitator; Mr. T. Emond, AON Hewitt; and Mr. R. Lewis, AON Hewitt

## DECLARATIONS UNDER MUNICIPAL CONFLICT OF INTEREST ACT

There were no disclosures.

1. Moved by Councillor Hofland Seconded by Councillor Guthrie

THAT the Council of the City of Guelph now hold a meeting that is closed to the public with respect to:

#### Leadership Development Training

S. 239 (3.1) of the *Municipal Act* – education and training

CARRIED

The meeting adjourned at 5:46 o'clock p.m.

.....

Mayor

\_\_\_\_\_

Clerk Designate Executive Director Corporate & Human Resources

#### CONSENT REPORT OF COUNCIL IN CLOSED MEETING

March 25, 2013

Her Worship the Mayor and Councillors of the City of Guelph.

Your Council as Committee of the Whole beg leave to present their FIRST CONSENT REPORT as recommended at its meeting of February 25, 2013.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Council in Closed Meeting will be approved in one resolution.

#### COW-2013.1 CITIZEN APPOINTMENT TO THE GUELPH PUBLIC LIBRARY BOARD

That Justine Richardson be appointed to the Guelph Public Library Board for a term expiring November 30, 2014.

All of which is respectfully submitted.

#### CONSENT REPORT OF THE COMMUNITY & SOCIAL SERVICES COMMITTEE

March 25, 2013

Her Worship the Mayor and Councillors of the City of Guelph.

Your Community & Social Services Committee beg leave to present their SECOND CONSENT REPORT as recommended at its meeting of March 12, 2013.

*If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Community & Social Services Committee will be approved in one resolution.* 

#### CSS-2013.5 2013 – 2018 Guelph Youth Strategy

- 1. That Council **endorse** the Vision, Mission and Values of the 2013 2018 Guelph Youth Strategy.
- 2. That Council **receive** the 10 Foundational and 30 Youth Driven Goals of the 2013 2018 Guelph Youth Strategy.
- 3. That staff be directed to report back with an implementation plan that identifies corporate initiatives, community collaborations, key performance indicators, budget and alignment with the Community Investment Strategy and Community Wellbeing Initiative.

#### CSS-2013.7 Community Investment Strategy Implementation -Community Wellbeing Grant Program

- 1. That Council approve the establishment of the Wellbeing Grant Allocation Panel.
- 2. That the proposed Terms of Reference for the Wellbeing Grant Allocation Panel as presented in report CSS-CESS-1311 be approved **in principle and that a more robust Terms of Reference be brought back to the Community & Social Services Committee for consideration.**
- 3. That Council Repeal and replace Schedule "U" of the Delegation of Authority By-law with the updated version attached to report CSS-CESS-1311 as Attachment 1.
- 4. That staff be directed to begin the process of recruiting members to the Wellbeing Grant Allocation Panel.
- 5. That Council approve the Wellbeing Grant Program model outlined in Table 1 of the CSS-CESS-1311 report.

#### Page No. 2 March 25, 2013 <u>Community & Social Services Committee – 2<sup>nd</sup> Consent Report</u>

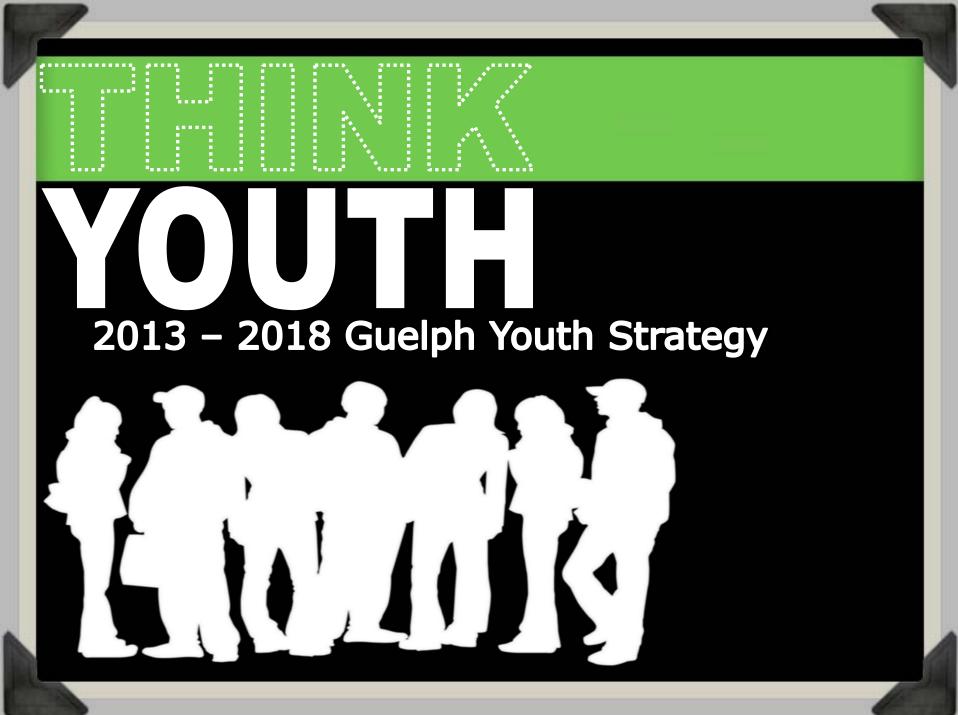
#### CSS-2013.8 County Proposed Infant Program at Willowdale Child Care and Learning Centre

- 1. That Council approve implementation of 10 infant child care spaces at Willowdale Child Care and Learning Centre with the following requirements:
  - a) Wellington County agrees to notify the City of any financial adjustments which differ from the County's reported financial implications;
  - b) Wellington County enters into a service agreement with the City for the operation of Willowdale Child Care and Learning Centre.

All of which is respectfully submitted.

Councillor Todd Dennis, Chair Community & Social Services Committee

#### *Please bring the material that was distributed with the Agenda for the March 12, 2013 meeting.*

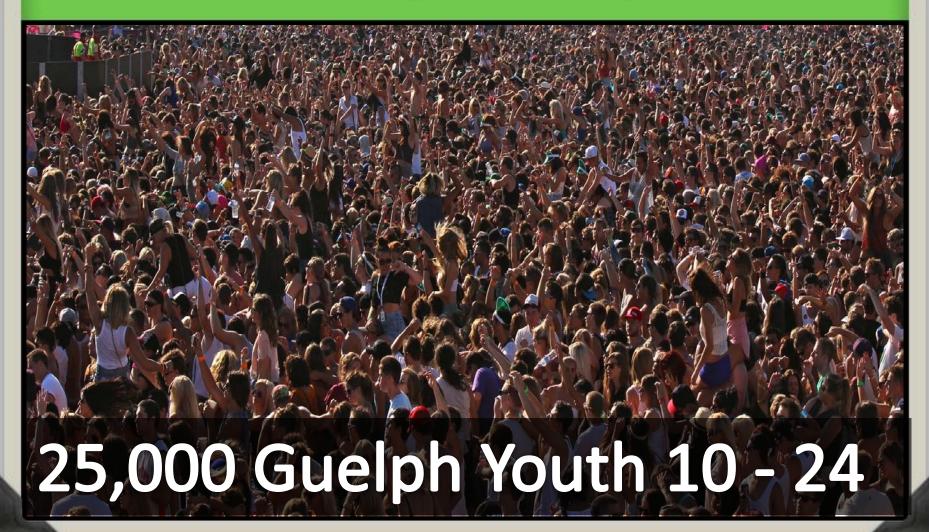


## Involving youth builds a strong community now and into the future.

# Youth is a quality, not a matter of circumstance...

Frank Lloyd Wright

## 10,000 Guelph Youth 13 - 18



## 35,000 by 2031....

### Contributions

More than 700 young people contributed to the 2013 -2018 Youth Strategy

### Contributions











### Feedback

## The Results

### Feedback

#### **The Good News**

- Youth feel safe in Guelph
- Youth appreciate specific programs that target their needs
- Youth want to be asked their opinions and be part of solutions
- Youth appreciate green space
- Youth enjoy meaningful volunteering
- Free programming is a great place to hang out and be active

Youth care about those outside their immediate peer group including marginalized youth, newcomer populations & LGBTQ youth

### Feedback

#### The Challenges

Youth need more programming, youth space and activities

Youth feel their voices are not heard or respected

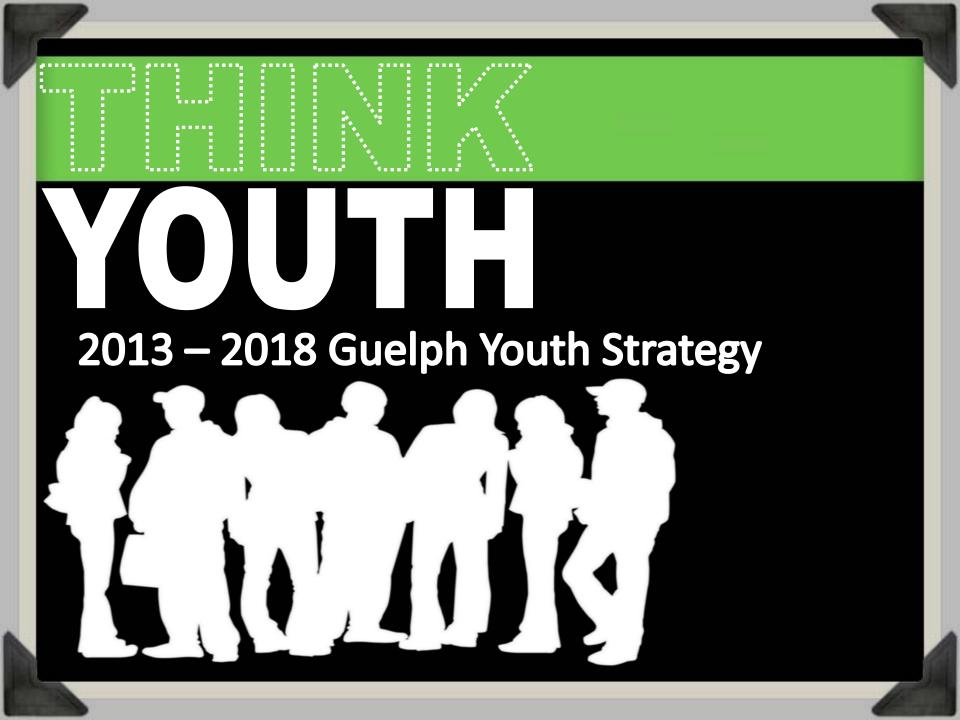
Bullying is a problem and the number one factor affecting youth safety

Marginalized and under-served youth should be a focus area

Youth want more outlets to practice, express and display their talents

Transportation is a key issue/area for change

Youth want to be more connected to their city and want to be involved in City of Guelph processes.



All youth in Guelph are celebrated and supported by a caring network of elected officials, community members, organizations and municipal staff. As powerful, engaged residents, Guelph's youth contribute to creating an energetic and thriving community life and a safe, fair, sustainable, and culturally rich city.

#### The City of Guelph and Community Stakeholders provide opportunities and resources for youth to become healthy, productive, supported and engaged community members.

The 2013 – 2018 Youth Strategy achieves this by creating policy, building capacity and ensuring accountability in municipal youth services. Guelph's Youth Strategy is guided by community collaboration, a proactive response to current and emerging youth needs and sustained consultation and leadership from Guelph's Youth.

### **Social & Economic Equity**

### **Youth Development**

### **Youth Engagement**

### Recommendations



#### Youth Strategy Recommendations

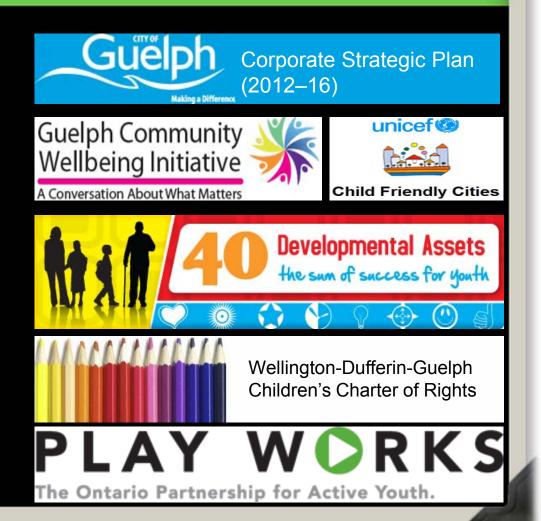
### **Youth Led**

#### Youth Strategy Recommendations



#### Youth Strategy Recommendations

**Connects** to Existing Strategies, Initiatives and Goals



## **Foundational Recommendations**



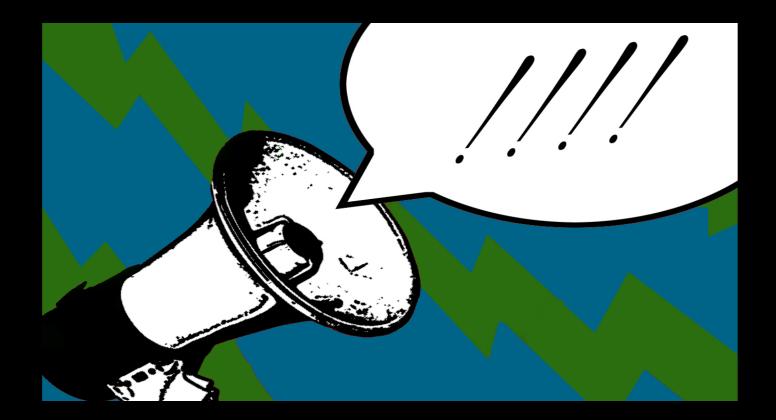
## **Foundational Recommendations**

- 1. That the City of Guelph commits to 5 Year Youth Strategy ensuring that the City of Guelph is youth-friendly and can be designated a youth-friendly community.
- 2. The City of Guelph promotes and supports youth-driven groups as a key resource to ensure that community youth voices are heard.
- 3. The City of Guelph commits to being a 'youth friendly' organization.
- 4. The City of Guelph commits to bringing a youth voice to City policy development and planning.
- 5. The City of Guelph commits to promote and recognise the achievements of young people within the community.

## **Foundational Recommendations**

- 6. The City of Guelph recognises that positive youth development is critical for community wellbeing.
- 7. The City of Guelph recognizes and celebrates the diversity of all young people.
- 8. Pending Budget approval The City of Guelph supports the expansion of the Youth Services Division to include a Youth Services staff position (1 FTE) with overall responsibility to the 2013 –2018 Youth Strategy.
- 9. The City of Guelph commit to attaining Playworks Gold/Platinum designation by 2015.
- 10. The City of Guelph achieves UNICEF Child Friendly City designation by 2015.

## **Youth Driven Recommendations**



## Youth Voice - Youth Priority #1

- 1. Facilitate quarterly youth meetings for the purpose of connecting new and existing youth groups together.
- 2. Youth Services willcoordinate twice annual youth town hall meetings between Mayor, Council and local youth.
- 3. Have youth representation on the Guelph City Council.



## Marginalized Youth - Youth Priority #2

- 1. Prioritize marginalized youth in programming and youth planning.
- 2. Facilitate Youth Engagement training for all City employees.

3. Develop a comprehensive marketing plan so all youth are aware of programming and supports for youth in crisis.

## Transportation – Youth Priority #3

- 1. Sell bus tickets at all high schools.
- 2. Provide CAN-Bike courses for all students.
- 3. Implement a universal bus pass for all high school students.



## Employment & Volunteer Opportunities - Youth Priority #4

- 1. Support and advertise already existing employment programs
- 2. Develop a City of Guelph volunteer program for high school students.
- 3. Create a recognition program for businesses that train and employ young people.



# Youth Safety - Youth Priority #5

- 1. Endorse City of Guelph anti-bullying policy.
- 2. Develop Safe Spaces for youth policy and program.
- 3. Incorporate youth safety into all municipal planning.



# The Arts – Youth Priority # 6

- 1. Advertise and support permanent youth art displays.
- 2. Collaborate with Guelph Arts Council on an annual youth artists awards/recognition program.
- 3. Provide youth space for practicing the arts.



# Culture, Identity & Belonging - Youth Priority #7

- 1. Continue supporting and promoting community endeavours that engage youth.
- 2. Provide Anti-Racism/Anti Oppression training for all City of Guelph staff that engage with youth.
- 3. Implement youth Community Gardening project.



# Youth Space - Youth Priority #8

- 1. Provide free, accessible space for merging and existing youth groups/committees.
- 2. Build permanent public skate park.
- 3. Create positive youth space in all publicly accessible City of Guelph facilities.



# The Environment - Youth Priority #9

- Maintain and expand City of Guelph environmental programs to include youth audiences.
- 2. Promote a City-wide car free day at Guelph schools.
- 3. Work towards a City of Guelph sustainable transportation model.

# Health & Wellness – Youth Priority #10

- 1. Facilitate a City-led health and wellness campaign to support youth wellness.
- 2. Develop and promote the City of Guelph online Youth Services Hub.
- 3. Expand the Wyndham House STEPS program throughout the City.







## **Recommendations to Council**

#### RECOMMENDATIONS

- That Council approve the Vision, Mission and Values of the 2013 – 2018 Guelph Youth Strategy;
- That Council endorse the 10 Foundational and 30 Youth Driven Goals of the 2013 - 2018 Guelph Youth Strategy;
- 3. That staff be directed to report back annually on the implementation, progress and achievements of the 2013 - 2018 Guelph Youth Strategy.





TO Community and Social Services Committee

SERVICE AREA Community and Social Services Community Engagement and Social Services

DATE March 12, 2013

SUBJECT 2013 – 2018 Guelph Youth Strategy

REPORT NUMBER CSS-CESS-1312

#### **EXECUTIVE SUMMARY**

#### **PURPOSE OF REPORT**

To provide Council with the report of the 2013 – 2018 Guelph Youth Strategy which provides a planning framework and action plan that ensures the City of Guelph is a youth-friendly community that continues to meet current and developing youth needs.

#### **KEY FINDINGS**

In 2003, the City of Guelph created the first Guelph Community Youth Strategy which gathered community input and evaluated Guelph's Youth Services. Through Guelph's 2003 Community Youth Strategy, some gains in the delivery and implementation of Youth Services were realized; however the Strategy had become dated and did not adequately address the changing needs of Guelph's youth population, or reflect current best practices in delivering Youth Services.

The United Nations states that young people in all countries are both a "major human resource for development and key agents for social change, economic development and technological innovation." Involving and supporting youth is a key foundation for building a strong community now and into the future.

The 2013 – 2018 Youth Strategy provides a planning framework and action plan to ensure that the City of Guelph is a youth-friendly community. It ensures that the 'youth voice' is heard in the creation and maintenance of a community for all ages. The 2013 – 2018 Youth Strategy is fully informed by the voices, feelings and stated needs of our community's youth demographic. The Strategy incorporates the input of more than 600 young people and was further refined through youth service provider and stakeholder guidance. Evidence shows that policies and programmes designed after consultation with users are more likely to be effective.

#### FINANCIAL IMPLICATIONS

Immediate work on the 2013 - 2018 Youth Strategy can begin without any



impact to the 2012 – 2013 operating budget. A foundational recommendation for expansion of the Youth Services team by 1 FTE (Full Time Equivalent) is required to complete the recommendations within the 2013 - 2018 Youth Strategy; this is expected to come forward in 2014's budget process. Additionally, some recommendations will have budget impacts over the longer term. These implications will be determined through the planning process, and will be brought forward to Council for approval as required.

#### **ACTION REQUIRED**

That Council approve the Vision, Mission and Values of the 2013 – 2018 Guelph Youth Strategy and endorse the 10 Foundational and 30 Youth Driven Goals of the Strategy.

#### RECOMMENDATION

- 1. That Council approve the Vision, Mission and Values of the 2013 2018 Guelph Youth Strategy;
- That Council endorse the 10 Foundational and 30 Youth Driven Goals of the 2013 – 2018 Guelph Youth Strategy;
- 3. That staff be directed to report back annually on the implementation, progress and achievements of the 2013 2018 Guelph Youth Strategy.

#### BACKGROUND

The 2012 population of the City of Guelph is 121,688 and 7.65% of this population is made up of youth between the ages of 13 to 18 years old (9,309). Additionally, 20% of Guelph's population is made up of youth between the ages of 10 to 24 (24,380). The population of the City of Guelph is expected to increase by 34.3% to 175,000 residents by 2031 (City of Guelph Planning Services Projection, 2010). Of these residents 30,174 will be between 10 to 24 years old. As these numbers increase, the City of Guelph needs to be prepared to meet the needs and demands of youth moving forward.

In the summer of 2012, Community and Social Services undertook the development of a youth strategy for the City of Guelph. The concept of a youth strategy is not a new idea. In 2003, the City of Guelph created the first Guelph Community Youth Strategy which gathered community input and evaluated the City's Youth Services. The purpose of the original strategy was designed to enhance existing initiatives directed towards youth and to create an implementation plan for further youth services and programming in Guelph. By 2012, the 2003 Youth Strategy had become outdated and did not adequately address the growing needs of Guelph's youth population, or reflect current best practices for the delivery of youth services. The 2013 – 2018 Youth Strategy will ensure that the City of Guelph



is a community that values its youth and is a great place for youth to grow and thrive.

The 2013 – 2018 Youth Strategy provides a planning framework and action plan to ensure that the City of Guelph is a youth-friendly community (see Attachment 1 for full report). The Strategy is guided by local (Wellington-Dufferin-Guelph Youth Charter of Rights), provincial (Playworks-Youth Friendly Cities) and international (UNICEF Child Friendly Cities) recommendations, and incorporates the voice and vision of more than 600 members of Guelph's youth community. The Strategy also utilizes the internationally recognized 40 Developmental Assets for Positive Adolescent Development as rationale for all recommendations contained within the 2013 – 2018 Guelph Youth Strategy.

Finally, the 2013 – 2018 Youth Strategy utilizes the work and findings of the City of Guelph's Community Wellbeing Initiative and The Canadian Index of Wellbeing's Eight Domains of Wellbeing in the development of youth specific goals. Each recommendation in the strategy directly connects with one or more of the Eight Domains of Wellbeing.

#### REPORT

In response to the developing needs and existing gaps in the delivery of Youth Services in the City of Guelph, the Youth Services Division of Community and Social Services has developed the 2013 – 2018 Guelph Youth Strategy. The Strategy is a five year action plan that ensures Guelph is a leader in the delivery and implementation of effective and meaningful youth services, and is recognized as a youth-friendly community for years to come.

#### Project Methodology

A literature review of documents and materials pertaining to current best practices and delivery of youth services was conducted to inform this work. Resources came from the City of Guelph, comparator municipalities, national and international jurisdictions, as well as a series of recognized best practice documents that speak directly to the provision of effective youth services and enhancement of youth supports.

The development of the Strategy included a series of community engagement opportunities and methodologies including:

- A community-wide youth survey with more than 500 responses (online and hard copies)
- 8 youth focus groups engaging more than 120 youth
- 50 one-to-one youth interviews conducted at community locations
- 4 school based workshops
- 22 City of Guelph staff and community service provider interviews
- Ongoing guidance and support from Guelph Youth Council



 Guidance and support from the 8 member Youth Strategy Steering Committee

#### Summary of Consultation and Feedback

Many of the contributors to the 2013 – 2018 Guelph Youth Strategy highlighted that Guelph is considered a great place to live and grow, and that existing services and programming are moving in the right direction. Most youth report feeling reasonably comfortable in their community and believe that efforts are being made to improve the quality of life and services for all young people.

Some notable comments and highlights included:

- Youth generally feel safe in Guelph
- Youth appreciate specific programs that target their needs
- Youth want to be asked their opinions and want to be part of solutions
- Youth appreciate Guelph's green space and environmental programs
- Youth enjoy volunteering but want it to always be meaningful
- Free drop-in programming is a great place to hang out and be active
- Youth are aware of the needs of those outside their peer group (i.e. marginalized youth, newcomer populations)

Youth did identify challenges and barriers as well including:

- They need more programming, youth space and activities
- They feel that their voices are not heard or respected
- Bullying is a problem and the number one factor affecting youth safety
- Marginalized and underserved youth should be a focus area
- Youth want more outlets to practice, express and display their talents
- Youth want more employment supports/resources
- Transportation is a key issue/area for change
- They want to be more connected to their city and want to be involved in City of Guelph processes.

#### Development of Vision, Mission and Values

As part of the focus group and interview process young people were asked for their opinions on youth specific Vision, Mission and Values statements for the City of Guelph. Through the engagement process and the support of Guelph Youth Council and the Youth Strategy Steering Committee the following Vision, Mission and Values statements were created:



Vision	All youth in Guelph are celebrated and supported by a caring network of elected officials, community members, organizations and municipal staff. As powerful, engaged residents, Guelph's youth contribute to creating an energetic and thriving community life, and a safe, fair, sustainable, and culturally rich city.
Mission	The City of Guelph and community stakeholders provide opportunities and resources for youth to become healthy, productive, supported and engaged community members. The 2013 – 2018 Youth Strategy achieves this by creating policy, building capacity and ensuring accountability in municipal youth services. Guelph's Youth Strategy is guided by community collaboration, a proactive response to current and emerging youth needs and sustained consultation and leadership from Guelph's Youth.
Values	<u>Social &amp; Economic Equity</u> : The 2013 – 2018 Guelph Youth Strategy is founded on the fundamental right of youth to participate fully in the life of our community, to benefit from the fair distribution of community resources, and to enjoy both opportunity and security. We value the vigorous promotion of equality, accessibility and accountability, and the concerted application of our resources toward those youth in greatest need.
	<u>Youth Development</u> : The 2013 – 2018 Guelph Youth Strategy endorses all efforts to promote the social, emotional, physical, moral, cognitive and spiritual development of youth to cultivate pride in themselves and their community.
	Youth Engagement: The 2013 – 2018 Guelph Youth Strategy is founded on the principles of authentic youth engagement as a means of promoting creativity and innovation, a sense of responsibility, respect for others, and connection to community. A community that involves youth with sincerity, guidance, and support today adds value to the community in perpetuity.

#### <u>Outcomes</u>

The 2013 – 2018 Guelph Youth Strategy outlines a series of Foundational and Youth Driven Recommendations. The recommendations are planned on 1 year, 2 – 4 year, and 5 year timelines.

The ten themes of the 2013 – 2018 Youth Strategy are: Youth Voice; Marginalized Youth; Transportation; Employment and Volunteer Opportunities; Youth Safety; The Arts; Culture, Identity and Belonging; Youth Space; Environment; and Health and Wellness.



The ten themes were prioritized in order of importance to youth and three recommendations were developed for each theme based on the results of the survey, focus groups and research on best practices.

The ten themes, accompanying recommendations and proposed timelines are as follows:

#### Year 1 Goals

- 1. City staff will facilitate quarterly youth meetings for the purpose of connecting new and existing youth groups together
- 2. Prioritize marginalized youth so that they are always taken into consideration in program and youth planning
- 3. Sell bus tickets at all high schools
- 4. Support and advertise already existing employment programs
- 5. City of Guelph endorsed anti-bullying policy
- 6. Advertise and support permanent youth art space displays
- 7. Continue supporting and promoting community endeavours that engage youth
- 8. Provide free, accessible space for emerging and existing youth groups/committees
- 9. Maintain and expand City environmental programs to include a youth audience
- 10. Facilitate a City-led health and wellness campaign to support youth wellness

#### <u>Year 2 – 4 Goals</u>

- 1. Youth Services will coordinate twice annual youth town hall meetings between Mayor, Council and local youth
- 2. Facilitate Youth Engagement training for all City employees
- 3. CAN-Bike courses for students
- 4. Develop a City of Guelph volunteer program for high school students
- 5. Safe spaces for youth policy and program
- 6. Collaborate with Guelph Arts Council to bring the annual youth artists awards/recognition program
- 7. Provide Anti-Racism/Anti Oppression training for all City of Guelph staff that engage with youth
- 8. Development of a skate park
- 9. Promote a City-wide car free day at Guelph schools
- 10.Develop and promote the City of Guelph online Youth Services Hub

#### <u>Year 5 + Goals</u>

- 1. Youth representation on the Guelph City Council
- 2. Develop a comprehensive marketing plan so all youth are aware of programming and supports for youth in crisis



- 3. Implement a universal bus pass plan for all high school students
- 4. Create a recognition program for businesses that train and employ young people
- 5. Incorporate youth safety into municipal planning
- 6. Youth space for practicing the arts
- 7. Community gardening youth project
- 8. Create positive youth space in all publicly accessible City of Guelph facilities
- 9. City of Guelph will work towards a sustainable transportation model
- 10.Expand the Wyndham House STEPS Program throughout the City

#### CORPORATE STRATEGIC PLAN

#### Organizational Excellence

- 1.2 Develop collaborative work team and apply whole systems thinking to deliver creative solutions
- 1.3 Build robust systems, structures and frameworks aligned to strategy

#### Innovation in Local Government

- 2.2 Deliver Public Service better
- 2.3 Ensure accountability, transparency and engagement

#### <u>City Building</u>

- 3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City
- 3.2 Be economically viable, resilient, diverse and attractive for business
- 3.3 Strengthen citizen and stakeholder engagement and communications

#### **DEPARTMENTAL CONSULTATION**

Community and Social Services – Parks and Recreation; Community Development; Business Services

Operations, Transit and Emergency Services

Planning, Building, Engineering and Environment

Corporate and Human Resources – Communications

#### COMMUNICATIONS

Guelph's youth population was engaged through an online and available hard copy survey that was advertised through social media networks and an outreach strategy to schools, drop-in programs and youth serving agencies. The survey was open for three months and received 521 submissions.

With the information gathered through the youth survey, focus and consultation groups were facilitated by Youth Services staff with youth groups, school classes, recreation programs, and youth stakeholders. These groups generated further community input information, engaged an additional 200 individuals and formed the base of the 2013 – 2018 Guelph Youth Strategy's recommendations. Participation in



these focus groups was arranged through outreach, stakeholder engagement and direct contact with individuals whom expressed interest.

#### ATTACHMENTS

ATT-1

2013 – 2018 Guelph Youth Strategy (Report prepared by Community and Social Services, Youth Services Team)

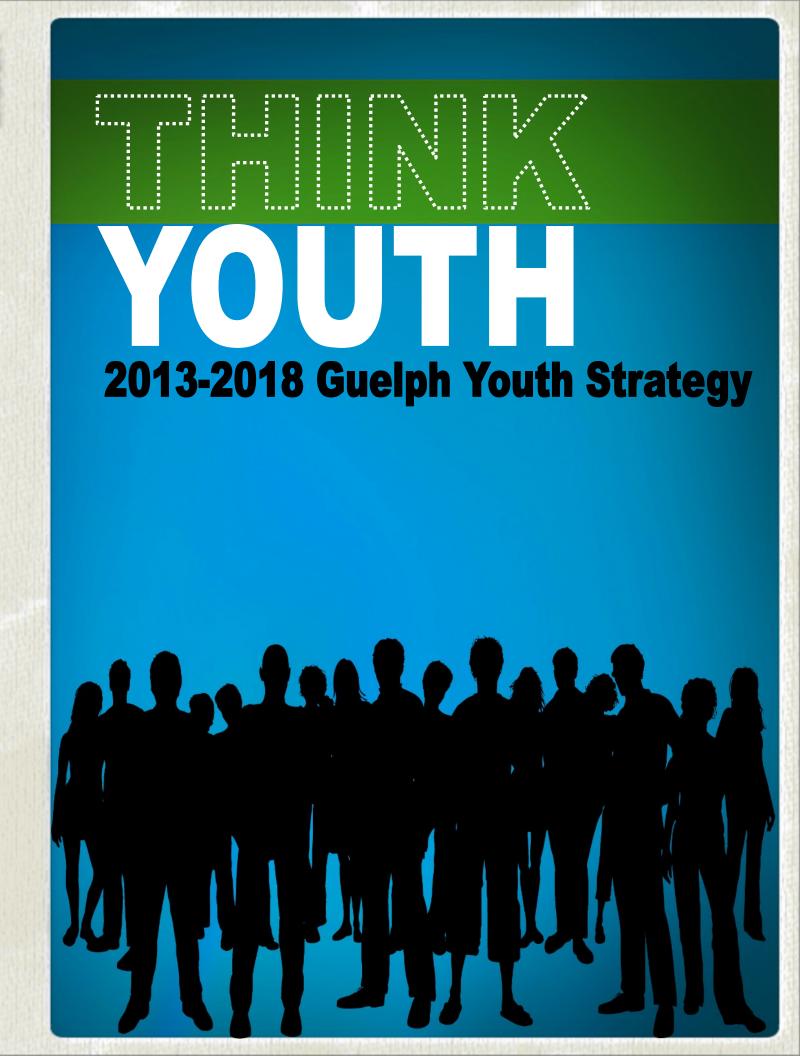
#### **Report Author**

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#### Executive Summary......2-3 Vision, Mission and Values......4 Implementation Timelines......9 Introduction & Purpose.....10 Youth Survey......24 Employment & Volunteering......46 The Arts......54 Culture, Identity & Belonging......58 Health & Wellness......70



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2

# EXECUTIVE SUMMARY

In 2012, the City of Guelph Community and Social Services department undertook the process of developing a Youth Strategy for the City of Guelph and community. The attached strategy is intended to provide a framework for future initiatives that will be taken on by the City of Guelph and community organizations in order to meet the needs of today's youth.

Involving youth in the community builds a strong community now and into the future. A successful city must welcome its youth and invest in action plans that attract youth to the community. The current demographic projections demonstrate that our population is aging and that the youth cohort will decline unless strategic actions are taken and Guelph commits to ensuring that youth will thrive here. This strategy recognizes the importance of youth in the community and in involving youth in the process of developing a youth strategy for the **City. Creating a youth**friendly city is beneficial to all community members.

Throughout the strategy, a number of findings have been articulated based upon research of best practices and literature reviews, existing City of Guelph documents, demographic trends, and consultations with youth services providers and vouth. The Youth Strategy is to ensure that the City of Guelph is a youthfriendly community now and into the future.

The ten themes of the 2013-2018 Youth Strategy are;

- Youth Voice
- Marginalized Youth
- Transportation
- Employment and Volunteer
   Opportunities
- Youth Safety
- The Arts
- Culture, Identity and Belonging
- Youth Space
- Environment
- Health and Wellness.

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# **EXECUTIVE SUMMARY**

From there, the Youth Services team developed a focus group agenda based on the top five priorities from the Youth Survey where youth discussed in detail what it meant to them and suggestions for improvement.

From the results of the youth survey, the ten themes developed for the Youth Strategy, were prioritized in order of importance to youth and three recommendations over a span of five years were developed based on the results of the survey, focus groups and research on best practices. **A Steering Committee** made up of youth, City employees, service providers, and community members o helped guide and support the youth strategy. This committee has been engaged throughout the planning process and helped review the recommendations that came out of the survey, focus groups, and best practices. The Strategy was developed with some knowledge of the upcoming City well-being initiative, and efforts have been made to ensure consistency and alignment of the two initiatives.

The Youth Strategy also includes implementation guidelines and anticipated outcomes of the recommendations along with an evaluation process to review these **40** recommendations over the next five years. This is a multi-year strategy, which will involve all City departments as well as community and provincial partners. Because of the wide range of services. programs and policy that affect the lives of youth, many of which are not the direct responsibility of the City, the City's role in this Strategy includes that of direct service delivery, partner, advocate, and leader.

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# VISION

All youth in Guelph are celebrated and supported by a caring network of elected officials, community members, organizations and municipal staff. As powerful, engaged residents, Guelph's youth contribute to creating a energetic and thriving community life and a safe, fair, sustainable, and culturally rich city.

## MISSION

The City of Guelph and Community Stakeholders provide opportunities and resources for youth to become healthy, productive, supported and engaged community members. The 2013-18 Youth Strategy achieves this by creating policy, building capacity and ensuring accountability in municipal youth services. Guelph's Youth Strategy is guided by community collaboration, a proactive response to current and emerging youth needs and sustained consultation and leadership from Guelph's Youth.



Social & Economic Equity: The 2013-18 Guelph Youth Strategy is founded on the fundamental right of youth to participate fully in the life of our community, to benefit from the fair distribution of community resources, and to enjoy both opportunity and security. We value the vigorous promotion of equality, accessibility and accountability, and the concerted application of our resources toward those youth in greatest need.

Youth Development: The 2013-18 Guelph Youth Strategy endorses all efforts to promote the social, emotional, physical, moral, cognitive and spiritual development of youth to cultivate pride in them-selves and their community.

Youth Engagement: The 2013-18 Guelph Youth Strategy is founded on the principles of authentic youth engagement as a means of promoting creativity and innovation, a sense of responsibility, respect for others and connection to community. A community that involves youth with sincerity, guidance and support today adds value to the community in perpetuity.

## RECOMMENDATIONS

The 2013-2018 Youth Strategy has developed 40 recommendations for the City of Guelph and community, which strives towards a youth-friendly community. Of these recommendations, there are 10 foundational recommendations that create an environment for the successful implementation of the 30 recommendations based on the ten youth driven themes.

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## FOUNDATIONAL RECOMMENDATIONS

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- 1. That the City of Guelph commits to a comprehensive Youth Strategy over the course of the next five years to ensure that the City of Guelph is youthfriendly and can be designated a youth-friendly community.
- 2. The City of Guelph promotes and supports youth-driven groups as a key resource to ensure that community youth voices are heard.
- 3. The City of Guelph commits to being a 'youth friendly' organization.
- 4. The City of Guelph commits to bringing youth voice to City policy development and planning.
- 5. The City of Guelph commits to promote and recognise the achievements of young people within the community.
- 6. The City of Guelph recognises that positive youth development is critical for community well-being and is necessary in achieving an environment where young people thrive.
- 7. The City of Guelph recognises the diversity of young people. All young people will be treated fairly regardless of their social, economic, cultural and ethnic characteristics that shape who they are.
- 8. Pending Budget approval The City of Guelph supports the expansion of the Youth Services Division to include a Youth Services staff position (1 FTE) with overall responsibility to the 2013 –2018 Youth Strategy.
- 9. The City of Guelph commit to attaining Playworks Gold/Platinum designation by 2015.
- 10. The City of Guelph achieves UNICEF Child Friendly City recognition by 2015.

## YOUTH DRIVEN RECOMMENDATIONS

#### **Youth Voice:**

- 1. Facilitate quarterly youth meetings for the purpose of connecting new and existing youth groups together.
- 2. Youth Services will coordinate twice annual youth town hall meetings between Mayor, Council and local youth.
- 3. Have youth representation on the Guelph City Council.

#### **Marginalized Youth:**

- 1. Prioritize marginalized youth so that they are always taken into consideration in program and youth planning.
- 2. Facilitate Youth Engagement training for all City employees.
- 3. Develop a comprehensive marketing plan so all youth are aware of programming and supports for youth in crisis.

#### **Transportation:**

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- 1. Sell bus tickets at all high schools.
- 2. Provide CAN-Bike courses for all students.
- 3. Implement a universal bus pass plan for all high school students.

#### **Employment and Volunteer Opportunities:**

- 1. Support and advertise already existing employment programs
- 2. Develop a City of Guelph volunteer program for high school students.
- 3. Create a recognition program for businesses that train and employ young people.

#### Youth Safety:

- 1. Endorse City of Guelph anti-bullying policy.
- 2. Develop Safe Spaces for youth policy and program
- 3. Incorporate youth safety into municipal planning.

Youth-Driven requires young people to be the primary movers within an adult-led movement. Youth driven processes empower youth to voice their opinions and compel their peers to join and become active in the activity, initiative or movement.

#### The Arts:

- 1. Advertise and support permanent youth art space displays.
- 2. Collaborate with Guelph Arts Council to bring the annual youth artists awards/recognition program.
- 3. Provide youth space for practicing the arts.

#### **<u>Culture, Identity and Belonging:</u>**

- 1. Continue supporting and promoting community endeavours that engage youth.
- 2. Provide Anti-Racism/Anti Oppression training for all City of Guelph staff that engage with youth.
- 3. Implement youth community gardening project.

#### **Youth Space:**

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- 1. Provide free, accessible space for emerging and existing youth groups/committees.
- 2. Build permanent public skate park.
- 3. Create positive youth space in all publicly accessible City of Guelph facilities .

#### **Environment:**

- 1. Maintain and expand City environmental programs to include a youth audience.
- 2. Promote a City-wide car free day at Guelph schools.
- 3. Work towards a City of Guelph a sustainable transportation model.

#### Health and Wellness:

- 1. Facilitate a City-led health and wellness campaign to support youth wellness.
- 2. Develop and promote the City of Guelph online Youth Service's Hub.
- 3. Expand the Wyndham House STEPS program throughout the City

## **Implementation Timelines**

#### Year 1 Goals

- 1. City staff will facilitate 1. quarterly youth meetings for the purpose of connecting new and existing youth groups together.
- Prioritize marginalized 2. youth so that they are always taken into consideration in program and youth planning.
- 3. Sell bus tickets at all high schools. 4.
- 4. Support and advertise already existing employment programs
- 5. City of Guelph endorsed anti-bullying policy.
  - 6. Advertise and support permanent youth art space displays.
  - 7. Continue supporting and 7. promoting community endeavours that engage youth.
  - 8. Provide free, accessible space for emerging and existing youth groups/ committees.
  - 9. Maintain and expand City environmental programs to include a youth audience.
  - 10. Facilitate a City-led health and wellness campaign to support youth wellness.

#### Year 2-4 Goals

- Youth Services will coordinate twice annual youth town hall meetings 2. between Mayor, Council and local youth.
- Facilitate Youth Engagement training for all City employees.
- CAN-Bike courses for students.
  - Develop a City of Guelph 4volunteer program for high school students.
- 5. Safe spaces for youth policy and program

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- Collaborate with Guelph Arts Council to bring the 6. annual youth artists awards/recognition pro-7. gram.
- Provide Anti-Racism/ Anti Oppression training for all City of Guelph staff that engage with youth.
- 8. Development of a skate park.
- 9. Promote a City-wide car free day at Guelph schools.
- 10. Develop and promote the City of Guelph online Youth Service's Hub

#### Year 5 + Goals

- Youth representation on the Guelph City Council.
- Develop a comprehensive marketing plan so all youth are aware of programming and supports for you in crisis.
- 3. Implement a universal bus pass plan for all high school students.
  - Create a recognition program for businesses that train and employ young people.
- 5. Incorporate youth safety into municipal planning.
- 6. Youth space for practicing the arts.
  - Community gardening youth project.
- 8. Create positive youth space in all publicly accessible City of Guelph facilities .
- 9. City of Guelph will work towards a sustainable transportation model.
- 10. Expand the Wyndham House STEPS Program throughout the City

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# INTRODUCTION & PURPOSE

The Community and Social Services Department at the City of Guelph has undertaken the process of developing a youth strategy for the City of Guelph. The concept of a youth strategy is not a new idea for the City of Guelph. In 2003, the City of Guelph created the first Guelph Community Youth Strategy which gathered community input and evaluated the City's youth services. The purpose of the original strategy was to build on existing initiatives and to develop a plan that would map out an effective path and implementation plan for the enhancement of the City of Guelph's Youth Services. Ten years after the endorsement of the initial Community Youth Strategy, the Youth Services Division of the Community and Social Services Department recommended a review of the 2003 Youth Strategy. From this review it was determined that an updated plan for the coordination of youth services in Guelph was required. The 2013-2018 Youth Strategy meets these requirements and will ensure that the City of Guelph is a community that continues to value youth and is a great place for young people to grow.

The purpose of the 2013-2018 Youth Strategy is to provide a planning framework and action plan to ensure that the City of Guelph is a youth-friendly community. It also reviews and updates what the City of Guelph and community has accomplished for youth and maps out the future direction for youth programming within the city. The 2013-18 Youth Strategy will ensure that the 'youth voice' is heard with the intention of creating and maintaining a youth-friendly community. A community that meets the needs of young people creates benefit for all residents.

Research provides evidence for the need to pay attention to a youth strategy. Involving and supporting youth is a key foundation for building a strong community now and into the future. Involving youth also builds better relationships and strives towards the 40 developmental assets which make for positive youth development. Studies show that young people who experience a greater number of developmental assets are less likely to be involved with risky behaviours and more likely to adopt positive behaviours (http://www.search-institute.org/developmental-assets). According to the United Nations, young people in all countries are both a major human resource for development and key agents for social change, economic development and technological innovation.

## **REQUIRED READING** Definitions

#### Youth

The term "youth" has many different connotations and the definition of youth is open to interpretation. Depending on the organization or group, it can refer to various age groups. For the purpose of the 2013-2018 Youth Strategy, youth is defined as secondary school aged residents, aged 13-18. However, the Youth Services team recognizes that this is a small sampling of our youth population and has included the opinions of youth between the ages of 10-12 and 19-24 as well. Guelph's 10-12 year olds will be experiencing many of the changes and opportunities that evolve out of the 2013-18 Youth Strategy. Guelph's 19-24 year old cohort have recently gone through adolescence and provide valuable insight into the benefits and drawbacks of the services provided to youth by the City of Guelph and provide recommendations for improvement. As well, many marginalized youth are between the ages of 19-24 and still attending secondary school, many of them are participating and accessing many services and activities that are directed towards youth.

#### **Youth-friendly**

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A youth-friendly organization and/or environment is one that is comfortable and non-threatening to youth. A youth-friendly environment should be in a location that youth can easily access and has convenient hours for youth, such as afterschool hours and late nights. If there are fees associated with a program, they should be reasonable and affordable for youth, taking into consideration that youth may not have a steady income. A youth-friendly organization should have community involvement and support and have knowledge of youth issues. Youth participation is a key indicator that an organization or environment is youth-friendly.

#### Youth engagement

Youth engagement is a leading-edge, broad-based approach and best practice to meet the needs of youth, including marginalized youth. It is about young people being actively involved in addressing issues that affect them personally and/or that they believe are important. Youth engagement means amplifying young people's voices and leadership, creating safe spaces where they can discuss issues that affect their lives, and taking action. It is a process that offers meaningful participation for youth and opportunities for youth to take responsibility and leadership while working in partnership with caring adults who value, respect, and share power with them.

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## **REQUIRED READING** Definitions

#### Youth with a disability

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The Convention on the Rights of Persons with Disabilities (CRPD, UN) identifies people with disabilities as those who have long-term physical, mental, intellectual or sensory impairments, which when combined with negative attitudes or environmental barriers, prevent them from taking a full and active role in society. All of the issues that affect youth, such as employment, access to education, transportation, also affect youth with disabilities but in a more complex way. Attitudes and discrimination linked to disability can make it more difficult for them to go to school, to find work or to participate in local activities. The data that does exist shows that young people with disabilities face more challenges than their peers without a disability (United Nations). When developing programs and arranging spaces for youth, it is recommended that potential barriers be taken into consideration.

#### **Marginalized** youth

The United Nations defines marginalized youth as young people whose backgrounds place them "at risk" of future offending or victimization due to environmental, social and family conditions. These multiple deprivations prevent individuals or groups from fully participating in the social, economic, and political life of the society in which they live in. It also hinders their personal development and successful integration into society.

#### **Community Wellbeing**

Wellbeing, also known as quality of life, involves an array of social, economic and environmental factors.

Quality of life starts with the essentials - food, shelter, and healthcare. But it also involves how we spend our time, how we care for each other, and how we respect the planet. Wellbeing means being safe, healthy, and feeling connected to the people and places around you. It's about the quality of our neighbourhoods, parks and the natural environment. It means being able to express ourselves fully and participate in the activities that we love. It's also about the health of our communities and relationships. In essence, wellbeing boils down to what matters in life.

### **REQUIRED READING** Foundational Documents

#### 1)Positive Youth Development (PYD)

Is a comprehensive framework outlining the supports young people need in order to be successful. Positive Youth Development emphasizes the importance of focusing on youths' strengths instead of the risk factors to ensure that all youth grow up to become contributing adults to society. Positive youth development focuses on building the positive attributes young people need in order to be successful. It emphasizes the supports and services necessary to help youth transition through various stages of their development. States and policymakers are beginning to use this framework to develop policies and programs that will ensure that all youth are ready for college, work and life.

http://www.ncsl.org/issues-research/human-services/positive-youth-developmentpyd.aspx

#### 2) The 40 Developmental Assets

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The Developmental Assets are 40 common sense, positive experiences and qualities that help influence choices young people make and help them become caring, responsible, successful adults. Because of its basis in youth development, resiliency, and prevention research and its proven effectiveness, the Developmental Assets framework has become one of the most widely used approaches to positive youth development. Research has proven that youth with the most assets are least likely to engage in four different patterns of high-risk behaviour, including problem alcohol use, violence, illicit drug use, and sexual activity. The positivity around the 40 Developmental Assets are evident across all cultural and socioeconomic groups of youth. <a href="http://www.search-institute.org/developmental-assets">http://www.search-institute.org/developmental-assets</a>

#### 3) Wellington-Dufferin-Guelph Youth's Charter of Rights

All youth deserve basic rights and freedoms, a fair share of society's resources must be devoted to ensuring this. While families are responsible for raising their children, all levels of government, in partnership with communities, have a duty to support families by putting the health and well-being of youth first. The Youth's Charter of Rights state that all youth in Wellington-Dufferin-Guelph have a right to a list of basic rights and freedoms, it is the City's responsibility when making recommendations and decisions that the Youth's Charter of Rights is used to ensure the well-being of youth. The Wellington-Dufferin-Guelph Youth's Charter of Rights can be found in Appendix A.

## **REQUIRED READING** Foundational Documents

4) Corporate Strategic Plan

Through the new strategic plan, the City of Guelph is re-engineering itself – building new capacity to deliver the outstanding services and value citizens expect. Together, the City of Guelph is committed to working with Council, employees and community members to implement the framework's strategic directions through numerous strategic initiatives. The strategic focus areas are Organizational Excellence, Innovation in Local Government, and City Building. The City of Guelph will work with government, community and business partners to discover innovative ways to deliver City programs and services. <u>http://guelph.ca/</u> <u>cityhall.cfm?subCatID=2263&smocid=2834</u>

#### 5) UNICEF's Child Friendly Cities Initiative

The concept of the Child Friendly City has emerged from the United Nation's CFC Initiative. The UN Conference declared that "the well-being of children is the ultimate indicator of a healthy habitat, a democratic society and of good governance." A Child Friendly City is a system of local governance where children's rights are reflected in policies, laws, programs, and budgets. Children are defined as anyone under the age of 18, they are active agents in their local government and community. Child Friendly Cities are committed to fulfilling children's rights including:

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- Influence decisions about their city
- Express their opinion on the city they want
- Participate in family, community and social life
- Be protected from exploitation, violence, and abuse
- Walk safely in the streets on their own http://childfriendlycities.org/documents/view/id/65/lang/en

#### 6) Play Works

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The Ontario Partnership for Active and Engaged Youth— Play works is a group of organizations concerned about the future of Ontario's youth. Play represents the areas of sport, physical activity, civic engagement, arts and culture, rural youth, and recreation. Play Works is dedicated to advancing play for 13 to 19 year olds on local and provincial pubic and political agendas. Play is crucial for the social, physical, intellectual, emotional, and civic development of youth. Play Works has noticed that places of play are becoming less accessible to youth, there are fewer activities and yet unsupervised activities for youth appear to be "too risky." Play Works is working towards a Youth Friendly Province by having every municipality apply to be part of the Youth Friendly Community Recognition Program. The program works to acknowledge the work that some communities are doing in ensure that their youth have access to a diversity of activities and 'play' and that there is an investment in their local youth. <u>http://playworkspartnership.ca/play-works</u>

### **REQUIRED READING** Foundational Documents

#### **Community Wellbeing Initiative**

The 2013-18 Youth Strategy utilizes the work of Guelph's Community Wellbeing Initiative in the development of youth centred goals.

15

The Community Wellbeing Initiative (CWI) is a community project that has the goal of giving each person in Guelph the best possible quality of life. The initiative will define a vision for the future and include a set of approaches to improve quality of life.

The CWI will be a resource for the entire community. It will provide direction to leaders, decision makers, and community groups for how we can make wellbeing a key consideration when making decisions and planning for the future. It will also be a source for inspiring new projects, actions, and partnerships in the community to improve quality of life in Guelph. The City of Guelph is taking an innovative, community-based approach to the project, meaning that the active participation of the community will play a very important role in the development of the plan and how the community can undertake improving wellbeing.

The Community Wellbeing Initiative is based on the Canadian Index of Wellbeing's 8 Domains of Wellbeing which are:

- Community Vitality
- Democratic Engagement
- Education

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- Environment
- Healthy Populations
- Leisure and Culture
- Living Standards
- Time Use

#### http://guelphwellbeing.ca/

### BACKGROUND Profile of Guelph Youth

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#### Stats Canada 2011 Census Data

The population of the City of Guelph is 121,688.

- 7.65% of this population is made up of youth between the ages of 13 to 18 years old. Due to the Statistics Canada, 2011 Census data, it is difficult to break down youth 13-18 year olds, however as the Youth Strategy has received feedback from youth 10-24, it has been decided to include this whole age cohort into the statistics. Therefore, 20% of Guelph's population is made up of youth between the ages of 10-24 (24380). There is an equal ratio of male to female as 50% of youth are male (12205) and 50% of youth are female (12190).
- In 2031, the projected population of the City of Guelph is expected to reach 169,000, which is a 34.3% increase over 2011 (City of Guelph Planning Services Projection, 2010). Guelph is officially designated as a "Place to Grow" as it is one of the province's faster growing cities. As these numbers increase, the City of Guelph needs to be prepared to address and meet the needs and demands of youth over the years.

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#### WDG Public Heath Youth Survey Data

- 13% of Grade 10 students were not born in Canada
- the most common non-English languages spoken in the City of Guelph include Vietnamese, Chinese, Panjabi (Punjabi), and Italian, which reflects the diversity of immigrant origin.
- 35% of Grade 10 students surveyed indicated that they had been bullied at school.
- Canadian wide studies indicate that LGBTQ identifying students are 7 times more likely to be bullied that heterosexual identifying students.
- 38% of Guelph's Grade 10 students believe that they can make a difference in there community.

### **BACKGROUND** Guelph Youth Services

#### **Youth Services:**

The Youth Services team works within the Community Engagement and Social Services Liaison Department at the City of Guelph. There is one full-time Youth Services Coordinator that oversees all youth-related issues and activities within the City of Guelph and one part-time Youth Program Coordinator. There are also part-time staff 2 staff that oversee the youth drop-in program at the West End Community Centre and other frontline duties as required. The total budget for the Youth Services Division is \$85,000.

#### **Youth Initiative:**

The City of Guelph is completing the 2013-2018 Youth Strategy. The purpose of this strategy is to provide a planning framework and action plan to ensure that the City of Guelph is a youth-friendly community and will review and provide information of what the City of Guelph and community has accomplished for youth and map out the future direction for youth programs.

#### **Guelph Youth Council (GYC):**

The City of Guelph's Youth Council consists of approximately 15 youth volunteers between the ages of 13 and 18 that strive to preserve and enhance the youth culture within the community. To accomplish this, GYC liaises with City Council, plans and implements various special events and activities, engages in leadership training and development, and advocates on behalf of youth in Guelph.

#### **Programming:**

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4620 young people participated in Youth Services programs, events, or trainings

3220 youth engaged in Youth Services supported Drop-In recreation programming.

1400 youth participated/attended Youth Services events promoting youth culture, arts and community.

**32 Youth Services/Youth Council volunteers** dedicated more than 2700 hours of service to the City of Guelph.

### BACKGROUND Other City Youth Initiatives

#### **Municipal Departments**

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- Recreation is a municipal service provided by municipality and the City of Guelph provides a range of youth recreation services through its Recreational Programming Department. These programs are offered on a fee for service basis at the Victoria Road Recreation Centre and the West End Community Centre.
- Other civic departments focus on youth within their overall programming: the Guelph Public Library serves many youth functions, while the Parks and Recreation Department provides a variety of park amenities where youth are client group, as well as providing playfields and other green areas which are used on a drop-in basis.
- Guelph Transit offers a reduced youth rate on single ticket and monthly bus passes.
- Guelph's Culture and Tourism Department offer the eyeGO to the
   Arts Program, inviting high school students to make their own
   choices and experiment by taking in performances for a flat fee of
   \$5.
- Guelph's Business Services Department offers a subsidized facility rate for all organizations supporting youth Recreation, Culture and Sport.
- Additionally, the City of Guelph is a supporter and funder of the Children's Foundation of Guelph Wellington Grants Programs which provide financial assistance for youth so that they can participate in sports, cultural and recreational activities.

### **BACKGROUND** Review of 2003 Youth Strategy

#### **Review of 2003 Guelph Community Youth Strategy**

Guelph's Youth Strategy was approved by Council in 2003 and has seen many successes as well as several unfulfilled recommendations. An update to the Strategy was recommended in the Parks, Recreation and Culture Master Plan (July 2009) with the aim of looking towards the future needs of the Guelph's youth population and continuing to work toward youth empowerment through addressing their barriers to participation.

#### **Key Findings**

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- City of Guelph should be the lead agency to coordinate Youth Services in Guelph
- Political Commitment is essential in improving youth services in Guelph and meeting youth needs.
- There is a need for a stronger voice for youth advocacy in Guelph
- There is a need to remove barriers to youth participation
- There is a need for greater empowerment of youth in Guelph
- There is a need to develop youth centres
- There is a need to develop skateparks
- There is a need for a municipal youth council
- There is a need to develop a youth website
- 2003 Youth Strategy needs dedicated funding
- 2003 Youth Strategy needs to be evaluated and accessed annually

#### Key Successes of the 2003 Guelph Youth Strategy

- City Council endorses the strategy and supports its implementation.....2003
- Guelph Youth Council...recruitment, training, business planning/priority setting....2004
- Create a youth services division for City of Guelph....2004
- Create a minimum of one youth centre to act as a model for centres throughout the City....2005 Hire Full-Time Youth Services Coordinator....2006

#### Key unrealized recommendations of 2003 Youth Strategy

- Develop long term financial plan...expansion package for youth services postions....2004/2005
- Increase number of youth services division staff from 1 to 2 or more fulltime position ...2006
- Develop collaborative partnerships for the delivery of programs at the local level through the neighbourhood groups....2005/2006
- Conduct a formal needs assessment of youth services (2007)
- Complete a formal review and assessment of 2003 Youth Strategy (2007)
- Formation of Youth Advisory Committee (to provide leadership, address funding issue, advocacy, partnership development)....2007

## METHODOLOGY

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The approach for the 2013-2018 Youth Strategy was to not only gather as much information as possible but also to reach out to as many youth as possible through various techniques. It was also intended to encourage public discussion, participation and engagement in the development of a Youth Strategy.

The work was guided by a Steering Committee of 14 members, involving community members, youth and City staff. A list of the organizations and departments is contained in Appendix # along with the invitation that was sent out to staff and volunteers to be members of the Steering Committee. We would like to acknowledge the instrumental role the Steering Committee played in contributing to the focus groups and thoughtfully discussing the recommendations and plan for the City of Guelph to consider. The time, expertise and support of all of the Committee members were much appreciated.

## METHODOLOGY

#### 1. Information Collection and Analysis

The Youth Services team reviewed numerous documents and materials to inform the work of the 2013-2018 Youth Strategy. Resources came from already existing documents within the City, as well as from a number of jurisdictions across North America that have developed youth strategies or youth engagement plans.

21

#### 2. Youth Survey

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In order to collect information and opinions from youth in the community, an online survey was posted and invited individuals to provide their input electronically. The survey consisted of 52 questions developed to collect a broad range of opinions and recommendations from Guelph's youth population. The question themes were developed through an amalgamation of best practices, well-being domains, and developmental assets requirements. The survey tool was advertised on the City's web site, the City's youth blog, by word of mouth, and through the network of youth service providers in the community. Outreach to high schools, career fairs, youth drop-in programs, and youth leadership programs were also sought after with a hard copy of the survey for youth to fill out by hand. We received 523 completed surveys.

The survey asked respondents specific questions relating to the 10 topic areas that are important to youth. Youth Voice; At-Risk Youth; Transportation; Employment and Volunteer Opportunities; Youth Safety; The Arts; Culture, Identity, and Belonging; Youth Space; The Environment; and Health and Wellness were up for discussion. The survey also asked for feedback and recommendations on how to make each of these topic areas more youth-friendly.

The survey is attached as Appendix A.

## METHODOLOGY

#### 3. Focus Groups

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There were five focus groups conducted to gather further information regarding the top five priorities that came out of the youth survey.

The intention was to speak with a wide variety of groups and individuals who would have insight into and interest in a youth strategy. The Youth Services team facilitated focus groups with the West Willow Woods leadership program, West End Community Centre's drop in program, a collection of youth from Wyndham House, Guelph Youth Council, and a youth service provider's focus group.

Across the board there was asked three specific questions to each focus group. One question relating to the definition of the topic area, a second question regarding the City of Guelph's success in the area, and finally recommendations for this topic area. Following the information collection, a review group responses and suggested recommendations took place. A summary of the information we received from the focus groups can be found under Summary of Focus Groups and Feedback of this strategy. Questions for the focus groups can be found in Appendix C.

#### 4. City Employee Consultations

After developing the recommendations, the Youth Services team met with a various city departments and 16 city staff to review the strategy's ten themes and 30 recommendations. These employees were asked to provide feedback and suggestions regarding recommendations and highlight significant barriers or concerns moving forward. The three questions asked were: (1) Do you have any concerns with these recommendations? (2) Do you have any suggestions regarding these recommendations? and (3) Do you know of any City initiatives that relate to these recommendations? Or are you already doing anything within your own position at the City that relate to these recommendations?

After reviewing the feedback provided by City staff, the Youth Services team edited the recommendations and made any necessary changes.

## METHODOLOGY

## 5. Municipal Comparisons

Many other jurisdictions around the world have established, or are in the process of establishing, formal plans and strategies to ensure that youth can live prosperously in their communities. We reviewed a number of these plans, as a way to confirm that the City of Guelph would benefit from work in other parts of North America.

We undertook a more thorough review of 2 Ontario municipalities and their youth strategies or plans. The criteria for selecting the municipalities of Whitby and Ajax included;

- Listed on Schedule 2 of the City's Governance Committee List
   of Comparator Municipalities
- Roughly comparable size
- Single-tier

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• With an existing youth strategy or in the process of developing a municipal youth strategy

Additionally the cities of Kingston, Chatham-Kent and Barrie were contacted for research purposes but information was not received in time for inclusion in the 2013-18 Youth Strategy.

For a summary of the progress each of these municipalities is making in developing a youth-friendly city is found in Appendix D.

23

# YOUTH SURVEY

## **Summary of Guelph Youth Survey** Development:

The City of Guelph's Youth Services team26 created the Guelph Youth Survey to collect the opinions of members of the community; specifically youth ages 13-18, regarding ten important aspects of everyday life to youth. The ten target areas are: The Arts; Environment; Youth Voice; Youth Space; Health and Well-Being; Youth Safety; Employment and Volunteer Opportunities; Culture, Identity, and Belonging; Transportation; and Marginalized Youth. The topic areas of the 2013-2018 Youth Strategy and questions for the youth survey were based on a compilation of best practices and successful youth surveys completed in other cities nationally and provincially. The goal was to gather youths' opinions on how important those topic areas are to them and how they think the City of Guelph rates in regards to those topic areas. The responses helped shape the 2013-2018 Youth Strategy and set the direction for the planning and delivery of all civic services involving youth.

## **Distribution:**

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The link to the survey was made available through the City of Guelph's website and the City of Guelph's youth blog. The link was also provided to youth service providers and agencies along with individuals in the community to enable the public to offer thoughts and opinions on the ten priorities that relate to youth and suggestions for improving these areas within Guelph. Hard copies of the survey were made available for distribution amongst classrooms, drop-in programs, leadership groups and other outreach work which is where most response was gathered from.

## **Response:**

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A total of 523 surveys were collected. 493 (94%) of these surveys came from youth between the ages of 10-24. 415 (79%) of these surveys were from youth between the ages of 13-18. For the purpose of the 2013-2018 Youth Strategy, collection of the survey data was from youth between the ages of 10-24 because by not only including the 13-18 year olds but the 10-12 year olds opinions as well, we will have an understanding of what they believe is important to them and they will be experiencing much of the changes and opportunities that will be taking place regarding the 2013-2018 Youth Strategy. The 19-24 year olds have recently gone through adolescence and will have good insight into the benefits of the services provided to youth already by the City of Guelph and what the City of Guelph can improve upon. As well, many marginalized youth are between the ages of 19-24 and still attending secondary school, many of them are participating and accessing many services and activities that are directed towards youth.

Complete survey results can be found in Appendix B.

# FOCUS GROUPS

## SUMMARY OF FOCUS GROUPS AND FEEDBACK

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Following is a summary of the information collected from the focus groups on the top five topic areas that youth found to be of most importance: Youth Voice, Marginalized Youth, Transportation, Employment and Volunteer Opportunities, and Youth Safety. The topic five topic areas were generated through submitted responses to Youth Survey i.e. 86% of respondents identified Youth Voice as important/very important.

It is important to note that the discussions were not intended to be a random sampling. Focus group participants self-identified and/or were identified based on broad target groups for inclusion in the process (e.g., providers). Accordingly, what is presented here represents information and evidence based on people's personal experience and knowledge. We have not made an effort to validate or respond to what we heard; what are presented are opinions and perceptions.

It is also important to note that the focus groups were not restricted to people's comments about City services and programs only. It was in the interest of the Youth Services team, to know in general what Guelph provides and needs for the youth in the community.



## FOCUS GROUPS Feedback

## Youth Priority #1: Youth Voice

26

## Do you feel your voice is heard?

There is a mixed review on whether or not youth feel that their voice is heard. The majority of youth feel that there is an opportunity for their voice to be heard however there is rarely any follow up or their opinions are not really considered when it comes time to actually listen to youth and make decisions affecting youth. Guelph Youth Council is a great outlet for youth to be heard but they are looking for more ways to be heard in the community.

## **Recommendations:**

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Youth from the focus groups have asked for more opportunities and more outlets to be heard. They want to be able to have a say on planning committees, working groups & Boards, Committees & Commissions and be able to have a say on decisions that affect youth. They feel that they are not always reached out to and that adults need to be flexible regarding how they acquire the youth voice. Suggestions were made to reach out and go to where the youth are, to have the high schools and the City of Guelph partner together to allow more opportunities for youth to speak out and talk to people that are capable of making a difference.

## Youth Priority #2: Marginalized Youth

## Do you feel Guelph provides for marginalized youth?

Youth feel that there are many opportunities in the community for youth that are at-risk such as the Big Brothers Big Sisters program, breakfast clubs in schools, Wyndham House and Wyndham House STEPS, Shake True Hoops basketball program, the Friday night drop-in program at the West End Community Centre, etc. However, they also feel that while there have been great strides in providing for marginalized youth, we can always improve and do more for these youth. We need to make sure that we keep at-risk youth a priority and that the age of defining "marginalized youth" should be examined.

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## **Recommendations:**

One of the most common comments that came out of the focus groups was that youth were not aware of programming and services for youth that are at-risk, or for youth that may need some extra help. Youth suggest championing why it is important to provide for marginalized youth and explain and advertise programs and services that are already out there to help at-risk youth. Other suggestions included extending the definition (age) of youth, have service providers reach out and engage with youth to find out what they want/ need and to make sure to always welcome everyone.

## FOCUS GROUPS Feedback

## Youth Priority #3: Transportation

## Do you feel Guelph provides transportation options for youth?

Youth feel that there are lots of options in terms of bike trails and walking paths around Guelph and that they feel safe when walking around in their own community however when it comes to the City of Guelph and School Board bus systems, they do have a lot to say. In order to ride the school bus you have to be a specified distance away and if you're on the border than you are not eligible to ride the bus to school and then youth feel "stuck." More youth would ride public transit however they have found that it is still not affordable for them and it is not very timeefficient. While most youth agree that Guelph does provide transportation options there is room for improvement.

## **Recommendations:**

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Youth had a lot of suggestions when it came time to discuss transportation options in Guelph. For the most part, conversations were around public transit though some other recommendations were to provide safe, well-lit sidewalks and bike lanes as well as courses on how to ride your bike safely. When it came to the school bus and public transit recommendations, youth asked the school board to look at their distances for taking the school bus and suggested selling bus tickets in the high schools. Creating accessible and affordable bus passes, like the university bus pass, was also suggested for students that are attending high school.

## Youth Priority #4: Employment and Volunteer Opportunities

## Do you feel Guelph provides employment and volunteer opportunities to youth?

Youth have described an abundant amount of places that they have volunteered at such as the City of Guelph's and Neighbourhood Groups' summer camps, Habitat for Humanity Restore, the food bank, and the Humane Society. They feel that there is "enough" volunteer opportunities for them and are very impressed with the Volunteer Centre of Guelph and Wellington along with the youth volunteer website. However, youth feel that there could be an employment data base like the volunteer data base strictly for youth to advertise the jobs that they are actually able to apply for. Youth want adults to trust them and believe that they are given.

## **Recommendations:**

Find out where youth would like to volunteer and approach those places to see if they will take volunteers. Creating an evaluation for places where youth volunteer and identifying that a volunteer opportunities are just as important as having a job makes youth feel more valued in their positions. Co-op opportunities also came up in discussion. Youth suggested making co-op opportunities available in places that youth actually want to acquire a job afterwards and promote co-op opportunities within the City of Guelph. Other recommendations included that the orientation process should be consistent for volunteers and employers so everyone feels equal in their positions and that it might be useful to have positive youth development training for places that hire young people.

## FOCUS GROUPS Feedback

Youth Priority #5: Youth Safety

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#### Do you feel Guelph is a safe city for youth?

There were mixed emotions when youth were asked this question in the focus groups. The majority of youth feel that the City of Guelph is a safe place to live. They feel safe while waiting for the bus as areas tend to be well-lit, there are plenty of police around, and there are more presentations in schools providing information on bullying and feeling safe. However, the City of Guelph is not at a place where all youth feel safe, specifically in their schools. Youth feel there is still work to be done in this area but on the whole, they feel that the City of Guelph is a safe place to live.

## **Recommendations:**

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One of the most common recommendations that came out of the focus groups revolved around the topic of bullying. Youth suggested having initiatives that promote respect, before the bullying actually takes place and to support existing anti-bullying campaign's such as the "Speak Out" campaign, to work with other anti-bullying initiatives but take it one step further. Youth also felt that there needs to be an increase in awareness of the support systems out there; they wonder who to turn to when faced with bullying. Supporting and increasing the education piece around bullying and safety and providing insight and awareness to youth on what "safe" feels like at school, home, and in the community. Cyber-bullying was also brought up for discussion and that online surveillance needs to be controlled more, however they were unable to come up with any recommendations for this piece. Youth feel the need to figure out a way to "get rid" of cyber-bullying.

Street safety was also considered and suggestions included well-lit emergency poles placed around the City of Guelph, provide sidewalks in all neighbourhoods and busy streets and well-lit walking paths as well. Police patrol was also an area of conversation. Youth suggested having police patrol specific neighbourhoods that might appear more dangerous and to have more police in elementary and high schools.





# FOUNDATIONAL RECOMMENDATIONS

31

- 1. That the City of Guelph commits to a comprehensive Youth Strategy over the course of the next five years to ensure that the City of Guelph is youth-friendly and can be designated a youth-friendly community.
- 2. The City of Guelph promotes and supports youth-driven groups as a key resource to ensure that community youth voices are heard.
- 3. The City of Guelph commits to being a 'youth friendly' organization.
- 4. The City of Guelph commits to bringing youth voice to City policy development and planning.
- 5. The City of Guelph commits to promote and recognise the achievements of young people within the community.
- 6. The City of Guelph recognises that positive youth development is critical for community well-being and is necessary in achieving an environment where young people thrive.

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- 7. The City of Guelph recognises the diversity of young people. All young people will be treated fairly regardless of their social, economic, cultural and ethnic characteristics that shape who they are.
- 8. Pending Budget approval The City of Guelph supports the expansion of the Youth Services Division to include a Youth Services staff position (1 FTE) with overall responsibility to the 2013–2018 Youth Strategy.
- 9. The City of Guelph commit to attaining Playworks Gold/Platinum designation by 2015.
- 10. The City of Guelph achieves UNICEF Child Friendly City designation by 2015.

# YOUTH DRIVEN RECOMMENDATIONS

# YOUTH DRIVEN RECOMMENDATIONS

33

# YOUTH VOICE

## Youth Priority #1

## Percentage of Importance: 86%

(as determined through the Guelph Youth Survey)

## **Facts:**

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- U.N. Convention on the Rights of the Child states "children (0-18 years) have a right to express their views freely and fully participate in matters that affect them."
- Youth with opportunities for meaningful participation have higher self-esteem, are more physically active, less depressed, and are more likely to reach their full potential.
- Youth AND adults, communities, schools and corporations benefit from youth voice and decision making.

## **Our opinions:**

- 71% of Guelph Youth feel Guelph rates average or below in giving youth a voice.
- "We want monthly forums to speak about youth issues."
- "I wish they would listen to us in choosing programs we want to see in our community."

## **Community Benefits:**

- Increased skills and community involvement for youth
- New partnerships amongst youth serving agencies an stakeholders.
- Increased mechanisms for young people to be involved in the decisions that affect them
- Improved knowledge of community development principles and practices for service providers, city staff and Council to support community youth engagement.

## **Guelph Youth in Action:**

Guelph Youth Council provides a voice for those young Guelphites with ideas, leadership skills and those interested in their community. In 2011, I, Patrick Black (15), joined Youth Council to have my voice heard, and to find out more about Guelph's youth involvement. Here at Guelph Youth Council, mine along with my new found friend's voices can be heard by anyone willing to listen and that is just what we are, a group willing to listen to those who care. Not only has Guelph Youth Council helped youth project their voice within their own community but as well as others. We have been trained to advocate and have been presented with many volunteer opportunities as well as fundraising ideas by our very own members. These are just a few of the many good reasons why any aged youth should get involved with Guelph Youth Council. Guelph Youth Council: Think. Dream. Do.

## Patrick Black, Member of Guelph Youth Council (2nd year)

# YOUTH VOICE

## 1. Connect new and existing youth groups together.

## **Rationale:**

Sharing responsibility of community building lifts the weight of working alone. By having youth groups collaborate, they are able to share ideas, exchange resources, and spread the word of the existing projects that they are already working on. Connecting new and existing youth groups together builds relationships between youth, adults, organizations and the municipality.

## **Contributions:**

## **40 Developmental Assets**

- Youth as resources
- Youth programs

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## **Youth Charter of Rights**

• A voice in the issues that affect our lives

## **UNICEF's Child Friendly Cities**

• Children's Participation: promoting children's active involvement in issues that affect them; listening to their views and taking them into consideration in decisionmaking processes

## **Community Wellbeing**

- Community Vitality
- Democratic Engagement
- Healthy Populations
- Leisure and Culture

## Timeline: Year 1

## Lead Responsibility:

Guelph Youth Council, Youth Services Department

## **Budget Impact:** No

## Implementation Considerations:

- Mutually agreeable meeting times, dates and venues.
- Inclusion of all relevant and interested youth groups.

## **Anticipated Outcomes:**

- Increased skills and community involvement for youth
- Increased awareness for all youth groups on the variety of other youth groups
- Increase their abilities and services they provide
- New partnerships and collaborative programming
- Increase community impact through collaborative efforts

35

Priority #1: Youth Voice— Youth voice refers to the distinct ideas, opinions, attitudes, knowledge, and actions of young people as a collective body. It's about the ability of youth to be included in decisions and to be heard regarding matters that affect the lives and communities of youth. The term youth voice often groups together a diversity of perspectives and experiences, regardless of backgrounds, identities, and cultural differences.

## 2. Twice annual youth town hall meetings.

**Rationale:** One crucial principle in engaging youth is creating a diversity of strategies on how the youth voice is acquired. To build the capacity of all youth to engage in governance, a framework which incorporates multiple levels for youth participation is the best strategy which includes opportunities to engage youth at the neighbourhood and community level. The more opportunities a young person has for meaningful participation, the more experienced and competent he or she becomes. When young people help make decision and share their opinions, programs are more likely to meet their needs. By being flexible in how organizations and the City obtain youths' voices, they are better able to build positive relationships and it allows for more effective participation, which in turn enhances the youths' development.

Many of the recommendations out of the survey and focus groups included having schools and the City join together for better communication and to "go to the youth." Hosting youth town hall meetings within the high schools, meets the many requirements asked for by youth. By allowing youth to speak and share their opinions and concerns, this unites all people to work for improved communities and schools.

## **Contributions:**

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- 40 Developmental Assets

community values youth youth as resources youth programs

- Youth Charter of Rights

A voice in the issues that affect our lives

## - Corporate Strategic Plan

- Build an adaptive environment for government innovation to ensure fiscal and service sustainability.
- Ensure accountability, transparency and engagement.
- Strengthen citizen and stakeholder engagement and communications.

## - UNICEF's Child Friendly Cities

• Children's Participation: promoting children's active involvement in issues that affect them; listening to their views and taking them into consideration in decisionmaking processes

## **Community Wellbeing**

- Community Vitality
- Democratic Engagement

## Timeline: 2-4 Years

## Lead Responsibility:

Youth Services Department, Guelph Youth Council, Mayor, City Council

## **Budget Impact: No**

## **Implementation Considerations:**

- school board participation

- Mayor and Council participation

#### **Anticipated Outcomes:**

Increased connection between youth and elected officials

Informed youth population

Increased mechanisms for young people to be involved in the decisions that affect them

# YOUTH VOICE

## 3. Youth representation on Guelph City Council.

**Rationale:** The United Nations Convention on the Rights of The Child (UNCRC), the most universally supported human rights treaty in history, states that children (o to 18 years) have a right to express their views freely and fully participate in matters that affect them. Municipalities have an obligation to engage youth in governance. Youth want a chance to talk to people that are able to make a difference and have asked to be allowed to speak at Council. Youth participation not only benefits youth but governments as well. Municipal leaders regularly make decisions, shape policies, and take action on issues that directly affect and influence youth. Youth are the experts on their experiences, needs, and interactions with their community. By engaging youth in the decision-making process, this helps governments make decisions that are responsive and appropriate to youth needs and interests. In return, research states that, youth that have opportunities for meaningful participation in governance will have high self-esteem, show a greater commitment to friends, family and communities, be less depressed, and will more likely have a positive and healthy

## **Contributions:**

## 40 Developmental Assets

- A that community values youth
- Youth as resources
- Adults as role models

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## **Youth Charter of Rights**

- A voice in the issues that affect our lives
- Education, training and opportunities that prepare us for our future lives
- Be accepted for who we are and what we believe without being discriminated against

## **Corporate Strategic Plan**

- Build an adaptive environment for government innovation to ensure fiscal and service sustainability.
- Ensure accountability, transparency and engagement.
- Strengthen citizen and stakeholder engagement and communications.

## **UNICEF's Child Friendly Cities**

- Children's Participation: promoting children's active involvement in issues that affect them; listening to their views and taking them into consideration in decision-making processes
- A Children's rights unit or coordinating mechanism: developing permanent structures in local government to ensure priority consideration of children's perspective

## **Community Wellbeing**

- Community Vitality
- Democratic Engagement

## **Timeline:**

5 + years

## Lead Responsibility:

Youth Services Department, Guelph Youth Council, Mayor, City Council

37

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## **Budget Impact: Yes**

- Compensation for Youth Representatives
- Training for Youth Representatives and Council members

## **Implementation Considerations:**

- Council readiness for change
- Term limits for youth representation
- Selection process for Youth Representatives
- Remuneration for Youth Representatives

- Improved knowledge of community development
- principles and practices for service providers and Council
- Direct link between Guelph's youth and Guelph City Council
- Inclusion of Youth Voice in all municipal affairs
- Strong, vibrant and respected youth community.

# MARGINALIZED YOUTH

## Youth Priority #2

## **Percentage of Importance:** 83%

## **Facts:**

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- It is estimated that roughly 65,000 young people are homeless or living in homeless shelters throughout Canada at some time during the year.
- In 2011, 481 youth utilized Guelph's emergency housing networks.
- Communities play an important role through protective factors such as neighbourhood safety, police presence, and what relationships a youth has with other people in the community.

## **Our opinions:**

- "We could always do more. I think if we do a better job of taking care of those in need, we do a better job of taking care of our community."
- "Don't shove them (marginalized youth) on the back-burner. Make them a priority."
- 72% of Guelph Youth feel Guelph rates average or above in providing for youth that are at risk.

## **Community Benefits:**

- A proactive youth sector that is able to meet the emerging needs of youth
- Increased community awareness
- An increase in cultural understanding and different lifestyles
- An awareness of marginalized youth and issues of marginalization

## **Guelph Youth in Action:**

When I first began my position at the AIDS Committee of Guelph and Wellington County working with youth, I could never have imagined the amazing people that I would meet, and get to work with. The youth I get to work with are smart, ambitious, funny and most of all... the most compassionate people I have ever met. These kids have been through so much, yet all they want is give back to the community. I am fortunate enough to supervise some of these amazing youth as peer outreach workers for the Hep-tonic program at ACG. For them to be able to volunteer with ACG as peer outreach workers, they had to go through quite a bit of training, some of which includes: HIV 101, Hepatitis C 101, Harm Reduction 101 and of course, the entire peer training course. They not only played a very active role in all of the training provided, but they brought so much valuable information to the table. Since meeting these youth, I have seen them grow and change in so many ways. I am the lucky one to have the opportunity to spend time with Guelph's youth. They have taught me so much and I, as well, am growing and changing because of them. **Cassandra Sheppard, Hepatitis C Outreach Coordinator**  **Priority #2:** *Marginalized Youth*—Many factors contribute to youth becoming at risk such as poverty, family violence, inadequate housing, unsupportive parents/caregivers, etc. These youth have fewer opportunities to learn, play, and earn than their peers and will need extra support services. Youth may feel they have no options and disconnected from their family, friends, and/or community. Communities need to recognize these barriers faced by marginalized youth and find ways to support and empower them. By helping youth that are at risk, this can directly improve the welfare of the community.

## 1. Reduce socio-economic barriers that prevent marginalized youth from participating in City of Guelph programming and services.

**Rationale:** It is important to include youth that are at risk into all programming and ask the question "Have we considered marginalized youth?" when promoting or implementing programming because these youth might not be reached the same way as other youth. Programs designed to address youth need to recognize that marginalized youth have multiple problems and needs, making sure that these are taken into consideration and sometimes requiring services from more than one source. The City of Guelph needs to ensure that youth services are accessible financially and inclusively to all youth in the community, especially those that may have a harder time accessing resources.

#### **Contributions:**

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#### **40 Developmental Assets**

- A community values youth
- Adults as role models

#### **Youth Charter of Rights**

- Affordable activities and programs, and safe places to hang out
- Be accepted for who we are and what we believe without being discriminated against

## **Corporate Strategic Plan**

• Ensure accountability, transparency and engagement.

## **UNICEF's Child Friendly Cities**

• A Child Friendly Legal Framework: ensuring legislation, regulatory frameworks and procedures which consistently promote and protect the rights of all children.

## **Community Wellbeing**

- Community Vitality
- Healthy Populations

#### Timeline: 1 year

## Lead Responsibility:

Youth service providers, Youth Services Department, City of Guelph

#### **Budget Impact: TBD**

Impact to be determined following identification of issues and systemic needs.

## **Implementation Considerations:**

- Study required to determine significant gaps and barriers to service
- Alignment with existing community and City of Guelph subsidy programs.

- a proactive youth sector that is able to meet the emerging needs of youth
- increased community awareness
- youth engagement in planning and

# MARGINALIZED YOUTH

## 2. Youth Engagement training for all City employees that have direct contact with Guelph's Youth.

**Rationale:** Both youth and adults need to be able to look past stereotypical images of each other and youth engagement training reduces these stereotypes about youth, adults, and youth engagement . Youth engagement improves intergenerational relationships and provides employees with the skills of working with youth and youth at risk and helps to eliminate the barriers. By providing youth engagement training, a tone will be set for municipal planning incorporating a youth perspective into daily decisions and setting an important example for other municipalities and organizations as well.

## **Contributions:**

## **40 Developmental Assets**

- A community values youth
- Safety

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• Adults as role models

## Youth Charter of Rights

- Affordable activities and programs, and safe places to hang out
- Be accepted for who we are and what we believe without being discriminated against

## **Corporate Strategic Plan**

• Ensure accountability, transparency and engagement.

## **UNICEF's Child Friendly Cities**

• Making Children's Rights Known: ensuring awareness of children's rights among adults and children

## **Community Wellbeing**

- Community Vitality
- Education
- Living Standards

## Timeline: 2-4 years

## Lead Responsibility:

Community and Social Services department, Youth Services team

## **Budget Impact: Yes**

## **Implementation Considerations:**

- Organizational readiness
- Ability to include Youth Engagement within existing training schedules.

- Respected youth residents
- Reduction in staff/community conflict
- Recognition as a Youth Positive organization and city
- Increased youth participation in city programs and services

**Priority #2:** *Marginalized Youth*—Many factors contribute to youth becoming at risk such as poverty, family violence, inadequate housing, unsupportive parents/caregivers, etc. These youth have fewer opportunities to learn, play, and earn than their peers and will need extra support services. Youth may feel they have no options and disconnected from their family, friends, and/or community. Communities need to recognize these barriers faced by marginalized youth and find ways to support and empower them. By helping youth that are at risk, this can directly improve the welfare of the community.

## 3. Support a community marketing plan to inform all youth of existing crisis and support services and programming for youth.

**Rationale:** It was mentioned throughout the youth survey and focus groups that youth were not aware of programming and services for marginalized youth or for youth that may need some extra help. Creating a marketing plan that promotes programs and services and actually reaches youth, will help all youth understand and be aware of programming and services out there for

## **Contributions:**

#### **40 Developmental Assets**

- A community that values youth
- Safety

204

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• Adults as role models

## **Youth Charter of Rights**

• Education, training and opportunities that prepare us for our future lives

## **Corporate Strategic Plan**

• Deliver public services better

## **UNICEF's Child Friendly Cities**

• Making Children's Rights Known: ensuring awareness of children's rights among adults and children

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Leisure and Culture
- Education

Timeline: 5 + years

**Lead Responsibility:** City of Guelph Youth Services

## **Budget Impact: Yes**

## Implementation Considerations:

- Delivery Model
- Resource Coordination
- Updates and Maintenance of Service

- Greater access to crisis, counselling and housing services for all youth
- Improved peer support network for youth in need
- Increased community awareness regarding the needs of marginalized youth and causes of marginalization

# TRANSPORTATION

## Youth Priority #3

## Percentage of Importance: 82%

## **Facts:**

204

- 67% of 16 to 18 year olds cycle for utilitarian (non-recreational) purposes.
- As of November 2012, 50.5 KM of bike lanes have been created by the City of Guelph.
- Transportation gives youth more freedom and independence which builds/enhances self-esteem.

## **Community Benefits:**

- Access to youth-friendly transportation
- Positive relationships with youth
- Increased availability of public transportation
- A healthier city
- Safer environment for all citizens

## **Our opinions:**

- "Lower bus fares or better deals at least"
- "I don't fell welcomed on the bus"
- " I wish it was easier to get around the city"

## **Guelph Youth in Action:**

Next to driving, cycling is the fastest and most efficient mode of transportation for trips under 3 km in Guelph. City of Guelph staff recently completed the draft Cycling Master Plan to make cycling safer and easier in Guelph over the next 10 years. One of the hopes of this plan is to facilitate the mobility of those who do not or cannot drive, either by choice or because of personal circumstances. Among the plan's recommendations is the goal of expanding the CAN-Bike educational program to all schools. The CAN-Bike course offers youth practical skills and safety practices for cycling in urban environments. The Cycling Master Plan includes recommendations for programs, educational campaigns, infrastructure projects, and policies to make cycling and sharing the road safer and more enjoyable in Guelph for residents of all ages.

- Jennifer McDowell

(Transportation Demand Management Coordinator)

**Priority #3:** *Transportation*—Transportation is all about travelling from one place to another, hopefully in an affordable, comfortable, and time-efficient manner—though that may not always be the case. For youth, getting around Guelph plays an important role in a number of the other themes: taking care of the environment, attending council meetings, getting to a job, etc. Youth typically do not have the same freedom to transportation that adults may have due to limited access to vehicles, therefore youth need to rely on other safe, accessible transportation options to get around such as public transit, bike lanes, and lit walking

## 1. Sell bus tickets at all high schools.

**Rationale:** Access to purchasing bus passes is paramount for students who rely on this form of transportation to get around the city. Making bus ticket sales available at the school office ensures that all students have access to buying tickets when they need them at a central, easily-accessible location. It also allows students that are unable to ride the school buses yet still have a far distance to walk, an easier, more reliant way home.

## **Contributions:**

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## **40 Developmental Assets**

- Caring school climate
- A Community that values youth.

## **Youth Charter of Rights**

- Affordable activities and programs, and safe places to hang out
- A community that values youth

## **Corporate Strategic Plan**

- Deliver public services better
- Ensure accountability, transparency and engagement.

## **Community Wellbeing**

- Community Vitality
- Democratic Engagement
- Healthy Populations
- Living Standards

## Timeline: 1 year

Lead Responsibility: Transit, School boards

## Budget Impact: Yes

## Implementation Considerations:

- Coordination inventory and revenue transmission to Guelph Transit.
- High School buy-in and resources.

- Higher transit ridership among youth
- Accessible Transit Services
- Reduction of barriers to youth ridership

## 2. CAN-Bike courses for students.

**Rationale:** Safe cycling refers to the rules of the road, understanding driver and cyclist behaviour and being prepared. Guelph youth have asked for courses on how to ride their bikes and the rules of the road when it comes to cycling. The CAN-Bike program is a nationally recognized training program tailored for various age groups, including children and youth. This program would expand on the current success of the CAN-Bike course offered through the Community Environmental Leadership Program , to equip youth with the confidence, skills and safe practices to bike to and from school.

## **Contributions:**

#### **40 Developmental Assets**

- A community that values youth
- Safety

204

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44

• Adults as role models

## **Youth Charter of Rights**

- Education, training and opportunities that prepare us for our future lives
- Good health.
- Having our social, emotional, mental, physical, and spiritual needs met
- Be and feel safe in our homes, school, and communities

## **Corporate Strategic Plan**

- Deliver public services better
- Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Living Standards
- Education
- Leisure and Culture

## Timeline:

2-4 Years

## Lead Responsibility:

Partnership between WDG Active and Safe Routes to School, City of Guelph (TDM Program) and school boards

## Budget Impact: Yes

## **Implementation Considerations:**

Would require directive policy on helmet use, liability considerations for the school boards/teachers, ensure that students have equal access (all have bicycles, for example)

- Increased bicycle use to get to and from school
- Safer cycling practices among youth
- Decrease in injuries caused by unsafe cycling practices

**Priority #3:** *Transportation*—Transportation is all about travelling from one place to another, hopefully in an affordable, comfortable, and time-efficient manner—though that may not always be the case. For youth, getting around Guelph plays an important role in a number of the other themes: taking care of the environment, attending council meetings, getting to a job, etc. Youth typically do not have the same freedom to transportation that adults may have due to limited access to vehicles, therefore youth need to rely on other safe, accessible transportation options to get around such as public transit, bike lanes, and lit walking paths.

## 3. Implement a universal bus pass plan for all secondary school students.

**Rationale:** Transit ridership can be negatively affected by an increase in fares. Youth with limited or no personal income are particularly affected by fare increases. On the other hand, new riders can be persuaded to try public transit using fare incentives, lower fares for children and youth can also increase ridership which benefits the community and environment. The main point that came out of the survey and focus groups was that the bus pass was too expensive for high school students and that they are looking for a means of transportation that is cost *and* time-efficient to get to and from school, meetings, youth groups, and events. Currently the City of Guelph offers a youth rate for bus passes of \$64 per month. Comparatively, University students pay \$93.46 per 4 month semester.

#### **Contributions:**

#### **40 Developmental Assets**

- A community that values youth
- Safety

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## **Youth Charter of Rights**

• Affordable activities and programs, and safe places to hang out

## **Corporate Strategic Plan**

• Deliver public services better

#### **UNICEF's Child Friendly Cities**

• A Children's Budget: ensuring adequate resource commitment and budget analysis for children

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Living Standards

## Timeline:

5 + years

## Lead Responsibility:

Guelph Transit, School Boards

#### **Budget Impact: Yes**

Cost recovery through increased ridership/ universal program implementation.

#### **Implementation Considerations:**

This recommendation could start as a pilot program similar to the Corporate Bus Pass Program at the Co-Operators and University of Guelph. An initial market survey should be conducted to evaluate existing and potential ridership, price sensitivity and transit user preferences. Contraction Contraction

- Increased transit ridership among youth population
- Accessible Transit Services
- Reduction of barriers to youth ridership

## **Employment & Volunteering**

## Youth Priority #4

## Percentage of Importance: 81.2%

## **Facts:**

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46

• During the 2012 Change the World campaign, youth volunteered for an outstanding 124,000 hours across Ontario. 697 high school students in Guelph and Wellington contributed 3020 hours to this campaign.

• 67% of Guelph residents' volunteer- the highest rate in Canada!

• Summer student jobs (between the ages of 15 and 24), average employment rate was 47.9% down from last summer 49.1%.

## **Community Benefits:**

- Improve resources and supports for youth who are disengaged from education and/or employment
- Build a relationship between youth and working at the City of Guelph
- New partnerships with business networks to build youth employment opportunities

## **Our opinions:**

- "Have sessions where a speaker comes in and helps kids with resume applications."
- "Support more employers in creating youth jobs."
- 77% of Guelph Youth feel Guelph rates average or above in providing volunteer opportunities but rates only 67% in providing employment opportunities for youth.

## **Guelph Youth in Action:**

As I was packing my car after our (excellent) Youth Challenge wrap-up concert, I ran into a student I had liaised with earlier in the campaign that had created his own volunteer project as part of the Change the World campaign- painting a mural on the side of a building in downtown Guelph. I was able to see the mural almost completed and talk to Jamie about what it meant to him, and how artistic impression allows him to express his creativity.

## - Allison Bridgman, Youth Engagement Coordinator , Volunteer Centre of Guelph-Wellington

**Priority #4:** *Employment and Volunteer Opportunities*— Employment and volunteer opportunities allow youth to gain experience and build independence. Creating meaningful volunteer opportunities for youth and providing worthwhile jobs and training help to develop skills for the future. Youth want to feel valued for the work that they do. Youth who volunteer also gain important job skills and experience, while being able to explore career options.

## 1. Support and advertise existing community employment programs

**Rationale:** A key point that came out of the youth survey and focus groups was that there were not enough jobs for youth or that they were not aware of the jobs available to them. Guelph currently has two youth employment programs that actively find and identify jobs that youth can apply for. The City of Guelph should advertise and support existing employment data bases in the community and enhance their profile with community youth.

## **Contributions:**

104

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#### **40 Developmental Assets**

service to others

#### **Youth Charter of Rights**

• Education, training and opportunities that prepare us for our future lives

## **Corporate Strategic Plan**

- Strengthen citizen and stakeholder engagement and communications.
- Deliver public services better

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Living Standards
- Education

## **Timeline:** 1 year

## Lead Responsibility:

Youth Employment Centres, Volunteer Centre of Guelph-Wellington, Youth Services Department, Economic Development

47

#### **Budget Impact:**

Minimal

#### **Implementation Considerations:**

- Concerted marketing plan required
- Development of Delivery/Communication Model

- Youth are aware of the pathways that lead to employment, training, and education
- Greater utilization of youth employment programming

## **Employment & Volunteering**

## **2.** Develop a City of Guelph volunteer program for high school students.

**Rationale:** Youth volunteers reap personal benefits that will positively impact them throughout their lives. Volunteering teaches youth about respect for both themselves and their community. This carries forward towards increased respectfulness at work and in all settings. Volunteerism supports personal growth and teaches the values of kindness and altruism. Through volunteerism, youth also develop leadership skills and patience which benefits them in their adult lives.

Youth who volunteer are 50% less likely to abuse alcohol, cigarettes, become pregnant, or engage in destructive behaviors. It is a benefit to their self-esteem. Youth who volunteer are also more likely to do well in school and graduate.

#### **Contributions:**

114

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#### **40 Developmental Assets**

- community values youth
- youth as resources
- services to others
- high expectations

## **Youth Charter of Rights**

• Education, training and opportunities that prepare us for our future lives

## **Corporate Strategic Plan**

- Deliver public services better
- Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **Community Wellbeing**

- Community Vitality
- Education

## Timeline: 2-4 years

Lead Responsibility: City of Guelph Youth Services

## Budget Impact:

Minimal/moderate

## **Implementation Considerations:**

- Organizational readiness
- Promotion and Coordination within City Departments
- Evaluation and Monitoring

- Improve resources and supports for youth who are disengaged from education and/or employment
- Build a relationship between youth and working at the City of Guelph
- Delivery of meaningful volunteer activities
- Enhances the delivery of City services
- Enhances workplace planning activities within the City of Guelph.

**Priority #4:** *Employment and Volunteer Opportunities*— While working and volunteering may be necessary steps in a person's life, employment and volunteer opportunities allow youth to gain experience and build independence. Creating meaningful volunteer opportunities for youth and providing worthwhile jobs and training help to develop skills for the future. Youth want to feel valued for the work that they do. Youth who volunteer also gain important job skills and experience, while being able to explore career options.

## 3. Create a recognition program for businesses that train and employ young people.

**Rationale:** Right now, many young people are looking for employment. The average unemployment rate over the summer for students aged 17 to 19 was 18.4% and 30.2% for students aged 15-16. However, over the next five to ten years, an estimated 1.1 million people are expected to retire from the labour force in Canada and employers will not be prepared to hire young people if they don't start training youth now. The City of Guelph needs to support employers and businesses that hire youth because hiring youth can be very beneficial. They offer a diverse array of abilities and unique talents, as well as knowledge of the latest trends. They are often willing to work flexible hours, or explore alternatives to full-time, on-site employment. Offering work to youth who may need more training and on-the-job supports is also a visible investment in your community. Youth have more respect for diversity and how diversity of groups often results in better decision-making. Creating a recognition program for businesses helps support the hiring of youth.

#### **Contributions:**

304

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#### **40 Developmental Assets**

- community values youth
- youth as resources
- service to others
- adult role models

#### **Youth Charter of Rights**

• Education, training and opportunities that prepare us for our future lives

#### **Corporate Strategic Plan**

- Deliver public services better
- Strengthen citizen and stakeholder engagement and communications.
- **Community Wellbeing**
- Community Vitality
- Healthy Populations

## Timeline:

5+ years

#### Lead Responsibility:

Youth Services, Economic Development, Volunteer Centre of Guelph-Wellington, Career Education Council

#### **Budget Impact:** Minimal

#### **Implementation Considerations:**

- Program Coordination and Delivery
- Community Buy-In
- Program Promotion

#### **Anticipated Outcomes:**

- New partnerships with business networks to build youth employment opportunities
- Positive, flexible and well supported career pathways for youth

49

# YOUTH SAFETY

## Youth Priority #5

## Percentage of Importance: 80.95%

## **Facts:**

- In 2010, Guelph recorded the Nation's lowest "crime severity index" for the 4<sup>th</sup> year in a row.
- Canada ranked 27<sup>th</sup> out of 35 countries on 13 year old students' reports of bullying and victimization. (The Higher the ranking correlates with lower reporting of bullying and victimization)

## **Community Benefits:**

- Adults and youth working together to decrease bullying, conflict, and violence
- Increased community awareness of ways to combat bullying
- Positive relationships between the schools and the City of Guelph
- Greater awareness of youth safety concerns and development of strategies' to address concerns.

## **Our opinions:**

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- 72% of Guelph Youth feel Guelph rates average or above in keeping youth safe.
- •"Sometimes people assume that I'm gay and I feel afraid to walk around my school on my own because of it."
- "Check schools. That's where kids feel unsafe the most."

## **Guelph Youth in Action:**

Bullying and Safety, it's something we are all concerned about but what is actually being done about it... especially within schools? As a grade 12 student of Guelph C.V.I our safe schools initiatives have grown especially since the SO WHAT SPEAK OUT movement started by Alix Vander Vlught a former student and the smaller campaigns regarding mental health in and around our school. As students in any school we need to know that there are resources out there and people that we can talk to. At GCVI we have really worked towards a community environment where clubs or cliques are linked and students aren't subjected to one group. Our Link Crew is a really great way for our younger students to be introduced to the school and develop that safe feeling, a feeling that I know has stuck with me. Our safe schools committee is comprised of staff, students and parents who run activities within our schools such as having the 3<sup>rd</sup> Friday of every month be pink shirt day or selling the rubber silicone bracelets. As a school and community we still have things we need to do, improvements to make but we have made significant progress and are continuing to move forward. I am so proud of everything that we have done and I know that my two younger siblings have a great school to go to and be themselves in an accepting and positive environment.

- Emileigh Sampson, G.C.V.I student

Priority #5: Youth Safety— Young people wants to feel safe and youth should be able to feel safe in their own community. Youth safety is not just about crime rates and street safety, but also about bullying, internet safety, and emergency preparedness. What makes some youth feel comfortable and secure may make others feel threatened and uncomfortable. The City of Guelph should be a place where youth can feel relaxed in any neighbourhood; Where youth feel comfortable riding public transit at night, interacting with the police, feeling safe in

## 1. City of Guelph endorsed anti-bullying policy.

schools and knowing that there's a place to go if youth are not feeling safe.

**Rationale:** Bullying occurs everywhere. If settings do not have policies that are regularly reviewed and implemented to challenge bullying then a significant number of children and young people remain vulnerable. Creating a policy supports programs that are already in place which helps communicate behavioural expectations for everyone involved. By increasing awareness and supporting anti-bullying initiatives, the anti-bullying policy can take it a step further and have long-term, positive effects. It is also important to include youth in the development of an anti-bullying policy and having them contribute to it, youth will feel empowered to respect and implement it.

#### **Contributions:**

#### **40 Developmental Assets**

- A community values youth
- Safety

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#### **Youth Charter of Rights**

- A voice in the issues that affect our lives
- Good health by having our social, emotional, mental, physical needs are met
- Be and feel safe in our homes, schools and communities
- Be accepted for who we are and what we believe without being discriminated against

#### **Corporate Strategic Plan**

• Ensure a well designed, safe, inclusive, appealing and sustainable City.

#### **UNICEF's Child Friendly Cities**

- Youth Participation: promoting youth's active involvement in issues that affect them; listening to their views and taking them into consideration in decision making
- Making Children's Rights Known: ensuring awareness of children's rights among adults and children

#### **Community Wellbeing**

- Community Vitality
- Healthy Populations

#### Living Standards

## **Timeline:**

1 year

#### Lead Responsibility:

Guelph Youth Services, Guelph Anti-bullying Coalition, Guelph Police Services 1.1.1

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## **Budget Impact:**

Minimal

#### **Implementation Considerations:**

- School Board support
- Amalgamation of existing Anti-Bullying initiatives

- adults and youth working together to decrease bullying, conflict, and violence
- increased community awareness regarding ways to combat bullying
  - Positive/collaborative relationships between the school boards and the City of Guelph

## YOUTH SAFETY

## 2. Safe spaces for youth policy and program

**Rationale:** Youth come from a multitude of backgrounds and identities and all youth have the right to feel safe and have positive environments that encourage their success. Creating a safe spaces policy and program for youth encourages the community to be inclusive and respectful to all youth and for young people to respect each other. By providing safe spaces for youth to be, this means youth are accepted, included, and empowered; this is a safe environment, both emotionally and physically.

## **Contributions:**

#### **40 Developmental Assets**

- A community that values youth
- Safety

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#### **Youth Charter of Rights**

- A voice in the issues that affect our lives
- Good health by having our social, emotional, mental, physical, and spiritual needs met
- Be and feel safe in our homes, schools and communities

#### **Corporate Strategic Plan**

• Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **UNICEF's Child Friendly Cities**

- Children's Participation: promoting children's active involvement in issues that affect them; listening to their views and taking them into consideration in decision -making processes
- Making Children's Rights Known: ensuring awareness of children's rights among adults and children

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Living Standards

#### Timeline: 2-4 years

#### Lead Responsibility:

City of Guelph Youth Šervices, Guelph Police Services, Community Partners

## **Budget Impact:**

Minimal/Moderate

#### **Implementation Considerations:**

- Community Partnership
- Program Development
- Program Implementation

- Adults and youth working together to decrease negative connotations about youth
- Increased community awareness regarding youth issues
- Increased youth safety

Priority #5: Youth Safety— Young people wants to feel safe and youth should be able to feel safe in their own community. Youth safety is not just about crime rates and street safety, but also about bullying, internet safety, and emergency preparedness. What makes some youth feel comfortable and secure may make others feel threatened and uncomfortable. The City of Guelph should be a place where youth can feel relaxed in any neighbourhood; Where youth feel comfortable riding public transit at night, interacting with the police, feeling safe in schools and knowing that there's a place to go if youth are not feeling safe.

## 3. Incorporate youth safety into municipal planning.

**Rationale:** Recommendations that came out of the youth survey and focus groups included a lot of safety around outdoor spaces. Youth have asked for well lit streets and walkways, wider sidewalks, police patrolling specific areas of Guelph specifically downtown, etc. Improving the safety of youth also improves the safety of all community members. The Guelph Trail Master Plan is already working towards some of these recommendations and it is important to include the youth voice into municipal planning as they know what would be most beneficial to them and what barriers they face most.

## **Contributions:**

#### **40 Developmental Assets**

- A community values youth
- Safety

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## **Youth Charter of Rights**

- A voice in the issues that affect our lives
- Be and feel safe in our homes, schools and communities.

## **Corporate Strategic Plan**

• Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **UNICEF's Child Friendly Cities**

• Children's Participation: promoting children's active involvement in issues that affect them; listening to their views and taking them into consideration in decisionmaking processes

## **Community Wellbeing**

- Community Vitality
- Democratic Engagement
- Healthy Populations
- Living Standards

## **Timeline: 5 + years**

## Lead Responsibility:

Youth Services, All City Departments

#### Budget Impact: TBD

## **Implementation Considerations:**

- Include youth presence on the Active Transportation Advisory Committee, to be adopted in 2013-14.
- Staff training to support and incorporate youth input

- An increase in awareness of what youth safety issues.
- Safer community for all residents
- Enhanced comfort, sense of wellbeing in community

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## THE ARTS

## Youth Priority #6

## Percentage of Importance: 80.6%

## **Facts:**

54

- Participation in the arts helps young people develop self-confidence and achieve higher academic performance and is especially important for at-risk youth.
- Out of 5 million arts education participants from the Ontario Arts Council, 2.5 million of them are children and youth.

## **Community Benefits:**

- Enhanced community arts scene in Guelph
- Increased skills and community involvement in youth
- Strengthen support for young artists
- Safe space for youth to hangout after school hours

## **Our opinions:**

- 75% of Guelph Youth rates average or below in regards to the arts for youth.
- "Host more art and photography contests."
- "Organize events where these arts can be displayed/presented/shared."

## **Guelph Youth in Action:**

My interaction with the Guelph Arts Council Youth Arts Committee began this summer, and it has been a very fulfilling experience thus far. GAC's Youth Arts Committee has been an engaging platform, especially because it is a community of likeminded, driven and ambitious people. This resourceful community has allowed me to investigate and hone my aesthetic skill, and more importantly appreciate not only mine but others' creative prowess. It is through the Youth Arts Committee that I was able to participate in the recently held art on the street, where I was fortunate to meet artisans from around Canada and appreciate a variety of craft. As both a new resident to Guelph and Canada, GAC's Youth Arts Committee has offered me the opportunity to explore the arts and the community at large.

- Aisha Masood, GAC Youth Arts Committee member

**Priority #6:** *The Arts*— The term "the arts" implies a broader range of disciplines than just "art" which usually refers to the visual arts. The Arts covers other topics such as creative writing, music, dance, theatre, and film. These divisions are not the only art forms and many people define being an "artist" in different ways. The City of Guelph has a vibrant arts scene that is growing even larger with the help of projects such as the Cultural Mapping project. While the youth arts scene is still developing, programs are trying to encourage more youth to participate in a variety of arts activities as it provides youth with important skills such as building self-confidence, strengthening problem-solving skills, and appreciating different cultures.

## 1. Advertise and support permanent youth art space displays.

*Rationale:* With so many arts programs being cut back in high schools, youth need a space where they can display their art freely and to the public. There are many benefits to youth participating in the arts and there have been numerous studies done that have shown that exposure to the arts improves young people's academic performance and develops self-confidence. One of the 40 Developmental Assets is "Creative Activities" and allowing a space for youth to display their creative works is not only beneficial to the development of a youth's well-being but also helps the community promote local Guelph artists.

## **Contributions:**

#### **40 Developmental Assets**

- A community values youth
- Creative activities for youth
- Affordable activities and programs, and safe places to hang out
- Youth Programs

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#### **Corporate Strategic Plan**

• Deliver public services better

## **Community Wellbeing**

- Community Vitality
- Leisure and Culture
- Healthy Populations

## Timeline: 1 year

#### Lead Responsibility:

Guelph Youth Services City of Guelph Culture and Tourism Guelph Arts Council 55

## **Budget Impact: Yes**

## **Implementation Considerations:**

- Available public space
- Coordinated marketing program
- Active recruitment of young/emerging artists

- Enhanced youth arts scene in Guelph
- Increase skills and community involvement in youth
- Celebration of Youth and Arts

## 2. Collaborate with Guelph Arts Council to bring the annual youth artists awards/recognition program.

Rationale: Recognition programs for youth displays to the community that the City of Guelph is committed to the advancement of youth. It gives youth a chance to be recognized for their skills and talents which has a long term positive impact on their lives. Recognition programs for outstanding youth serve to advance and stimulate a greater commitment to youth services in the community and broaden young people's involvement in community activities. Recognition programs for youth help to enhance their self-image and give them a strong sense of self-worth relative to their innate skills and abilities.

## **Contributions:**

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## **40 Developmental Assets**

- A community values youth •
- Creative activities for youth

## **Youth Charter of Rights**

Be accepted for who we are and what we believe without being discriminated against

## **Corporate Strategic Plan**

Strengthen citizen and stakeholder engage- Implementation Considerations: ment and communications.

## **UNICEF's Child Friendly Cities**

A Children's Budget: ensuring adequate resource commitment and budget analysis for children

## **Community Wellbeing**

- **Community Vitality** •
- **Healthy Populations** •
- Culture and Leisure

## Timeline: 2-4 years

## Lead Responsibility:

**Guelph Arts Council Guelph Youth Services** City of Guelph Culture and Tourism

#### **Budget Impact:** Minimal

- Collaborative Model with community partners
- **Program Development**
- **Coordinated Marketing Strategy**

- Strengthen support for young artists
- Enhanced youth arts scene in Guelph
- Acknowledgement and Celebration of emerging artists

**Priority #6:** *The Arts*— The term "the arts" implies a broader range of disciplines than just "art" which usually refers to the visual arts. The Arts covers other topics such as creative writing, music, dance, theatre, and film. These divisions are not the only art forms and many people define being an "artist" in different ways. The City of Guelph has a vibrant arts scene that is growing even larger with the help of projects such as the Cultural Mapping project. While the youth arts scene is still developing, programs are trying to encourage more youth to participate in a variety of arts activities as it provides youth with important skills such as building self-confidence, strengthening problem-solving skills, and appreciating different cultures.

## 3. Youth space for practicing the arts.

**Rationale:** Combining the benefits of youth participating in the arts with youth-friendly spaces will ultimately reduce the chance of participating in negative and/or risky behaviour. Providing a place for youth to participate in the arts after school hours reduces negative outcomes and promotes positive youth development in areas such as social development, interpersonal skills, and self-esteem. According to survey comments, youth are looking for a place to practice their art whether it is music, dance, literary arts, media arts, performance, and/or creative art. Providing a safe space for youth to practice and share their talents with others provides positive opportunities for youth.

## **Contributions:**

## **40 Developmental Assets**

- A community values youth
- Safety

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• Creative activities for youth

## **Youth Charter of Rights**

- Affordable activities and programs, and safe places to hang out
- Be and feel safe in our homes, schools, and communities

## **Corporate Strategic Plan**

- Deliver public services better
- Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **UNICEF's Child Friendly Cities**

• A Children's Budget: ensuring adequate resource commitment and budget analysis for children

## **Community Wellbeing**

- Community Vitality
- Leisure and Culture

## Timeline: 5 + years

## Lead Responsibility:

City of Guelph, Guelph Arts Committee

## Budget Impact: Yes

## **Implementation Considerations:**

- Budget implications
- Availability of appropriate space
- Staffing, programming, maintenance considerations

57

Cost recovery options

- Improved access to community space and resources
- Safe space for youth to hangout after school hours
- Increased Youth Engagement
- Enhanced and diversified recreation opportunities for youth

## Culture, Identity & Belonging

## **Youth Priority #7**

## Percentage of Importance: 80.56%

## **Facts:**

- 2.4% of Guelph and Wellington's population are recent immigrants and rising.
- About 1.5 million Ontarians have disabilities- about 13.5% of the population.

• People who feel included, who have rich and diverse social networks, tend to be healthier, happier and longer-lived than people who are isolated.

## **Community Benefits:**

- Adults and youth working together to decrease bullying, conflict, and violence
- Increased community awareness of ways to combat bullying
- Positive relationships between the schools and the City of Guelph
- Positive relationships between other community organizations
- Greater awareness and understanding of cultural differences

## **Our opinions:**

204

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• "I think that Guelph needs to work with the LGBTQ community to make aware of the issues that the LGBTQ youth are facing."

• 73% of Guelph Youth rates average or above in welcoming and including all youth.

## **Guelph Youth in Action:**

Working with youth and being involved in your community is the best! I started out by participating in the first program at Immigrant Services for youth called Youthopia, creating a video called "Roots in Stone." I found out more about the program later on and just continued to participate in the program. The Youthopia program provided events and meetings where youth, mostly newcomers, come and meet other youth and have fun by doing great activities, like creating an art piece or participate in a leadership program. We also had the MPP, Liz Sandals, come in to talk to the youth group about how she got to be an MPP and what her responsibilities were. What the Youthopia program is really about is it gets youth to be outgoing, meet other youth from their community, city, and also share their talents. I am now at a stage where I have to concentrate on my school work and I don't have the chance to really go out often to the weekly events the Youthopia program has to offer but I still try to get involved in any way I can! My experience with the youth group was amazing, I got to learn how to be a good team leader and I had the chance to learn about Spoken Word which was also amazing and a great experience! Overall, the Youthopia program is really amazing and to anyone who would like to participate in it, you won't regret it since I haven't. It basically changed my life after I came to Canada, it got me to be more outgoing and talk to people, which also helped me get over my fear of public speaking!

- Hewan Wossene, John F. Ross student.

**Priority #7:** *Culture, Identity and Belonging*— Trying to balance between youth's need to belong and the diversity of individual identities can be a challenge. Youth are a mix of their own experiences that form who they are. While it may be easy to group youth together by gender, sexuality, ethnicity, socio-economic status, etc. - within each of these groups, life experiences are very different. The cultural values of a community give it an identity of its own, yet youth's identity is changing as they discover and learn more about themselves and the world

## 1. Continue supporting and promoting community events that engage youth and promote youth culture.

**Rationale:** It is important for the City of Guelph to support and promote these already existing programs and opportunities for youth in the community because not only does it provide experiences for youth to get involved in but it also lets other community organizations know that the City of Guelph believes in their endeavours which fosters positive relationships with community organizations, service providers, and local citizens.

## **Contributions:**

## **40 Developmental Assets**

- community values youth
- youth as resources
- adult role models
- creative activities
- youth programs

204

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## Youth Charter of Rights

• Affordable activities and programs, and safe places to hang out

## **Corporate Strategic Plan**

- Deliver public services better
- Strengthen citizen and stakeholder engagement and communications.

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Living Standards
- Leisure and Culture

## Timeline: 1 year

## Lead Responsibility:

Youth Services Department, Guelph Youth Council

## **Budget Impact: No**

## **Implementation Considerations:**

• Maintenance of existing partnerships and development of new opportunities

## **Anticipated Outcomes:**

- Positive relationships between other community organizations
- Awareness of cultural differences

## 60

# **Culture, Identity & Belonging**

2. Provide Anti-Racism/Anti Oppression training for all City of Guelph staff that engage with youth.

## **Rationale:**

AR/AO (Anti-Racism / Anti-Oppression) training enhances the capacity of the City of Guelph to respond to the needs of their diverse youth communities. Anti-Racism / Anti-Oppression training is a critical step towards developing an inclusive organization that truly embraces diversity.

## **Contributions:**

## **40 Developmental Assets**

- A Community values youth •
- Safetv

141

Youth serving programming

## **Youth Charter of Rights**

- Be accepted for who we are and what we believe without being discriminated against Budget Impact: Yes
- Be and feel safe in our homes, schools and communities

## **Corporate Strategic Plan**

Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **Community Wellbeing**

- **Community Vitality**
- Education •
- **Healthy Populations**

## **Timeline: 2-4 years**

## Lead Responsibility:

Human Resources through City Implemented **Diversity Strategy** Youth Services

## **Implementation Considerations:**

- **Organizational Capacity**
- Provision of training to part-time staff

## **Anticipated Outcomes:**

- Improved capacity to serve community
- Greater awareness of community need
- Improved engagement with marginalized and underserved members of the community

**Priority #7:** *Culture, Identity and Belonging*— Trying to balance between youth's need to belong and the diversity of individual identities can be a challenge. Youth are a mix of their own experiences that form who they are. While it may be easy to group youth together by gender, sexuality, ethnicity, socio-economic status, etc. - within each of these groups, life experiences are very different. The cultural values of a community give it an identity of its own, yet youth's identity is changing as they discover and learn more about themselves and the world around them. In the end, inclusion leads to belonging and people want a place to belong. Inclusion plays a big role in the health and resilience of both individuals and communities.

## 3. Community gardening youth project.

**Rationale:** Community gardens bring many people together that might otherwise not come together. There are many benefits to young individuals and whole neighbourhoods when creating a community garden. A community garden project offers lots of cultural opportunities and gives community members the opportunity to work together, regardless of cultural background or the language they speak. For youth, community gardening is a healthy and inexpensive activity that teaches youth how to interact with others in a socially meaningful and productive way as well as to appreciate the natural world. A community gardening youth project can bring together youth from different backgrounds and get to know people they might not otherwise socialize with. By working together, youth gardeners learn to make communal decisions, solve problems, and negotiate with each other.

## **Contributions:**

## **40 Developmental Assets**

- Community values youth
- Youth as resources
- Adult role models
- Creative activities

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• Caring neighbourhood

## **Youth Charter of Rights**

- Affordable activities and programs, and safe places to hang out
- Good health by having our social, emotional, mental, physical and spiritual needs met
- Quality time with our friends, family, and/ or other positive role models in our community.

## **Corporate Strategic Plan**

- Deliver public services better
- Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Leisure and Culture

## **Timeline: 5+ years**

## Lead Responsibility: CSSL Community Engagement Team

## **Budget Impact:**

Minimal

## **Implementation Considerations:**

- Locating appropriate space for community gardens
- Effective youth engagement programming

61

## **Anticipated Outcomes**

- Youth engagement in community activities
- Brighten up communities
- Crime prevention
- Youth wellness
- Youth skills development

# YOUTH SPACE

## Youth Priority #8

## Percentage of Importance: 79.92%

## **Facts:**

- Traditional youth spaces have been created by government, organizations, and adults to give youth a place to hang out and participate in activities: In Guelph there are 20 public places to play basketball, 28 soccer fields, 4 arenas, and 3 community centres.
- Young people who are not supervised during after school hours are more likely to use alcohol, drugs, and tobacco; engage in criminal and other risky behaviour; do poorly in school; and drop out of school than those who participate in after-school programs.

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## **Community Benefits:**

- Safe space for youth to meet and share ideas
- Improved service planning and use of resources for youth entertainment, recreation, and public space
- Increased access to safe and appealing entertainment and recreation options for youth

## **Our opinions:**

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• "Build spaces that we're actually interested in so we'll actually go to them, most of us don't go to parks and when we do there's more than enough of them, there should be a youth cafe or an outdoor skate park."

"There's nowhere to hang out except the mall - which sucks. We should have a place to practice music, hang with friends, play pool or whatever that is somewhere safe and friendly."
70% of Guelph Youth rates average or above in giving youth their own space to hang out

## • 70% of Guelph Youth rates average or above in giving youth their own space to hang out.

## **Guelph Youth in Action:**

The drop in provides fun during a Friday when we have nothing to do. Good things about the program is that everyone is included from all ages, races, and genders, no one is left out! Another good thing about the program is that it is free and that way every one is able to participate no matter what!

## - Friday Night Drop In participant, age 13.

I feel that the drop in center helps kids and teenagers become more active. It also brings the community together in playing games and sports. It also keeps somebody, like myself, out of trouble and gives me something to do on my weekends.

## - Friday Night Drop In participant, age 17.

**Priority #8:** *Youth Space*— Hanging out for youth is an important way of forming friendships and helps youth stay connected to the community. Youth-friendly spaces provide a broad range of useful facilities and services for youth. Youth need to have places to hang out with friends; places to be alone; places that reflect who they are; and accessible and safe places that they can call their own. Having a youth space that is their own, helps build relationships between peers, service providers, and the community and makes youth aware of what is going on in their community.

## 1. Provide free, accessible space for emerging and existing youth groups/committees.

**Rationale:** Finding a place for youth groups to meet can be a challenge and also costly. By providing a free meeting space for youth, adults will know that youth are meeting in a safe and controlled environment. By allowing free meeting space for youth groups/committees, the City of Guelph is supporting youth and the group/committee that they stand for. Allowing youth to meet up with peers with similar interests builds positive relationships and development.

## **Contributions:**

## **40 Developmental Assets**

- Community values youth
- Safety

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• Youth programs

## **Youth Charter of Rights**

• Affordable activities and programs, and safe places to hang out

## **Corporate Strategic Plan**

• Deliver public services better

## **UNICEF's Child Friendly Cities**

 A Children's Budget: ensuring adequate resource commitment and budget analysis
 for children

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Living Standards
- Leisure and Culture

## Timeline: 1 year

Lead Responsibility: Youth Services

## **Budget Impact: No**

## **Implementation Considerations:**

63

- Available youth space
- Applicable subsidies

## **Anticipated Outcomes:**

- Improved access to community resources for youth
  - Safe space for youth to meet and share ideas

# YOUTH SPACE

## 2. Development of a community wide free public skate park.

## **Rationale:**

Skateboarding, and freestyle BMX biking are some of the fastest growing sports in Canada and the demand for skate parks is high. Skate parks appeal to older teens – an age group that has traditionally been challenging to serve. Skateboarding needs must be prioritized within the City's parks and recreation planning as recommended in 2009's Parks, Recreation and Culture Master plan.

Recent studies show that skate parks dramatically increase park use over time, with a 6 fold increase in the number of park users compared to baseline numbers. Compared to other park enhancements , no other park intervention showed an increase in patronage or physical activity near that of a skateboard facility.

## **Contributions:**

## **40 Developmental Assets**

- Community values youth
- Safety

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## Youth Charter of Rights

- Affordable activities and programs, and safe places to hang out
- Be accepted for who we are and what we believe without being discriminated against
- Good health by having our social, emotional, mental, physical, and spiritual needs met

## **Corporate Strategic Plan**

- Deliver public services better
- Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **UNICEF's Child Friendly Cities**

• Children's Participation: promoting children's active involvement in issues that affect them; listening to their views and taking them into consideration in decisionmaking processes

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Leisure and Culture

## Timeline: 2-4 years

## Lead Responsibility:

Youth Services Parks and Recreation Planning

## **Budget Impact: Yes**

## **Implementation Considerations:**

N/A—Process underway.

## **Anticipated Outcomes:**

- Improved access to recreation
- Enhanced Recreation and Parks System
- Meeting the needs of underserved youth demographic.

**Priority #8:** *Youth Space*— Hanging out for youth is an important way of forming friendships and helps youth stay connected to the community. Youth-friendly spaces provide a broad range of useful facilities and services for youth. Youth need to have places to hang out with friends; places to be alone; places that reflect who they are; and accessible and safe places that they can call their own. Having a youth space that is their own, helps build relationships between peers, service providers, and the community and makes youth aware of what is going on in their community.

## 3. Create positive youth space in all publicly accessible City of Guelph facilities.

**Rationale:** By supporting and dedicating youth space in all City buildings, it would provide youth with a place that is their own. It would allow them to get involved in running something for themselves and it would allow them to feel a sense of belonging in the community. It also allows the community to offer information and support to youth in order to reduce the impact of risk factors and provide them with an alternative place to hang out with friends. The purpose of having youth space is to provide space within which young people can meet friends, spend time, and express themselves. The goal would be to provide a fun, safe, affordable, and welcoming environment

## **Contributions:**

## **40 Developmental Assets**

- community values youth
- safety

104

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• youth programs

## **Youth Charter of Rights**

- Affordable activities and programs, and safe places to hang out
- Be and feel safe in our homes, schools, and communities

## **Corporate Strategic Plan**

- Deliver public services better
- Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **UNICEF's Child Friendly Cities**

- Children's Participation: promoting children's active involvement in issues that affect them; listening to their views and taking them into consideration in decision-making processes
- A Children's Budget: ensuring adequate resource commitment and budget analysis for children

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Leisure and Culture

## Timeline: 5 + years

**Lead Responsibility:** Youth Services (Lead) All City Departments

## **Budget Impact: Yes**

## **Implementation Considerations:**

- Creating a space that youth want to hang out in
- Inclusion of youth in the process of developing youth space
- Creating youth friendly space in a existing environments

## **Anticipated Outcomes:**

- improved service planning and use of resources for youth entertainment, recreation, and public space
- increased access to safe and appealing entertainment and recreation options for youth

## 65

# THE ENVIRONMENT

## Youth Priority #9

## Percentage of Importance: 78%

## **Facts:**

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- The average Guelph resident uses 210 litres of water per day (2009)—145 litres less than the national daily average of 355 litres.
- Council approved an updated tree by-law that offers increased protection for trees on private properties in the city.
- Since October 2009, more than 270,000 kilograms of electronic waste have been recycled in Guelph.

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## **Community Benefits:**

- A healthier City of Guelph
- Greater utilization of other modes of transportation (non-polluting/pollution reduction)

## **Our opinions:**

- "Provide more days in which taking the bus is free to promote using this as regular transportation."
- "More trees!"
- 72% of Guelph Youth feel that the City of Guelph is taking care of the environment.

## **Guelph Youth in Action:**

I feel that the C.E.L.P program has and will continue to have a strong impact on me, not only in regards to the environment but also to myself. One thing that we do in the program is teach Grade fives from local schools a program called Earthkeepers. In this program we basically explain concepts like food chains, food webs, atoms and molecules and the history of the Earth to the kids in a way that is easily understood. This experience-teaching the students about the natural environment-really allows me to learn about myself more as a person and how I can make a difference just by educating and learning with the students. Frankly, I couldn't ask for a better program to be a part of. It's such an unconventional way of learning- being outside for most of the day while still being taught mandatory classes such as English and Civics and Careers. I have definitely been learning so much, and I will probably continue to apply this knowledge to future activities and programs I take on.

- Markus King, John F. Ross student.

**Priority #9:** *Environment*— Youth are the future in sustaining the environment and making it a healthy, liveable, breathable place to be. They want to be involved in the process of developing environmentally sustainable solutions for the City of Guelph as this is their home. Taking care of the environment is important to do now so that future generations are able to live in a healthy, green world. Youth have a strong awareness of the issues surrounding the environment and have a greater stake in long-term sustainability. The City of Guelph is proud of the long, distinguished history of environmental responsibility and need to continuously develop solutions to address issues such as the depletion of natural resources, climate change, and pollution.

## 1. Maintain and expand City environmental programs to include a youth audience.

**Rationale:** In 2012, the Planning and Building, Engineering and Environment department (PBEE) delivered several programs aimed at an age level of approximately 7 to 12 year olds. Guelph youth feel that the City of Guelph does a great job at taking care of and maintaining the environment but that there can always be more done. Youth want to take care of the environment and expanding the City of Guelph's environmental programs to target a larger audience and reach the youth sector will help educate youth on what they can do to preserve the environment.

## **Contributions:**

114

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## **40 Developmental Assets**

- community values youth
- Adults as role models

## Youth Charter of Rights

- Good health by having our social, emotional, mental, physical, and spiritual needs met
- Education, training and opportunities that prepare us for our future lives

## **Corporate Strategic Plan**

- Ensure a well designed, safe, inclusive, appealing and sustainable City.
- Deliver public services better

## **UNICEF's Child Friendly Cities**

• A Children's Budget: ensuring adequate resource commitment and budget analysis for children

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Education
- Environment

## Timeline: 1 year

## Lead Responsibility: PBEE

Youth Services

## **Budget Impact: Yes**

## **Implementation Considerations:**

- Expansion of current programming to include a youth audience
- Creation of new programs that engage youth
- Expanded program promotion to include secondary school audiences

## **Anticipated Outcomes:**

- Increased environmental awareness and responsibility amongst Guelph youth
- Skills and education enhancement
- Greater and maintained interest in environmentally responsible programming.

67

# THE ENVIRONMENT

## 2. Lead annual City of Guelph participation in International Car Free Day.

**Rationale:** A Car Free Day encourages motorists to give up their car for a day. The event can be organized in partnership with youth to promote alternatives to car travel and the development of communities where jobs are closer to home and where shopping is within walking distance. Youth can help engage staff and other students to participate.

Car Free Days aim to be fun, free events encouraging people to get out of their cars and run, walk, cycle or take public transit. The central vision of Car Free Day is urban mobility that is not dependent on the private automobile. International Car Free Day (CFD), celebrated every Sept. 22.

## **Contributions:**

## **40 Developmental Assets**

- Adults as role models
- Youth as resources
- Sense of Purpose

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• Planning and decision making

## **Youth Charter of Rights**

- Education, training and opportunities that prepare us for our future lives
- Good health

## **Corporate Strategic Plan**

- Ensure a well designed, safe, inclusive, appealing and sustainable City.
- Strengthen citizen and stakeholder engagement and communications.

## **Community Wellbeing**

- Community Vitality
- Democratic Engagement
- Healthy Populations
- Living Standards
- Education
- Environment

## Timeline: 2-4 years

## Lead Responsibility:

Community and Social Services Youth Services

## **Budget Impact: Yes**

## **Implementation Considerations:**

- City wide advertising
- Promotional Campaign
- Partnerships and Planning

## **Anticipated Outcomes:**

- A Healthier City
- Greater understanding of alternate modes of transportation
- A more engaged community
- City as leaders in Environmental Responsibility

**Priority #9:** *Environment*— Youth are the future in sustaining the environment and making it a healthy, liveable, breathable place to be. They want to be involved in the process of developing environmentally sustainable solutions for the City of Guelph as this is their home. Taking care of the environment is important to do now so that future generations are able to live in a healthy, green world. Youth have a strong awareness of the issues surrounding the environment and have a greater stake in long-term sustainability.

## 3. City of Guelph will work towards a sustainable transportation model.

**Rationale:** Sustainable transportation systems are those which, for example, aim to reduce emissions, fossil fuel consumption, the consumption of agricultural land, park land and wildlife habitat. Most fundamentally, this means an emphasis on reducing the role of the private automobile as the prime mode of transportation and shifting travel toward other sustainable modes such as public transit cycling and walking.

Enhancing cycling and pedestrian amenities, such as bicycle lanes, signage, and wider sidewalks, not only increase safety for children and youth, but also has positive impacts on other demographic groups, including seniors and the disabled. Creating a community that is nonreliant on cars and engaged with other means of transportation improves the environment, the health and wellness of the individual & community, and improves youth safety. When planning sustainable transportation models, youth must be involved bringing a perspective that is able to highlight barriers or unsafe conditions throughout the community.

## **Contributions:**

## **40 Developmental Assets**

- A community that values youth
- Safety

204

531mm

## Youth Charter of Rights

- Good health by having our social, emotional, mental, physical and spiritual needs met
- Be and feel safe in our homes, schools, and communities

## **Corporate Strategic Plan**

• Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Living Standards
- Environment

## **Timeline: 5 + years**

Lead Responsibility: PBEE

## **Budget Impact: Yes**

## **Implementation Considerations:**

69

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- Best practices
- Proven Sustainable Transportation models
- Organizational readiness
- Community Education/Benefit Tools

## **Anticipated Outcomes:**

- A healthier city
- A safer environment for all citizens
- Greater understanding of alternate modes of transportation
- City as leaders in Environmental Responsibility

## 70

# HEALTH & WELLNESS

## Youth Priority #10

## **Percentage of Importance:** 74%

## **Facts:**

- Poor health can reduce young people's social integration, harm their education and reduce their employment prospects.
- Youth are particularly vulnerable of experiencing a mental health problem as half of all mental disorders begin by age 14 and 75% begin by age 24.
- There is a downward trend in daily smoking for boys and girls in Grades 6, 8 and 10.

## **Community Benefits:**

- Build relationships between the City of Guelph and youth
- Enhance youth wellness (all wellness)
- Identify gaps in services for youth
- A healthier more engaged youth population

## **Our opinions:**

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- "I think there should be posters or painted murals saying that everyone is beautiful because billions of teens suffer from low self esteem and that's not Guelph's fault but I think the City can really help with that by having simple posters saying that someone is beautiful which can really make someone's day."
- "Providing more activities in which youth can get involved in having an active lifestyle. Like having sessions where a speaker comes in (dietician) to talk about healthy food choices and possibly sessions at different clubs or places around Guelph for youth to partake in activities to become fit."
- 53% of Guelph Youth feel that Guelph rates average or below in providing health and wellness programs and services for youth.

## **Guelph Youth in Action:**

I personally really enjoy the Wyndham House STEPS program. STEPS has introduced me to Zumba and after doing it once, I love it! It makes me feel good about myself and it also is a fun way to be active. I never would have thought of trying any of the different things. Also, volleyball is really fun. I like how no one judges how bad I play. Everyone is encouraging and very supportive.

## - Rebecca, Wyndham House STEPS participant

STEPS has opened my eyes to new activities that I have never had the opportunity to partake in before. Yoga is really relaxing, it helps me to distress. Muay Thai is helping me to work out and stay fit.

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## - Amber, Wyndham House STEPS participant

**Priority #10:** *Health and Wellness*— The subject area 'health and wellness' is a very broad topic that ranges from mental health and addiction, activities that promote healthy lifestyles, youth clinics and family health services, healthy relationships, sexual health and more. Youth is an important period for establishing positive health and social behaviours. It is at this time, that a healthy lifestyle is essential for the development of their emotional, physical, and intellectual well-being. Healthy lifestyles are of great importance if youth are to fulfill their potentials and play an active role in society.

### Facilitate a City of Guelph led health and wellness campaign 1. to support youth wellness.

**Rationale:** Youth development and the arts combine to create a productive and positive environment in which a lot of growth can take place for youth. The 40 developmental assets-based approach on positive youth development states that people who work with youth need to find ways to encourage youth to find ways to contribute to their community. Arts programs have long been used to help people communicate, share beliefs and cultures, and learn skills. Street art is very popular in the youth culture and can help brighten up communities as well. Creating a project that gets youth involved with their community and promotes youth wellness and development through public posters and/or murals increases feelings of self-worth and encourages youth's abilities and strengths, all while building self-esteem.

## **Contributions:**

## **40 Developmental Assets**

- A community that values youth
- Youth as resources
- Adults as role models
- Positive peer influence
- creative activities

304

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## **Youth Charter of Rights**

- Good health by having our social, emotional, mental, physical needs met
- Be accepted for who we are and what we believe without being discriminated against

## **Corporate Strategic Plan**

Ensure a well designed, safe, inclusive, appealing and sustainable City.

## **UNICEF's Child Friendly Cities**

A Children's Budget: ensuring adequate re- Anticipated Outcomes: • source commitment and budget analysis for • children

## **Community Wellbeing**

- **Community Vitality**
- **Healthy Populations**
- **Living Standards** •
- Leisure and Culture

## Timeline: 1 year

## Lead Responsibility:

Youth Service Parks and Recreation

## **Budget Impact: Yes**

## **Implementation Considerations:**

- approved space for wellness projects and activities
- Enhanced programming to meet the diverse needs of Guelph's youth population.
- **Initiative Promotion and Coordination**

- A healthier youth population
- Stronger relationships between the City of Guelph and youth
- Enhanced youth and community wellness

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# HEALTH & WELLNESS

## 2. Develop and promote the City of Guelph online Youth Service's Hub.

**Rationale:** Creating a "one stop shop" for youth where they can find all the information they need relating to youth services helps youth know and access available services in the community. It also serves to connect service providers and organizations together program coordination and delivery. Including participation from parents, community leaders, police, sports and recreation staff, and other groups connects the community and brings them together to help provide services to youth. The goal would be to advertise this service to youth so that they know where to look when locating support for themselves or peers.

## **Contributions:**

## **40 Developmental Assets**

- A community that values youth
- Safety

531 M # 1914

## **Corporate Strategic Plan**

- Deliver public services better
- Strengthen citizen and stakeholder engagement and communications.

## **Community Wellbeing**

- Community Vitality
- Healthy Populations
- Education
- Living Standards

## Timeline: 2-4 years

**Lead Responsibility:** Youth Services

## **Budget Impact: Yes**

## **Implementation Considerations:**

- Design, Layout, hosting
- Creation of a youth-friendly platform

• Ongoing Maintenance

## **Anticipated Outcomes:**

- Improved access to information and support systems
- Improved community connectivity
- Improved linkages between youth, youth supports and stakeholders

**Priority #10:** *Health and Wellness*— The subject area 'health and wellness' is a very broad topic that ranges from mental health and addiction, activities that promote healthy lifestyles, youth clinics and family health services, healthy relationships, sexual health and more. Youth is an important period for establishing positive health and social behaviours. It is at this time, that a healthy lifestyle is essential for the development of their emotional, physical, and intellectual well-being. Healthy lifestyles are of great importance if youth are to fulfill their potentials and play an active role in society.

## 3. The support the expansion of the STEPS Program throughout the City of Guelph.

**Rationale:** Good health is of great importance if young people are to fulfil their potentials and play an active part in society. Poor health can also reduce young people's social integration, harm their education and reduce their employment prospects. Creating programs where youth can actively participate in free physical activities or educational discussions on healthy living benefits youth in all aspects of positive development. The transition to adulthood is a crucial period in which to address health determinants which is why wellness programs and activities, like the Wyndham House STEPS Program, are so important to this age group.

## **Contributions:**

## **40 Developmental Assets**

- community values youth
- vouth programs

304

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## **Youth Charter of Rights**

- Affordable activities and programs, and safe places to hang out
- Good health by having our social, emotional, mental, physical, and spiritual needs Budget Impact: Yes met
- Education, training and opportunities that prepare us for our future lives
- Quality time with our friends, family and/ or other positive role models in our community

## **Corporate Strategic Plan**

- Deliver public services better
- Strengthen citizen and stakeholder engagement and communications.

## **UNICEF's Child Friendly Cities**

A Children's Budget: ensuring adequate resource commitment and budget analysis for children

## **Community Wellbeing**

- **Community Vitality**
- **Healthy Populations**
- Culture and Leisure

## **Timeline:** 5 + years

## Lead Responsibility:

**Community and Social Services Youth Services External Partners** 

## **Implementation Considerations:**

- **Funding models**
- **Evaluation of Community Need**
- **Program Support**

## **Anticipated Outcomes:**

- Healthier youth population
- Improved support network for youth
- Improved Access to recreation for all youth
- An engaged youth population

73

# **Implementation Timelines**

## Year 1 Goals

74

## Year 2-4 Goals

- City staff will facilitate quarterly youth meetings for the purpose of connecting new and existing youth groups together.
- Prioritize marginalized 2. youth so that they are always taken into consideration in program and youth 3. planning.
- 3. Sell bus tickets at all high schools.
- 4. Support and advertise already existing employment programs

531 M P 194

- City of Guelph endorsed anti 6.
   -bullying policy.
- 6. Advertise and support permanent youth art space displays.
- 7. Continue supporting and promoting community endeavours that engage youth.
- 8. Provide free, accessible space for emerging and existing youth groups/ committees.
- 9. Maintain and expand City environmental programs to include a youth audience.
- 10. Facilitate a City-led health and wellness campaign to support youth wellness.

- Youth Services will coordinate twice annual youth town hall meetings between Mayor, Council and local youth.
- 2. Facilitate Youth Engagement training for all City employees.
  - CAN-Bike courses for students.

4.

5.

- Develop a City of Guelph volunteer program for high school students.
- Safe spaces for youth policy and program
  - Collaborate with Guelph Arts Council to bring the annual youth artists awards/ recognition program. 7.
- 7. Provide Anti-Racism/Anti Oppression training for all City of Guelph staff that engage with youth.
- 8. Development of a skate park.
- 9. Promote a City-wide car free day at Guelph schools.
- 10. Develop and promote the City of Guelph online Youth Service's Hub

## Year 5 + Goals

- Youth representation on the Guelph City Council.
- 2. Develop a comprehensive marketing plan so all youth are aware of programming and supports for you in crisis.
- 3. Implement a universal bus pass plan for all high school students.

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- 4. Create a recognition program for businesses that train and employ young people.
- 5. Incorporate youth safety into municipal planning.
  - Youth space for practicing the arts.
- 7. Community gardening youth project.
- 8. Create positive youth space in all publicly accessible City of Guelph facilities .
- 9. City of Guelph will work towards a sustainable transportation model.
- 10. Expand the Wyndham House STEPS Program throughout the City

AND REAL PARTY

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# **GUELPH YOUTH**

## Tell us what you like ... what you don't like ... and what you think we should do about it!

Community and Social Services, The Corporation of the City of Guelph ("City of Guelph")

5-34 M m ......

This survey is being conducted by the City of Guelph for the purposes of developing a youth strategy to improve the quality of life for Guelph's youth.

The strategy will target ten areas: Youth Voice; Youth Space; Youth Safety; Health and Wellness; At-Risk Youth; Employment and Volunteer Opportunities; The Arts; Culture, Identity and Belonging; Environment; and Transportation. The survey results will shape the 2013-2018 Youth Strategy and set the direction for the planning and delivery of all civic services involving youth.

Your participation is entirely voluntary and individual responses will be anonymous. There are no known or anticipated risks with your participation in the survey. At no point during the study will the City be collecting any personal information as defined in section 28(2) of the Municipal Freedom of Information Act. You may skip questions that you do not wish to answer, but we believe that you will see the value of this information in order for us to understand the perspectives of youth. The survey is designed for youth between the ages of 13 and 18; however we appreciate feedback from all members living in the City of Guelph.

All information collected will be kept in a secure manner in accordance with the Municipal Act 2001, and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).



#### Guelph Youth Survey 2012

We are asking you to give your opinion on the City of Guelph in regards to ten topic areas. Please circle the number that you find most agrees with your opinion.

The first question asks you how important each topic is to you. Each number represents a scale of importance:

1. Very important

2. Important

3. Somewhat important

4. Not important

To rate the City of Guelph, we have chosen a scale from 'Excellent' to 'Fail.' Below we have explained what each word means:

- 1. Excellent- Keep up the great work!
- 2. Good Satisfactory but room for improvement.
- 3. Average- Okay, not great and not horrible.
- 4. Poor- A lot of work needs to be done.
- 5. Fail- Things need to change right away!

#### 1. YOUTH VOICE

Think about things like: youth being included in City decisions, voting, being a part of youth committees (e.g. Guelph Youth Council), etc.

How important is it for	you to l	have a vo	ice in dec	ision-making
for	the City	of Guelp	h?	
1	2	3	4	

How do you feel the City of Guelph rates in giving youth a voice? 1 2 3 4 5

#### 2. YOUTH SPACE

204

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Think about things like: community centres, parks, libraries, skate parks, all ages events, youth's own space, late night spaces for youth, and other places to hangout, etc.

How important is it for you to have youth spaces in Guelph?				How do you feel (	iuelph ra	tes in giv	ing youth	i their own	space?	
	1	2	3	4	1	2	3	4	5	

#### 3. YOUTH SAFETY

Think about things like: bullying, crime rates, relationships between youth and police, internet safety, emergency preparedness, sexual exploitation, etc.

How sa	fe do you	u feel in (	iuelph?	How do you t	eel Guel	ph rates i	in keepin,	g youth safe
1	2	3	4	1	2	3	4	5

#### 4. HEALTH AND WELLNESS

Think about things like: mental health and addiction, activities promoting healthy lifestyles, family health services, youth clinics, body image and self-esteem, healthy relationships, sexual health, etc.

How important is health and wellness to you? H	w do γou feel Guelph rates in providing health and wellne
1 2 3 4	programs and services to youth?

#### 5. AT-RISK YOUTH

Think about things like: homelessness, living independently, cost of living, renting, Ontario Works (OW) services, etc.

How important is it to you that Guelph takes care of at-risk γouth? How do you feel Guelph rates in providing for at-risk youth?  $\begin{array}{cccc} 1 & 2 & 3 & 4 & 5 \end{array}$ 

#### 6. VOLUNTEER AND EMPLOYMENT OPPORTUNITIES

2

Think about things like: finding a jab, wages, training, finding valunteer experiences, etc.

4

How important are **employment** opportunities to you? 1 2 3 4 How do you feel Guelph rates in providing **employment** opportunities to youth? 1 2 3 4 5

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How	importa	nt is it fo	r you to	express	your culture/i	dentity,	How	do you feel	Guelph ri	ates in w	elcoming	and inclu	uding a
	c				yourself?			12		youth?			
		1	2	3	4			1	2	3	4	5	
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	How	r importa 1	nt is the 2				ł		en	vironmer	it?		he
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#### DEMOGRAPHICS

How old are you?

- O Under 10
- O 10-12 years
- O 13-18 years
- O 19-24 years
- O Over 25

What language do you speak at home?

How would you describe your cultural or ethnic heritage? (European, East Asian, Latin American, etc.)

How long have you lived in Canada?

- O 1 year or less
- O 2-5 years
- O 5-10 years
- O All your life

Do you currently go to school?

- O Yes
- O No

What type of volunteer work do you do?

### Do you live in Guelph?

- O Yes
- O No

What language do you speak with your friends?

#### Where were you born?

- O Canada
- O Other:

#### Who do you live with?

- O Parents
- O Siblings
- O Other relatives
- O Roommates
- O Friends
- O Partner/spouse/boyfriend/girlfriend
- O Your children
- O By yourself
- O Other:

What is the last grade you completed?

#### Do you work?

- O No
- O Fulltime
- O Parttime
- O Seasonal
- O Training
- O Other:

What is your gender?

- O Female
- O Male
- O Transgender
- O Other:

Do you identify as a youth with a disability?

O Yes

O No



#### What is your sexual identity/orientation?

- O Straight
- O Gay/lesbian
- O Bi-sexual
- O Questioning/curious
- O Other:

### What is your primary mode of transportation?

- O Walking
- O Biking
- O Bus
- O Driven by adult
- O Self-driven
- O Other:

#### How connected do you feel to your community?

- O Very connected
- O Connected
- O Somewhat connected
- O Not connected

5-36 MP # 12 PM

Is there anything else you would like us to know regarding these ten topics?

Thank you for participating in the Guelph Youth Survey! If you would like to know more about the 2013-2018 Youth Strategy or would like to be a part of our focus groups please contact the Youth Services department at 519-822-1260 ext. 2703 or email us at adam.rutherford@guelph.ca!

Making a Difference



#### **Guelph Youth Survey Results**

#### **523 Responses**

- 484 responses were between the ages of 10-24 years old
- 415 of those responses were between the ages of 13-18 years old
- 208 responses were male (43%)
- 267 responses were female (56%)
- 5 responses were transgender and other (1%)
- 386 responses were born in Canada (84%)
- •74 responses were born outside of Canada (16%)
- 39 out of 472 stated they had a disability (8%)
- 470 responses currently go to school (97%)
- 16 responses are currently not in school (3%)

#### In regards to Importance:

53140 P.104

Theme	Count (10-24 year olds)	Percentage (10-24 year olds)
Youth Voice	415/484	85.74%
At-Risk Youth	399/480	83.13%
Transportation	390/478	81.59%
Employment and Volunteer Opportunities	743/915	81.2%
Youth Safety	391/483	80.95%
Arts	382/474	80.6%
Culture, Identity, and Belonging	377/468	80.56%
Youth Space	386/483	79.92%
Environment	374/479	78.08%
Health and Wellness	355/481	73.8%



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#### Question 33

531 M P 194

### The areas that need the MOST ATTENTION are...

Theme	Count	Percentage
Youth Voice	229	13.12%
Youth Safety	214	12.26%
Employment and Volunteer Opportunities	203	11.63%
Health and Wellness	184	10.54%
Youth Space	181	10.37%
Transportation	165	9.46%
The Environment	164	9.4%
At-Risk Youth	155	8.88%
The Arts	130	7.45%
Culture, Identity, and Belonging	120	6.88%



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#### Question 34

531 M P 194

The City of Guelph should dedicate MORE RESOURCES to...

Theme	Count	Percentage
Employment and Volunteer Opportunities	197	11.47%
Transportation	196	11.41%
Youth Space	193	11.23%
Youth Safety	182	10.59%
Youth Voice	179	10.42%
Health and Wellness	176	10.24%
The Environment	171	9.95%
At-Risk Youth	170	9.9%
The Arts	141	8.21%
Culture, Identity, and Belonging	113	6.58%



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### How does the City of Guelph rate...?

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Theme	Average		$(h^{(1)},\dots,(h^{(n)})) \in \mathcal{O}(h^{(n)}) \times (h^{(n)})$	Average or, Fail)	Above Average (Good, Excellent)		
	Count	Percentage	Count	Percentage	Count	Percentage	
Youth Voice	192	40.08%	144	30.06%	143	29.85%	
Youth Space	158	32.99%	142	29.65%	179	37.37%	
Youth Safety	113	23.35%	137	28.31%	234	48.35%	
Health and Wellness	118	24.63%	134	27.97%	227	47.39%	
At-Risk Youth	159	33.83%	132	28.09%	179	38.09%	
Employment and Volunteer Opportunities	262/913	28.7%	252/913	27.6%	399/913	43.7%	
Arts	178	37.95%	175	37.31%	116	24.73%	
Culture, Identity, and Belonging	122	25.9%	128	27.18%	221	46.92%	
Environment	104	21.89%	134	28.21%	237	49.89%	
Transportation	116	24.12%	161	33.47%	204	42.41%	



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### FOCUS GROUP RESPONSES

#### **1. YOUTH VOICE**

#### **Definitions:**

- have a say what programming is around the city
- not tokenism
- making sure what they say is what we respond to
- affect youth have on the rest of the City and if their opinions matter or not
- opinions of youth
- voice of all youth-what we like and don't like
- my opinion
- young people speaking
- young people getting a say in the City

#### Do you feel your voice is heard?

- I don't think so-we don't ask enough
- yes because I'm on youth council
- sometimes, I'm on YC but doesn't mean my voice is heard by everyone
- not heard wide enough
- not included in decisions that affect us (ex. Transportation)
- no, in the field of education—not asked how the school system could be improved—opinions aren't considered
- not heard

531 M P 1914

- I think we do, just no one really cares to use it (our voice)
- no, I don't feel heard because I don't talk
- grown-ups don't care what we have to say, we don't care what they say
- get to share opinions in school
- never any follow up
- Recommendations:
- more opportunities
- we need to go to the youth
- reach out to youth not just to the adults' opinions
- reach through Facebook—learning our names
- have them on planning committees
- engagement piece needs to be ongoing and consistent
- relationship building
- don't let the momentum die
- ask for input on what they are interested in
- being flexible with how you acquire the youth voice

- more outlets to be heard
- being allowed to speak at council
- talk to people that actually make a difference
- school and City join together for better communication in regards to what youth have to say
- needs to be follow up and proof of the follow up

### 2. AT-RISK YOUTH

#### **Definitions:**

- inability to access services
- inability to have needs met
- road blocks
- disconnected
- need support

531 M + 114

- affects their health (physical and mental) in a negative way
- youth at-risk of being homeless, have their rights taken from them
- youth that don't have a safe environment
- in a position of insecurity by factors such as money, peer pressure, etc.
- people that lack the opportunities that others have
- somebody that wants to hurt themselves
- youth that are kicked out of their house
- youth that need help
- youth that got abandoned by their parents
- youth that have no options
- alcoholic parents (they are at-risk) so puts youth at risk

#### Do you feel Guelph provides for at-risk youth?

- great strides in providing for at-risk youth
- keep it a priority
- more coordinated effort
- STEPS (is a positive program)
- divide at 18 "suddenly an adult"
- defining "youth," at what age?
- yes, (Wyndham house) but there could be more—make it wider known
- needs to improve—have providers go to youth not the other way around
- Big Brothers Big Sisters
- Breakfast clubs at school
- STEPS
- No, youth that need help mentally get sent to a different city (they have Homewood)
- yes, Wyndham house but can't stay there forever. Has an age limit
- social services and children's aid are positive

- rec centre (positive)—place to go, be active, free sports, get off the sidelines (if parents can't afford sports)
- children's foundation (positive)
- Shaker's true hoops program (positive)

#### **Recommendations:**

- extend the definition (age) of youth
- have a consistency
- champion why it's important
- service providers need to engage with youth to find out what they want/need
- consider equity
- more programs like STEPS
- presentations, pamphlets, websites to schools of youth in these programs and how it helps them could help others too
- extra help-places to stay, places to work so they can keep a place to stay
- need place to sleep waiting for bus
- where can you go if you are ten years old?
- explain where you can go to get help (advertise posters, billboards, etc.)
- talk to someone you know to find help
- welcome everyone

#### **3. TRANSPORTATION**

#### Definitions:

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- getting somewhere
- ease of access
- how to get from one place to another
- moving
- a comfortable means of getting where you want to go
- cheap, time-efficient travelling
- helping us get around because not everyone can drive

#### Do you feel Guelph provides transportation options for youth?

- not affordable ones
- room for improvement (cost wise)
- affordable bus passes still not affordable
- university bus pass
- they do but not very well
- "free cycle"—like kijiji but free
- besides walking, transportation is not time-efficient
- the number to call/website to see when the bus is coming (is positive)

- yes school buses, cabs
- not very well—the school buses you are not always eligible and if you're not then you're stuck
- lots of bike trails and paths
- a lot of transportation options but expensive
- not creepy to walk around (it's safe in Guelph)

#### **Recommendations:**

- well-lit pathways
- sidewalks safe
- school board should look at their distances for school buses
- universal bus pass for high school students
- bike paths
- courses on how to ride your bike
- every youth should get a scooter
- buses need to be cheaper (for students)
- if you go to school, it should be less
- more accessible bus passes
- redo the bus routes
- should sell bus tickets at school
- enforce safer drivers (the police)
- need safer bus drivers (the way they drive)
- school buses aren't very good
- more bike lanes

536 M P 114

- wider walking paths
- don't feel safe biking on the road
- Toronto's bike rental system
- cheaper transportation fee
- make bikes cheaper-provide everyone with a bike
- bus drivers need to be nicer
- bus system changes too frequently
- anyone should be able to take the school bus
- should be on time (the bus)
- free/cheap bus

### 4. EMPLOYMENT AND VOLUNTEER OPPORTUNITIES

#### Definitions:

- volunteer opportunities need to be meaningful

- no connection between meaningful volunteer opportunities and getting your hours (forced to do 40 hrs)

- matching what they want to do for a positive volunteer experience

- disconnect between volunteer and employment
- a chance to get a job
- helping other people/the community (for free)
- volunteering making it relatively easy to get into the workforce
- jobs

536 M P 114

- a way of getting/spending money
- teenagers like money
- ways to reach out in the community
- want to help people without getting paid

#### Do you feel Guelph provides employment and volunteer opportunities to youth?

- volunteer centre (positive)
- school requirements (40 community hrs)
- City volunteers
- job fairs like Sleeman centre are good
- City of Guelph should hire more youth
- youth volunteer website is good-need that for jobs
- no, because you have to be 16 to get a job
- hand out resumes and they just get thrown out
- Have faith in older people, they don't think youth are good enough to complete the tasks
- Ya, summer camp, habitat, food bank, humane society, Christmas parade a lot of volunteer opportunities
- lot of employment/volunteer opportunities
- more volunteer opportunities for high school students
- there is enough volunteer opportunities-not enough employment
- "get rid of the old, and bring in the new"

#### **Recommendations:**

- ask what would you like to learn about, approach those places to see if they can volunteer at

- an evaluation for the places that have volunteers
- orientation process
- being a volunteer is the same as having a job
- consistency for orientation for volunteer and employment
- program that highlights the benefits of the volunteer place
- need to feel valued
- useful to have positive youth development training for places that take young people
- recognition for volunteering-for businesses
- having an employment data base for just youth (not university students)
- take advantage of co-op opportunities
- make co-op opportunities more available in places youth want to try
- make more opportunities more noticeable
- should be able to get a job at 13

- create more places and have it easier to get in
- a lot of volunteer opportunities but less in west willow woods area
- get rid of the old and bring in the new (retire)

### 5. YOUTH SAFETY

#### Definitions:

- safe environments
- healthy relationships
- never thinking twice about attending something
- support systems
- being comfortable all over the community
- sense of inclusion (geography, age, gender, ethnicity, etc.)
- feeling that if there was an emergency, you could get help
- feeling comfortable in our own community
- not being afraid
- protection

536 M P 114

- being relaxed anywhere/throughout Guelph
- not being afraid to go out at night
- knowing there's a place to go if you are not feeling safe
- feeling safe when you leave the house
- being comfortable
- not doing any bodily harm to yourself
- feeling safe at school
- taking precaution
- kids being able to do what they want, say what they want and not being afraid of bullies

#### Do you feel Guelph is a safe city for youth?

- both yes and no, generally yes
- waiting for the bus-depending on time, who is around, well-lit
- (the City of Guelph) is not at a place where all youth feel safe in their schools
- yes, compared to other cities
- yes—lots of police
- no, I was mugged
- there are a lot of bullying presentations now, so there is more info on feeling safe
- "I don't believe safety exists"
- there are no gun shots in Guelph
- I feel safest in my room
- safest city in the country
- downtown is only filled with drunks at night not the day

- a lot of police around
- lots of signs on the road

#### **Recommendations:**

- street safety: might not have access to cell phones—emergency poles, well lit—place them around the city

- awareness of what "safe" feels like
- increasing awareness of support systems-who do you turn to?
- education piece
- support anti-bullying initiatives but take it further
- initiatives that promote respect (before bullying)
- combine/coordinate community programs—one stop shop
- block parents—where are they now?
- more street lights
- make sure there are sidewalks everywhere
- have police patrol in specific areas
- need police in elementary schools too
- campaigns/repetition for "speak out" anti-bullying campaign
- promotional piece on FB to prevent cyber bullying
- road safety—more stop lights
- too many cops

531 M + 114

- need to put lights in catwalk
- more street lights

- school buses need better safety when people cross the road (cars go by even though they could get ticketed)

- more signs on the road
- more police in schools—schools sharing cops, more cops need to do their job and be attentive
- more online surveillance
- need to come up with a way to take away cyber bullying-there's a lot

# **Appendices - Comparable Municipalities**

The purpose of this section is to provide insight and an overview into comparable municipalities and the work that they are doing to create a youth-friendly community.

A variety of youth-friendly initiatives are being carried out by a number of municipalities in Ontario. Some initiatives have been in the works for the past couple of years, while others are quite recent and still ongoing. It is informative and helpful to examine the overall approaches in other comparable cities to consider what might be appropriate for the City of Guelph to undertake.

Two municipalities were chosen based on the Schedule 2 of the City's Governance Committee List of Comparator Municipalities, on approximate size compared to Guelph and on the understanding that each city is known to have a team working with and for youth.

The two municipalities are the town of Whitby and the town of Ajax. The following table shows the population of the municipality, the number of youth between the ages of 10-24 and percentage of youth in each area based on the Statistics Canada, 2011 Census.

Name of Area	Population	Population of Youth	Percentage of Youth
City of Guelph	121,688	24380	20.03%
Town of Whitby	122,022	26220	21.49%
Town of Ajax	109,600	24390	22.25%

## **Appendices - Comparable Municipalities**

## Town of Ajax:

**Youth Services:** The Youth Services team works within the Recreation Department in the Town of Ajax. There is one full-time Community Recreation Coordinator that oversees all youth-related activities. One part-time staff who oversees approximately 35 other staff that work on a part time, rotating schedule within the youth rooms, drop in programs, and registered programs. The Town of Ajax is a gold level youth-friendly community recognized by Play Works.

**Youth Initiative:** The Town of Ajax completed a Recreational Youth Spaces Study— Final Report in January of **2010**. The purpose of this study was to provide the Town of Ajax with a framework for the delivery of youth services and establish whether the development of a stand-alone youth leisure space would be beneficial, effective, and a viable project to be undertaken by the community.

**Youth Engagement Advisory Committee (YEAC):** The Town of Ajax's YEAC consists of approximately 15 youth between the ages of 13 and 22 that volunteer and contribute their time to the committee. The aim of YEAC is to increase the skills and leadership of youth, provide them with opportunities for growth and provide input on local youth issues. The Town of Ajax's YEAC has been recognized by the Terry James Foundation and Ontario Ministry of Citizenship and Immigration.

**Budget:** The Town of Ajax's Youth Services costs consist of \$100,000 for staff wages and \$77,300 for youth spaces. The general operating supplies is \$9000.00 for art, sports, gaming, food supplies and prizes. There is \$43,500 designated for contracted services (bussing cost, special guests, trips, special event items, etc.). Another \$50,000 in flexible funds and the Recreational Youth Spaces Study strategy cost was \$15,000.

**Programming:** The Town of Ajax has a variety of youth programming and activities. In the community, there are three youth rooms and one more currently being developed where youth can go to hang out, play video games, play ping pong, etc. There are a multitude of drop in programs offered to youth such as multi-sport, basketball,

## **Appendices - Comparable Municipalities**

## Town of Whitby:

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**Youth Services:** The Youth Services team works within the Recreation Department in the Town of Whitby. There is two full-time Recreation Program Coordinator—Youth Programming, who oversees 11 staff that work part time in the youth rooms, drop in programs, and after school programs. The Town of Whitby is a platinum level youth-friendly community recognized by Play Works.

**Youth Initiative:** The Whitby Youth Strategy has been a year long process in 2012 and is currently pending approval by the mayor and council for the release of 2013. The strategy will summarize key trends affecting Whitby's youth and engage youth and their opinions and provide goals, recommendations and outcomes for the delivery of youth leisure and recreation services for 2013-2017.

**Youth Council:** Whitby Youth Council consists of 20 youth between the ages of 13 and 17 that volunteer and contribute their time with adults to address the needs of youth in the community. The four main priorities of the Youth Council are: Youth Events, Promotion of Youth Council and Events, Outreach Programming for Youth, and Recruitment of new volunteers for the Youth Council.

**Budget:** Whitby's Youth Services team is housed within the Recreation team with an estimated staffing budget of \$150,000 dispersed between 2 full-time staff and 11 part-time staff. The Town of Whitby's Youth Strategy was provided \$8000.00 for the process of carrying out and completing the strategy. For Youth Services, the operating budget for programs and activities for youth is approximately \$12,000.00/ year and another \$5000.00 for special events.

**Programming:** The Town of Whitby has a variety of youth programming. In the community, there are two youth rooms (one in a community centre and one in an arena facility) where youth can go to hang out, watch movies, play pool, etc. The youth rooms are open Monday to Friday from 4-8 PM and Saturdays from 1-8 PM. There are also a variety of after school programs, youth events, and youth dances that are carried out by the youth services team.



TO Community and Social Services Committee

SERVICE AREA Community and Social Services Community Engagement and Social Services

DATE March 12, 2013

## SUBJECT Community Investment Strategy Implementation – Community Wellbeing Grant Program

REPORT NUMBER CSS-CESS-1311

## **EXECUTIVE SUMMARY**

## **PURPOSE OF REPORT**

Staff is seeking Council approval for two key recommendations associated with the implementation of the Community Investment Strategy (CIS) Wellbeing Grant Program. These areas are:

- The establishment of a Wellbeing Grant Allocation Panel and its Terms of Reference; and
- The Wellbeing Grant Program model

## **KEY FINDINGS**

The City is now implementing different phases of the Community Investment Strategy, which was approved by Council in September 2012 (Report #CSS-CESS-1221). One of the phases is the Community Wellbeing Grant Program. This program is an important way in which the City supports community benefit organizations. The 2013 granting process was considered transitional for this program. Some of the CIS recommendations were already successfully implemented as part of this process. Staff will continue implementation for 2014 and seek Council approval for two key recommendations:

- The creation of a citizen community grant allocation panel is a critical next step in implementing the Wellbeing Grant Program. It will support the City's goal to increase community participation in municipal decision making. It will also help ensure that the grant program is supporting areas of importance to Guelph residents. Council is asked to approve the establishment of this Panel, its powers of authority and Terms of Reference.
  - The Wellbeing Grant Program model was also approved by Council in September 2012 (Report #CSS-CESS 1221). The model was designed to administer a funding pot consolidating two existing budgets. These two budgets consisted of the original grant program budget and the health



capital spending budget. During 2013 budget deliberations, the health capital budget was eliminated. In 2014 the budget for the new Wellbeing Grant Program is projected to remain at approximately the same level as 2013, subject to Council approval. In response to this, staff is presenting a refined program model for 2014 to ensure the process reflects the amount of funding available.

# FINANCIAL IMPLICATIONS

There are no financial implications for the establishment of the Wellbeing Panel and granting process.

## **ACTION REQUIRED**

Staff is seeking Council approval to establish an Allocation Panel.

## RECOMMENDATION

- 1. THAT Committee approve the establishment of the Wellbeing Grant Allocation Panel;
- 2. THAT the proposed Terms of Reference for the Wellbeing Grant Allocation Panel as presented in this report be approved;
- 3. THAT Committee repeal and replace Schedule "U" of the Delegation of Authority By-law with the updated version attached hereto as attachment 1
- 4. THAT staff be directed to begin the process of recruiting members to the Wellbeing Grant Allocation Panel; and
- 5. THAT Committee approve the Wellbeing Grant Program model outlined in Table 1 of this report

# BACKGROUND

Council approved the Community Investment Strategy and the implementation of five new community investment mechanisms in September 2012 as part of the Community Investment Strategy Phase 2 (Report #CSS-CESS 1221).

The Community Wellbeing Grant Program was one of these mechanisms, and Council approved a program model for implementation. An important feature of the new grant program was the creation of a new Wellbeing Grant Allocation Panel made up of Guelph residents who would review applications to the program and make allocation decisions on behalf of Council.

At the September meeting, Council asked that staff report back on the Terms of Reference for the new citizen Community Wellbeing Grant Allocation Panel for

# STAFF <u>REPORT</u>



Council approval. These Terms of Reference are presented in this report for Council approval.

• Since the September meeting, Council has approved the City's 2013 budget. This process led to the elimination of the health capital spending budget line. The CIS Phase 2 report had outlined that this budget line be consolidated into the existing grant budget and the new Wellbeing Grant Program model had been designed to reflect this increased fund. As part of the implementation process, staff have reviewed the proposed program model in light of this change. This report proposes a refined program model for 2014 to ensure the process reflects the amount of funding available.

# REPORT

This staff report is divided into two sections. Each section addresses one area associated with the implementation of the Wellbeing Grant Program in 2014 and beyond. Section One (1) proposes Terms of Reference for a new Wellbeing Grant Allocation Panel for Council approval. Section Two (2) proposes a Wellbeing Grant Program model for 2014 and beyond which Council is also asked to approve.

## 1. The Wellbeing Grant Allocation Panel

The CIS Phase 2 Report outlined a new approach for the City to review and allocate its grants. This new approach was based upon research, review and consultation feedback received as part of Phase 1 of the CIS project. The new program was to be an integrated program, reducing the number of grant allocation panels from three to one using the community's wellbeing goals to make funding decisions and measure impact. This new program also proposed improved transparency and accountability measures.

During the Phase 1 consultation, feedback was received that Council was no longer required to be involved in individual granting decisions. Instead it was recommended that Council maintain a strategic role in grant allocations by approving the overall CIS and budget allocation, including the amount of money available to be disbursed in the coming budget year. Council would receive an annual report outlining the City's contributions to the community benefit sector, the impact and effectiveness of invested activities, and have the ability to shape future strategic investments.

A new Wellbeing Grant Allocation Panel, made up entirely of Guelph residents with the appropriate skills, knowledge and expertise was proposed. This new Panel would carry out the grant review process and make individual granting decisions on behalf of Council within the agreed parameters and budget set.



The following Terms of Reference for this Panel have now been developed and are presented as follows for Council approval:

#### Panel Name Wellbeing Grant Allocation Panel

<u>Standing Committee to which it reports</u> Community and Social Services Committee

### <u>Mandate</u>

To allocate City funding to eligible community benefit organizations through the Wellbeing Grant Program to improve the wellbeing of Guelph residents

### Goals/Objectives

- To provide objective assessment of applications submitted to the City's Wellbeing Grant Program
- To allocate the Wellbeing Grant Program annual budget to organizations that satisfy the eligibility criteria and demonstrate that their activities will have a positive impact on the wellbeing of Guelph residents
- To prepare an annual report to Council detailing all allocation decisions
- To support the goals of the City of Guelph's Corporate Strategic Plan

### Qualifications/Specific Skills required for members

Knowledge, skills and expertise in the areas of:

- Municipal granting to community benefit organizations
- The community benefit sector in Guelph
- The local community, its needs and aspirations
- Social services, arts and culture, special events, community recreation and sports
- The eight domains of community wellbeing
- Financial expertise
- Community programming and evaluation techniques

Members must have no real or perceived conflicts of interest.

#### Total Number of Members 14

Staff Support for the Panel

Community and Social Services Program and Policy Liaison

Additional staff from Community and Social Services will be available to participate in meetings to provide general contextual information about:

- Community needs and aspiration
- Sector specific knowledge (social services, arts and culture, special events, community recreation and sports)
- The eight domains of wellbeing



Local services, programs and activities

Meeting Frequency

A minimum of four times per year. The majority of these meetings will take place between July and January. Additional meetings may be called from time to time, as part of the grant allocation process.

#### <u>Budget</u>

The Panel will allocate the Council approved budget to community benefit organizations.

<u>Grant Limits</u> Maximum single grant allocation of up to \$15,000

### 2. The 2014 Wellbeing Grant Program Model

This section of the report outlines staff recommendations for a revised Wellbeing Grant Program Model for 2014. It is recommended that this model operate until the funding amount significantly increases. This model will incorporate many of the key characteristics approved by Council in 2012, but with some modifications. Table 1 outlines the changes recommended.

In summary the areas that will be implemented in 2014 are:

- A new citizen Wellbeing Grant Allocation Panel to make allocation decisions on behalf of Council (see Section One of this report for details).
- A reporting and evaluation component. This will enable the City and residents to understand and assess the impact of its community investments.
- Funding decisions will be aligned to the community's wellbeing priorities, as defined in the Community Wellbeing Initiative.
- Organizations will be able to submit capital requests for funding.
- There will be clearer eligibility criteria for applicants and improved application forms.
- Guidance materials will be made available and information workshops will be held for prospective applicants to support them in their applications. This will help organizations navigate the system and ensure that they include all the important information that the reviewers will require to make informed decisions.

There are a number of areas of the new program which staff recommend be deferred for future implementation.

• Three categories for funding requests: Originally these categories were developed to ensure that the process for funding was proportionate to the amount of money requested/awarded. This meant that larger funding



requests or multi-year funding requests were subject to a more extensive application process than smaller one-time requests. Larger funding amounts were also to undergo more intensive evaluation than smaller amounts.

It is not recommended that larger grant/multi-year requests be considered at this time. This program is already oversubscribed and unable to meet current demand. Based upon the funding available for the program and experience of past funding awards, staff recommend that one single category be implemented for 2014. This will enable organizations to apply once per year for funding amounts up to \$15,000. All applicants will apply through a single process, and all successful applicants will be subject to the same reporting and evaluation expectations.

• Staff also recommend that an appeals process not be implemented. This approach would be consistent with that of other granting bodies and practice. Although the City has included an appeals process within its granting program in the past, this process has not been utilized. Organizations who contact the City after failing to receive funding are largely seeking information about how they can improve their application in the future. This process of providing feedback to grant applicants can be developed outside of an appeals process. Staff believe that robust policies, processes, staff support, Panel orientation and Council oversight will ensure that granting is carried out in a transparent and consistent way.

	Community Wellbeing Grants Originally Approved September 2012			Proposed Implementation for 2014 and beyond	
Maximum request (\$ and duration)	1-year grant of \$100 - \$5,000 in value	1-year grant of \$5,000- \$50,000 in value; OR 2- year grants of \$100 - \$50,000 per year	An average of over \$50,000 per year, up to 4 years in duration	<ul> <li>Recommendation –</li> <li>Do not implement the three granting categories for 2014.</li> <li>Implement one single category of a 1-year grant of up to \$15,000.</li> </ul>	
Purpose "To foster community wellbeing by	Supporting events, programs, operating costs and capital needs of community organizations, with a focus on multi-faceted community impacts			No Change	
Application process	Simple application form	Funding proposal and interview (site visit) if	Business case and interview (site visit)	<ul> <li>Recommendation –</li> <li>Do not implement three different application processes for 2014.</li> </ul>	

## Table 1 – Wellbeing Grant Program Proposed Changes



	<i>Community Wellbeing Grants Originally</i> <i>Approved September 2012</i>		Proposed Implementation for 2014 and beyond	
		requested by review panel		<ul> <li>Implement one single process for all applications. This process will consist of an application form asking for key information including:</li> <li>Information about the organization</li> <li>Nature of the funding request and details of the program/activity/ event/capital item</li> <li>Anticipated community outcomes/impacts</li> <li>Performance Measures</li> <li>Financial information about the organizations and the project/activity</li> <li>Details of other support/funding leveraged through the request</li> </ul>
Multiple requests ("double dipping")	One grant per program/ project per year. May also be eligible for discount rates. New requests may also be eligible for mid-year grant.	Agency may apply for more than one program/ project grant, if total request is under \$50,000. May also be eligible for discount rates.	Agency may apply for more than one program/ project grant. Business case required for each individual program/ project request exceeding \$50,000.	<ul> <li>Recommendation –</li> <li>Do not implement three categories for 2014.</li> <li>Enable agencies to apply once per year. Grant recipients may also be eligible for discount rates.</li> </ul>
Reviewers	Grants Alloc	ation Panel appoir	l nted by Council	No Change



		<i>Community Wellbeing Grants Originally</i> <i>Approved September 2012</i>	
	(B4 amends-committee of cou		
Intake (funding period)	year: Jan-Dec) Jan- • Fall • Multi-year • (funded are conditional on financial (funded availability Jul-Dec) and budget	(funded Dec) Multi-year are conditional on financial availability and budget approval	<ul> <li>Recommendation –</li> <li>Do not implement twice yearly intake periods for 2014.</li> <li>Maintain the single Fall intake period (funded Jan-Dec)</li> </ul>
Eligibility overview	<ul> <li>Benefits residents of Guelph</li> <li>Incorporated non-profit (with or without charitable status)</li> <li>Volunteer board of directors</li> <li>Releases annual audited financial statements</li> <li>In operation for at least one year</li> <li>In good standing with City and its own governing bodies</li> </ul>		Minimal change. It is recommended that the applicant will supply an audited financial statement for the most recent fiscal year, or where audited financial statements are not available, the applicant will supply financial statements that have been verified as correct by two signing officers from the organization. Those organizations that are in the process of applying for incorporation that can provide proof of this will be eligible to apply in 2014.
Exclusions	<ul> <li>Individuals</li> <li>For-profit organizations</li> <li>Political organizations</li> <li>Other levels of government</li> <li>Programs that other levels of governation and the legislated responsibility for future</li> <li>Debt retirement, deficit reduction, depreciation or financing charges</li> <li>Retroactive payments</li> <li>Organizations whose activities courd deemed discriminatory as defined Ontario Human Rights Code</li> <li>100% of the budget of an activity</li> <li>Secondary allocations</li> </ul>	unding Id be	No Change



		y Wellbeing Gra roved Septembe		Proposed Implementation for 2014 and beyond
Assessment (decision- making) criteria	<ul> <li>Anticipated community impact</li> <li>Evidence of community support</li> <li>Evidence of financial need</li> <li>Evidence that request is appropriate for municipal funding</li> <li>Sound organizational track record</li> <li>Leverages additional resources</li> <li>No duplication</li> <li>Sustainability plan</li> <li>Held on City-owned or managed facilities, if applicable</li> <li>Funding availability</li> </ul>		No Change	
Accountability expectations	Some acknowledge- ment expectations; brief evaluation report	Conversation midway; agreed-upon acknowledge- ment expectations; annual evaluation report	Ongoing conversation (site visit); agreed-upon acknowledge- ment expectations; comprehensive annual evaluation report	<ul> <li>Recommendation -</li> <li>Do not create three different accountability expectations for 2014.</li> <li>Ensure that one robust post-funding evaluation report is completed and submitted to the City by all grant recipients.</li> <li>Terms and Conditions will be developed for the program.</li> </ul>
Appeal process	In writing within 30 days to the Chair of the CIS Management Group, if a legitimate basis for appeal exists		<ul> <li>Recommendation –</li> <li>Do not implement an appeals process for 2014.</li> </ul>	

# CORPORATE STRATEGIC PLAN

Organizational Excellence

- 1.1 Engage employees through excellence in leadership
- 1.2 Develop collaborative work team and apply whole systems thinking to deliver creative solutions
- 1.3 Build robust systems, structures and frameworks aligned to strategy



### Innovation in Local Government

- 2.2 Deliver Public Service better
- 2.3 Ensure accountability, transparency and engagement

#### City Building

- 3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City
- 3.3 Strengthen citizen and stakeholder engagement and communications

## **DEPARTMENTAL CONSULTATION**

Community and Social Services – Community Engagement and Social Services; Culture and Tourism; Parks and Recreation Finance and Enterprise Services – Budget and Financial Services Operations, Transit and Emergency Services – Public Works Corporate and Human Resources – Legal Services; Clerks Services

### COMMUNICATIONS

Following Council approval of the report, staff will provide information updates to impacted stakeholders via a variety of media.

## **ATTACHMENTS**

ATT-1 Schedule of Delegation

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**Recommended By** Colleen Bell Executive Director Community and Social Services

519-822-1260 x 2665 colleen.bell@guelph.ca

Schedule "U" to By-law Number (2013)-xxxx

## DELEGATION OF AUTHORITY TO APPROVE THE EXECUTION OF COMMUNITY WELLBEING GRANT ALLOCATIONS

Power to be Delegated Reasons in Support of Delegation	<ul> <li>Authority to approve the execution of Community Wellbeing Grant allocations.</li> <li>Contributes to the efficient management of the City of Guelph</li> <li>Increases the participation of residents in municipal decision making.</li> <li>Meets the need to respond to issues in a timely fashion.</li> <li>Supports the City's Corporate Strategic Plan</li> </ul>
Delegate(s)	<ul> <li>The Wellbeing grants Allocation Panel</li> <li>o</li> </ul>
Council to Retain Power Conditions and Limitations	<ul> <li>Supporting events, programs, operating costs and capital needs of eligible community organizations, with a focus on multi-faceted community wellbeing impacts</li> </ul>
	<ul> <li>Grants must be funded through a current year's operating or capital budget which has been approved by Council</li> </ul>
Review or	Not applicable.
Appeal Reporting Requirements	Annual information report on agreements executed during the year pursuant to this delegation of authority.



TO Community and Social Services Committee

SERVICE AREA Community and Social Services Community Engagement and Social Services

DATE March 12, 2013

SUBJECT County Proposed Infant Program at Willowdale Child Care and Learning Centre

REPORT NUMBER CSS-CESS-1313

## **EXECUTIVE SUMMARY**

### **PURPOSE OF REPORT**

To seek Council approval for the addition of an infant child care program at Willowdale Child Care and Learning Centre as requested by Wellington County in a letter dated January 31, 2013 (Attachment 1).

## **KEY FINDINGS**

Wellington County is the Consolidated Municipal Service Manager (CMSM) for Children's Services. As CMSM, the County is responsible for the management of children's services within the City of Guelph. In this role, the County has identified a critical lack of licensed infant child care spaces within the city.

The County is proposing the creation of an infant child care program within the Willowdale Child Care and Learning Centre. The proposed infant program would create ten infant child care spaces within the centre and supplement the short supply of centre-based infant care spaces within the city.

Willowdale operates in a City-owned facility located at 95 Willow Road. Currently, the only agreement in place between the City and County regarding Willowdale is a lease agreement. The lease speaks solely to the terms of use for the building. A broader service agreement between the City and County on the provision of social services, or Willowdale specifically, does not currently exist. Community and Social Services has been meeting regularly with the County to discuss service provision with the ultimate goal of negotiating a service agreement.

## FINANCIAL IMPLICATIONS

The estimated cost for minor capital and start-up of the infant program at Willowdale is \$60,000. These costs will be covered 100% by provincial Transition and Minor Capital funding, available to the County of Wellington as Consolidated Municipal Service Manager for Children's Services.



Staffing requirements for the addition of an infant program are 2 Full Time Equivalent (FTE) Teacher positions and a .6 FTE Teacher Assistant position beginning August 2013. Provincial subsidy available to the CMSM funds 80% of the cost for these positions. The staffing cost to the City is \$12,100 for 2013 which has been included in the 2013 social services budget. The City's annualized cost for staffing is \$16,800. These staffing requirements were provided in Report #CSS-CESS-1232 - County Staffing Increases as Consolidated Municipal Service Manager for Social Services.

Since Willowdale operates in a City-owned building, in accordance with the lease agreement signed in the fall of 2012, any maintenance and/or renovation costs exceeding \$5,000 must be approved by Corporate Building Maintenance.

## ACTION REQUIRED

Provide Council approval to Wellington County for the implementation of an infant child care program within Willowdale Child Care and Learning Centre.

## RECOMMENDATION

- 1. That Council approve implementation of 10 infant child care spaces at Willowdale Child Care and Learning Centre with the following requirements:
  - a) Wellington County agrees to notify the City of any financial adjustments which differ from the County's reported financial implications;
  - b) Wellington County enters into a service agreement with the City for the operation of Willowdale Child Care and Learning Centre.

## BACKGROUND

Willowdale Child Care and Learning Centre (Willowdale) is the City's municipal day nursery located at 95 Willow Road which is operated by the County of Wellington on behalf of the City. The centre has been in operation since 1975. As a licensed day nursery, the centre must comply with all requirements as defined in the Day Nurseries Act. Currently, Willowdale has a license capacity for 46 children – ranging in age from 18 months to 5 years – which is composed of 10 toddler spaces (age 18 to 30 months), 16 preschooler spaces (age 30 months to 5 years) and 20 JK/SK spaces (age 44 to 67 months). According to the County's Director of Child Care Services, Willowdale provides services to a higher percentage of children with special needs than other centres in the city.



The City is responsible for the operating costs of Willowdale. According to the County's 2013 social services budget, the total operating costs for Willowdale is \$969,000. The net cost to the City is \$164,000. This net amount accounts for provincial funding (\$725,000) and program fee revenues (\$80,000) received.

## REPORT

On January 31, 2013, correspondence from Wellington County was received which informed the City of resolutions passed at the January 31, 2013 County Council meeting. At the January 9, 2013 Wellington County Social Services Committee, Report #CC-13-03: *Willowdale Child Care and Learning Centre- Infant Programme* was presented. This report was subsequently approved by County Council on January 31, 2013 with the following recommendations:

2. THAT staff be directed to forward report CC-13-03, Willowdale Child Care and Learning Centre – Infant Programme to the City of Guelph for approval to be received no later than March 29, 2013; and

Subject to the City's approval of the Infant Programme:

- 3. That staff be directed to implement ten full time infant spaces at the Willowdale Child Care and Learning Centre effective September 3, 2013; and
- 4. That the 2013 user fees for the Willowdale Child Care and Learning Centre as of September 3, 2013 be approved as set out in Report #CC-13-03; and
- 5. That staff be directed to prepare the necessary user fee by-law.

The County report provided the following rationale to implement an infant program at Willowdale:

- 1. A critical lack of licensed infant child care spaces has been identified in every County of Wellington Child Care Service Plan since 2000.
- 2. There has been a 9% reduction in the total number of infant child care spaces since 2008 within the city.
- 3. The current 62 centre-based infant child care spaces represent approximately 2% of the city's birth to 18 months population of children.
- 4. Of the total number of infant child care spaces, only 36 are potentially available to families in receipt of child care subsidy.
- 5. Currently, 48% of Willowdale's capacity provides care to children who may be eligible for full day kindergarten (FDK) and enrollment is projected to decline significantly for September 2013.



- 6. An infant program expands the continuum of supports for children and families within the Onward Willow neighbourhood.
- 7. 20% of all persons living in the Onward Willow neighbourhood are living below the Low Income Cut-Off (LICO), while the city-wide average is 11%.
- 8. Findings from the 2009 Early Development Instrument show that 30 % of senior kindergarten (SK) children living in the Onward Willow neighbourhood were vulnerable on two or more domains of healthy development, which is more than twice the Ontario average.
- 9. 46% of SK children in the Onward Willow neighbourhood were vulnerable on one or more domains, which is 1.5 times the Ontario average.

The County report recommended that with City approval, effective September 3, 2013, the licensed capacity for Willowdale will change as follows:

AGE GROUP	CURRENT LICENSE CAPACITY	LICENSED CAPACITY EFFECTIVE SEPTEMBER 2013	
Infants (birth to 18 months)	0	10	
Toddlers (18 months to 30 months)	10	10	
Preschool (31 months to 5 years)	16	16	
JK/SK (3.5 years to 6 years)	20	0	



The County report provided the following user fees for Willowdale effective September 3, 2013:

PROGRAM	2013 RATES		
Infants			
Full day 5 days/week	\$55.00		
Full day < 5 days/week	\$65.00		
1/2 day with lunch	\$35.75		
1/2 day without lunch	\$33.00		
Toddlers			
Full day 5 days/week	\$42.90		
Full day < 5 days/week	\$47.00		
1⁄2 day with lunch	\$29.25		
1/2 day without lunch	\$25.15		
Preschoolers			
Full day 5 days/week	\$37.70		
Full day < 5 days/week	\$41.65		
1/2 day with lunch	\$24.20		
1/2 day without lunch	\$20.30		

# CORPORATE STRATEGIC PLAN

Organizational Excellence

- 1.2 Develop collaborative work team and apply whole systems thinking to deliver creative solutions
- 1.3 Build robust systems, structures and frameworks aligned to strategy

#### Innovation in Local Government

- 2.1 Build an adaptive environment for government innovation to ensure fiscal and service sustainability
- 2.3 Ensure accountability, transparency and engagement

### <u>City Building</u>

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City



## **DEPARTMENTAL CONSULTATION**

The following departments were consulted and reviewed in preparation of this report:

Community and Social Services: Corporate Building Maintenance Corporate and Human Resources: Legal Services; Realty Services

## COMMUNICATIONS

N/A

# ATTACHMENTS

ATT-1 County of Wellington Letter dated January 31, 2013

**Report Author** Karen Kawakami Social Services Policy and Program Liaison 519-822-1260 x 2094 karen.kawakami@guelph.ca

Par Poweee

Approved By: Barbara Powell General Manager Community Engagement & Social Services 519-822-1260 x 2675 barbara.powell@guelph.ca

Collen Bell

Recommended By: Colleen Bell Executive Director Community & Social Services 519-822-1260 x 2665 colleen.bell@guelph.ca



DONNA BRYCE COUNTY CLERK TEL: (519) 837-2600, EXT. 2520 TOLL FREE: 1-800-663-0750 FAX: (519) 837-1909 CELL: (226) 979-5827 e-mail: donnab@wellington.ca

# COUNTY OF WELLINGTON

74 WOOLWICH STREET GUELPH, ONTARIO N1H 3T9



**CITY CLERK'S OFFICE** 

January 31, 2013

Mr. Blair Labelle, City Clerk City of Guelph 1 Carden Street Guelph, ON N1H 3A1

Dear Blair,

At its meeting held on Thursday January 31, 2013, Wellington County Council approved the following recommendation:

That staff be directed to forward report CC-13-03, Willowdale Child Care and Learning Centre – Infant Programme to the City of Guelph for approval to be received no later than March 29, 2013; and

Subject to the City's approval of the Infant Programme:

That staff be directed to implement ten full time infant spaces at the Willowdale Child Care and Learning Centre effective September 3, 2013; and

That the 2013 user fees for the Willowdale Child Care and Learning Centre as of September 3, 2013 be approved as set out in report CC-13-03; and

That staff be directed to prepare the necessary user fee by-law.

Please reference the attached report.

Sincerely,

Donna Bryce.

Donna Bryce County Clerk



# COUNTY OF WELLINGTON

# **COMMITTEE REPORT**

CC-13-03

То:	Chairman and Members of the Social Services Committee
From:	Luisa Artuso, Director of Child Care Services
Date:	January 9, 2013
Subject:	Willowdale Child Care and Learning Centre- Infant Programme

#### **Background:**

The critical lack of licensed infant child care spaces has been identified in every County of Wellington Child Care Service Plan since 2000.

In the City of Guelph, there has been a 9% reduction in the total number of infant child care spaces since 2008. The existing licensed infant spaces (62 as of December, 2012) in centre-based child care programmes represent approximately 2% of Guelph's birth to 18 months population of children.<sup>1</sup> Of these spaces, only 36 are possibly available to families who are in receipt of child care subsidy.

Despite provincial funding grants, child care programmes located in Guelph that have shared their transition plans towards the modernization of child care, have included changes to their toddler, preschool, and school age spaces; not to infant spaces.

#### Update:

#### System Delivery

Communication from the Ministry of Education includes statements regarding the impact of Full Day Kindergarten on the child care system and specifies that Consolidated Municipal Service Managers and District Social Services Administration Boards need to plan and allocate resources for the reconfiguration of child care to focus on children between the ages of birth to 3.8 years of age.

As 48% of Willowdale Child Care and Learning Centre's (Willowdale) current licensed capacity delivers care to children who may be eligible for FDK, staff has been monitoring enrolment since the implementation of FDK and project a significant decline in enrolment for September 2013. This potential drop in enrolment, and provincial transition minor capital funds being available provides an opportunity to meet this critical need for infant spaces in Guelph while fully utilizing the centre's capacity.

The development of this infant programme will also demonstrate continued leadership and commitment to the principles of system modernization as well as a willingness to address service issues through directly operated programmes consistent with the Mount Forest Child Care and Learning Centre.

Further, the infant programme would expand the continuum of supports for children and families (as is recommended in Pascal's Report *With Our Best Future in Mind*<sup>2</sup>) in the Onward Willow neighbourhood as it is in close proximity to Willow Road Public School and the Shelldale Community Centre. Improved coordination of services for young children and their families is continuously demonstrated through research to help improve child and family outcomes as well as promote quality of life.<sup>3</sup> Data that have been collected for Child Care Services' preliminary planning for potential Best Start Child and Family Centres show that the Onward Willow neighbourhood would be a priority area.

#### **Onward Willow**

Despite being a neighbourhood where there is a documented higher proportion of families who are facing economic and social challenges,<sup>4</sup> Willowdale is the only licensed child care programme in the Onward Willow Neighbourhood.

ATT-1

- 20% of all persons are living under the Low Income Cut Off in the Onward Willow neighbourhood (the Guelph average is 11% of all persons are living under the LICO).
- The rate of subsidized families who use Willowdale is among the highest of all programmes in Guelph and Wellington.<sup>5</sup>
- Findings from the 2009 Early Development Instrument (EDI) show that 30% of Senior Kindergarten (SK) children living in the Onward Willow area were vulnerable on 2 or more domains of their healthy development (this is more than twice the Ontario average).
- 46% of SK children living in the Onward Willow area were vulnerable on 1 or more domains (this is more than 1.5 times the Ontario average).
- the percent of the population who are newcomers to Canada (in the past 5 years) in the Onward Willow neighbourhood is more than twice the Guelph rate (10% the Guelph rate is 3%).<sup>6</sup>

Early childhood development and care research shows that the most effective mechanisms for supporting children and families who are vulnerable due to social and economic circumstances are well planned early learning and care environments that engage a social and economic mix of children.

The latest evidence in infant brain development demonstrates the importance of nurturing high quality care environments. The developmental period between birth and three years provides an important foundation for children's cognitive, language and social emotional development.<sup>7</sup> There are recognized advantages of providing early intervention supports to infants with special needs, sometimes eliminating the need for later interventions all together.

An infant programme can also help to nurture the close relationship that parents have with child care staff – particularly with those caring for their infants, which can facilitate newcomers' sense of belonging to the community and increasing their family well-being.<sup>8</sup>

It is important to recognize the role that directly operated programmes have in providing accessible child care services for families – and supporting families experiencing economic barriers. Willowdale provides a high quality child care environment and has demonstrated high competence levels in supporting a relatively greater proportion of children with special needs. An infant programme will enable the centre to be fully utilized to continue to provide quality services to this neighbourhood and the community at large.

Staff therefore recommend that the Willowdale Child Care and Learning Centre change the licensed capacity as follows commencing September 3, 2013:

Age Group	Current License Capacity	Licensed Capacity as of September 2013	
Infants (birth to 18 months)	0	10	
Toddlers (18 months to 30 months)	10	10	
Preschool (31 months to 5 years)	16	16	
JK/SK (3.5 years to 6 years) *20% mixed ratio for 6-12 years	20	0	

The daily user fees for the Willowdale Child Care and Learning Centre as of September 3, 2013 will be as follows:

Programme	2013 Rates		
Infants			
Full day, 5 days/week	\$55.00		
Full day < 5 days/week	\$65.00		
½ day with lunch	\$35.75		
½ day without lunch	\$33.00		
Toddlers			
Full day, 5 days/week	\$42.90		
Full day < 5 days/week	\$47.00		
½ day with lunch	\$29.25		
1/2 day without lunch	\$25.15		

ATT-1

Preschoolers	2013 Rates		
Full day, 5 days/week	\$37.70		
Full day < 5 days/week	\$41.65		
½ day with lunch	\$24.20		
1⁄2 day without lunch	\$20.30		

#### **Financial Implications:**

The two main reasons for the high cost of infant care in comparison to care delivered to other age groups are the cost of unique materials (such as high chairs, cribs and strollers) and the higher staff to child ratios.

It is estimated that the total cost for minor capital and start up of an infant programme at the Willowdale Child Care and Learning Centre will be approximately \$60,000. These costs will be covered by 100% provincial Transition and Minor Capital funding.

The 2013 budget includes the addition of 2 FTE Teacher positions and one .60 FTE Teacher Assistant position to begin in August 2013. These positions will be used to accommodate the creation of ten infant spaces and it is not expected that any additional staffing changes will result from this programme change.

#### **Recommendations:**

**"THAT** staff be directed to forward report CC-13-03, Willowdale Child Care and Learning Centre- Infant Programme to the City of Guelph for approval to be received no later than March 29, 2013" and

Subject to the City's approval of the Infant Programme:

"THAT staff be directed to implement ten full time infant spaces at the Willowdale Child Care and Learning Centre effective September 3, 2013" and

**"THAT** the 2013 user fees for the Willowdale Child Care and Learning Centre as of September 3, 2013 be approved as set out in report CC-13-03" and

"THAT staff be directed to prepare the necessary user fee by-law."

Respectfully submitted,

uisa Artuso

Luisa Artuso Director of Child Care Services

<sup>1</sup> Statistics Canada. 2012. *Guelph, Ontario (Code 3523008) and Wellington, Ontario (Code 3523)* (table). *Census Profile*. 2011 Census. Statistics Canada Catalogue no. 98-316-XWE. Ottawa. Released September 19, 2012. <u>http://www12.statcan.gc.ca/census-recensement/2011/dp-pd/prof/index.cfm?Lang=E</u> (accessed September 25, 2012).

<sup>2</sup> Pascal, C. (2009). With Our Best Future in Mind: Implementing Early Learning in Ontario. Report to the Premier by the Special Advisor on Early Learning. Available for download: www.ontario.ca/earlylearning.

<sup>3</sup> Pelletier, J. & Corter, C. (2010). Schools as integrated service hubs for young children and families: Policy implications of the Toronto First Duty Project. *International Journal of Child Care and Education Policy*, 4(2): 45-54.

<sup>4</sup> Certain population indicators have been strongly associated with child health outcomes at the family, neighbourhood and community level. A higher percentage on each indicator indicates higher risk and the greater the number of indicators with elevated percentages, the greater the impact on children's health and well-being. Nine indicators have been chosen based on current literature on the social determinants of health. In order to establish a comparable measure of "risk" one point is given to each indicator in which the score is higher than the average for the City of Guelph and the County. Points are then tabulated to show a final score. The higher the score, the more social risk there is in that neighbourhood, nine being the highest social risk score. In the Onward Willow neighbourhood, there is a high degree of social risk with all of the indicators higher than the City of Guelph's and the national averages. (More information and the details regarding these population indicators are available: Onward Willow Neighbourhood profiles based on 2006, 2009 EDI – Information Sheets, L. Bestari Early Years Data Analysis Coordinator)

<sup>5</sup> Child Care Services developed a report on the potential vulnerability of programmes to closure based on formulae included in an October 2011, Children's Services of Toronto Region report that recommended to their Council that additional provincial funding is needed to maintain a high quality accessible system in Toronto during the transitions in services taking place. Child care programmes in Toronto were identified as "at risk" of closure based on the following: The centre has the potential to lose 25% or more of its revenue as kindergarten age children transition from child care into the school system; and, The centre generates 50% or more of its revenue from subsidized children.

<sup>6</sup> Wellington-Dufferin-Guelph Coalition for Report Cards on the Well-Being of Children (September 2009). Onward Willow Neighbourhood Profile. *The Well-Being of Children ages birth to six: A Report Card for Wellington-Dufferin-Guelph*. Pages 114-115. – these data are the most reliable source of neighbourhood based census data available as of Sept. 26, 2012.

<sup>7</sup> McCain, M.N., Mustard, J.F., McCuaig, K. (2011). *Early Years Study 3: Making Decisions, Taking Action*. Toronto: Margaret & Wallace McCain Family Foundation.

<sup>8</sup> McCain, M.N., Mustard, J.F., McCuaig, K. (2011). *Early Years Study 3: Making Decisions, Taking Action*. Toronto: Margaret & Wallace McCain Family Foundation. Page 51.

#### CONSENT REPORT OF THE CORPORATE ADMINISTRATION, FINANCE & ENTERPRISE COMMITTEE

March 25, 2013

Her Worship the Mayor and Councillors of the City of Guelph.

Your Corporate Administration, Finance & Enterprise Committee beg leave to present their SECOND CONSENT REPORT as recommended at its meeting of March 11, 2013.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Corporate Administration, Finance & Enterprise Committee will be approved in one resolution.

### CAFE-2013.3 Development Charge Exemption Policy

- 1. That the Development Charge Exemption Policy report FIN-13-10 dated March 11, 2013, be received.
- 2. That the Development Charge Exemption Policy, attached as Appendix 1 to report FIN-13-10, be approved and adopted by by-law.

#### CAFE-2013.4 Capital Renewal Reserve Fund

- 1. That the Capital Renewal Reserve Fund report FIN-13-09 dated March 11, 2013, be received.
- 2. That the Capital Renewal Reserve Fund Policy, attached as Appendix 1 to report FIN-13-09, be approved and adopted by by-law.

#### CAFE-2013.6 Renegotiation Of The Elliott Promissory Note Agreement

- 1. That Report FIN-13-07 "Renegotiation of The Elliott Promissory Note Agreement" be approved.
- 2. That Council authorizes the Treasurer to renegotiate the Promissory Note Agreement in accordance with the terms as outlined in the staff recommended option and with the direction that all reissuance costs incurred in 2011 be recovered.

All of which is respectfully submitted.

Councillor June Hofland, Chair Corporate Administration, Finance & Enterprise Committee

# *Please bring the material that was distributed with the Agenda for the March 11, 2013 meeting.*



TO CAFES Committee

SERVICE AREA Finance and Enterprise Services

DATE March 11, 2013

SUBJECT Development Charge Exemption Policy

REPORT NUMBER FIN-13-10

## **EXECUTIVE SUMMARY**

## **PURPOSE OF REPORT**

To present for approval a policy to ensure that provision is made to offset the loss of development charge revenue resulting from exemptions, phasing-in, and other such concessions and clarify the associated tracking and fund transfers

## **KEY FINDINGS**

Funds will be transferred into the DC exemptions reserve funds as contributions from operating budgets to help finance approved growth-related capital costs where development charge contributions have been reduced as a result of exemptions, phasing-in, and other such concessions, based on the tracked average during the previous three years.

## FINANCIAL IMPLICATIONS

The Development Charge Exemption Policy has financial implications with regard to future funding from taxes and user fees and with regard to assurance that the City of Guelph will be able to achieve its current and future goals in a fiscally responsible and sustainable manner. Providing for anticipated development charge shortfalls is part of a sound long-term financial management plan.

## ACTION REQUIRED

Receipt of report number FIN-13-10 and approval of a Development Charge Exemption Policy

### RECOMMENDATION

- 1. That the Development Charge Exemption Policy report FIN-13-10 dated March 11, 2013, be received; and
- 2. That the Development Charge Exemption Policy, attached as **Appendix 1**, be approved and adopted by by-law.

# STAFF <u>REPORT</u>



# BACKGROUND

The City of Guelph has an approved General Reserve and Reserve Fund Policy, establishing reserves and reserve funds as part of the long-term Financial Management Plan, and a Capital D.C. Exemption Reserve Policy, establishing a specific reserve fund from operating budget contributions to be used for approved growth-related capital costs not eligible under the *Development Charges Act*. Those policies provide guidance regarding development charge reserve funds.

The proposed Development Charge Exemption Policy ensures that provision is made to offset the loss of development charge revenue resulting from exemptions, phasing-in, and other such concessions and clarifies the associated tracking and fund transfers. It provides guidance for addressing the shortfall occurring when exemptions and phase-ins result in the development charges collected being insufficient to fund the capital projects to the same extent that they had been estimated in the calculation of the development charge rates.

# REPORT

The City's Development Charge By-law imposes charges against land to pay for increased capital costs required because of increased needs for physical and other services arising from development and redevelopment within the municipality. The By-law also provides for certain exemptions whereby the amount of development charges otherwise applicable is not imposed with respect to specified development.

The City will track, by service, the amount of development charges otherwise payable with respect to

- exemptions authorized by the Development Charge By-law in force,
- phasing at a percentage less than 100% as authorized by the Development Charge By-law in force, and
- any other concessions authorized by the Development Charge By-law in force.

Funds will be transferred into the DC exemptions reserve funds as contributions from operating budgets to help finance approved growth-related capital costs where development charge contributions have been reduced as a result of exemptions, phasing-in, and other such concessions. Budgeted transfers into these DC exemptions reserve funds will be based on the tracked average of Development Charge exemptions, phasing, and other such concessions during the previous three years.



The DC exemptions reserve funds are to be used for the exclusive purpose of financing the otherwise underfunded approved growth-related capital projects where development charge contributions have been reduced as a result of exemptions, phasing-in, and other such concessions. They may be utilized to cover such shortfalls directly or through debt charges.

Attached as **Appendix 2** is a spreadsheet showing development charge exemptions from 2009 to 2011 and the average exemption rate as a percentage of total development charges (both collected and exempted). On average, exemptions currently are between \$2 million and \$3 million per year.

# **CORPORATE STRATEGIC PLAN**

- 1.3 Build robust systems, structures and frameworks aligned to strategy.
- 2.1 Build an adaptive environment for government innovation to ensure fiscal and service sustainability.
- 2.2 Deliver Public Service better.
- 2.3 Ensure accountability, transparency and engagement.

# **DEPARTMENTAL CONSULTATION**

The Executive Team has reviewed the policy and provided input.

# COMMUNICATIONS

The policy will be included with other policies approved by Council.

# ATTACHMENTS

Appendix 1: Proposed Development Charge Exemption Policy Appendix 2: Development Charge Exemptions

[Signature page follows]



"original signed by Mary Coggins"

# **Report Author**

Mary E. Coggins Financial Consultant 519-822-1260 ext. 2522 Mary.Coggins@guelph.ca

"original signed by Sarah Purton"

"original signed by Al Horsman"

## Approved By

Sarah Purton Manager, Financial Planning & Budgets Executive Director and CFO 519-822-1260 ext. 2325 Sarah.Purton@guelph.ca

**Recommended By** Albert Horsman 519-822-1260 ext. 5606 Al.Horsman@guelph.ca

# CORPORATE POLICY AND PROCEDURE



# **1. POLICY STATEMENT**

It is the policy of the City of Guelph

- to track Development Charge exemptions, phasing, and other such concessions, and
- to maintain reserve funds to address the resulting shortfall in capital cost recovery related to development and redevelopment within the municipality.

# **2. POLICY PURPOSE**

Under paragraph 3 of sub-section 5 (6) of the *Development Charges Act, 1997*, if the development charge by-law will exempt a type of development, phase in a development charge, or otherwise provide for a type of development to have a lower development charge than is allowed, the rules for determining development charges may not provide for any resulting shortfall to be made up through higher development charges for other development. That is to say, exemptions and phase-ins will result in the development charges collected being insufficient to fund the capital projects to the same extent that they had been estimated in the calculation of the development charge rates. The purpose of this policy is to ensure that provision is made to offset the loss of development charge revenue resulting from exemptions, phasing-in, and other such concessions.

# **3. DEFINITIONS**

In this policy,

"**Capital cost**" means a cost incurred or proposed to be incurred by the City or a local board thereof directly or by others on behalf of, and as authorized by, the City

Making a Difference

or local board,

- (a) to acquire land or an interest in land, including a leasehold interest,
- (b) to improve land,
- (c) to acquire, lease, construct or improve buildings and structures,
- (d) to acquire, lease, construct or improve facilities including,
  - (i) furniture and equipment, other than computer equipment, and
  - (ii) materials acquired for circulation, reference or information purposes by a library board, and
  - (iii) rolling stock with an estimated useful life of seven years or more, or
- (e) to undertake studies in connection with any of the matters referred to in

clauses (a) to (d) above, including the development charge background study, required for the provision of services designated in the Development Charge By-law within or outside the City, including interest on borrowing for those expenditures under clauses (a) to (d) above that are growth-related.

"**Development**" means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment.

"**Development charge**" means a charge imposed with respect to the Development Charge By-law.

"**Exemption**" means a provision in the Development Charge By-law whereby the amount of development charges otherwise applicable is not imposed with respect to specified development.

"**Hard services**" means water services, waste water services, storm water drainage and control services, and roads and related services.

"**Reserve fund**" means a fund with assets which are segregated and restricted to meet the purpose of the reserve fund. It is prescriptive as to the basis for collection and use of monies in the fund.

"**Soft services**" means all services other than water services, waste water services, storm water drainage and control services, and roads and related services.

# 4. SCOPE

The Development Charge Exemption Policy applies to all departments and local boards (including Library and Police Services) of the Corporation of the City of Guelph.

# **5. PROCEDURE / ADMINISTRATION**

## 5.1 Tracking

(a) The City of Guelph will track, by service, the amount of development charges otherwise payable with respect to exemptions authorized by the Development Charge By-law in force, including, but not limited to, any of the following:

### Mandatory exemptions

- The enlargement of an existing dwelling unit or the creation of up to two additional dwelling units in prescribed classes of existing residential buildings;
- Lands owned by and used for the purposes of the City, a local board of the City, a board of education, the County of Wellington, or a local board of the County of Wellington;
- The portion of an enlargement, whether attached or separate, of the gross floor area of an existing industrial building up to 50% of the gross floor area before the first enlargement for which an exemption was granted.

**Discretionary** exemptions

- Development of certain land, buildings, or structures for the University of Guelph or university-related purposes;
- A place of worship, cemetery, or burial ground;
- Non-residential temporary uses permitted pursuant to section 39 of the Planning Act;
- Non-residential farm buildings constructed for bona fide farm uses;
- Development creating or adding an accessory use or accessory structure not exceeding 10 square metres of gross floor area;
- A public hospital.
- (b) In addition, the City will track, by service, the amount of development charges otherwise payable with respect to phasing at a percentage less than 100% as authorized by the Development Charge By-law in force.
- (c) Further, the City will track, by service, the amount of development charges otherwise payable with respect to any other concessions authorized by the Development Charge By-law in force.

## 5.2 Reserve Funds

Council may establish a reserve fund to be used for any authorized exclusive purpose. A discretionary reserve fund may be created where Council wishes to set aside from general operations a revenue amount for financing future expenditures to ensure that it will not be used for any other purpose and be available when needed.

Funds will be transferred into the DC Exemptions Reserve Fund, Water DC Exemptions Reserve Fund, Wastewater DC Exemptions Reserve Fund, and any other DC exemptions reserve funds as contributions from operating budgets to help

finance approved growth-related capital costs where development charge contributions have been reduced as a result of exemptions, phasing-in, and other such concessions. Budgeted transfers into these DC exemptions reserve funds will be based on the tracked average of Development Charge exemptions, phasing, and other such concessions during the previous three years.

## 5.3 Intended Use

The DC Exemptions Reserve Fund, Water DC Exemptions Reserve Fund, Wastewater DC Exemptions Reserve Fund, and any other DC exemptions reserve funds are to be used for the exclusive purpose of financing the otherwise underfunded approved growth-related capital projects where development charge contributions have been reduced as a result of exemptions, phasing-in, and other such concessions. They may be utilized to cover such shortfalls directly or through debt charges.

## 5.4 Limitations

- 5.4.1 Transfers shall be made into or from the DC Exemptions Reserve Fund, Water DC Exemptions Reserve Fund, Wastewater DC Exemptions Reserve Fund, and any other DC exemptions reserve funds as approved by by-law, including but not limited to the annual budget by-law.
- 5.4.2 A reduction in the amount of development charges otherwise payable for redevelopment involving demolition or conversion will be tracked, but the amount will not be included in budgeted transfers into DC exemptions reserve funds except when the demolition / conversion is not followed by construction in a timely manner. When construction is delayed, the excess service capacity benefits all developers, the need for services is increased by the new construction, and the cost of the DC reduction would have to be added into the cost of the annual recoveries from operating budgets.
- 5.4.3 Money in the DC Exemptions Reserve Fund, Water DC Exemptions Reserve Fund, Wastewater DC Exemptions Reserve Fund, and any other DC exemptions reserve funds shall be spent only for the predetermined exclusive purpose of offsetting the loss of development charge revenue resulting from exemptions, phasing-in, and other such concessions.
- 5.4.4 A factor, based on the Development Charge By-law in force and the tracked loss of development charge revenue over time, shall be applied to reduce draws from the DC reserve funds and offset estimated shortfalls resulting from exemptions, phasing-in, and other such concessions. Capital project budgets will show less funding from development charges than was estimated in the background study and more funding from separate exemptions reserve funds.
- 5.4.5 Approved growth-related capital projects requiring contributions from Development Charge Reserve Funds and / or Development Charge Exemption Reserve Funds shall not proceed until money is available in the

relevant reserve fund(s) to meet 100% of the direct or debt development charge requirements for soft services or 80% of the direct or debt development charge requirements for hard services.

# City of Guelph Development Charge Exemptions

	2012	2011	2010
City, Board, or County	2,052		2,777
Industrial Building Enlargement	738,605	776,722	271,342
Accessory Use / Structure Not > 10 Sq. Metres			558
Computer / Research @ Industrial Rate			1,884,208
Phasing for Industrial / Computer / Research	777,027	1,836,553	434,058
Demolition / Conversion Reduction	28,796		299,085
Early / Late Payment	522,026		
	2,068,506	2,613,275	2,892,028
Less: Demolition / Conversion Reduction	-28,796		-299,085
Exemptions	2,039,710	2,613,275	2,592,944
Collections	19,204,140	15,482,129	18,853,970
Total Development Charges	21,243,850	18,095,403	21,446,913
Collection Rate	90.4%	85.6%	87.9%
3-year Average Collection Rate	88.0%		
3-year Average Exemption Rate	12.0%		
3-year Average Exemption Amount	2,415,310		
Allocation of Average Exemption Amount			
User-Pay Services @ Approximately 65%	1,570,000		
Tax-Supported Services @ Approximately 35%	850,000		



TO CAFES Committee

SERVICE AREA Finance and Enterprise Services

DATE March 11, 2013

SUBJECT Capital Renewal Reserve Fund

REPORT NUMBER FIN-13-09

## **EXECUTIVE SUMMARY**

### **PURPOSE OF REPORT**

To present for approval a policy to preserve in the Capital Renewal Reserve Fund the proceeds from disposition of significant assets (including the remaining proceeds from monetization of the Hydro Note) for the exclusive purpose of financing capital assets identified in the City's strategic priorities

## **KEY FINDINGS**

The Capital Renewal Reserve Fund may also be utilized to leverage funding from other sources (such as grants or partnerships) or to loan funds for a project which might otherwise require outside debt or for an emergency infrastructure project which requires bridge financing.

### FINANCIAL IMPLICATIONS

The Capital Renewal Reserve Fund Policy has financial implications with regard to future funding from taxes and user fees and with regard to the renewal of capital assets. A well-managed reserve fund enhances the City's expenditure flexibility and provides additional financing options.

### **ACTION REQUIRED**

Receipt of report number FIN-13-09 and approval of a Capital Renewal Reserve Fund Policy

## RECOMMENDATION

- 1. That the Capital Renewal Reserve Fund report FIN-13-09 dated March 11, 2013, be received; and
- 2. That the Capital Renewal Reserve Fund Policy, attached as **Appendix 1**, be approved and adopted by by-law.

# STAFF <u>REPORT</u>





The City of Guelph has an approved General Reserve and Reserve Fund Policy establishing reserve and reserve funds as part of the long-term Financial Management Plan. That policy assists in decision making by providing clear and agreed-upon parameters.

There are also other specific policies for previously established reserves and reserve funds. The proposed Capital Renewal Reserve Fund Policy provides guidance regarding a reserve fund intended to preserve the proceeds from disposition of other significant assets (including the remaining proceeds from monetization in 2010 of the Hydro Note) for the exclusive purpose of financing capital assets identified in the City's strategic priorities. This policy ensures that the one-time revenue from the disposition of the City's interest in Guelph Hydro and other significant assets is available to assist with the financing of capital assets and is not used for other projects.

# REPORT

In late 2010, \$30 million was received from Guelph Hydro Electric Systems Inc. as a result of monetization of the outstanding Note Receivable. Of this amount, approximately \$17 million was allocated to fund the City's share of Infrastructure Stimulus Fund and RInC Program capital projects, and the balance was available to create a new reserve fund.

Council may establish a discretionary reserve fund to be used for any authorized exclusive purpose in order to set aside from general operations a revenue amount for financing future expenditures to ensure that it will not be used for any other purpose and be available when needed.

The new Capital Renewal Reserve Fund is to be used for the exclusive purpose of financing capital assets identified in the City's strategic priorities. It may be utilized

- to leverage funding from other sources (such as grants or partnerships) or
- to loan funds for a project which might otherwise require outside debt or for an emergency infrastructure project which requires bridge financing.

The money loaned to a capital project which might otherwise require outside debt will be repaid to the Capital Renewal Reserve Fund within ten years, and the money loaned to an emergency infrastructure project which requires bridge financing shall be repaid to the Capital Renewal Reserve Fund immediately upon receipt of longer term financing.

Guelph Making a Difference

# CORPORATE STRATEGIC PLAN

- 1.3 Build robust systems, structures and frameworks aligned to strategy.
- 2.1 Build an adaptive environment for government innovation to ensure fiscal and service sustainability.
- 2.2 Deliver Public Service better.
- 2.3 Ensure accountability, transparency and engagement.

## **DEPARTMENTAL CONSULTATION**

The Executive Team has reviewed the policy and provided input.

## COMMUNICATIONS

The policy will be included with other policies approved by Council.

# ATTACHMENTS

Appendix 1: Proposed Capital Renewal Reserve Fund Policy

"original signed by Mary Coggins"

#### **Report Author**

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"original signed by Sarah Purton"

"original signed by Al Horsman"

#### **Approved By**

Recommended By

Sarah PurtonAlbert HorsmanManager, Financial Planning & Budgets Executive Director and CFO519-822-1260 ext. 2325Sarah.Purton@guelph.caAlbert Horsman@guelph.ca

# CORPORATE POLICY AND PROCEDURE



POLICY	Capital Renewal Reserve Fund Policy
CATEGORY	Finance
AUTHORITY	Council
RELATED POLICES	General Reserve and Reserve Fund Policy
APPROVED BY	Council
EFFECTIVE DATE	March 2013
REVISION DATE	As required

# **1. POLICY STATEMENT**

It is the policy of the City of Guelph to establish and maintain a reserve fund to preserve the proceeds from disposition of significant assets (including the remaining proceeds from monetization of the Hydro Note) for the exclusive purpose of financing capital assets identified in the City's strategic priorities.

# 2. POLICY PURPOSE

The purpose of this policy is to ensure that the one-time revenue from the disposition of the City's interest in Guelph Hydro and other significant assets is preserved to assist with the financing of capital assets in accordance with the limitations set out in this policy and not used for other projects or programs.

# **3. DEFINITIONS**

In this policy,

"**Reserve fund**" means a fund with assets which are segregated and restricted to meet the purpose of the reserve fund. It is prescriptive as to the basis for collection and use of monies in the fund.

"**Discretionary reserve fund**" means a reserve fund created under the *Municipal Act* when Council wishes to earmark revenue to finance a future expenditure for which it has the authority to spend money, and to set aside a certain portion of any revenues so that the funds are available as required. The Capital Renewal Reserve Fund is a discretionary reserve fund.

"Loan" means money borrowed that is expected to be paid back with interest.

# 4. ADMINISTRATION

# 4.1 Creation

Council may establish a reserve fund to be used for any authorized exclusive purpose. A discretionary reserve fund may be created where Council wishes to set aside from general operations a revenue amount for financing future expenditures to ensure that it will not be used for any other purpose and be available when needed. The Capital Renewal Reserve Fund is a way of helping to stabilize the general municipal tax levy and minimize reliance on debentures.

# 4.2 Intended Use

The Capital Renewal Reserve Fund is to be used for the exclusive purpose of financing capital assets identified in the City's strategic priorities and in accordance with the limitations set out in this policy. It may be utilized to leverage funding from other sources (such as grants or partnerships), to loan funds for a project which might otherwise require outside debt, or to provide bridge financing for an emergency infrastructure project.

# 4.3 Limitations

- 4.3.1 Transfers shall be made into or from the Capital Renewal Reserve Fund as approved by by-law, including but not limited to the annual budget by-law.
- 4.3.2 Money in the Capital Renewal Reserve Fund shall be spent only for the predetermined exclusive purpose of financing capital assets identified in the City's strategic priorities.
- 4.3.3 Money in the Capital Renewal Reserve Fund may be utilized
  - (i) to leverage funding from other sources (such as grants or partnerships) or

(ii) to loan funds for a project which might otherwise require outside debt or for an emergency infrastructure project which requires bridge financing.

- 4.3.4 Money shall be approved for transfer from the Capital Renewal Reserve Fund to a capital project only after presentation of a request accompanied by an acceptable business case.
- 4.3.5 (i) Money loaned to a capital project which might otherwise require outside debt shall be repaid to the Capital Renewal Reserve Fund within ten years.

(ii) Money loaned to an emergency infrastructure project which requires bridge financing shall be repaid to the Capital Renewal Reserve Fund immediately upon receipt of longer term financing.



TO CAFES

SERVICE AREA Finance and Enterprise

DATE March 11, 2013

SUBJECT Renegotiation of The Elliott Promissory Note Agreement

REPORT NUMBER FIN-13-07

## **EXECUTIVE SUMMARY**

## PURPOSE OF REPORT

To recommend renegotiated terms for the Promissory Note agreement in place between the City and The Elliott that would reflect a transfer to The Elliott of favourable interest rate terms for the City's revised debenture payments.

## **KEY FINDINGS**

In November 2011, the City refinanced the 2001 debenture that was issued on behalf of The Elliott and received a very favourable interest rate. As a result, the City entered into discussions with The Elliott in early 2012 to discuss renegotiating the Promissory Note Agreement to reflect this reduced rate. The total savings achieved through this reduced rate total \$7,233,488 assuming option #4 below.

Renegotiation did not get finalized in 2012 as expected and The Elliott is looking to finalize the future terms of this agreement as they are in the final stages of preparing their 2013 budget. As part of this discussion, The Elliott management have requested to retain a term to maturity similar to the current agreement (options #3 & #4 below). Staff at the City are comfortable accommodating this request as there is no net cost to the City or The Elliott.

	Current Agreement	Option #1 No Change	Option #2 Partial	Option #3 Full	Option #4 Full - Step
Interest Rate	5.06%	3.119%	3.119%	3.119%	3.119%
Annual Payment	\$1,353,324	\$1,353,324	\$1,203,324	\$1,116,000	2013 ~ \$1,203,324 2014+ ~ \$1,116,000
Maturity	Dec 2037	March 2031	June 2034	Dec 2036	Oct 2036

Staff reviewed four payment options:



Based on this analysis, including the consideration of The Elliott's request and the City's strategic priorities, staff are recommending that the Promissory Note be renegotiated to the terms outlined in option #4, which includes:

- Interest rate revision from 5.06% to 3.119%
- Reduction in the annual payment by \$150,000 in 2013 plus a further \$87,000 for 2014 forward
- Revised maturity date of October 2036 from December 2037
- Renegotiated terms and amortization schedule are effective January 1, 2012

# FINANCIAL IMPLICATIONS

In the long-term, the promissory note agreement provides for a full repayment of the debt owed by the Elliott to the City and this recommended option only changes the timing of this repayment while also reflecting the transfer of the favourable interest rate to The Elliott.

2013 Impact

2013 Approved Budget (revenue)	\$1,353,324
2013 Cash inflows under option #4	<u>\$1,203,324</u>
Negative Budget Variance	\$150,000

Finance has identified funding in the 2013 budget to off-set this variance through the delayed timing of the 2013 planned debt issuance from January to November.

2014 forward impact

Current base budget	\$1,353,324
2014 adjusted base under option #4	\$1,116,000
Reduction in 2014 base revenue budget	\$ 237,324

Approval of this option would result in a net base budget increase of \$237,324 in 2014.

Under all options outlined above, there is no cost to the City as the net present value of all options is zero.

The City incurred costs totalling \$84,825 to reissue the external debenture in 2011 on behalf of The Elliott that will be included in the renegotiated Promissory Note Agreement.

# ACTION REQUIRED

That Council approve the staff recommended option for renegotiating The Elliott Promissory Note Agreement as outlined in Report FIN-13-07 –"Renegotiation of The Elliott Promissory Note Agreement".



# RECOMMENDATION

- 1. That Report FIN-13-07 "Renegotiation of The Elliott Promissory Note Agreement" be approved; and
- 2. That Council authorizes the Treasurer to renegotiate the Promissory Note Agreement in accordance with the terms as outlined in the staff recommended option and with the direction that all reissuance costs incurred in 2011 be recovered.

### BACKGROUND

In 2001, The Elliott under took significant capital investment and requested the City to issue debt on their behalf due to the favourable rate the City could access through the debenture market. The City had precedent for this type of arrangement as it had previously issued debt on behalf of the local school boards. An agreement was struck and the City went forward issuing two debentures on The Elliott's behalf:

- 2001 \$20,500,000 @ rates from 3.10% to 5.95%, 10 year term, balloon maturity in 2011 of \$13,050,000
- 2004 \$2,500,000 @ rates from 2.75% to 5.20%, 10 year term

The terms of this agreement required The Elliott to reimburse the City for actual debt payments annually so there was no net cost to the City. In 2006 & 2007, The Elliott was unable to meet their obligation to the City and defaulted on payments totalling \$2,493,520 in those years. As a result, the City worked with The Elliott to create a repayment plan that would be financially viable for their organization and that their obligation to the City could be met without further defaults. On January 1, 2008 a Promissory Note Agreement was signed and provided The Elliott to pay their remaining debt obligation over a 30 year term at a rate of 5.06%. Since the commencement of this agreement, The Elliott has paid their instalments on schedule and no further issues have arisen.

To clarify further, in this arrangement the City continues payment on the external debenture at the original terms which is at a faster pace than the Elliott is reimbursing the City. Until 2021, the City will be in an annual negative cash position which then flips in 2022 through 2036 when the City will be in a positive cash position as The Elliott continues to repay their obligation. To illustrate:

Year	City External	City External The Elliot	
	Debt Payments	Payments to City	Position
2013	\$1,858,610	\$1,203,324	\$(655,286)
2022	\$0	\$1,116,000	\$1,116,000

Included in attachment #1 is a full schedule of the cash flow implications under each option presented. Upon maturity of the Promissory Note, the City will be fully repaid for the cost of principle and interest on the external debenture issued on behalf of The Elliott.



In November 2011, the 2001 debenture, matured with a balloon principle payment of \$13,050,000 and was refinanced into another debenture issuance with a further 10 year term. The cost of this refinancing paid by the City totalled \$84,825 which has not yet been passed on to The Elliott. The City was able to achieve a favourable rate ranging from 1.25% to 3.70% (average of 3.119%) which translates into a savings to The Elliott of \$7,233,488 (assuming the recommended option #4) over the current Promissory Agreement terms. Given that the current Promissory Note Agreement was drafted reflecting the rates in effect in 2008, it is fair and equitable to update the agreement to pass on these lower rates in effect today to The Elliott.

# REPORT

As part of the renegotiation process to align the current Promissory Agreement with the new lower rates achieved on the external debt, The Elliott has requested that the City consider maintaining a maturity term similar to the original agreement. The Elliott has indicated through discussions with City staff that this would enable them to balance their budget including needed capital investment without affecting service levels and it would allow them to be in a self-sustaining break-even cash flow position for the future.

Under the current Promissory Agreement, the City would be fully repaid over a term of 30 years, ending in 2037. If the annual payment remains at \$1,353,324, under the new agreement with the reduced interest rate, the City would be repaid fully by 2031 (see option #1 below). The Elliott's request to keep the agreement similar to the maturity of 30 years translates into a reduction in their annual payment by \$237,324 (see option's #3 & #4 below) at no net cost to the City overall.

The City's 2013 approved budget does not reflect this reduced payment and if approved, would lead to a negative variance. Upon further discussion and analysis, City staff have identified \$150,000 in funding through the delayed issuance of the 2013 debenture and this could be used to offset the negative variance. Staff would then reflect the full base budget adjustment of \$237,324 in 2014 Budget request.

Based on this information, City staff have considered the following four options for the new terms of the Promissory Note Agreement:

	Current Agreement	Option #1 No Change	Option #2 Partial	Option #3 Full	Option #4 Full – Step
Interest Rate	5.06%	3.119%	3.119%	3.119%	3.119%
Annual Payment	\$1,353,324	\$1,353,324	\$1,203,324	\$1,116,000	2013 ~ \$1,203,324 2014+ ~ \$1,116,000
Maturity	Dec 2037	March 2031	June 2034	Dec 2036	Oct 2036



Included in Attachment #1 is a detailed schedule of the four options presented above compared to the City's external debt obligation over the period from 2001 through 2037. The net present value of each option is zero, meaning there is no cost or gain to the City under any scenario.

City staff are recommending that Council adopt option #4 that allows the maturity of the Promissory Note be kept near 2037 and reduces The Elliott's annual payment by \$150,000 in 2013 and reduces the annual payment by a further \$87,324 in 2014. This option is financially viable for the City and meets The Elliott's full cash flow needs by 2014.

It should be noted that this arrangement is not a grant as the City will be fully repaid and that this amendment to the terms of the note does not affect the ultimate amount of repayment, only the timing.

It should also be clear that this proposed amendment to the terms of Promissory Note Agreement is not connected to the Long-Term Care Designation Project that city staff are concurrently undertaking. The outcome of the Long-Term Care decision expected in late 2013 has no effect on this agreement. Regardless of how the City decides to meet its obligation under the Long-Term Care Act, this Promissory Note Agreement with The Elliott will be in effect until 2037 (2036 if amended).

# CORPORATE STRATEGIC PLAN

1.2 Develop collaborative work teams and apply whole system thinking to deliver creative solutions

3.2 Be economically viable, resilient, diverse and attractive for business

# **DEPARTMENTAL CONSULTATION**

CSS – Long-Term Care Project Team CHR – Legal Services

# COMMUNICATIONS

Communications has been consulted.

# ATTACHMENTS

ATT-1 – Detailed Schedule of Repayment Options



# **Report Author**

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"original signed by Katrina Power"

"original signed by Al Horsman"

## **Approved By**

Katrina Power GM Finance / Deputy Treasurer 519-822-1260 X2289 katrina.power@guelph.ca **Recommended By** Al Horsman Executive Director Finance & Enterprise /CFO 519-822-1260 x5606 al.horsman@guelph.ca

ATT-1 FIN-13-07

SUMMARY OF ELLIOT & CITY LOAN

YEAR	CITY DEBT EXPENSE	CURRENT PROMISSORY AGREEMENT	OPTION #1 NO CHANGE 2012 + \$112,777/ mo	OPTION #2 PARTIAL 2012 - \$112,777 / mo 2013+ \$100,277 / mo	OPTION #3 FULL 2012 - \$112,777 / mo 2013+ \$93,000 / mo	OPTION #4 FULL STEP 2012 - \$112,777 / mo 2013 - \$100,277 / mo 2014+ \$93,000 / mo
2001			-	-	-	-
2002 -	1,740,950.00	1,740,950.00	1,740,950.00	1,740,950.00	1,740,950.00	1,740,950.0
2003 -	1,742,660.00	1,742,660.00	1,742,660.00	1,742,660.00	1,742,660.00	1,742,660.0
2004 -	1,750,090.00	1,750,090.00	1,750,090.00	1,750,090.00	1,750,090.00	1,750,090.
2005 -	2,082,829.00	2,082,829.00	2,082,829.00	2,082,829.00	2,082,829.00	2,082,829.
2006 -	2,080,434.00	844,799.00	844,799.00	844,799.00	844,799.00	844,799.0
2007 -	2,085,839.00	827,954.00	827,954.00	827,954.00	827,954.00	827,954.0
2008 -	2,086,101.50	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324.
2009 -	2,092,180.50	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324.
2010 -	2,094,740.50	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324.
2011 -	2,102,004.00	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324.
2012 -	1,859,406.36	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324.00	1,353,324
2013 -	1,858,609.57	1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,203,324.
2014 -	1,854,006.48	1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2015 -	1,539,390.56	1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2016 -	1,540,925.86	1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2017 -	1,524,065.53	1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2018 -	1,530,241.60	1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2019 -	1,530,576.58	1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2020 -	1,526,850.00	1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2021 -	1,476,310.91	1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2022		1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2023		1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2024		1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2025		1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2026		1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2027		1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2028		1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2029		1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2030		1,353,324.00	1,353,324.00	1,203,324.00	1,116,000.00	1,116,000
2031		1,353,324.00	304,458.35	1,203,324.00	1,116,000.00	1,116,000
2032		1,353,324.00	-	1,203,324.00	1,116,000.00	1,116,000
2033		1,353,324.00	-	1,203,324.00	1,116,000.00	1,116,000
2034		1,353,324.00	-	528,014.71	1,116,000.00	1,116,000
2035		1,353,324.00	-	-	1,116,000.00	1,116,000
2036		1,353,324.00	-	-	1,024,941.78	844,288
2037		1,353,324.00			-	
al pymts -	36,098,211.94	49,589,002.00	40,420,192.35	41,553,720.71	42,448,843.78	42,355,514

### CONSENT REPORT OF THE OPERATIONS, TRANSIT & EMERGENCY SERVICES COMMITTEE

March 25, 2013

Her Worship the Mayor and Councillors of the City of Guelph.

Your Operations, Transit & Emergency Services Committee beg leave to present their FIRST CONSENT REPORT as recommended at its meeting of March 18, 2013.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Operations, Transit & Emergency Services Committee will be approved in one resolution.

## **OTES-2013.1** Public Nuisance By-law

- 1. That the Operations, Transit & Emergency Services Committee Report # OT031303 dated March 18, 2013, regarding the establishment of a Public Nuisance By-law be received.
- 2. That the proposed Public Nuisance By-law be presented to Council for approval.
- 3. That the Public Nuisance By-law be referred back to the Operations, Transit and Emergency Services Committee in April, 2014 to review the effectiveness of the by-law to date.

### OTES-2013.2 Revised U-Pass Agreement

- That the Operations, Transit and Emergency Services Committee Report #OT031302 <u>Revised U-Pass Agreement</u> dated March 18, 2013 be received.
- 2. That the Mayor and City Clerk be authorized to sign U-Pass Agreements with the CSA and GSA at the University of Guelph.

All of which is respectfully submitted.

Councillor Findlay, Chair Operations, Transit & Emergency Services Committee

# PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE AGENDA FOR THE MARCH 18, 2013 MEETING.



Operations, Transit & Emergency Services Committee Meeting March 18, 2013



Reasons for Implementation

- Past incidents indicate that sufficient tools are not at staff's disposal
- Lack of City Parks Bylaw
- No clear requirement for the public to apply for permits for events on City land
- Inability to stop/disperse nuisance parties on private land



# Process

- Staff employed a new engagement model
- Approximately 133 residents participated
- A broad cross-organizational team reviewed and developed the Public Nuisance Bylaw



# Process

- Each section was carefully reviewed
- Bylaw does not violate the Canadian Charter of Rights and Freedoms
- Remaining sections are in the interest of public safety



# Benefits

- Provides a tool for Bylaw and Police staff to address minor, unwanted activity
- Bridges gap between Criminal Charges & Warnings
- Undesirable behaviour can been addressed in a timelier, efficient and less onerous way



**Committee Action** 

- Opportunity to establish what will be construed as a public nuisance
- Accept, amend or reject any provision



TO Operations, Transit & Emergency Services Committee

SERVICE AREA Operations, Transit & Emergency Services Bylaw Compliance & Security Department

DATE March 18, 2013

SUBJECT Public Nuisance Bylaw Update

REPORT NUMBER OT031303

## **EXECUTIVE SUMMARY**

## PURPOSE OF REPORT

To advise Committee of how public engagement efforts have influenced the suggested provisions of a Public Nuisance Bylaw to regulate, through by-law control, unwanted or undesirable activity within the City of Guelph.

## **KEY FINDINGS**

The participation model used to engage the public on determining their opinions regarding the content of a Public Nuisance Bylaw is considered a success. The recommended Public Nuisance Bylaw reflects the opinions and support of the majority of those participating in this process. The significant changes to the draft bylaw previously presented to Council are:

- There was considerable objection to any language that would curtail or regulate public protests or rallies. For many, it was perceived as an affront to the federal Charter of Rights and Freedoms (CoRF). All sections pertaining to this aspect of the bylaw have been *removed*;
- Again, citing CoRF concerns, the aspects of the bylaw prohibiting/regulating the distribution of handbills has been **removed**.
- There was considerable concern as to the fine amount(s) specified in the draft bylaw. The draft indicates a minimum fine of \$10,000 and a maximum fine of \$25,000 for individuals and a minimum fine of \$50,000 and a maximum fine of \$100,000 for Corporations. These amounts are set by Provincial legislation and are the amounts that can be imposed if one were summoned to Court for a violation of the bylaw. For most circumstances, enforcement officials will issue a Provincial Offences Notice that will have a *Set Fine* associated with infractions of the bylaw. These suggested Set Fines are included in the report.



# FINANCIAL IMPLICATIONS

The cost of drafting a Public Nuisance By-law and the activity required to achieve compliance with it is provided for within the existing operating budgets of the Guelph Police Service and the City's Bylaw Compliance, Security & Licensing Department.

### **ACTION REQUIRED**

To receive staff's report and to recommend the proposed Public Nuisance By-law be passed by Council.

### RECOMMENDATION

- 1. That the Operations, Transit & Emergency Services Committee Report # OT031303 dated March 18, 2013, regarding the establishment of a Public Nuisance Bylaw be received; and,
- 2. That the proposed Public Nuisance Bylaw be presented to Council for approval.

### BACKGROUND

A Public Nuisance By-law will provide by-law officers and police with an additional tool to address minor, unwanted behaviour or activities on City-owned property and, in certain limited cases, private land.

This tool will permit enforcing officials to deal with unwanted behaviour (at their discretion) through the Nuisance Bylaw rather than through the laying of criminal charges. Pursuing compliance through the Nuisance Bylaw (rather than Criminal Code) will reduce the Police Service and Court Administration resources necessary to achieve compliance allowing both agencies to concentrate on more serious matters.

On September 24, 2012, following the receipt of Operations, Transit & Emergency Services Committee Report # OT091235 dated September 17, 2012, Council approved the need for a Public Nuisance Bylaw in principle; and directed staff to solicit public input on the draft Public Nuisance Bylaw.

### REPORT

As a result of this direction, staff working in collaboration with Community & Social Services (CSS), designed and employed a new public engagement model to encourage and facilitate a greater degree of public involvement. The strategy resulted in about 133 residents participating in the engagement process with comments being received on approximately 46 sections of the Bylaw. This model will be reported on separately and in more detail by CSS at a future time. Preliminary results, however, suggest it successfully achieved its objectives.



It is significant to note that while this initiative was stewarded by Bylaw Compliance staff, the initiative to create a Nuisance Bylaw was broadly supported by a broad cross-organizational team (identified below) that actively collaborated on the consideration of public input and assisted with the drafting of the recommended bylaw before Committee. The unabridged version of the recommended bylaw is contained in Attachment A.

Following the public engagement process, staff met to carefully consider each section of the draft bylaw, the public input received, administrative interest in having the section included and its enforceability. The result of this review saw various regulations in the draft Bylaw deleted, amended or retained as originally proposed. For ease of Committee review, Appendix B sets out, section by section, the draft bylaw's original language, the public opinion received on the section, staff's response to the input and the recommended language that has been captured within the recommended bylaw in Appendix A. Please note, all unabridged public comments have been retained on file should whole documents be required.

The following highlights some of the more significant public comments received and staff's brief response(s):

### • The Bylaw would gravely affect a person's rights and freedoms;

- the sections regulating protests and rallies have been removed.
- the sections regulating the distribution of handbills have been removed;
- under the sections describing the cancellation of permits issued to authorize various activities, references to "without notice" were removed.
- in the interest of public safety and to assure the legal use of City land by all persons, clauses pertaining to obstructing a sidewalk and camping were retained. It was determined the inclusion of these clauses would not affect peaceful assemblies.

# • The City had other bylaws that contained similar restrictions and the Nuisance Bylaw was not needed.

 sections found to be duplicated in other Bylaws were removed or amended to address specific City land not regulated by other Bylaws.

# • Sections pertaining to activities within City parks should be contained in a Parks Bylaw, not the Nuisance Bylaw.

the City of Guelph does not currently have a Parks Bylaw. Staff of CSS recognize the need for a comprehensive bylaw but indicate it needs to be developed in the 'parks as living community centres' context. This is included in their work plan for 2014.



# • The Noise Bylaw should be able to provide Police/Bylaw staff the authority to stop nuisance parties.

 the City's Noise Bylaw contains authority to compel persons creating excessive noise to cease and desist. However, it does not provide authority for Police/Bylaw staff to stop parties. The Nuisance Bylaw as recommended will provide such authority.

# • There is concern the Public Nuisance Bylaw is shifting responsibility for certain violations from the Guelph Police Service to the City's Bylaw Compliance Officers.

 Providing Bylaw Compliance staff with the authority to deal with minor offences instead of the Guelph Police Service is an efficiency realized through the creation of the Nuisance Bylaw. While dealing with minor infractions is not proposed as an exclusive responsibility of Bylaw Compliance staff, the time the Guelph Police Service would usually spend on such activity can be redeployed to more urgent/serious matters. Serious infractions of this Bylaw such as fighting and weapons will continue to be addressed by the Guelph Police Service.

# • Laws are already in place to deal with nuisances. Why is this bylaw required?

- The Public Nuisance Bylaw will create bylaw regulations that can be enforced by either the Guelph Police Service or Bylaw Compliance Staff. Without the bylaw, most nuisance behaviour would continue to be exclusively addressed by the Guelph Police Service. This bylaw will enhance the City's ability to respond to such activity.
- In consideration of youthful exuberance and/or minor infractions, the application of Criminal Code charges may be seen as too heavyhanded. For minor nuisance infractions, the Nuisance Bylaw can bridge the gap between the issuance of Criminal Code charges and simple warnings.

# • There was concern and confusion over the penalty sections of the draft Bylaw, specifically with respect to the maximum and subsequent fine amounts.

 these fine amounts are set by Provincial legislation and are the maximum amounts that a Court may impose upon conviction. While Police and Bylaw staff would have the option to summons a person before the Court, most violations will be addressed through the issuance of Provincial Offence Notices (tickets) along with Set Fines.



• Application must be made to and approved by the Chief Justice for the Set Fines to be established. Attachment C indicates the Set Fines for the various violations within the Nuisance Bylaw. Staff will make application for approval to the Chief Magistrate.

# • Concern was raised regarding the use of permits for specific activities and how the City administers them.

- the City currently uses Special Event permits and has a process in place to administer them. The current application and approval process would not change. The creation of a Public Nuisance Bylaw reaffirms the requirement for the public to apply and for staff to process Special Event Permits. Fees for activities listed within the Public Nuisance Bylaw would be indentified within the City's Fees Bylaw, which is also approved annually by City Council.
- There was concern staff would use discretion too stringently or alternatively use discretion too frivolously and use the Bylaw when Criminal Code charges are better suited.
  - Guelph Police and City Bylaw Compliance Officers, as with any enforcement agency, constantly use discretion in their daily work. They receive intensive training and are skilled at assessing situations and determining the best course of action given the circumstance they may face. The judicial exercise of discretion is part of the expectations of their position. If a person believes an Officer has used discretion inappropriately, options are available to initiate an administrative review of the officer's conduct.

In conclusion, the recommended Public Nuisance Bylaw does indeed prohibit many undesirable activities. However, the bylaw incorporates language that allows for a number of the activities to occur through the issuance of administrative exemptions or permits when it is in the public interest for the activity to occur. Staff are of the opinion the Public Nuisance Bylaw as presented balances the need to control such activity with the public expectation to limit governmental control over civil liberties.

# CORPORATE STRATEGIC PLAN

This report supports the following goals in the strategic plan:

- 1.2 Develop collaborative work teams and apply whole systems thinking to deliver creative solutions.
- 2.2 Deliver public services better
- 3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City

Gueph

## **DEPARTMENTAL CONSULTATION**

Business Services Community Engagement Corporate Building Maintenance Culture and Tourism Parks and Recreation Court Services Legal and Reality Services Emergency Services Guelph Transit Public Works Building Services Corporate Communications Guelph Police Services

## COMMUNICATIONS

In anticipation of the Committee meeting, staff have posted the proposed Nuisance Bylaw on the City's Web Page and have inserted notice in the City Page.

Upon approval of the Public Nuisance Bylaw, staff will continue their strategy to engage and educate the public on this matter.

### ATTACHMENTS

Attachment A – Proposed Public Nuisance Bylaw Attachment B – Summary of public comments email/letter Attachment C – Proposed Set Fines

Report Authored By Doug Godfrey Manager, Bylaw Compliance and Security 519 822-1260 x2520 doug.godfrey@guelph.ca

Approved and Recommended By Derek McCaughan Executive Director Operations, Transit and Emergency Services 519 822-1260 x2018 derek.mccaughan @guelph.ca

# Attachment A to Public Nuisance Bylaw Report OT031303

# THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2013) - XXXXX

A By-law Regulating Public Nuisances.

**WHEREAS** Section 10(2) of the *Municipal Act* permits a municipality to pass by-laws respecting the public assets of the municipality, the economic, social and environmental wellbeing of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

**AND WHEREAS** Section 128 of the *Municipal Act* permits a municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances;

**AND WHEREAS** the purposes of this by-law include managing the public assets of the City, protecting the economic, social and environmental well-being of the City, supporting the health, safety and well-being of persons in the City, protecting persons and property in the City and prohibiting and regulating with respect to public nuisances in the City;

**AND WHEREAS** the City wishes to enable all persons to share the common resource of City Land;

AND WHEREAS the City wishes to ensure that the use of City Land as well as other lands has a minimal adverse impact on the quiet enjoyment of surrounding lands;

**AND WHEREAS**, in the opinion of Council, the matters addressed in this by-law are, or could become or cause, public nuisances, and, notwithstanding the generality of the foregoing, Council is of the opinion that a Nuisance Party (as defined herein) is a public nuisance;

# NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

### **INTERPRETATION**

1. In this by-law:

"Aircraft" includes any fixed wing aircraft, helicopter, hot air balloon, hang glider or ultra-light aircraft, including those directly or remotely controlled;

"**Chief of Police**" means the Chief of Police of the Guelph Police Service, or his/her designate;

"City" means The Corporation of the City of Guelph;

"**City Land**" means land owned or operated by the City, and, without limiting the generality of the foregoing, includes every highway, park and public square owned or operated by the City, and includes any buildings, structures and equipment located thereon;

"Council" means the municipal council of the City;

"**Dangerous Animal**" means any animal which constitutes or may constitute a danger to any person on City Land, which is likely to give rise to a justified apprehension of danger in the mind of a person on City Land or which is likely to interfere with the use or enjoyment of City Land by a person;

"**Executive Director**" includes the individual holding the position of Executive Director of Operations, Transit and Emergency Services of the City, or the individual holding the position of the Executive Director of Community and Social Services of the City, or any individual holding any successor position with responsibility for similar matters, and any other employee of the City acting under the direction of either of the foregoing for the purposes of this by-law;

"Fight means any one or more or the following:

- (a) An application of force to another person;
- (b) A threat, by act or gesture, to apply force to another person;
- (c) Spitting, punching, kicking, or slapping at another person; or
- (d) A threat, by act or gesture, to spit, punch, kick, or slap at another person;

"Motor Vehicle" means any motor vehicle as defined under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, but excludes a wheelchair or similar device, powered or otherwise, used by an individual due to disability and a baby carriage, stroller, child sleigh or similar device used by a child;

"Municipal Act" means the Municipal Act, 2001, S.O. 2001, c. 25;

"**Nuisance Party**" means a gathering on Premises which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring:

- (a) Disorderly conduct;
- (b) Public drunkenness or public intoxication;
- (c) The unlawful sale, furnishing or distribution of alcoholic beverages or controlled or illegal substances;
- (d) The deposit of refuse on public or private property;
- (e) Damage to or destruction of public or private property;
- (f) Pedestrian traffic, vehicular traffic or illegal parking that obstructs the free flow of traffic or could interfere with the ability to provide emergency services;
- (g) Unreasonable noise, including loud music or shouting, that is of such a volume or nature that it is likely to disturb the inhabitants of the City;
- (h) Unlawful open burning or fireworks;
- (i) Public disturbance, including a public brawl or Fight; or
- (j) Outdoor public urination or defecation;

"Officer" means a Police Officer or any by-law enforcement officer of the City;

"**Permit**" means a written authorization of the Executive Director, pursuant to this bylaw, a written authorization of the City pursuant to a resolution or another by-law of the City, including a special event permit, or an implied authorization, such as the authorization for an activity that is implied where a facility is designed for that specific activity;

"**Premises**" means any place in the City, including, but not limited to City Land, private lands, parking lots, vacant lands, and yards appurtenant to buildings or dwellings, but does not mean a building or dwelling;

"Sign" means a sign or notice posted by the City at, within or adjacent to City Land or a specified part thereof; and

"Weapon" means any thing used, designed to be used or intended for use (a) in causing death or injury to any person, or (b) for the purpose of threatening or intimidating any person and, without restricting the generality of the foregoing, includes a firearm.

- 2. This by-law shall not be interpreted as exempting any person from the requirement to comply with any other City by-law. In the event of conflict between the provisions of this by-law and any other City by-law, the provisions which are more protective of the best interests of the City, in the sole determination of the Executive Director, shall apply.
- 3. This by-law is to be construed with all changes in number and gender as may be required by the context.
- 4. Any reference herein to any by-law or act of any government shall be construed as a reference thereto as amended or re-enacted from time to time or as a reference to any successor thereto then in force.
- 5. If a court of competent jurisdiction declares any provision or part of a provision of this by-law to be invalid, illegal, unenforceable or of no force and effect, it is the intention of Council in enacting this by-law that the remainder of the by-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

# EXEMPTIONS

- 6. In respect of City Land, or applicable parts thereof, this by-law shall not apply to:
  - (a) The City and its employees, agents and contractors carrying out their duties on behalf of the City;
  - (b) Any person who is acting in full compliance with a Permit;
  - (c) Any person who is acting in full compliance with a Sign; and
  - (d) Any Police Officer carrying out police activities

# RESTRICTED AREAS

7. If entry to City Land or any applicable part thereof is identified by a Sign, barrier or barricade or in any other way as prohibited or restricted, no person shall, unless pursuant to an exemption pursuant to this by-law, enter into such City Land or applicable part thereof contrary to such prohibition or restriction.

# CONDUCT AFFECTING OTHER PERSONS

- 8. While on City Land, no person shall, unless pursuant to an exemption pursuant to this bylaw:
  - (a) Engage in any violent, threatening, illegal or riotous conduct;
  - (b) Engage in any activity in such a manner as may or does endanger or cause injury to any person or damage to any property;
  - (c) Incite, encourage or participate in a Fight;
  - (d) Obstruct any sidewalk, designated trail or pathway;
  - (e) Sell, rent or barter, offer for sale, rental or bartering or display for sale, rental or bartering, any goods or services;
  - (f) Carry on any trade, occupation, business or profession;
  - (g) Place or permit the placement of any vending machine or game operated by coins or other forms of money;
  - (h) Be in possession of or use any Weapon;
  - (i) Interfere with any permitted activity carried out by any other person;
  - (j) Subject to the *Human Rights Code*, R.S.O. 1990, c. H.19, enter any washroom or change-room set apart for the opposite gender, provided that this shall not apply

to children who are 6 years of age or younger and are, at that time, under the care of their parent, guardian or caregiver;

- (k) Loiter in any washroom or change-room or conduct oneself in such a manner as to be objectionable to another person using, or in the vicinity of, said washroom or change-room;
- (1) Operate any photographic or other recording device in any washroom or changeroom;
- (m)As the owner of a horse, livestock or a Dangerous Animal, or as a person having the care or control of a horse, livestock or Dangerous Animal, permit the horse, livestock or Dangerous Animal, as the case may be, to enter or be on City Land, unless legally authorized;
- (n) Engage in any conduct that is prohibited or restricted by a Sign; or
- (o) Knock over or attempt to knock over a Canada Post mailbox or relay box, a utility box, a newspaper box or a waste collection container.

CONDUCT AFFECTING CITY PROPERTY

- 9. While on City Land, no person shall, unless pursuant to an exemption pursuant to this bylaw:
  - (a) Engage in any activity in such a manner as may or does cause damage to any property of the City;
  - (b) Break, injure, deface, prune, plant, move or remove the whole or any part of any flower, shrub, grass, plant material, tree or other vegetation;
  - (c) Damage, deface, break, move or remove the whole or any part of any building, structure or equipment of the City, including any Sign or barricade;
  - (d) Attach, stencil, paint or otherwise apply, fasten or erect any marking, graffiti, sign or notice to any property on City Land;
  - (e) Dump or deposit snow in a park or public square;
  - (f) Dispose of, cause the release of, dump, drain or discharge any material or substance, whether solid or liquid and whether toxic, hazardous (as defined by the *Environmental Protection Act*, R.S.O. 1990, c. E.19) or otherwise, on or into any surface or soil or the waters of any fountain, regardless of the place of origin and the means of transmission or transportation of said material or substance;
    (g) Build, light or stoke any fire;
  - (h) Camp, dwell or lodge;
  - (i) Place, install or erect any temporary or permanent structure, including any tent or booth;
  - (j) Enter the water in any fountain or water feature not intended for such use;
  - (k) Climb any building, structure or equipment not intended for such use;
  - (l) Tether, launch or land any Aircraft; or
  - (m)Bring, operate, park or leave any Motor Vehicle on any surface not intended for such use.

## ADMINISTRATION

- 10. In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion, considering the purposes of this by-law and the best interests of the City, is authorized to:
  - (a) Issue or refuse to issue Permits permitting activities that would otherwise be prohibited or restricted by this by-law;
  - (b) Charge fees, as established by Council, for the issuance of Permits;

- (c) Make Permits subject to such conditions, including, without limitation, conditions as to time, location, area, equipment, number of participants, types of activities, securing of other necessary approvals, indemnification and insurance coverage, as the Executive Director may find to be appropriate; and
- (d) Revoke, void or alter Permits.
- 11. A Permit shall be non-transferrable and shall remain the property of the City.
- 12. In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion, considering the purposes of this by-law and the best interests of the City, is authorized to:
  - (a) Issue and post or refuse to issue and post Signs permitting activities that would otherwise be prohibited or restricted by this by-law;
  - (b) Issue and post or refuse to issue and post Signs prohibiting or restricting activities that would otherwise be permitted pursuant to this by-law;
  - (c) On Signs, make permissions, prohibitions and restrictions of activities subject to such conditions, including, without limitation, conditions as to time, location, area, equipment, number of participants, types of activities, securing of other necessary approvals, indemnification and insurance coverage, as the Executive Director may find to be appropriate; and
  - (d) Remove or alter Signs.

# NUISANCE PARTIES

13. (1) No person shall sponsor, conduct, continue, host, create, attend, permit or cause a Nuisance Party.

(2) No person who, individually or jointly with others, is an owner, occupant, tenant or who otherwise has rightful possession of or is in possessory control of any Premises, shall permit or cause a Nuisance Party on said Premises.

(3) Upon the order of the Chief of Police or the Executive Director, every person who is sponsoring, conducting, continuing, hosting, creating, attending, permitting or causing a Nuisance Party on specified Premises shall cease such sponsoring, conducting,

continuing, hosting, creating, attending, permitting or causing of such Nuisance Party, and every person not residing on such Premises shall leave such Premises.

(4) An order under this section shall identify:

(a) The location of the Premises on which the contravention is occurring;

- (b) The reasonable particulars of the contravention of this by-law; and
- (c) The date and time by which there must be compliance with the order.

(5) An order under this section may be given orally or may be served personally on the person to whom it is directed.

(6) No person shall fail to leave Premises after having been directed to leave by an order pursuant to this section.

(7) An Officer may, by placing a Sign on the highway, temporarily close any highway or portion thereof to public travel where a Nuisance Party is occurring on or adjacent to the highway.

(8) Where a highway or portion of a highway has been temporarily closed under this bylaw, the common law right of passage by the public and the common law right of access by an owner of land abutting the highway or portion of the highway are restricted, as directed by an Officer.

(9) No person shall use a highway or portion of a highway that has been temporarily closed under this by-law except with lawful authority or in accordance with the direction of an Officer.

14. (1) The City may impose a fee or charge upon any person hosting a Nuisance Party and/or the owner of Premises where the Nuisance Party is held.

(2) The amount of the said fee or charge shall be the amount of administrative costs, costs of enforcement and all other costs incurred by the City in responding to and addressing the Nuisance Party pursuant to this by-law.

(3) Fees or charges imposed on a person pursuant to this by-law constitute a debt of the person to the City.

(4) Where all the owners of certain Premises are responsible for paying certain fees and charges pursuant to this by-law, the City may add such fees and charges to the tax roll for the Premises and collect them in the same manner as municipal taxes.

# **ENFORCEMENT**

- 15. Council hereby authorizes all Officers to enforce this by-law.
- 16. Each Officer is hereby authorized to inform any person of the provisions of this by-law and to request compliance therewith, or else production of proof of an applicable exemption.
- 17. Any person who claims an exemption from a provision of this by-law on the basis of a Permit, shall, when requested by an Officer, produce the original copy of the Permit for inspection.
- 18. Each Officer is hereby authorized to order any person the Officer believes to be in contravention of this by-law or to have contravened this by-law to:
  - (a) Desist from the activity constituting or contributing to such contravention;
  - (b) Where the activity occurs on City Land, remove from the City Land anything under the care or control of such person which the Officer believes is or was involved in such contravention; and
  - (c) Where the activity occurs on City Land, leave the City Land.
- 19. If a person fails to comply with an order of an Officer to remove from City Land something under the care or control of such person which the Officer believes is or was involved in a contravention of this by-law, the Officer may remove the thing or have the thing removed at such person's risk and expense.
- 20. No person shall fail to comply with an order made by an Officer pursuant to this by-law.
- 21. No person shall wilfully obstruct, hinder or otherwise interfere with an Officer in the performance of the Officer's duties, rights, functions, powers or authority under this by-law.
- 22. Where an Officer has reasonable grounds to believe that an offence under this by-law has been committed by a person, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.
- 23. When any person contravenes any of the provisions of this by-law, or fails to comply with any order, pursuant to this by-law, in respect of City Land, the permission of such person to remain on the City Land is revoked.
- 24. (1) Every person who contravenes or who causes or permits a contravention of any provision of this by-law is guilty of an offence.
  (2) Every director or officer of a corporation who knowingly concurs in the contravention of any provision of this by-law by the corporation is guilty of an offence.
- 25. (1) A person, other than a corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than \$10,000 and, on any subsequent conviction, to a fine of not more than \$25,000.
  (2) A corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than \$50,000 and, on any subsequent conviction, to a fine of not more than \$10,000 and, on any subsequent conviction, to a fine of not more than \$50,000 and, on any subsequent conviction, to a fine of not more than \$100,000 and, on any subsequent conviction, to a fine of not more than \$100,000 and, on any subsequent conviction, to a fine of not more than \$100,000.
- 26. Upon conviction for an offence under this by-law, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction has been entered

and any court of competent jurisdiction thereafter may make an order prohibiting the continuation or repetition of the offence by the person convicted.

# <u>GENERAL</u>

- 27. The short title of this by-law is the "Public Nuisance By-law".
- 28. This by-law is hereby adopted as Municipal Code Amendment #XXX which amends Chapter #XXX to the City of Guelph Municipal Code.
- 29. This by-law shall come into force and take effect on the date this by-law is passed.

PASSED this	day of	, 2013.
		KAREN FARBRIDGE – MAYOR
		<b>BLAIR LABELLE – CITY CLERK</b>
		DLAIR LADELAE - CITT CLERK
(		

### ATTACHMENT B TO PUBLIC NUISANCE BYLAW REPORT #OT031303

### DEFINITIONS

Section 1.

Original wording:

"Aircraft" includes any fixed wing aircraft, helicopter, hot air balloon, hang glider or ultralight aircraft;

#### **PUBLIC COMMENTS**

Secondly, I must admit that I do not understand why there is a regulation regarding landing or launching an aircraft, I've been in Guelph for almost 50 years and have never seen nor heard of a plane taking off or landing in Guelph, so I do not see why this is being introduced.

#### **STAFF COMMENTS**

Issues have arisen in the past with hot air balloons. Section was kept and modified to address smaller radio controlled aircraft that may cause public safety issues.

#### **Proposed wording**

"Aircraft" includes any fixed wing aircraft, helicopter, hot air balloon, hang glider or ultra-light aircraft including those directly or remotely controlled;

Section 1.

#### Original wording

"Dangerous Animal" means any animal which constitutes or may constitute a danger to any person on City Land, which is likely to give rise to a justified apprehension of danger in the mind of a person on City Land or which is likely to interfere with the use or enjoyment of City Land by a person;

#### **PUBLIC COMMENTS**

Under Interpretation "Dangerous Animal" does there need to be mention of the exception of animals in the employ of the City (canine unit and mounted officers if the city at any point should employ such animals)?

#### **STAFF COMMENTS**

Dogs within the Guelph Police canine unit are not considered dangerous animals, further there are exemptions for police, City staff and agents carrying out their duties.

### Proposed wording (No change):

"Dangerous Animal" means any animal which constitutes or may constitute a danger to any person on City Land, which is likely to give rise to a justified apprehension of danger in the mind of a person on City Land or which is likely to interfere with the use or enjoyment of City Land by a person

Section 1.

#### Original wording

"Executive Director" includes the Executive Director of Operations, Transit and Emergency Services of the City, the Executive Director of Community and Social Services of the City and any other employee of the City acting under the direction of either of the foregoing for the purposes of this by-law;

#### **PUBLIC COMMENTS**

In addition to the concerns with content, we also foresee issues with the administration of the proposed bylaw. For example S. 10(a) of the bylaw reads that: "In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion, considering the purposes of this bylaw and the best interests of the City, is authorized to: (a) Issue or refuse to issue permits permitting activities that would otherwise be prohibited or restricted by this bylaw".

#### **STAFF COMMENTS**

Recommend change to the definition of Executive Director to better define the position Permits would be issued and revoked as per the City's existing Special Event Policy

### Proposed wording:

"Executive Director" includes the individual holding the position of Executive Director of Operations, Transit and Emergency Services of the City, or the individual holding the position of the Executive Director of Community and Social Services of the City, or any individual holding any successor position with responsibility for similar matters, and any other employee of the City acting under the direction of either of the foregoing for the purposes of this by-law;

Section 1.

#### Original wording

"Fight" means a confrontation involving violent physical conduct between two or more people;

#### **PUBLIC COMMENTS**

On full consideration I do not even find this 'participate in a fight' part reasonable. If the process of a fight results in an assault charge or charges and through in a fair judicial process ends with a penalty for the assailant(s), than I support that outcome. If someone inadvertently finds him or herself in a fight will that person be automatically fined and be forced to navigate a lengthy rebate on that fine?

On City owned property will the expectation be that bylaw be the primary / priority responder?

#### **STAFF COMMENTS**

Update definition, as per the Criminal code of Canada – better defined – more effective way to deal with this (sections 8-c) Enforcement of this section will be completed by GPS Also provides options for the issuance of non-Criminal code charges

### **Proposed wording:**

"Fight" means any one or more or the following:

- (a) An application of force to another person;
- (b) A threat, by act or gesture, to apply force to another person;
- (c) Spitting, punching, kicking, or slapping at another person; or

(d) A threat, by act or gesture, to spit, punch, kick, or slap at another person.

Section 1.

#### Original wording

"Nuisance Party" means a gathering on Premises which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring:

#### **PUBLIC COMMENTS**

The fact that this gives municipalities the power to prohibit and regulate "public nuisances" without providing a useful definition of a "public nuisance" is troubling in itself. I have attended two public discussions about the draft bylaw. I have severe reservations about the draft as it currently exists.

#### **STAFF COMMENTS**

The definition of "Nuisance Party" in the by-law is limited to cases where there is unreasonable interference with the innocent public or property.

#### Proposed wording (No Change):

"Nuisance Party" means a gathering on Premises which, by reason of the conduct of the persons in attendance, results in any one or more of the following activities occurring:

Section 1.

Original wording

Unreasonable noise, including loud music or shouting;

#### PUBLIC COMMENTS

None received

#### **STAFF COMMENTS**

Concern that definition conflicts with Noise Bylaw. Wording amended to reflect Noise Bylaw.

#### **Proposed wording:**

Unreasonable noise, including loud music or shouting, that is of such a volume or nature that it is likely to disturb the inhabitants of the City

Section 1.

Original wording

"Weapon" includes any firearm as defined in the City's Firearm Discharge By-law # (1994)-14738 as amended.

#### PUBLIC COMMENT

Under Interpretation "Weapon" should this be expanded to include bladed weapons, bats, chains, etc.?

#### **STAFF COMMENT**

Definition has been expanded so that such items would be included.

### **Proposed wording:**

"Weapon" means anything used, designed to be used or intended for use (*a*) in causing death or injury to any person, or (*b*) for the purpose of threatening or intimidating any person and, without restricting the generality of the foregoing, includes a firearm

Original wording

1. While on City Land, no person shall, unless pursuant to an exemption pursuant to this by-law:

(a) Engage in any riotous, violent, threatening or illegal conduct;

# PUBLIC COMMENTS

May include things such as singing loudly, adults running through the streets, flash mob demonstrations, critical mass bicycle rides that temporarily impede traffic etc. All of the items I've just mentioned are peaceful and reasonable activities in a democratic society and I see no reason why law enforcement officers should have the right to dish out fines for activities that they have defined as 'riotous'. This is the opening line of what appears to me to be a redundant bylaw.

Why include if already illegal?

Are by-law officers given the same training as police officers?

# **STAFF COMMENTS**

Common definition of riot includes violent disturbance, activities described would not be riotous section was reworded to clarify

Bylaw will not prevent peaceful and respectful protest; however violence destructive, non respectful protest is just as much a public nuisance as nuisance parties. Staff felt it would make sense to combine both type of protections for the innocent public and property into the same Bylaw.

# Proposed wording:

(a) Engage in any violent, threatening, illegal or riotous conduct;

# Original wording

(b) Engage in any activity in such a manner as may or does endanger or cause injury to any person or damage to any property;

#### **PUBLIC COMMENTS**

This is vague and allows law enforcement or bylaw enforcement to fine individuals for conduct that authorities perceive to be potentially injurious. Does this include doing skateboard/bicycle/rollerblade tricks? Climbing trees? Climbing over a fence on one's own property? What does 'any property' means, does that include your own property? Does this include a kid (12-14 year old) running through Quebec street mall with a ball and hockey stick, as I saw yesterday? Why include if already illegal?

Are by-law officers given the same training as police officers? Are we downloading federal/ provincial responsibility to by-law officers?

#### **STAFF COMMENTS**

This section is in place for public safety, staff are recommending no change but discretion would be used. This entire section applies only to City land.

# Proposed wording (No Change):

(b) Engage in any activity in such a manner as may or does endanger or cause injury to any person or damage to any property

Original wording

(c) Participate in a Fight;

#### **PUBLIC COMMENTS**

On full consideration I do not even find this 'participate in a fight' part reasonable. If the process of a fight results in an assault charge or charges and through in a fair judicial process ends with a penalty for the assailant(s), than I support that outcome. If someone inadvertently finds him or herself in a fight will that person be automatically fined and be forced to navigate a lengthy rebate on that fine?

On City owned property will the expectation be that bylaw be the primary / priority responder?

# STAFF COMMENTS

Definition was updated to provide clarification. Section allows police to address minor fights through the issuance of a ticket rather than through the Criminal code.

# **Proposed wording:**

(c) Incite, encourage or participate in a Fight

#### Original wording

(d) Obstruct any sidewalk or pathway;

#### **PUBLIC COMMENTS**

Obstructing a sidewalk is not an action that is harmful to the community. It is not a public health concern. Large groups of people should be allowed to congregate in the sidewalk or pathway without fear of penalty. Strikes should be allowed to form picket lines. Temporary loading and unloading of vehicles has not occurred to me as an issue in this city that needs to be approached with a bylaw.

8(d) of the proposed bylaw prohibits obstructing a sidewalk and S. 8(r) prohibits protests that last more than 24 hours. Both of those appear to me to violate S. 2(c) of the Charter which guarantees the right to peaceful assembly.

I am not sure why these items are included though.

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people obstructing the sidewalk.

Several provisions contained within the bylaw are extremely vague and broad. We are particularly concerned with the following sections: S. 8(d) indicates that no person shall "obstruct a sidewalk or pathway".

Other sections, including curbs on the ability to; obstruct a sidewalk, cause trouble or annoyance to any other person, interfere with any permitted activity carried out by any other person. These are all far too vague to be enforceable and again allow the tyranny of city employee's biases to enter the fray when meeting out justice. This is not justice, this is a ham-fisted response to too many been exploded into a general assault on personal freedom.

Our concerns raise questions such as: what does it mean to obstruct a sidewalk? Would someone sitting on a sidewalk asking for money be in violation of this section of the bylaw? What sort of behaviours would be considered "annoying" under this bylaw? What type of behaviour in a washroom or change room would be defined as "objectionable"?

More clarity in by-law about responsibility of by-law officers Panhandling? Sitting on a sidewalk?

First, the bylaw prohibits, among other things, a number of activities on city lands including: obstructing any sidewalk or pathway;

#### STAFF COMMENTS

Obstruct sidewalk has amended to include designated trails and pathways. This regulation is intended to ensure safety and accessibility for all citizens. This is intended to address those that intentionally obstruct pedestrian and vehicular traffic, discretion would be used for those protesting/striking that are intermittently interfering with the passage of pedestrians or vehicles to voice their opinion.

# **Proposed wording:**

(d) Obstruct any sidewalk, designated trail or pathway;

# Original wording

(e) Distribute, display or discard any handbill, notice, circular, advertisement, promotional item or sample;

#### **PUBLIC COMMENTS**

Under Conduct affecting other persons (e) I feel that this is in contravention of the Charter and is unconstitutional. I believe this should be removed.

How does this portion of the bylaw work with garage sale signage? Which is either posted or placed on city land.

I would suggest that this be removed from the bylaw (at least in their present wording) "8(e) distribute, display or discard any handbill, notice, circular, advertisement, promotional item or sample."

I have concerns with the section of the bylaw that prohibits the "distributing, displaying or discarding of any handbill, notice, circular, advertisement, promotional item or sample". 8 (e) is needlessly stifling the freedom of expression. What is the issue with people sharing their concerns in writing with others? if the issue is the garbage, perhaps it could be amended to read discard, not in a receptacles identified for that purpose.

I am not sure why these items are included though.

Regarding item (e), handing out notices, for free, to parties who voluntarily accept them is one means of communication I think needs to be preserved. I disagree with it being included as a "nuisance" and, quite contrarily, believe this type of activity is most often used for good - for charity events, culture days, etc.

To distribute against the will of the recipient; yes I agree. Otherwise, this is no more unreasonable a form of marketing for a cause, business, religion etc. than any other form of media. Handout distribution is most common for local causes, businesses, organizations etc. those that lack the buying power to market in other ways. By limiting this form of marketing the bylaw is unfairly disadvantaging smaller and more local organizations.

Citizens' must be able to congregate, leaflet, chant, inform and educate without risk of being fined. I hope Guelph can be a part of the movement for progressive

change that is sweeping the world instead of taking an authoritative and mean spirited stand against it.

Would this include leafleting at a protest?

Your nuisance bylaw is very disturbing. The intention to protect citizens from runaway parties and nuisances is served with it, but not without grave transgressions against our charters of rights and freedoms. Sections which prevent persons from the ability to: distribute handbills or notices.

S. 8(e) of the proposed bylaw prohibits handing out notices of an upcoming event, whether for political, religious, or other reasons. This seems to me to be a Clear violation of S. 2(b) of the Charter, which guarantees freedom of expression. In principle, the bylaw could be used to prevent Jehovah's Witnesses from talking to people on the street and asking of they want to learn about the JW religion. That would violate not only S. 2(b) but also 2(a), which guarantees "freedom of conscience and religion".

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people distributing handbills.

This is far too restrictive. The citizen's rights to distribute or display materials as part of their democratic process should not be abridged, as intended by this clause.

I am VERY disturbed by the following sections, which simply have to be struck from the proposed by-law: (e) THIS VIOLATES SECTION 2B OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS.

This could be used to prohibit someone handing our tracks, pamphlets, product information, etc, in Market Square, in front of City hall or on the Market grounds. If so, this is an unreasonable attack on our civil liberties and should be deleted.

As the XXXXXX of XXXX... we would like to state very clearly that such measures as are being contemplated by the Guelph City Council are draconian and appear to be more representative of a dictatorship than a democratically run Council. Many of the issues that would be covered under this bylaw would infringe on, among other things, the freedom of expression and association guarantees in the Charter. Serious concerns about City government being given the power to decide, example; which sustained protests shall be deemed legitimate, to prohibit people from spreading information and political perspective through pamphletting, and potentially to bankrupt civil society organizations and individuals affiliated with unlicensed protest through the imposition of heavy fines by bylaw officers. The draft bylaw gives powers to the city government and its bylaw officers to infringe on the basic democratic rights of its citizens, which is bad enough in my mind, might the city not also have to worry about the potential of costly court challenges to this bylaw if enacted?

I helped with the organization of an event in my neighbourhood this summer. I can't imagine adding a request to the Executive Director of the City to this list and potentially being told that we can't put up posters or hand out flyers.

S 8(e) indicates that no person shall "distribute, display, or discard any handbill, notice, circular, advertisement, promotional item or sample". We suggest that is the purpose of this section is to decrease the amount of litter, the activity of littering should be prohibited, not the distribution of handbills.

This section seems to be an attempt to curtail people's right to protest or raise awareness on issues. This does not seem to have a place in a public nuisance omnibus.

It sounds logical that a person can't fight or do anything illegal on the streets, I'm confused by the following items, under number 8: While on City land, no person shall, unless pursuant to an exemption pursuant to this bylaw: (e), (i) and (r)

We are XXXXXXXXXXXXXXXXXXXXXXXXXXXX We follow the age-old traditions of XXXXXXXXXX, which basically is a peaceful, joyful, singing aloud of the names of God for the benefit of all the living entities. We have no commercial interests, though, it is a traditions of XXXX to ask for voluntary donations. We do not consume any kind of intoxication. We are gentlemen and ladies first and foremost in society. We do not do any harm to anyone or their property, we don't block any passages, and we are peaceful and joyous in our approach. We were prosecuted in various parts of the world significantly in the 1960s and 1970s, but since the governments saw that we were peaceful and we did no harm to anyone, and since then we have been free worldwide to do our work peacefully in public and private. Would we be penalized under this bylaw?

What is the constitutionality of these sections? Do not like these sections in the by-law at all Handbills 1953-SCC you cannot prohibit the distribution of handbills Handbills – should regulate 'garbage' or littering vs. distribution of information The bylaw prohibits, among other things, a number of activities on city lands including: obstructing any sidewalk or pathway; disturbing, displaying or discarding any handbill, notice, circular, advertisement, promotion or sample;

The Supreme Court of Canada has affirmed that leafleting and putting up posters on public property is protected and may sometimes be the only means by which members of the public can effectively exercise their freedom of expression. The Court held that bylaws banning this kind of expressive activity violate freedom of expression in a manner that is unreasonable and cannot be sustained.

**STAFF COMMENTS** No need for section.

Proposed wording Section removed

# Original wording

(f) Sell, rent or barter, offer for sale, rental or bartering or display for sale, rental or bartering, any goods or services;

#### **PUBLIC COMMENTS**

Once again this disadvantages the smallest and most local of entrepreneurs. If conducting business involves discussing contracts, including the renting of equipment, or performing informal sales such as through classifieds etc. I see no way in which this negatively affects the public. But I see no reason, why this less formal type of entrepreneurial activity should be banned or marginalized. In fact, I'm a strong proponent of more forms of unconventional vending such a as food trucks, knife sharpening, clothes repair, flowers, magazines etc Also, this form of selling is among the most inclusive and fair because it doesn't require large sums of capital to get going, as with an expensive building lease, or business education.

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people selling things.

#### **STAFF COMMENTS**

Business Licence Bylaw would regulate activities; however these sections are intended to address unauthorized advertising, sales on public land.

# **Proposed wording**

(e) Sell, rent or barter, offer for sale, rental or bartering or display for sale, rental or bartering, any goods or services

### Original wording

(g) Carry on any trade, occupation, business or profession;

#### **PUBLIC COMMENTS**

Concerned with the proposed by-law amendments, which does not create a twoway conversational relationship but instead imposes strict guidelines for the citizens of Guelph. There must be alternatives that allow people to express themselves in the City (selling things). We must ask WHY people are committing these activities; not just setting up guild lines to prevent these behaviours. Providing no alternative can stifle Guelph from being a creative, innovative, thriving community.

8 (f) - (g) Does this mean people can no longer meet in the Square downtown, or any other public place, to complete a Kijiji or eBay transaction? Say someone sells a cell phone and the two parties meet on public. Does this law now prohibit such transactions?

City lands should be a perfect place for people to try and develop business. I want to be able to work in a park or in the Market Commons any time I want. I want to hold informal business meetings (within reason in terms of numbers of people) in public spaces in our city.

#### **STAFF COMMENTS**

Business Licence Bylaw would regulate activities; however these sections are intended to address unauthorized advertising, sales on public land.

#### **Proposed wording**

(f) Carry on any trade, occupation, business or profession

# Original wording

(h) Place or permit the placement of any vending machine or game operated by coins or other forms of money;

### PUBLIC COMMENTS

I agree with this one. The city should be in charge of automatic machines that create wealth for individuals. However the city should require fully and proper licensing and permitting.

# **STAFF COMMENTS**

Business Licence Bylaw and Encroachment Bylaw would regulate this activity, however this sections is intended to address unauthorized advertising, sales on public land.

# **Proposed wording**

(g) Place or permit the placement of any vending machine or game operated by coins or other forms of money;

### Original wording

(i) Cause trouble or annoyance to, or accost, any other person;

#### **PUBLIC COMMENTS**

Would assembling in the hundreds be considered causing trouble and interfering with regular activity? Couldn't you say that about the Santa Claus Parade?

Regarding item (I) is so subjective I can't see how it would be enforced. I feel this item would be abused.

I am not sure why these items are included though.

This statement is far too vague to be meaningful. Does French kissing ones partner annoy other people? Does riding with a group of bicycles in demonstration of a dead cyclist, or for cyclist solidarity worldwide cause trouble? The man who yells at passersby in Italian downtown Guelph; is he accosting people and therefore should be fines? The public should have the right to define its own sense being 'accosted' or 'annoyed' and large numbers of specific complaints should be dealt with accordingly. Granting police and bylaw officers to define 'annoyance' does not seem justified for the sake of health and safety.

The wording here conveys an intent that is far too restrictive and dependent upon a subjective assessment of what constitutes "annoyance" or an incidence of "accost".

I am VERY disturbed by the following sections, which simply have to be struck from the proposed by-law: (I) by definition public demonstrations in order to express one's political views can (and sometimes have to be) annoying to others in the community! This is part of the reality of a democratic system. It is shameful that such a formulation is even being considered to become law in this city!

As the XXXXX of XXXX... are draconian and appear to be more representative of a dictatorship than a democratically run Council. Many of the issues that would be covered under this bylaw would infringe on, among other things, the freedom of expression and association guarantees in the Charter. Other issues covered under this bylaw, are highly subjective (e.g., "annoying others"); We urge Council to seriously rethink their position on this bylaw and take the moral stand to defeat if and when it comes to a vote.

Several provisions contained within the bylaw are extremely vague and broad. We are particularly concerned with the following S. 8(I) indicates that no person shall "cause trouble or annoyance to, or accost any other person".

Look at section 8. (I) no person shall cause trouble or annoyance to any other person;??? How can this be justified or enforced without prejudice? It sounds logical that a person can't fight or do anything illegal on the streets, I'm confused by the following items, under number 8: While on City land, no person shall, unless pursuant to an exemption pursuant to this bylaw: (e), (I) and (r)

Too ambiguous i.e. "annoying"

Further, some of these provisions, and in particular the prohibition on "causing trouble or annoyance to any other person" is vague and provides no advance notice to individuals as to what type of behaviour is actually prohibited.

#### **STAFF COMMENTS**

Staff agreed the section is too vague and recommend that it be removed.

Proposed wording SECTION REMOVED

# Original wording

(j) Be in possession of or use any Weapon;

### **PUBLIC COMMENTS**

Every day in Guelph I am in possession of what could be defined as a weapon and I use it for numerous things. If a weapon is being used if a harmful way it is illegal and therefore punishable by existing laws. Those who would wish to do harm with a weapon would conceal it and therefore I do not see how this section is useful.

There is a case law showing a lighter being a weapon and a pen. Your sock could be a weapon.

#### STAFF COMMENTS

Definition of weapon was updated to provide clarification. No requirement to update this section.

# **Proposed wording**

(h) Be in possession of or use any Weapon

#### Original wording

(k) Interfere with any permitted activity carried out by any other person;

### **PUBLIC COMMENTS**

This section seems to be an attempt to curtail people's right to protest or raise awareness on issues. This does not seem to have a place in a public nuisance omnibus.

Peaceful political demonstrations could fall within this category. What is the justification for the aspects of this bylaw that would prevent peaceful demonstrations? Have there been issues with this that infringe on public safety?

Would assembling in the hundreds be considered causing trouble and interfering with regular activity? Couldn't you say that about the Santa Claus Parade?

This is far too restrictive based on its current wording. To "interfere" carries with it a wide and unacceptably permissive array of interpretations.

What is the constitutionality of these sections? Do not like these sections in the by-law at all

#### **STAFF COMMENTS**

Freedom of assembly should never be outlawed. Freedom of assembly should not be constrained due to discomfort for observers or conflicting to current attitudes. This by-law is not proposing to do that. Rather, the by-law only proposes reasonable limits on the freedom of assembly (which the Charter explicitly allows) in order to protect against harm to innocent people and property.

#### **Proposed wording**

(i) Interfere with any permitted activity carried out by any other person;

# Original wording

(I)Enter any washroom or change-room set apart for the opposite gender, or for a transgendered person, that person's former gender, provided that this shall not apply to children who are 6 years of age or younger and are, at that time, under the care of their parent, guardian or caregiver;

# **PUBLIC COMMENTS**

I propose you alter the wording of section 8(I) to also include individuals with disabilities requiring the assistance of a caregiver of the opposite gender.

I feel that forcing someone to enter a washroom based on their former gender is not in touch with the needs of that individual. Is this in line with the wants and needs of the transgendered community? Lastly, children of ages older than 6 (such as differently abled children) may require extra assistance from their parent/guardian.

Other issue covered under this bylaw, are highly subjective, and while "using the wrong washroom" is a major issue for transgendered persons. We urge Council to seriously rethink their position on this bylaw and take the moral stand to defeat if and when it comes to a vote.

Can't assume gender; remove because Section M covers loitering

#### **STAFF COMMENTS**

Wording has been updated. For children older than 6, discretion would have to be used to ensure the privacy of all.

# **Proposed wording**

(j) Subject to the *Human Rights Code*, R.S.O. 1990, c. H.19, enter any washroom or change-room set apart for the opposite gender, provided that this shall not apply to children who are 6 years of age or younger and are, at that time, under the care of their parent, guardian or caregiver;

# Original wording

(m) Loiter in any washroom or change-room or conduct himself or herself in such a manner as to be objectionable to another person using, or in the vicinity of, said washroom or change-room;

#### **PUBLIC COMMENTS**

Several provisions contained within the bylaw are extremely vague and broad. We are particularly concerned with the following: S. 8(m) reads that no person shall "loiter in any washroom or change room or conduct himself or herself in such a manner as to be objectionable to another person using, or on the vicinity of, said washroom or change room".

Washroom section unfairly targets transgendered people Washrooms for single occupancy use is proposed – remove this from the by-law Washroom: change to does not apply to single use washrooms If there is real threat to washroom; by-law should not be called, should be the police

#### **STAFF COMMENTS**

Section to be kept for public safety

#### **Proposed wording**

(k) Loiter in any washroom or change-room or conduct oneself in such a manner as to be objectionable to another person using, or in the vicinity of, said washroom or change-room

# Original wording

(o) As the owner of a horse, livestock or a Dangerous Animal, or as a person having the care or control of a horse, livestock or Dangerous Animal, permit the horse, livestock or Dangerous Animal, as the case may be, to enter or be on City Land;

# **PUBLIC COMMENTS**

The prohibition against horses livestock on public land would prohibit Mennonites from entering city limits in their vehicles, and would prohibit legitimate agricultural protests that involve livestock (even chickens) "Dangerous animals"...subjective language

# STAFF COMMENTS

Use of horses as transportation is legal, section has been clarified. Use of livestock would be subject to a permit.

# **Proposed wording**

(m) As the owner of a horse, livestock or a Dangerous Animal, or as a person having the care or control of a horse, livestock or Dangerous Animal, permit the horse, livestock or Dangerous Animal, as the case may be, to enter or be on City Land, unless legally authorized;

#### Original wording

(r) Host or participate in a public rally or protest that exceeds 24 consecutive hours.

#### **PUBLIC COMMENTS**

Under Conduct affecting other persons (r) I feel that this is also contravention of the Charter and is unconstitutional, and also should be removed.

I would suggest that this be removed from the bylaw (at least in their present wording) "8(r) host or participate in a public rally or protest that exceeds 24 consecutive hours."

In addition, we have concerns regarding S. 8(r) of the proposed bylaw which reads that no person shall "host or participate in a public rally or protest that exceeds 24 consecutive hours.

This section seems to be an attempt to curtail people's right to protest or raise awareness on issues. This does not seem to have a place in a public nuisance omnibus.

The right to gather speak opinion and inform others of situations that they may be unaware of should be the lawful right of any citizen. I suggest the majority of the public go on their daily lives with knowing very little laws, bylaws or other events that may be changing that will have an effect on their lives. it in only after an individual or group rallies interest and provides information that the majority of people become aware. Other aspects of this bylaw should be able to deal with any public speaking, rally or protest should they impair the enjoyment or safety of others.

I strongly disagree with sections of this proposed bylaw. Freedom to assemble publicly is a right of Canadian citizens and to ban gatherings lasting more than 24hours seems ridiculous, especially since it is not as if it is a very common or disturbing occurrence in Guelph. I lose trust in government when they push forward unnecessary laws that inhibit citizens from gathering in protest.

Striking workers will also be concerned with the details of this bylaw, particularly the possible application of the '24-hour-occupation' limitation against picket lines.

I am not sure why these items are included though.

Item (r) sounds like a direct response to the Occupy movement. As with free speech, I don't believe you should be able to censor someone because you don't like their message. Everyone should have the right to protest.

As for requiring permits to gather for more than 24 hours, I also fully support the bylaw. As a taxpayer, I do not need the money I pay, to police or control long term protests and gatherings. If these people wish to have the opportunity to gather for more than the permitted time, I believe they should use their money to support their cause. It should not happen on the taxpayer's dime!!!

I wholeheartedly disagree with this line. A peaceful political demonstration is part of the right of a democratic society. If there e are issues that require long term protesting and the citizens of Guelph are willing to spend their precious time to rally against this issue, there is absolutely no justification for closing down their hard work with this bylaw. I implore you to remove this line from the bylaw altogether.

Citizens' must be able to congregate, leaflet, chant, inform and educate without risk of being fined. I hope Guelph can be a part of the movement for progressive change that is sweeping the world instead of taking an authoritative and mean spirited stand against it.

As written in 8(r) is actually a constitutional violation. I don't participate in protests, but if I were detained or arrested for violating this law I would be forced to sue the place I love to change the law and would win, no contest there.

Considering Remembrance Day just passed, and our citizens have given their lives in the same of freedom, does it not seem disgraceful that we are trying to silence those who speak out against the heavy hand of misguided authority?

Your nuisance bylaw is very disturbing. Sections which prevent persons from the ability to: host or participate in a public rally or protest that exceeds 24 consecutive hours. These are similar to what one might find in North Korea, the USSR, Iran or any other repressive regime. Your expansive 'city hall knows best' reasoning on including these draconian measures not only places officials in a position to exercise personal biases in the application of law, but furthermore destroys our ability to live in a free society. You must remove these sections before this law is passed. If you do not you will likely find yourselves with a charter challenge - something I do not want my taxes to pay for - the outcome of which, as any lawyer will tell you, will be that you will lose.

My primary concern with this bylaw draft is the requirement for a permit for assemblies of more than 24 hours. This creates a situation where City Hall will

have the ability to pick and choose who is given a permit. Who gets to decide if a permit will be given? Will it be given without questions to anyone who wants one? Or will it be a case of the City deciding who (and who does not) get to legitimately assemble and/or protest for more than 24 hours? The possibility of City Hall determining who can and who cannot gather for more than 24 hours is worrisome. In addition, the grouping of peaceful assemblies with the list of 'public nuisance' acts that including everything from violence, littering, graffiti, and starting fires is utterly inappropriate.

I find it a big concern that City Council might try to curtail people's rights to protest or gather for just causes, especially on the heels of Remembrance Day where we honoured those who fought for our rights and freedoms.

In short, our biggest concerns about the draft law are: - The overly broad scope of many prohibitions (ex: "causing annoyance to any person") and excessive discretionary powers given to bylaw officers and the Executive director. - The prohibition against public protests over 24 hours.

This is unduly restrictive. There can be many good and understandable reasons why some public rallies or protests should exceed a 24 hour time limit. The rationale will be based upon the urgency of the issue at hand, the scope of public engagement, the design and agenda of the event itself.

To express my opposition to the parts of the new nuisance bylaw that deal with peaceful protests. These parts are unnecessary, heavy-handed, and quite possibly unconstitutional. Even if they did turn out to be constitutional, does the city really want to spend the money fighting for this in court? I see the protests and encampments, but I don't find them disruptive or a nuisance at all. I still think that they are just exercising their Charter rights to freedom of expression. Those parts of the nuisance bylaw are a bad idea, and I hope you will oppose them in Council. We believe it would make sense to divide the proposed bylaw into two separate bylaws, one for parties and one for protests. With respect to protests, the early draft of the bylaw is very expansive in its coverage and certainly attempts to prohibit behaviour that is protected by the Charter of Rights. We would be very disappointed if the City attempted to adopt rules that repress basic rights.

There is a huge conflict when the organization that distributes permits is the same organization that can issue bylaw infraction. A public protest is every ones right along with the right together in order to peacefully demonstrate. Your ability to deny the right to protest circumvents this ability. There e are already laws in place for any unwanted activity. IF you already know that there could be issues with it, then you already know it's wrong. The law as written now may seem clear to you and most other people today and in the near future. What about ten years from now, how will it be interpreted by others?

I am strongly opposed to the bylaw. I cannot recall a situation that could not be contained by city police authorities. I have lived in (another) country where citizen rights were not respected and public demonstrations were met with swift and often severe actions (detentions, harassment, beatings, fines) from the security service. Thankfully, Canada respects the right for citizens to congregate and demonstrate. Under the current laws, police and authorities have enough powers under the criminal code and other bylaws to address all situations that the City of Guelph wants to consider public nuisances.

I am concerned that the City would put through a bylaw that prevents people from demonstrating their displeasure at the city, if they wish to do so. Protests and rallies are part of the democratic protest and to silence people or ban them from the appropriate venues interferes with our right to free of speech and demonstration. If the city takes measures that people wish to protest against, they should be able to do so in city-owned property. As the nuisance bylaw: This in itself is not a problem, to me when it concerns non-political behaviour such as parties and general loitering.

I also have great concerns about the idea of fines or arrests for demonstrations/marches that are not become unruly. The one example I can think of is the Olympic torch incident in Guelph. It was NOT the fault of the protesters. This was a huge failure by the Olympic/Local security machine.

It is unnecessary and appears to be an attempt to take away rights and freedoms thousands of veterans, my late father included died for. Another reason not to proceed is the ensuing court battles against it will further drain city coffers and cause more municipal tax increases.

We are increasingly concerned with the trend towards tougher limitations on public protest and non-violent expressions of dissent. We have dismayed with recent policy changes at the federal level on this subject, but are even more surprised and dismayed that additional crackdown measures are being considered at the municipal level by our current council.

I have to say I am very concerned about this bylaw. Although I don't always agree with many protests I see (religious groups etc) I feel that they have every right to express their opinion. Who am I to say they shouldn't express themselves peacefully on public land. Requiring permits that's could be arbitrarily refused is wrong and goes against what I felt we stood for here in Guelph and in Canada. As a homeowner I know that if there is a loud party etc the Police and Bylaw Officers are able to issue fines etc already. Why is council wasting their time on this effort?

We have no real problem with protests unless they get out of hand like the 99% protestors did or the G7 protest in Toronto.

It sounds logical that a person can't fight or do anything illegal on the streets, I'm confused by the following items, under number 8: While on City land, no person shall, unless pursuant to an exemption pursuant to this bylaw: (e), (I) and (r)

Of the proposed bylaw which reads that no person shall "host or participate in a public rally or protest that exceeds 24 consecutive hours.

What is the constitutionality of these sections?
Do not like these sections in the by-law at all
This section is generally subjective / vague
This section is too broad; not well defined
Revise protest – 24 hours allowed with no permit
protest...remove this section from the by-law
Unconstitutional?
Balancing reasonable conduct with right to protest, safety, etc.
Democracy should be protected by all ex. Police facilitate traffic and pedestrians
during a protest
Prohibitions of 'rally' should be re-worded

The Charter of Rights and Freedoms enshrines a certain number of fundamental rights that are deemed necessary in a healthy democracy. One of them is the public's right to assembly. The well-being of a community depends on many things, but one of the most basic is the right to assemble in public. This bylaw would be an assault on democracy and community well-being as it is currently proposed. As well, the inclusion of these two additional activities places us on a slippery slope that could lead to major abuses of the public right to assemble here in Guelph. It is also the first steps that governing bodies take when their fear of public responses is high; but it is also certain that those same bodies, by enacting laws that contravene basic rights and freedoms, could lead to an eventual police state, where repression of the public is key for social control. I am sure that this is not the City's intent, but it is a danger with the proposed bylaw.

Freedom for the public to assemble must never be constrained or outlawed, no matter how uncomfortable it is for the observers, or how conflicting it may be to currently held attitudes of any level government. The abuses and arrests of peaceful demonstrators in the Occupy Movements and G20 would never have been able to occur had not the states, provinces, and municipalities enacted temporary and illegal laws to curtail the protests. The erection of temporary

structures includes those structures that may be part of a public protest or demonstration, but could also include the temporary structures of the homeless. Neither are public nuisances. They may be uncomfortable to behold and may offend our sense of tidiness, but both are outcomes of injustices and attempts to survive.

I don't understand the reasons for the expansive nature of the bylaw as it stands which includes many other things beyond what might be predictable for student parties. The proposed bylaw as it reads includes things that might make one suspicious as to what the real intention of the bylaw is (much like the omnibus bills and various tactics used by the Harper government). What is the overall purpose of this bylaw? Is it intended to stifle dissent? Silence citizen protest? Limit the democratic freedom of citizens to speak out against their governments? Shut down and bankrupt NGOs that protest the interests of corporations over people, unfettered development, and the degradation of the environment (given the amounts of the fines involved), for example? I find the proposed bylaw very worrying. My trust of a council and mayor that I have always supported and felt has been progressive and forward thinking, would be seriously shaken if this bylaw were to pass. We MUST maintain the basic rights and freedoms for the citizens to challenge government policy that (even if unintended) leads to poor outcomes for our fellow citizens. The right to speak out is far more important than the nuisance it causes.

In a last-ditch effort I plead with you to very, very carefully consider the path down which the Nuisance Bylaw is likely to take us, especially, as it regards fundamental freedoms under the Canadian Charter. The main one I see is that this is an omnibus bylaw that includes restrictions upon fundamental freedoms guaranteed by the Canadian Charter, and this is not what I expected of this Mayor and this Council. Here you have paved the way for an omnibus bylaw that was proposed to ostensibly deal with rowdy behaviour and vandalism and, surprisingly and ominously, includes restrictions on the fundamental freedom of the public assemble, to hand out leaflets, and to erect temporary structures on City property, among many, many other activities, some of which are also disturbing but are too numerous to mention here. This bylaw targets activists in the community who want to draw public attention to issues at the federal, provincial or municipal level. It will also be a severe restriction on the progressive culture that Guelph is known for, and out of which much well known leadership has come. I see a Council and Mayor who are being swayed by a small minority of staff, police officers, property owners and perhaps other Council members, to ensure that we will never have another Hanlon Creek Business Park protest or another Occupy Movement protest here in our City; where a permit to assemble will or will not be granted by an un-elected official whose personal politics could

have an undesirable effect on a fundamental right; and where the homeless will be denied the ability to erect temporary structures for survival. Protests, like taxes, are the price we pay to live in a democracy. But like taxes that bring us material infrastructure, peaceful protests are democratic infrastructure that bring attention to issues that we should all be concerned about. If you have been swayed by increasingly troubling police action around the country and the globe, by a regressive, right wing move towards restrictions on and repression of fundamental freedoms in order to protect property, then you will pass the bylaw. What a sorry day for this City that will be.

All individuals present within Canada have the right to free expression and to peaceful assembly and association in public spaces. Protests, rallies, and the distribution of literature are all important and meaningful manifestations of these rights. Any limitations on these rights must be tied to a compelling and pressing objective and must be carefully tailored in a way that restricts rights as little as possible. Municipal bylaws must comport with these requirements, and those that impose unreasonable limitations on individuals' fundamental rights and freedoms are unconstitutional. The proposed public nuisance bylaw appears to place considerable restrictions on basic rights in the name of protecting the well-being of the municipality, the safety and well-being of persons and the protection of persons and property. While these are laudable goals, the manner in which the bylaw limits basic rights and freedoms is neither necessary to achieve these objectives nor proportional to these goals.

#### **STAFF COMMENTS**

The rights and freedoms in the Charter are not absolute -- they are subject to reasonable limits. Many Ontario municipalities have for decades, without dire consequences, limited assembly of the public in the ways that this by-law proposes. The by-law would only let Guelph catch up to other municipal practices. The by-law would only impact public assembly which harms people or property.

There are indeed two abroad components of the by-law: nuisance parties on private property and public nuisances on City property. There is definitely no intent to stifle dissent or silence citizen protest. All basic rights and freedoms would be maintained.

Staff felt for the ease of the community to have all nuisances listed under one Bylaw.

This section although in our opinion not a contravention of the Charter of Rights has been removed.

Proposed wording SECTION REMOVED

# CONDUCT AFFECTING CITY PROPERTY

# Original wording

(a) Engage in any activity in such a manner as may or does cause damage to any property of the City;

### **PUBLIC COMMENTS**

Regarding the ability to 'manage' occupancy and behaviour in city parks specifically 'dusk-to-dawn'. This subject has been predicated on a considerable amount of vandalism both private (vehicles; theft) and public (community garden; park equipment), noise and inappropriate behaviour having occurred (and continuing) in XXXXXXX Park.

Most municipalities have a bylaw for no 'dusk-to-dawn' park occupancy and each park has postings informing patrons of this. This no dusk-to-dawn bylaw is not meant to be draconian and negate someone's access to walk their dog or just walk through after dusk but to help bylaw and police officers manage inappropriate behaviour in the parks without a neighbour complaint/call-in being the impetus. It was suggested that a specific line be added to the draft bylaw that describes 'no dusk-to-dawn occupancy of City Parks' without prior authorization. The final wording of this line in the bylaw is very important recognizing that officers have to be legally empowered to manage inappropriate behaviour but also not to be fining park/neighbourhood-respectful folks that are using the park after dusk.

#### **STAFF COMMENTS**

While operating hours for public parks are not indicated in the Bylaw, time limits within public parks can be signed if necessary as determined by City Park staff.

# Proposed wording (no change)

(a) Engage in any activity in such a manner as may or does cause damage to any property of the City;

# Original wording

(b) Break, injure, deface, prune, plant, move or remove the whole or any part of any flower, shrub, grass, plant material, tree or other vegetation;

### **PUBLIC COMMENTS**

I am not sure why these items are included though.

Regarding planting, pruning, removing the whole or any part of a flower on city property; again the times are changing and in the interests of food security countries around the world are opting to create edible landscape in public places. Would this wonderful potential for positive community development be lost with that one little phrase in the bylaw? Are we really going to pass a bylaw to make it an offence to break or damage a blade of grass or dandelion? Remove Section 9(b) & (i) Does this mean we cannot plant, collect?

Break is fine but not prune, plant, remove or move

Co-operative gardens? – Should be allowed

May deny planting i.e.: boulevard

Exclude boulevards

#### **STAFF COMMENTS**

With respect to damaging or vandalizing City property, in the best interest of the City, this section has been kept.

# **Proposed wording**

(b) Break, injure, deface, prune, plant, move or remove the whole or any part of any flower, shrub, grass, plant material, tree or other vegetation;

# Original wording

(d) Attach, stencil, paint or otherwise apply, fasten or erect any marking, graffiti, sign or notice to any property on City Land;

#### PUBLIC COMMENTS

I am not sure why these items are included though.

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people putting up posters. While many of the nuisances listed in the bylaw are legitimate safety concerns (fighting, using a weapon, engaging in threatening behaviour), we believe that such violent activity is best addressed through the criminal code and the Police. Generating duplicate laws for such serious violent issues, with different enforcement methods and legal standards, raises serious concerns. There is no place for Bylaw Enforcement Officers to be handing out tickets for "use of a weapon"; such enforcement is the exclusive realm of police

Concerned with the proposed by-law amendments, which does not create a twoway conversational relationship but instead imposes strict guidelines for the citizens of Guelph. There must be alternatives that allow people to express themselves in the City ( applying graffiti). We must ask WHY people are committing these activities; not just setting up guild lines to prevent these behaviours. Providing no alternative can stifle Guelph from being a creative, innovative, thriving community.

The only issue that I caught that might be a problem is Column 9 (d) the issue is Postering. I know this has been an issue in the past. But, my understanding is that quite a few years ago, there was a Charter Challenge about postering by a band in Peterborough and they won. A judge ruled on their favour and said that putting up posters is an integral part of free speech and the life of cities and even if that is the ruling I think that it's an important issue that the City needs to take into account. I understand that you have problems with giant posters and people who use glue on stuff and things like that. But I do think there should be some leeway, so small groups can advertise, although you probably could argue that you could do it all by social networking now. So it's not necessary. I'm willing to be open to that argument as well. But, if nothing else, I think the lawyers should look into see if there is a Charter Right protecting the people to do some sort of postering.

What about the city supporting democracy and freedom of speech?

Prohibits anyone from putting up a sign or notice of an event on signposts-- In principle, it forbids putting up notices of all lost pet or for a neighbourhood barbeque.

Graffiti Do not like "attach" – is this not already a bylaw? Does this include election signs, sidewalk chalk (or any other non-permanent substance)

Co-operative gardens? – Should be allowed May deny planting i.e.: boulevard

#### **STAFF COMMENTS**

Posters and signs are regulated under the Sign Bylaw and current enforcement practices will not be changed.

With respect to damaging or vandalizing City property, in the best interest of the City, this section has been kept.

# Proposed wording (No change)

(d) Attach, stencil, paint or otherwise apply, fasten or erect any marking, graffiti, sign or notice to any property on City Land

# Original wording

(e) Dispose of or dump any organics, recyclables, waste, refuse, litter or any other matter or thing, except that which is generated through normal use of the City Land, and which is deposited only in receptacles provided for such purpose;

### **PUBLIC COMMENTS**

If we already have existing bylaws such as disposal of garbage on City land, why would we need the same action rolled into a much larger bylaw. The city and its Bylaw Officers presently have an effective means of dealing with such actions as well as the ability to amend any existing bylaw that may have missed its mark. Addresses household garbage that is miss-sorted and dumped in City Parks Broken bottles (beer) on City streets Can this exclude items that are recyclable or can be re-used? Should there be a time limit?

#### **STAFF COMMENTS**

Waste Management Bylaw regulates this activity.

Proposed wording SECTION REMOVED

Original wording

(f) Dump or deposit snow;

### **PUBLIC COMMENTS**

Under conduct affecting city property- item (f)-dump or deposit snow ... is it suggested here that no one would be allowed to dump or deposit snow onto any city property? Ex: if someone ploughs their driveway and pushes the snow across the street onto the blvd, is this considered a chargeable act?

Snow clearing: What is the city thinking? The cost is so small and the need so great I'm amazed this keeps being debated. Last I saw the City of Guelph Police Service costs a shocking amount. Why not trim some of their budget?

# **STAFF COMMENTS**

Currently the Traffic Bylaw regulates this activity on road allowances. Residents are permitted to deposit snow on boulevards in front of their residence. The intent of adding this section is to regulate this activity on other municipal land specifically parks and public squares.

Section to be reworded.

# **Proposed wording**

(e) Dump or deposit snow in a park or public square

Original wording

(i) Camp, dwell or lodge;

#### **PUBLIC COMMENTS**

I would suggest that this be removed from the bylaw (at least in their present wording) "9(i) camp, dwell or lodge."

Conduct Affecting City Property; 9(I) - the provisions here require careful defining. Remove Section 9(b) & (i) Enforcement can vary widely depending on how by-law officer interprets this: Section (I) – camp / dwell / lodge Do we need a section on squatting? Seems to be targeting homeless Remove – Where do homeless go?

The homeless are another casualty of either mental health issues or inequality from vulture capitalism, and they could be another casualty in the efforts to comply with the bylaw.

#### **STAFF COMMENTS**

This section is not intended to address homeless issues. Homelessness is better addressed through community outreach by the Guelph Police Service or other organizations. This section is to address the erection of structures that may pose a hazard to public safety or City assets.

Camp, dwell or lodge was kept to protect health and safety matters on City land.

Proposed wording (no change) (h) Camp, dwell or lodge

### Original wording

(j) Place, install or erect any temporary or permanent structure, including any tent or booth;

### **PUBLIC COMMENTS**

Your nuisance bylaw is very disturbing. The intention to protect citizens from runaway parties and nuisances is served with it, but not without grave transgressions against our charters of rights and freedoms. Sections which prevent persons from the ability to: install or erect any temporary structure including any tent. These are similar to what one might find in North Korea, the USSR, Iran or any other repressive regime. Your expansive 'city hall knows best' reasoning on including these draconian measures not only places officials in a position to exercise personal biases in the application of law, but furthermore destroys our ability to live in a free society. You must remove these sections before this law is passed. If you do not you will likely find yourselves with a charter challenge - something I do not want my taxes to pay for - the outcome of which, as any lawyer will tell you, will be that you will lose.

Would this include a powerful street theatre visual used to generate interest about an important issue?

The erection of temporary structures includes those structures that may be part of a public protest or demonstration, but could also include the temporary structures of the homeless. The homeless are another casualty of either mental health issues or inequality from vulture capitalism, and they could be another casualty in the efforts to comply with the bylaw.

A better way to deal with tent, dwelling in a public space is to promote public dialogue

A recent B.C. Court of Appeal decision found that a municipal bylaw prohibiting the erection of structures "subject to Council's unfettered discretion to mete out individual exemptions" was an unjustifiable violation of freedom of expression when applied to individuals engaged in political protest.

#### **STAFF COMMENTS**

Staff believe the erection of tents and other structures have safety implications to other citizens especially in park areas where tents have been known to be taken

by wind and may cause injury to other park users. Enforcement would be discretionary.

# Proposed wording (no change)

(i) Place, install or erect any temporary or permanent structure, including any tent or booth

Original wording

(k) Enter the water in any fountain;

#### PUBLIC COMMENTS

Prohibits entering the water in a fountain. Lots of children play in the water in the Square, and many more play in the splash pool outside of the City Hall.

The splash pad in front of City Hall would be considered a fountain to some. Is that suddenly off limits?

What is the intent of this? - remove altogether

# **STAFF COMMENTS**

Section to be clarified.

# **Proposed wording**

(j) Enter the water in any fountain or water feature not intended for such use

### CONDUCT AFFECTING OTHER PERSONS

Original wording

(m) Tether, launch or land any Aircraft; or

#### **PUBLIC COMMENTS**

Secondly, I must admit that I do not understand why there is a regulation regarding landing or launching an aircraft, I've been in Guelph for almost 50 years and have never seen nor heard of a plane taking off or landing in Guelph, so I do not see why this is being introduced.

We are sceptical that the actual purpose of this bylaw is to "protect the public", as stated in the staff overview. We are sceptical that the public is truly demanding protection from people landing aircraft (?). While many of the nuisances listed in the bylaw are legitimate safety concerns (fighting, using a weapon, engaging in threatening behaviour), we believe that such violent activity is best addressed through the criminal code and the Police. Generating duplicate laws for such serious violent issues, with different enforcement methods and legal standards, raises serious concerns. There is no place for Bylaw Enforcement Officers to be handing out tickets for "use of a weapon"; such enforcement is the exclusive realm of police

### **STAFF COMMENTS**

Issues have arisen in the past with hot air balloons, section was kept and definition was modified to address smaller aircraft that may cause public safety issues.

Proposed wording (No change) (I) Tether, launch or land any Aircraft; or

## CONDUCT AFFECTING OTHER PERSONS

## Original wording

(n) Bring, operate, park or leave any Motor Vehicle on any surface not designed for Motor Vehicles.

## **PUBLIC COMMENTS**

Why are we including Section N – regulation of motor vehicles? Isn't this covered in parking by-laws?

## **STAFF COMMENTS**

Parking Bylaws do not regulate parking outside designated areas or grass surfaces within public squares or parks.

## **Proposed wording**

(m) Bring, operate, park or leave any Motor Vehicle on any surface not intended for such use

#### Original wording

#### Section 10

(a) Issue or refuse to issue Permits permitting activities that would otherwise be prohibited or restricted by this by-law;

#### **PUBLIC COMMENTS**

In addition to the concerns with content, we also foresee issues with the administration of the proposed bylaw. For example S. 10(a) of the bylaw reads that: "In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion, considering the purposes of this bylaw and the best interests of the City, is authorized to: (a) Issue or refuse to issue permits permitting activities that would otherwise be prohibited or restricted by this bylaw". What would be the guidelines that would be considered when deciding whether or not to issue a permit? If the issuance of a permit was refused, would there be some sort of appeal process?

This smacks of entrapment or undue license. The refusal to issue directive or restrictive information is hardly constructive. Information pertaining to prohibition or circumscription of democratic public activities is extremely important, and a very sensitive dimension of due process and social justice.

City has the power and assumes the right based on discretion, to determine who gets a permit

City insists it can control by issuing permits, if so we demand:

Guidelines for their issuance

No fees for permits, Remove administration section completely

Permits restrict our rights, Remove permit requirements

What would be the guidelines that would be considered when deciding whether or not to issue a permit? If the issuance of a permit was refused, would there be some sort of appeal process?

concerns about provisions that provide the 'Executive Director' with significant discretion in issuing or refusing to issue permits, charging fees and interpreting conflicts between the bylaw and other City bylaws. The discretion granted to the individual that may be fulfilling this role is extremely broad and the bylaw provides no guidelines for determining when a permit should be issues or refused, how fees should be assessed, or how determinations about the "best interests of the City" will be determined in the event of a conflict between bylaws

#### **STAFF COMMENTS**

Staff feel that things like requiring permits and protecting the innocent public and property constitute legitimate reasonable limits. The guidelines for using permits (Special Event Permits) are already in place and being applied. Revocation of permission to remain on the City land would only apply for the short term purpose of giving an order or laying a charge at that time.

### Proposed wording (No change)

(a) Issue or refuse to issue Permits allowing activities that would otherwise be prohibited or restricted by this by-law

## Original wording

### Section 10

(d) Revoke, void or alter Permits without notice.

### **PUBLIC COMMENTS**

The provision "without notice" is unacceptable. This is an undesirable delegation of authority, and authority that has no counterbalance of providing and publicly presenting just cause and rationale. Remove Section 10 altogether Should not be able to revoke, alter, or void permits without notice – strike this section Must be appeal process, notice, etc. Do not like "sole discretion" – especially with "without notice" What is the duty of fairness on revoking permits? We want clear guidelines on revoking permits At minimum notice must be given when revoking

Permit should be issued or refused, how fees should be assessed, or how determinations about the "best interests of the City" will be determined in the event of a conflict between bylaws.

#### **STAFF COMMENTS**

The guidelines for using permits (Special Event Permits) are already in place and being applied.

Revocation of permission to remain on the City land would only apply for the short term purpose of giving an order or laying a charge at that time. Without notice wording to be removed as notice would be given prior to the issuance of charges.

## **Proposed wording**

(d) Revoke, void or alter Permits

Original wording

## Section 12

In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion considering the best interests of the City, is authorized to:

(a)Issue and post or refuse to issue and post Signs permitting activities that would otherwise be prohibited or restricted by this by-law;

(b) Issue and post or refuse to issue and post Signs prohibiting or restricting activities that would otherwise be permitted pursuant to this by-law;

## **PUBLIC COMMENTS**

This smacks of entrapment or undue license. The refusal to issue directive or restrictive information is hardly constructive. Information pertaining to prohibition or circumscription of democratic public activities is extremely important, and a very sensitive dimension of due process and social justice. You can take away rights otherwise available simply by posting a sign??

Executive Director must be an actual Guelph Resident and should be an elected official because they are accountable to the public and city staff are not.

## STAFF COMMENTS

Ability to post signs restricting activity supports current authority under the Trespass to Property Act.

## Proposed wording (No change)

In respect of City Land, or applicable parts thereof, the Executive Director, in his/her sole discretion, considering the purposes of this by-law and the best interests of the City, is authorized to:

(a) Issue and post or refuse to issue and post Signs permitting activities that would otherwise be prohibited or restricted by this by-law;

(b) Issue and post or refuse to issue and post Signs prohibiting or restricting activities that would otherwise be permitted pursuant to this by-law;

Original wording

Section 12

(d) Remove or alter Signs without notice.

### **PUBLIC COMMENTS**

Not unlike the above, this is far too permissive and opaque and contrary to contemporary practice in public service. Do not like "sole discretion" – especially with "without notice" Way too broad

## STAFF COMMENTS

Without notice wording to be removed

Proposed wording (d) Remove or alter Signs

#### Original wording

#### Section 13

(1) No person shall sponsor, conduct, continue, host, create, attend, allow, cause or permit a Nuisance Party.

#### **PUBLIC COMMENTS**

How would continue, create, and allow be in S. 13(1)? We are concerned that without clear definitions, the application of the sections would be left to the discretion of the Bylaw Officers and could lead to harassment and the prohibition of a variety of innocuous behaviours.

Concerning the proposed bylaw dealing with nuisance parties and protests I would ask that the proposed bylaws only deal with nuisance parties and not include protests. The two things being dealt with are quite distinct. The case for the need of a bylaw dealing with protests has yet to be made. The problem the nuisance parties should not be used as a p-text to draft the bylaw dealing with protests. There should be called a second bylaw dealing with protests is needed. It should recognize that everyone that is quote "everyone has the right to freedom of Peaceful Assembly and Association " Article 20, 1 of the Universal Declaration of Human Rights.

I fully support the complete bylaw as recommended by staff. We have many issues in Ward X with Student Housing and the problems that come with them. The parties, garbage and general disregard for our neighbourhoods is disgusting. The lack of action by the absent landlords needs to be addressed.

There is a real need to address the issue of nuisance parties, but is a mistake to conflate this issue with that of non-violent public protests. The purpose here seems to be more about protecting the corporate interests of the City of Guelph. The issue of economic interest vs. environmental protection is important, but is disingenuous to pretend this is about public safety. It is paternalistic and patronizing to suggest that such a law is for the protection and safety of the protesters themselves.

My support for the nuisance bylaw was with regards to the local University students and their lack of respect for their neighbours and their property. The city does not enforce the current existing laws because they do not want to create criminal record for these University students. Also, the littering and trespassing on my property, not to mention the numerous loud parties. Let's work together to do something about this to make the city of Guelph a better place, especially in the south end!

strike "attend"

I support the City of Guelph creating nuisance bylaws for our community. I am relatively tolerant with our student neighbours and their antics but the students around us have begun to test our patience more and more frequently. I am getting pretty fed up with listening to intoxicated people screeching drunken garble or obscenities at all hours of the day or night. I know how much these "house parties" can bring in. if students can host " house parties" but choose to disrespect Guelph Residents, their neighbourhood and all the rules, I assure you that they are more financially capable of paying the fines.

Peaceful protest is everyone's right in a democratic society. But I'm not sure why they are lumping out-of-control parties into the same proposed law. I live in a residential neighbourhood and now surrounded by student houses that import uncontrolled throngs of loud, aggressive, inebriated, disrespectful revellers will into the wee hours. This taxes the Police resources. I was actually told it takes 4 calls/reports of such an incident before riot regalia/armour. It was frightening to say the least. I am all for a separate bylaw for this sort of public nuisance. Peaceful, respectful public protest is a separate entity. It is a basic right in a free society.

There is a real need to address the issue of nuisance parties, but is a mistake to conflate this issue with that of non-violent public protests. The purpose here seems to be more about protecting the corporate interests of the City of Guelph. The issue of economic interest vs. environmental protection is important, but is disingenuous to pretend this is about public safety. It is paternalistic and patronizing to suggest that such a law is for the protection and safety of the protesters themselves.

We (myself and my wife) as residents of XXXXX, have over the last 6 years been very much negatively affected by the anti-social behaviour and actions of some of our neighbours. By their own account

Guelph By-Law or Police officers have in the last 6 years been in attendance at or around our house XX (!!!) times in order to deal with; loud music and unruly behaviour, obvious/apparent drug abuse and dealing, repeated vandalism to our property, and threats and abuse directed at me personally and/or at my wife. Fortunately, the overall situation has over the last summer remarkably improved, i.e., in the last 6 months GPS only had to attend to our property once, which in our observation is solely due to the efforts of and tenant selection by XXXXX and XXXXX, the new owners, landlords and managers of XXXXX. In contrast, the by-law and police response over the years had- despite the appreciated efforts of individual officers such as XXXXX - been completely ineffective. This is however in my mind NOT due to the lack of applicable laws, but rather due to the lack of their interpretation, actual enforcement and meaningful follow-up. On one occasion, one of the worst offenders had - finally - been issued a noise by-law ticket, which within 1/2 hours of being written ended up half burned and stuffed into a beer bottle on my front porch. I presented this to GPS and got no response, let alone legal follow-up or actual enforcement. It is already stated that; "Many of these

activities are already regulated under other City by-laws or legislation." Indeed, ALL of them are - all you need to do is actually enforce them and give by-law and GPS the man-power and resources to do so! What is most disturbing about the now proposed new by-law is that some aspects of it seem more targeted against potential political demonstrations and activities that are clearly protected by the Canadian Charter of Rights and Freedoms rather than the establishment of Law and Order. I am VERY disturbed by the following sections, which simply have to be struck from the proposed by-law: (e) THIS VIOLATES SECTION 2B OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS. (I) By definition public demonstrations in order to express one's political views can (and sometimes have to be) annoying to others in the community! This is part of the reality of a democratic system. It is shameful that such a formulation is even being considered to become law in this city! (r) THIS VIOLATES SECTION 2C OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS. In summary I oppose the proposed by-law in its current form.

With respect to nuisance parties, it would be prudent to insure that the bylaw is not so broadly worded that it prevents social gatherings such as wedding parties, neighbourhood block parties and other widely accepted gatherings

However, I do agree with shifting the duty of controlling house parties to bylaw.

I am fine with this section of the proposed bylaw: -nuisance parties involving disorderly conduct, public drunkenness, damage to property, unreasonable noise, fighting and public urination. And the second point of -on City land, violent or illegal conduct, fighting, possession of a weapon, knocking over mailboxes, breaking trees, graffiti, dumping garbage or snow and building fires.

This new bylaw makes perfect sense to me, we have big problems with nuisance parties in big parts of the city and you need the took to deal with them.

Concerning the proposed bylaw dealing with nuisance parties and protests I would ask that the proposed bylaws only deal with nuisance parties and not include protests. The two things being dealt with are quite distinct. The case for the need of a bylaw dealing with protests has yet to be made. The problem the nuisance parties should not be used as a p-text to draft the bylaw dealing with protests. There should be called a second bylaw dealing with protests is needed. It should recognize that everyone that is quote "everyone has the right to freedom of Peaceful Assembly and Association " Article 20, 1 of the Universal Declaration of Human Rights.

The fact that this gives municipalities the power to prohibit and regulate "public nuisances" without providing a useful definition of a "public nuisance" is troubling in itself. I have attended two public discussions about the draft bylaw. I have severe reservations about the draft as it currently exists.

This sounds like an extremely harsh bylaw for most of the acts it discusses in the draft. For example: Nuisance parties, most 'party houses' don't have parties that

often that they warrant such a harsh penalties. I understand that most of these parties involve students at the University, and that other people live in Guelph too and the excessive noise of a party is unfair to them. However, bylaws have just gotten ridiculous, you can barely make a sound now without worrying about having a neighbour phone a noise complaint on you. Granted, there are incidences, such as parties regularly at the same residence or in the same neighbourhood that should be monitored, but if someone hosts party every once and a while, I do NOT see how that mean they should get a 10,000 dollar fine. Most of the offenses on this draft are incredibly minor and the penalties are ridiculous.

#### **STAFF COMMENTS**

Staff believe that the Courts will be able to interpret the language of the Bylaw.

Section 13 provides for the laying of Provincial Offence Notices against individuals who breach its provisions.

Staff felt for the ease of the community to have all nuisances listed under one Bylaw. Section regarding protests has been removed.

Weddings and other similar social events are already covered under the City's Special Event process and will continue.

The section referring to protests, although in our opinion is not a contravention of the Charter of Rights has been removed. This was reviewed, staff felt for the ease of the community to have all nuisance like issues within one Bylaw.

With respect to a public nuisance, the Bylaw itself identifies the activities which would be considered public nuisances.

These events are already covered under the City's Special Event process and will continue. The definition of "Nuisance Party" in the by-law is limited to cases where there is unreasonable interference with the innocent public or property.

Upon conviction, fines are set by the Court in accordance with law. Set fines of a lesser value comparable to other Bylaw fines will be implemented.

#### **Proposed wording**

(1) No person shall sponsor, conduct, continue, host, create, attend, permit or cause a Nuisance Party

#### Original wording

#### Section 13

(2) No person who, individually or jointly with others, is an owner, occupant, tenant or who otherwise has rightful possession of or is in possessory control of any Premises, shall allow, cause or permit a Nuisance Party on said Premises.

#### **PUBLIC COMMENTS**

Guelph city council has perfected the attack on many forms of protest by drafting a bylaw allowing forcible removal of 'nuisance parties' (parties being people with both signs and beer), even from private property. This is a dangerous precedent. I can see Toronto and Ottawa city councils under serious pressure to be the next adopt measures (if they do not have similar already). If this bylaw is passed it will be an attractive hammer to be used on a myriad of problems that suddenly all look like nails, be they sit-in or occupy-style protests, the homeless, or merely weekend-long parties at student rentals.

The issue we are concerned most with is the nuisance party. There is a saying that if it doesn't affect me what do I care and we felt that way until the house next door became student housing. When we try and talk to them about our problems, the kids feign naivety and are nonchalant about the whole thing. The landlord lives out of town. We would like you to know that we are in support of the bylaw but with a few changes in regard to the protests but we would like to have a nuisance bylaw in the City of Guelph.

#### **STAFF COMMENTS**

Property owners are responsible for their property and must take reasonable steps to ensure Bylaws are complied with. When a property owner fails to take reasonable steps a fee may be charged to recover some of the costs associated with addressing the nuisance party). An owner who did not condone the nuisance party would not be billed for the costs. When an owner is responsible, the City believes that particular owner, and not the taxpayers at large, should have to pay.

#### Proposed wording (No change)

(2) No person who, individually or jointly with others, is an owner, occupant, tenant or who otherwise has rightful possession of or is in possessory control of any Premises, shall permit or cause a Nuisance Party on said Premises

#### Original wording

#### Section 13

(3) Upon the order of the Chief of Police or the Executive Director, every person who is sponsoring, conducting, continuing, hosting, creating, attending, allowing, causing or permitting a Nuisance Party on specified Premises shall cease such sponsoring, conducting, continuing, hosting, creating, attending, allowing, causing or permitting of such Nuisance Party, and every person not residing on such Premises shall leave such Premises.

#### PUBLIC COMMENTS

I support any tools to help the police minimize the disturbances that happen in our neighbourhood on a weekly basis. Our street is rapidly changing and I feel there is nothing we can do to prevent it. We have too many students' rentals on this street and it shows. The excessive noise and loud music at night, the garbage left out for weeks, the dangerous driving of students oblivious to our children playing outside, the girl sitting on the roof, the broken glass on the sidewalks, the large groups of people smoking on the front porch, the swearing, the eggs on our house, the toilet paper in the trees and the guys urinating in the front yard bushes on a bright and sunny Saturday afternoon when my kids are playing outside right across the street. If we could afford to move, I would move far away from the University of Guelph! Please allow this bylaw to pass! Please give the students some sort of deterrent!

My support for the nuisance bylaw was with regards to the local University students and their lack of respect for their neighbours and their property. The city does not enforce the current existing laws because they do not want to create criminal record for these University students. Also, the littering and trespassing on my property, not to mention the numerous loud parties. Let's work together to do something about this to make the city of Guelph a better place, especially in the south end!

#### **STAFF COMMENTS**

No comment

#### Proposed wording (No change)

(3) Upon the order of the Chief of Police or the Executive Director, every person who is sponsoring, conducting, continuing, hosting, creating, attending, permitting or causing a Nuisance Party on specified Premises shall cease such sponsoring, conducting, continuing, hosting, creating, attending, permitting or causing of such Nuisance Party, and every person not residing on such Premises shall leave such Premises.

Original wording

Section 13

(5) An order under this section may be given orally or may be served personally on the person to whom it is directed.

#### **PUBLIC COMMENTS**

Any order given orally must be accompanied by a written record. Otherwise in case of ex post facto contest the alleged order carries little more weight than hearsay.

#### **STAFF COMMENTS**

Oral orders can be proven by oral evidence. Sometimes there is not time to issue a written order.

## Proposed wording (No change)

(5) An order under this section may be given orally or may be served personally on the person to whom it is directed

Original wording Original wording

## Section 13

(9) No person shall use a highway or portion of a highway that has been temporarily closed under this by-law except with lawful authority or in accordance with the direction of an Officer.

#### **PUBLIC COMMENTS**

Is it necessary for bylaw officers to close roads down, etc? Is this for public safety? Do we not need police for this? Why can by-law close highway to control nuisance party, but needs 24 hour notice for (democratic) protests? Definition – strike any mentions of blocking streets

### STAFF COMMENT

Road closures would be conducted to address public safety issues.

## Proposed wording (No change)

(9) No person shall use a highway or portion of a highway that has been temporarily closed under this by-law except with lawful authority or in accordance with the direction of an Officer

#### Original wording

#### Section 14

(1) The City may impose a fee or charge upon any person hosting a Nuisance Party and/or the owner of Premises where the Nuisance Party is held.

#### **PUBLIC COMMENTS**

I take exception to the following proposals, and for these reasons; billing property owners for nuisance party costs to take control: We already pay taxes to fund law enforcement agencies. Why should we be paying for them to be doing their job? This should never even be considered. Also, who is to say why the owner is even responsible? What would happen if for an example if the public was unhappy with this proposal and started protesting on a counsellor's front lawn and the counsellor was unable to break up the gathering. Officers would have to come break it up and the counsellor would get billed for it. Does this make any sense at all?

My comments are restricted to **NUISANCE PARTIES** 1) Subsection 14(1) states "The City may impose a fee or charge.... Upon [...] the owner of the Premises where the Nuisance Party is held." An owner would be charged even if he/she did not host the Party or was unaware of the Party being held. Furthermore, the owner could be the resident of that property, perhaps away on vacation at the time, or a landlord of that property. Legally, the City is making the Property Owner legally responsible for the actions of other adult individuals.

Presently, some of the City's existing bylaws already make property owners (i.e. A Landlord) responsible for the behaviour of the property's occupants (i.e. A Tenant). Seldom, does the Bylaw Officer make an effort to contact the occupant to rectify the infraction. That action takes time. Plus it's easier to pursue the owner "because that is where the money is." As a City Landlord, I have previously received these letters citing infractions caused by my Tenants. As written the proposed Nuisance Bylaw is expecting me as a Landlord to ensure my adult Tenants do not cause Nuisance Parties at a property that I would not even live at. This is unfair. Why should a property owner be held accountable for the actions of others?

Generally, nuisance parties are hosted by Tenants who will not own property located within the City of Guelph. This makes collection of any fines or cost recoveries more difficult since the City cannot add such fines or recovery costs to the Host's property. Therefore, it is much easier to assess the property owner those fines and cost recovery charges. I was advised the City has only previously charged 2 Property Owners under the noise bylaw for related infractions caused by their Tenants and was only after the Property Owners did not provide their cooperation. It is assumed that the event alluded to here has been independently proven to have been a "Nuisance Party". This should be explicit.

As a homeowner I know that if there is a loud party etc the Police and Bylaw Officers are able to issue fines etc already. Why is council wasting their time on this effort?

In retrospect the Manager's comments do not address my concerns because: a) The City's current policy not to charge Property Owner's, except in unusual circumstances, can be changed any-time. b) If the City truly intends not to charge recovery costs to Property Owners then that clause should not even be included in the Draft Bylaw? c) What is the City's definition of a "cooperative landlord" as noted by the Manager? That is an open-ended statement. 5) Should the Tenant Host(s) not be assessed recoverable costs (i.e. the landlord be assessed instead) then that individual(s) is not being held accountable for their actions. After a nuisance party, the landlord will evict that individual who can simply relocate elsewhere within the City and host another nuisance party and the process is repeated. Why can't this city charge individuals under the noise bylaw? This draft bylaw also does not address the option to charge guests attending the nuisance parties either. 6) I believe the Nuisance parties should not be tolerated and are a serious infringement within a neighbourhood and the effort to discourage and prevent them is very good.

Section 14.1: seems to encourage "tenants" to "not care" and let responsibility fall to landlord

Remove fines, discriminatory on lower income

#### **STAFF COMMENTS**

Property owners are responsible for their property and must take reasonable steps to ensure Bylaws are complied with. When a property owner fails to take reasonable steps a fee may be charged to recover some of the costs associated with addressing the nuisance party (i.e. road closure costs identified in Fees Bylaw). An owner who did not condone the nuisance party would not be billed for the costs. When an owner is responsible, the City believes that particular owner, and not the taxpayers at large, should have to pay.

Section 14(4) talks about fees not fines. There is no issue of guilt or innocence with respect to fees. Municipalities do have the authority under the Municipal Act to add fees to property.

#### Proposed wording NO CHANGE

(1) The City may impose a fee or charge upon any person hosting a Nuisance Party and/or the owner of Premises where the Nuisance Party is held

Original wording

## Section 14

(2) The amount of the said fee or charge shall be the amount of administrative costs, costs of enforcement and all other costs incurred by the City in responding to and addressing the Nuisance Party pursuant to this by-law.

#### **PUBLIC COMMENTS**

Subsections 14(1) and 14(2) do not define how the "fee or charge" will be determined. As written, this is an open ended cost that can later be determined by the City. How these costs will be determined should be detailed and quantified within the bylaw.

#### **STAFF COMMENTS**

Applicable fees would be identified in the City User Fees Bylaw. Section 14 provides for the collection of fees from individuals whose actions cause the City to incur clean up costs.

## Proposed wording (No Change)

(2) The amount of the said fee or charge shall be the amount of administrative costs, costs of enforcement and all other costs incurred by the City in responding to and addressing the Nuisance Party pursuant to this by-law.

## Original wording

## Section 14

(4) Where all the owners of certain Premises are responsible for paying certain fees and charges pursuant to this by-law, the City may add such fees and charges to the tax roll for the Premises and collect them in the same manner as municipal taxes.

#### **PUBLIC COMMENTS**

Under Section 14 Nuisance Parties ... I liked every part of this section; I feel that it is important to hold the land owner accountable for their tenants.

This fails to address the "tenant party" issue. Care should be taken not to defer responsibility to the Landlord's tax roll. I suggest that tenant issues be discussed and clarified as this is the main issue in residential party disturbances.

Section 14.4 Should the City really put a "lean" on someone's property because of a party? No.

There must be a due process that falls within complies with the Landlord-Tenant Act

## STAFF COMMENTS

Other sections are intended to address the tenant nuisance issue - sections 14(1), (2) and (3). This section 14(4) is to provide the City the ability to recover some costs (if required) in addressing nuisance parties where the owner is the cause.

## Proposed wording (No change)

(4) Where all the owners of certain Premises are responsible for paying certain fees and charges pursuant to this by-law, the City may add such fees and charges to the tax roll for the Premises and collect them in the same manner as municipal taxes

### ENFORCEMENT

Original wording

## Section 15

Council hereby authorizes all Officers to enforce this by-law.

#### **PUBLIC COMMENTS**

Way too much power to by-law Training, Guidelines and limits to discretion? How can by-law officers and police officers administer/enforce with different training By-law officers do not have same training as cops By-law officers must meet Police Services Act Standards for training By-law officers are not accountable to the public the way elected officials are

only concern would be staff enforcement, in some cases it takes more than 1 officer to breakup student parties, and am concerned about your bylaw enforcement staff, I trust that policies and procedures would be put into place and ensure the safety of your staff.

## **STAFF COMMENTS**

Safety of staff and training staff would be paramount. Bylaw Officers are accountable to their supervisors, Council and ultimately the public. There is expectation that they will remain unbiased and uphold the bylaws to the City's expectations and guidelines. As well, every charge is subject to challenge in Court.

## Proposed wording (No change):

Council hereby authorizes all Officers to enforce this by-law.

## ENFORCEMENT

## Original wording

### Section 22

Where an Officer has reasonable grounds to believe that an offence under this by-law has been committed by a person, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

#### **PUBLIC COMMENTS**

Where does the authority to compel identification come from? How is refusing ID and offense under this by-law?

#### **STAFF COMMENTS**

Police and Bylaw have different levels of authority to request identification under various legislation.

#### Proposed wording (No change)

Where an Officer has reasonable grounds to believe that an offence under this by-law has been committed by a person, the Officer may require the name, address and proof of identity of that person, and the person shall supply the required information.

## ENFORCEMENT

## Original wording

## Section 25

(1) A person, other than a corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than \$10,000 and, on any subsequent conviction, to a fine of not more than \$25,000.

#### **PUBLIC COMMENTS**

A \$10,000.00 first offense fine is way out of the ballpark here and could not be upheld in any Canadian Court.

Under Enforcement 25. (1) and (2) do these points allow for any on-thespot infraction tickets? What minor offence has a \$10,000 fine? Too large

## **STAFF COMMENTS**

All powers given to the City, including the maximum amount of fines, are given by the Province. The City is only exercising the powers already given to it under the Municipal Act. The City is unlikely to levy (nor is a court likely to approve) fines in the maximum permitted amount.

Upon conviction, fines are set by the Court in accordance with law. Set fines of a lesser value comparable to other Bylaw fines will be implemented. Set fines will be requested to provide for on-the-spot tickets.

## Proposed wording (No change):

(1) A person, other than a corporation, convicted of an offence under this by-law, is liable, on a first conviction, to a fine of not more than \$10,000 and, on any subsequent conviction, to a fine of not more than \$25,000.

# ATTACHMENT C to Public Nuisance Bylaw Report #OT031303

# CITY OF GUELPH BY-LAW (2013) - XXXXX REGULATING PUBLIC NUISANCES

Short Form Wording	Offence Creating Provision	Set Fine
1 Enter identified prohibited/restricted City land	S. 7	\$500.00
2 Engage in violent/threatening/riotous conduct	S. 8(a)	\$500.00
3 Participate in a fight on City land	S. 8(b)	\$500.00
4 Obstruct sidewalk/designated trail/pathway on City land	S. 8(d)	\$300.00
5 Sell/rent/barter goods/services on City land	S. 8(e)	\$300.00
6 Offer for sale/rent/barter goods/services from City land	S. 8(e)	\$300.00
7 Display fpr sale/rent/barter goods/services from City land	S. 8(e)	\$300.00
8 Carry on trade/occupation/business/profession on City land	S. 8(f)	\$300.00
9 Place/allow the placement of vending machine/game on City land	S. 8(g)	\$300.00
10 Possess/use a weapon on City land	S. 8(h)	\$500.00
11 Interfere with an allowed activity carried out by any other person on City land	S. 8(i)	\$300.00
12 Enter any washroom/changeroom set apart for the opposite gender on City land	S.8(j)	\$500.00
13 Loiter in any washroom/changeroom on City land	S. 8(k)	\$500.00
14 Be objectionable to another person using or in the vicinity of a washroom/changeroom on City land	S. 8(k)	\$500.00
15 Operate photographic/recording device in washroom/changeroom on City land	S. 8(I)	\$500.00
16 Owner of horse/livestock/Dangerous Animal allow horse livestock/ Dangerous Animal to enter/be on City land without legal authorization	S. 8(m)	\$300.00
17 Having care and control of a horse/livestock/Dangerous Animal allow horse/livestock/Dangerous Animal to enter/be on City land without legal authorization	S. 8(m)	\$300.00

18 Engage in conduct prohibited/restricted by a sign	S. 8(n)	\$300.00
19 Knock over/attempt to knock over a Canada Post mailbox/relay box/ utility box/newspaper box/waste collection container on City land	S. 8(o)	\$300.00
20 Engage in activity that may/does cause damage to City property	S. 9(a)	\$300.00
21 Break/injure/deface/prune/plant/move/remove a flower/ shrub/grass/plant material/tree/vegetation on City land	S. 9(b)	\$300.00
22 Damage/deface/break/move/remove a building/structure/ equipment of the City	S. 9(c)	\$300.00
23 Attach/stencil/paint/apply/fasten/erect a marking/graffiti/ sign/notice on City land	S. 9(d)	\$300.00
24 Dump/deposit snow in a park or public square	S. 9(e)	\$300.00
25 Build/light/stoke a fire on City land	S. 9(g)	\$500.00
26 Camp/dwell/lodge on City land	S. 9(h)	\$300.00
27 Place/install/erect a temporary/permanent structure on City land	S. 9(i)	\$300.00
28 Enter fountain/water feature not intended for such use on City land	S. 9(j)	\$300.00
29 Tether/launch/land an aircraft on City land	S. (9I)	\$300.00
30 Bring/operate/park/leave a Motor Vehicle on surface not intended for such use on City land	S. 9(m)	\$300.00
31 Sponsor/conduct/continue/host/create/attend/allow/cause a Nuisance Party	S. 13(1)	\$750.00
32 Fail to leave premises upon being directed by an order	S. 13(6)	\$500.00
33 Use a highway/portion of a highway while temporarily closed	S. 13(9)	\$500.00
34 Fail to comply with an order of an Officer	S. 13(20)	\$500.00
35 Obstruct/hinder/interfere with an Officer	S. 13(21)	\$500.00

March 14 2013 City of Guelph Nuisance By Law (DRAFT)

Doug Godfrey Manager, Bylaw Compliance and Security Department Operations, Transit and Emergency Services

Dear Mr. Godfrey

I believe we need an explanation of what points in this proposed By-Law are presently covered under any existing By-Law. If so, why do staff feel these actions need to be duplicated?

We can then begin to comment of the balance of the proposed By-Law But seeing as we have a restricted time table I will comment on the following

## Items (g) thru (i) -Conduct Affecting City Property

Are these simply not a means of attempting to control the actions of a protest? Public comments to the first draft made it very clear that the right to public protest was not something the citizens of Guelph were far from willing to let go.

Attempting to control what happens during a peaceful protest by calling on manufactured by- laws under the premise of keeping our citizens safe is nothing but a ruse.

### Item (j)

Do we really see an issue with someone cooling off their feet in a fountain? If their actions get un-ruly, then I am sure there are other means of dealing with the situation. These are public fountains not sanctuaries.

....2

### (10 & 12)

First off

What permits would fall under this By-Law? The interpretation of permit in this document refers to special events.

With that said,

No one person should have the authority to administer a By-Law with virtually no limitations.

No law should be left to any one individual to be allowed, at their sole discretion, to administrate, interpret, much less enforce.

Any law requires defined guidelines that can be followed and enforced.

## **ENFORCEMENT**

The Enforcement section of this draft is only second to the Administration section when it comes to vagueness and vast room for interpretation, much less the outlandish fines proposed with maximums ranging from \$10,000.00 for an individual to \$25,000.00 for a corporation.

Again I must ask, what the true purpose of this morphed By Law is.

If it is truly about out of hand parties as has been suggested, then lets deal with that directly and not cloud up the issue by attempting to drop in restrictions that would other wise never fly.

I therefore ask the Council Committee to send this back to staff for a true re-draft, as we asked for last November.

I am also asking for additional Public Meetings including a Town Hall, that allows for questions dialog and open discussion.

Ron Foley

Draft Nuisance By-Law

My name is Barry Milner. You have in your package some information that I have submitted. I have also attended public meetings and submitted other words of support for the by-law.

I have lived in what is now Ward 5 since we moved back to Guelph in 1980. My wife and I choose our current house 32 + years ago due to location for my commute and that it was a new subdivision marketed to families.

We support the draft by-law as written. You will hear from those who believe their rights are being violated. I suggest to them that as a long term resident and taxpayer, that I have rights as well. My rights include being able to live in my neighbourhood without constant disruption at all hours of the day by inconsiderate individuals who have no respect.

The city has grown and so has the University of Guelph. What has not kept pace is the University building residence to house their students. It is much easier and less expensive for the University to forgo the capital costs and shift the social issues into the city. This results in fewer services required within the campus, which equals lower operating costs. It however shifts these services to the city and results in costs that the taxpayer must cover.

On our end of the street there are 53 houses, 20 of these are now rentals. That is 37% of the houses!!! Most of these rentals are owned by out of town absentee landlords. Their only goal is to suck as much revenue as possible with as low an overhead as possible. When I walk out my front door, I can see 7 rental properties. Six of these rentals are owned by people who reside outside of Guelph. We have even had one of these landlords tell us that we live on one of the worst streets in Guelph for students. He also stated the University didn't care and the city was only concerned about collecting the taxes. The city had no way to enforce concerns we may have.

This by-law will allow the city to issue fines to these landlords who do not care for the neighbourhood or city. They have no reason to try and control behaviour. The only way to get results is to create a tool that allows control. This by-law does this by allowing landlords to be fined.

The rental beside us has a swimming pool. We were fortunate last summer. The new students did not move in until late August. This meant that we didn't have to put up with 2 and 3 AM swim parties, when they arrive back from downtown.

We have tried the meet the neighbour; invite them into the area etc. May I suggest to you this does not work.

The city currently does not have the tools to deal with the issues that we are experiencing or you would have dealt with the issues. You also do not have the tools to deal with the other issues that this by-law will allow staff to address.

As stated before, as a taxpayer, I also have rights. One of those rights is an expectation that the city has the ability to deal with unlawful activity. The by-law allows for staff to use discretion to deal with unlawful activity.

I would suggest that if this by-law is defeated, council has no interest in supporting strong family neighbourhoods. I challenge you to take a stand and support the staff recommendations and pass the draft by-law.

Draft Public Nuisance By-Law Comments

I have been a resident of Steffler Dr. since 1980, when the street was first constructed. In the past few years we have seen our street transform from a friendly family neighbourhood to an absent landlord student rental street. There are 53 houses on our end of Steffler Dr. and there are now 20 rentals.

Parties can happen almost any time of day and if it is not one house it is another. It is not uncommon to have students return from the downtown bars and start to party at 3AM now. During the winter they keep the party inside, but when warm weather comes, I am sure it will move outside as was the case last fall.

The people that may object to this by-law by saying their rights are being violated are not considering those of us in Ward 5 that have put up with these issues. We also have rights and this by-law as written may help to level the playing field. It will give City staff the tools to work with. The by-law also will give the city the power to start charging the absent landlords and to level fines. When it starts to cost the landlords, they may start to pay more attention to the problems.

Like the absent landlord, I also have my house as an investment. The difference is, I live in my investment.

The city is losing control of Ward 5 and if steps are not taken, such as this by-law, you will never contain control. What are the families of Steffler to do, give up and sell off to the landlords and move out of the city where there are no student housing units.

It is out of control and steps need to be taken. Do not make anymore changes to this bylaw and give us a reason to believe the city does want the area to remain what was perceived when it was developed.

We deserve this much as tax payers of the city and expect the support that is required.

Barry Milner

From: Dave Parks
Sent: March 15, 2013 2:04 PM
To: Doug Godfrey
Cc: Clerks
Subject: RE: City of Guelph draft public nuisance by-law update

To: Doug Godfrey

Thank-You so much so sending us a draft update of the public nuisance by-law. Because I work afternoons (3:15p.m - 11:30p.m.) I will be unable to attend the meetings that are scheduled for March 15, and March 18. I am so pleased that this by-law is in progress. It will be nice to bring back order and peace in the south-end. Just last week we had another incident where the student neighbors had a party and we caught two kids trying to break into my car. When we confronted them they gave us attitude. Really getting tired of this!!!!!!!!!! Please keep us updated if you can. Thank-You and everyone for there time and effort in making this by-law come to life.

Sincerely,

Mary and Dave Parks

From: Shirley & Doak
Sent: Friday, March 08, 2013 04:48 PM
To: Doug Godfrey; Andy VanHellemond; Bob Bell; Cam Guthrie; Gloria Kovach; Ian Findlay; Jim Furfaro; June Hofland; Mayors Office; Karl Wettstein; Lise Burcher; Maggie Laidlaw; Todd Dennis
Cc: editor@guelphmercury.com

Subject: RE: City of Guelph draft public nuisance by-law update

#### To Guelph city council and Guelph Mercury

On the face of much of this appears to be soft and would address SERIOUS problems or examples however very clearly the repeated issuance of no change notations with legitimate notations of concerns from consultation it is very disturbing to see again that there seems a refusal to consider concerns for implementing laws which provide law abiding citizens the potential to be at risk of fines and some quite serious.

I do not agree with most protests that occur including idle no more , the financial one a year ago and definitely anytime someone occupies city land to do so but there is a serious problem when government at any level puts excess barriers or illusions that permission is required to protest something . We are a free country still last time I checked and these subtle means of controlling what we can think , or associate with is a definite invasion of each of our freedom. None of this bylaw is necessary to control violence or occupation of city land . Cause I do not agree with these protests I simply would not try to make laws cause I do not approve of the message or to control the message ..

Example of course we don't not want anyone using or having dangerous weapons that intent is to commit crime . However there seems applied intent or ambiguity that some one who posseses a knife for example for whatever reason that has no plan of criminal intent could face by a simple call from a disgruntled neighbour who has issues to create a legal problem for an individual who may be headed off fishing or hunting . Or someone who legally owns firearms a neighbour disagrees with .. The slippery words such as designed for use indicates a possible use even though there is no intent could a person find themselves suffering a legal challenge by a disgruntled neighbour

The issues of nuisance parties this is simply way to liberal . I don t understand this year homecoming law enforcement shut down parties layed charges without any issues . So why again do we need to create further bylaws in this regard.

This is so obvious once again a neighbour with a bone to pick is going to use this against his neighbour and unfortunately we cannot rely on common sence or discretion by law enforcement where a citizen who may well have been having a backyard wedding a grandchilds birthday party or a gathering of friends. And to insinuate that somehow you need a permit to have an event on your own property just seems a bit much of an infringement.

The problem is that this all seems like its there for the "out of hand situations" so some citizens may think it's a good idea . This is simply an erosion of personal freedoms once again

If I had the confidence that our council would clean this up and not invade our personal freedoms ongoing like the motorcycle noise bylaw I would let it slide and ignore it as just foolish thinking . However past practice has shown that is never the case

Guelph seems intent on adding bylaws to where laws in place are plenty sufficient over and over again . \*I will certainly be a voice in next municipal elections to assist in invoking change to stop this further assault on discriminatory law creations and where private law abiding citizens do not fall further victim to state control of they're private property , and simple disagreement

My message to all who support this the time will come that something you feel true to is going to come up where our city will be putting controls on and you than will understand many of the comments made in opposition or questioning this

I hope our council will oppose this bylaw and finally show some leadership rather than continuing to attempt to create some sort of perceived utopia in someones mind and completely gut this or vote it down

D McCraney

From: wayne huck
Sent: Saturday, March 09, 2013 03:48 PM
To: Doug Godfrey
Cc: BEV RAWN; Christian Thomann; Andy Jennings; Barry Milner; Bernie and Wendy Mueller; Brett and Stacy Richardson; Jenny Van de Kamer; Kathryn Hofer; Norm and Lucille Lawrence; Susan Brown; Wayne Huck
Subject: Re: City of Guelph draft public nuisance by-law update

Doug, Thanks once again for all your assistance to our Neighbourhood Group and for spearheading this Bylaw. We are happy to see the nuisance part of the Bylaw being upgraded to properly deal with noise and nuisance complaints and we hope it will be strongly used by Police and Bylaw officers. We are saddened that the Section of Bylaw dealing with unauthorized gatherings was basically left out. Wasting my tax dollars cleaning up garbage left after these gatherings and protests certainly should anger me enough to vote for a new mayor with a bit more backbone.

Regards, Wayne Huck From: Ivan SvarcSent: Friday, March 08, 2013 08:57 AMTo: Doug GodfreySubject: Re: City of Guelph draft public nuisance by-law update

Good morninf Doug,

Thank you for the update on the proposed City bylaws. I have noticed under the section of "unreasonable noise" and the amended wording. This may indeed cover all sorts of undesirable and disturbing noise produced by any means. However, under "public coments" it should have read that at least one coment was received.

Best regards Ivan Svarc From: Kubes70Sent: Thursday, March 07, 2013 06:22 PMTo: Doug GodfreySubject: Re: City of Guelph draft public nuisance by-law update

Re nuisance parties ,,,

The clamping down on the landlords, homeowners and tenants , must be on the first offense , no more warnings.

.We in the south end are fed up with warnings.Everyone has been aware of the laws but if you are constantly handing out warnings ,they have no fear of acting like idiots Is that going to change,NO MORE WARNINGS,then the message will get out Patrick Kubicki From: BRADY SPEERS
Sent: Thursday, March 07, 2013 05:38 PM
To: Doug Godfrey; June Hofland; Cam Guthrie; Karen.Farbridge; Bob Bell; Jim Furfaro; Andy VanHellemond; Ian Findlay; Maggie Laidlaw; Gloria Kovach; Lise Burcher; Leanne Piper; Todd Dennis; Karl Wettstein
Subject: Re: City of Guelph draft public nuisance by-law update

Although I have only glossed over this new draft, I have already noticed that, once again, many of the sections of this bylaw are already covered under Federal and Provincial legislation and need not be addressed in a bylaw. Further, the use of the term "City Land" is incorrect as the City does not own land nor can the city own land. The term "City Land" is actually referring to "Public Property". I would expect that our City will provide and maintain several public washrooms in all areas of the city within walking distance for all pedestrians. Otherwise, we will have to urinate on the ground and those who have been made homeless by our Federal and Provincial politicians will all be fined, jailed, ..., for being forced to urinate/defecate outside?

In my view, this whole bylaw should be scrapped as the City has no ability or authority to create bylaws for things for which laws have already been created. It is a very transparent attempt at silencing the public, controlling the public, and discriminating against the homeless and pedestrians (which is illegal). You see, the City is entirely accountable here. It serves no-one to continually create bylaws. It serves everyone if the City identifies issues and addresses them in positive ways as is City Council's job (i.e. providing public washrooms, providing space for activism, and promoting the **Universal Declaration of Human Rights and Freedoms** which is law in this country).

The key word for City Council here is "provide" rather than legislate. The City's job is to manage the business of the city, not to regulate the public to death. Scrap the bylaw and get on with business because, again, the bylaw is unenforceable and serves only the City and not the Public. There are, admittedly, public nuisances and there are already laws in place to deal with them. Let's not try to create law under the guise of a bylaw. No further drafts; no further debates - just scrap this nonsense and move on.

Thanks for the opportunity for input.

Braden Speers.



TO Operations, Transit and Emergency Services Committee

SERVICE AREA Guelph Transit

DATE March 18, 2013

SUBJECT Revised U-Pass Agreement

REPORT NUMBER OT031302

### **EXECUTIVE SUMMARY**

#### PURPOSE OF REPORT

To provide a summary of the recommended changes to the U-Pass semester pricing structure for Spring 2013 through Winter 2016.

#### **KEY FINDINGS**

Guelph Transit, the University of Guelph administration, the Central Student Association (CSA) and the Graduate Students' Association (GSA) support the use of a multi-year contract to administer the U-Pass program. This approach provides a degree of stability for all parties to the agreement and allows future resource planning to take place with a greater degree of predictability.

#### FINANCIAL IMPLICATIONS

The proposed pricing structure provides annual rate increases in the range of 3% to 4% every September for the next three years. Based on an estimated volume of students attending the University and the future costs of service, the proposed fee structure provides stable revenues and a reasonable level of cost recovery for Guelph Transit. Annual incremental revenue to Guelph transit will be in the range of \$150,000. The estimated incremental revenue for 2013 under the proposed agreement is consistent with the forecasted U-Pass revenue in the 2013 budget.

#### ACTION REQUIRED

Make a recommendation to Council to approve the proposed multi-year U-Pass pricing structure and authorize the Mayor and the City Clerk to sign revised U-Pass agreements with the CSA and GSA at the University of Guelph.

#### RECOMMENDATION

 THAT the Operations, Transit and Emergency Services (OTES) Committee Report #OT031302 <u>Revised U-Pass Agreement</u> dated March 18, 2013 be received;



2. THAT the Mayor and City Clerk be authorized to sign this U-Pass Agreement with the CSA and GSA at the University of Guelph;

# BACKGROUND

The City (Guelph Transit) has had a U-Pass Agreement in effect with the University of Guelph since the 1990's to provide unlimited regular bus service to University undergraduate and graduate students for a set fee per student per semester. Late night services for University of Guelph students are provided under a separate contract.

Subject to contractual conditions, University of Guelph students are not eligible to opt out of the program and registered students pay this fee to the City each semester regardless of whether or not they use the services of Guelph Transit. A separate agreement is in place with the Central Student Association (CSA) and the Graduate Students' Association (GSA). Guelph Transit and the CSA/GSA have been operating with an interim pricing agreement since May 2012 which expires in May 2013. The parties have been working together for the past number of months to develop a new pricing framework acceptable to all as well as to refine a limited number of contractual terms.

## REPORT

Although the parties have operated with an interim agreement for the last year, all parties prefer to operate with a multi-year contract - this has been the model used historically. This approach minimizes the amount of resources used to negotiate and administer the contact and provides a degree of stability in future resource planning.

It is recommended that the following pricing structure per student per semester for both the CSA and GSA agreements be approved:

Spring 2013:	\$89.50 (same as existing price)
Fall 2013:	\$93.00
Winter 2014:	\$93.00
Spring 2014:	\$93.00
Fall 2014:	\$97.00
Winter 2015:	\$97.00
Spring 2015:	\$97.00
Fall 2015:	\$100.00
Winter 2016:	\$100.00

The proposed annual price increases for the U-Pass are in the range of 3 % to 4% which are reasonable fee increases for students while allowing Guelph Transit to continue to recover an appropriate level of costs in providing the service.





A term has been added to the contract that allows the pricing structure to be reassessed if there is a significant change in the cost base of Guelph Transit (10% or greater) or if service to the University is significantly enhanced or declines during the life of the contract.

# CORPORATE STRATEGIC PLAN

2.2 Deliver Public Service better.

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City.

### **DEPARTMENTAL CONSULTATION**

Legal

#### COMMUNICATIONS

Guelph Transit will work with the Transit Committee at the University to ensure that all students are informed of the revised pricing structure on a timely basis.

#### **ATTACHMENTS**

ATT-1Proposed CSA U-Pass ContractATT-2Proposed GSA U-Pass Contract

Muchael A

**Report Author** Michael Anders General Manager Community Connectivity and Transit 519 822 1260, Ext 2795 michael.anders@guelph.ca

Approved By

Derek McCaughan Executive Director, Operations, Transit and Emergency Services 519 822 1260, Ext 2018 derek.mccaughan@guelph.ca

# **ATTACHMENT 1**

#### **MEMORANDUM OF AGREEMENT**

Dated this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2013

**BETWEEN:** 

# THE CORPORATION OF THE CITY OF GUELPH

Hereinafter called "**the City**" OF THE FIRST PART

and

# THE UNIVERSITY OF GUELPH CENTRAL STUDENT ASSOCIATION

Hereinafter called "**the CSA**" OF THE SECOND PART

WHEREAS the City and the CSA wish to establish the general terms and conditions respecting the issuance of validation stickers on the University of Guelph Student Identification Card for the purpose of providing universal bus privileges (Universal Pass Program):

NOW THEREFORE, the parties mutually agree as follows:

- 1. A validation sticker issued and distributed by the CSA shall be affixed to the student card of each undergraduate student (full and part-time) who is enrolled in an academic program at the University of Guelph. The only exception will be those students who are affected by clause 15 of this Agreement.
- 2. A current validation sticker on the University of Guelph Student Identification Card ("student card") shall permit the holder to use the City's Transit Buses, including Mobility Services, during all hours of regular operation.
- 3. All students must clearly show their student card, with a current validation sticker, to the driver of the vehicle each and every time they board. The dates for any exceptions to this clause will be agreed upon by both parties on an as need basis. Generally, exceptions will be in effect during the period between the end of one semester and the end of the first week of classes of the next semester.
- 4. The City reserves the right to validate the identity of the holder with the student card presented. The City also reserves the right to confiscate any student card that is misused. All confiscated student cards will be forwarded to the University of Guelph Campus Police within three (3) business days, along with a report explaining the

reason(s) for the confiscation. Lost student cards found on Guelph Transit vehicles or property will be forwarded to the CSA within three (3) business days.

Students who misuse the Universal Pass Program will be monitored by the CSA and dealt with in accordance with the rules and regulations set out in the Bus Policies section of the CSA Policy Manual.

- 5. The City will not be responsible for any costs associated with the production or distribution of student cards and validation stickers. However, the City will provide one staff member per day during the three scheduled distribution periods to assist with the process.
- 6. Both parties will have the opportunity to provide input into the design of the validation sticker. The sticker design will be agreed upon every Winter semester in readiness for the upcoming academic year.
- 7. For the purposes of this Agreement, semester shall be defined generally as follows:
  - Winter Semester: January 1 through April 30;
  - Summer Semester: May 1 through August 31; and
  - Fall Semester: September 1 through December 31.
- 8. The per semester fee schedule shall be as per outlined below:

Semester	Fee
Summer 2013	\$89.50
Fall 2013	\$93.00
Winter 2014	\$93.00
Summer 2014	\$93.00
Fall 2014	\$97.00
Winter 2015	\$97.00
Summer 2015	\$97.00
Fall 2015	\$100.00
Winter 2016	\$100.00

The above price schedule will only be revisited during the term of this agreement if Guelph Transit's cost base for the provision of service to the University increases significantly (10% or greater), or the level of service to the University increases or declines significantly.

A new fee schedule will be developed, subject to referendum approval, prior to the end of the Fall Semester in 2015.

9. All students will include payment for the Universal Pass Program as part of their ancillary fees for each semester. The Registrar will collect these monies from the students. The Registrar will guarantee, as set out in the letter attached in Appendix A to this Agreement that monies will be forwarded to the CSA with sufficient time to meet the payment schedule detailed below. The CSA will retain all accrued interest and remit the principal amount to the City according to the following payment schedule:

	35% 15%	November 15 <sup>th</sup> December 15 <sup>th</sup>
Winter Semester:	50% 35% 15%	February 15 <sup>th</sup> March 15th April 15 <sup>th</sup>
Summer Semester:	50% 35% 15%	June 15 <sup>th</sup> July 15 <sup>th</sup> August 15 <sup>th</sup>

The cheque is to be made payable to:

Guelph Transit

And mailed to:

The City of Guelph, Transit Services Attention: Supervisor, Transit Business Services 170 Watson Road South Guelph ON N1L 1C1

If the Registrar is more than 15 days late remitting monies to the CSA, the CSA will arrange for the Registrar to advise the City in writing. The CSA shall remit overdue funds owing to the City immediately upon receipt of these funds from the Registrar. The CSA shall not be held responsible for losses suffered by the City for late payment resulting from failure of the Registrar to transfer funds to the CSA in accordance with the above noted payment schedule.

- 10. Nothing in this Agreement alters, affects or prejudices any other rights or remedies to which the City or the CSA may be lawfully entitled.
- 11. The terms of this Agreement shall commence on May 01, 2013.
- 12. This Agreement does not have a specified termination date.
- 13. The City or the CSA may terminate this Agreement at any time with four (4) months written notice.
- 14. A maximum of fifty (50) students will be afforded the opportunity to 'opt in' to the Universal Pass Program during the Summer Semester only. This opportunity will only be offered to students who had enrolled in the previous Winter Semester and intend to enrol in the upcoming Fall Semester. The CSA will monitor the number of students who chose this option and report the total to the City. The opportunity to 'opt in' will be administered by the CSA according to the rules and regulations set out in the Bus Pass Policies section of the CSA Policy Manual.
- 15. A maximum of thirty (30) students will be afforded the opportunity to 'opt out' of the Universal Pass Program during each semester. This opportunity will only be offered to students who are unable to use any services offered by Guelph Transit. The CSA will monitor the number of students who chose this option and report the total to the City. The opportunity to 'opt out' will be administered by the CSA according to the rules and regulations set out in the Bus Pass Policies section of the CSA Policy Manual.

- 16. All students will use the Transit service offered by the City in accordance with the Rules and Guidelines detailed in Appendix B to this Agreement.
- 17. By the end of the Summer Semester of each year, the CSA will provide the City the following information for the next three (3) semesters:
  - The estimated undergraduate student enrolment;
  - Samples of the validation sticker;
  - The opening day of each semester;
  - The dates of late registration and class add period;
  - The date all classes start;
  - The dates for reading week;
  - The date classes end;
  - The dates exams are scheduled; and
  - The final day of each semester.
- 18. The City is required to provide uninterrupted regular City bus service for the duration of each semester. Failure of the City to provide regular bus service for greater than a total of seven (7) full service days during any semester will result in an adjustment of fees remitted to the City at the next payment date according to the formula detailed in Appendix C to this Agreement. Days for which the University is closed due to inclement weather will not be considered as days of non-service.
- 19. The CSA will advise the City as soon as they are aware that the University is, or will be, closed due to unforeseen circumstances (i.e. inclement weather, etc). The semester fee will not be adjusted to reflect any such closure of the University unless a semester is terminated and students receive a refund of ancillary fees. The Universal Pass Program would be considered null and void for the remainder of the affected semester.
- 20. A Transit Committee comprised of CSA members, GSA members, CSA and GSA staff, and Guelph Transit management will meet at least once per semester to discuss the Universal Pass Program and any outstanding transit-related issues.
- 21. This Agreement constitutes the entire agreement and supersedes any and all prior understandings, discussions, negotiations, commitments, representations, warranties and agreements, written or oral, expressed or implied between the City and the CSA.
- 22. This Agreement shall be subject to and interpreted in accordance with the laws of the Province of Ontario.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED in the presence of:

Authorized Signing Officers of:

# THE UNIVERSITY OF GUELPH, CENTRAL STUDENTS ASSOCIATION

Matthew Pecore, Local Affairs Commissioner

Joshua Ofori-Darko, HR & Operations Commissioner

Drew Garvie, Communications & CA Commissioner

# THE CORPORATION OF THE CITY OF GUELPH

Karen Farbridge, Mayor

Blair Labelle, City Clerk

Dated and Signed at Guelph

This \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2013

Appendix A



OFFICE OF THE ASSOCIATE VICE PRESIDENT STUDENT AFFAIRS

February 13, 2013

Joshua Ofori-Darko Human Resources & Operations Commissioner Central Student Association

Jose Luis Rodriguez Gil GSA V.P. External Graduate Students' Association

Dear Josh and Jose Luis:

I have reviewed the UPass agreement between the City and the CSA and GSA and have confirmed that it is consistent with the Student Fees Protocol As such, I will be asking Student Financial Services to collect the fee as per the schedule and transfer the bus pass funds to the Central Student Association and the Graduate Students' Association according to the proposed terms of the agreement to be signed with the City of Guelph Transit Authority.

Yours sincerely,

Brenda whitside

Brenda Whiteside Associate Vice-President (Student Affairs)

cc M. Anders, GM Community Connectivity and Transit M. Sheey, Student Financial Services

GUELPH • ONTARIO • CANADA • N1G 2W1 • (519) 824-4120 • FAX (519) 767-1693



# RULES AND GUIDELINES FOR TRANSIT USERS

#### Passengers

Must pay the applicable fare or provide a valid transfer. Transfers are valid for one hour from time of issue. A transfer is valid as part of one continuous trip from origin to destination. A transfer is not valid for a return trip. A transfer is valid for a stopover or layover within the one hour time period. Passengers must present their transfer to the operator upon entry. The transfer must be unfolded, date side up for inspection. In the event of a dispute, passengers must pay the requested fare and may contact Guelph Transit for possible adjustment. Other key operating rules include:

- Passes must be clearly shown to driver when boarding the bus;
- No smoking, food or drinks on City buses;
- Priority seats are at the front of all buses for seniors and persons with a disability;
- No playing radios or audio devices unless using headphones;
- No skis, snowboards or equipment;
- No wearing inline skates;
- No wagons or bicycles;
- No swearing or use of profane or discriminatory language;
- No sleighs or toboggans (small infant single seats accepted);
- All passengers must exit by rear doors; and
- When standing, please move to the very back of the bus.

#### **Guide Dogs and Service Animals**

Guide Dogs and Service Animals are permitted on Guelph Transit vehicles. When it is not readily apparent (can't easily and clearly be seen) that an animal is a Service Animal, a letter from a physician or nurse confirming that the person requires the animal for reasons relating to their disability, must be presented to the driver when boarding a Guelph Transit vehicle. All other pets must be secured in a small pet carrier that can fit between the seats.

#### **Transportation of Articles**

- No pets (unless in small secured pet carrier to fit between the seats);
- Transportation of bulk items will be at the operator's discretion;
- Chemicals, toxic substances and flammables are not permitted;
- Firearms, offensive or prohibited weapons are not permitted;
- Parcels and personal items must be kept clear of the aisles; and
- Guelph Transit is not responsible for any lost or stolen articles.

#### Strollers

Single strollers are permitted on Guelph Transit. Passengers may board a bus without folding up strollers or bundle buggies, but it is the responsibility of passengers to ensure that their strollers and/or bundle buggies do not interfere with the safety or comfort of other passengers. Oversize strollers will not be allowed on the buses. An oversize stroller is considered anything larger than a single stroller and includes jogging strollers. Guelph Transit bus operators are responsible for the operation of the bus and for administering Guelph Transit's policies and regulations as outlined above. Regulations are for the comfort and safety of all passengers.

#### **Priority Seating**

Priority Seating is for the use of passengers with a disability. These seats are located close to the front of the vehicle. Customers are expected to respect and obey the purpose of the designated seating area, which means: **if you are sitting in one of these designated seats**, **you MUST vacate the seat for a passenger with a disability**. Bus Drivers will not enforce this requirement or intervene in any dispute related to Priority Seating.

The provision of Priority Seating on all conventional transit vehicles has been mandated as part of the Accessibility for Ontarians with Disabilities Act 2005 (AODA) accessibility standards requirements.



#### **Courtesy Seating**

Courtesy Seating is intended to provide additional seating for people who will benefit from having a seat near the front of the vehicle including:

- Seniors;
- Expectant mothers;
- Adults traveling with infants or small children; or
- Any other passenger who may benefit from a seat.

If you are sitting in one of these designated seats, please respect its purpose and give up your seat to those who need it. Bus Drivers will not enforce this requirement or intervene in any dispute related to Courtesy Seating.



For further inquires, contact Guelph Transit by phone, 519-822-1811, or email, transit@guelph.ca



### FORMULA FOR INTERRUPTED SERVICE REBATE

Total days of service provided

Total days of service scheduled\*

**Final enrolment** (for effected semester)

X Bus pass semester fee (per student)

= Adjusted Payment

Х

\*Total days of service scheduled - will be based on the number of days Transit service is scheduled from the opening day to the final day of the effected semester as defined in Clause 17 of the CSA agreement

# **ATTACHMENT 2**

### **MEMORANDUM OF AGREEMENT**

Dated this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2013

**BETWEEN:** 

# THE CORPORATION OF THE CITY OF GUELPH

Hereinafter called "**the City**" OF THE FIRST PART

and

# THE UNIVERSITY OF GUELPH GRADUATE STUDENTS' ASSOCIATION

Hereinafter called "**the GSA**" OF THE SECOND PART

WHEREAS the City and the GSA wish to establish the general terms and conditions respecting the issuance of validation stickers on the University of Guelph Student Identification Card for the purpose of providing universal bus privileges (Universal Pass Program):

NOW THEREFORE, the parties mutually agree as follows:

- 1. A validation sticker issued and distributed by the GSA shall be affixed to the student card of each graduate student (full and part-time) who is enrolled in an academic program at the University of Guelph.
- 2. A current validation sticker on the University of Guelph Student Identification Card ("student card") shall permit the holder to use the City's Transit Buses, including Mobility Services, during all hours of regular operation.
- 3. All students must clearly show their student card, with a current validation sticker, to the driver of the vehicle each and every time they board. The dates for any exceptions to this clause will be agreed upon by both parties on an as need basis. Generally, exceptions will be in effect during the period between the end of one semester and the end of the first week of classes of the next semester.
- 4. The City reserves the right to validate the identity of the holder with the student card presented. The City also reserves the right to confiscate any student card that is misused. All confiscated student cards will be forwarded to the University of Guelph Campus Police within three (3) business days, along with a report explaining the reason(s) for the confiscation. Lost student cards found on Guelph Transit vehicles or property will be

forwarded to the GSA within three (3) business days. The use of the Universal Pass is subject to Section 10.2 Universal Bus Pass of the GSA ByLaws.

- 5. The City will not be responsible for any costs associated with the production or distribution of student cards and validation stickers.
- 6. Both parties will have the opportunity to provide input into the design of the validation sticker. The sticker design will be agreed upon every Winter Semester in readiness for the upcoming academic year.
- 7. For the purposes of this Agreement, semester shall be defined generally as follows:
  - Winter Semester: January 1 through April 30;
  - Summer Semester: May 1 through August 31; and
  - Fall Semester: September 1 through December 31.
- 8. The per semester fee schedule shall be as per outlined below:

Semester	Fee
Summer 2013	\$89.50
Fall 2013	\$93.00
Winter 2014	\$93.00
Summer 2014	\$93.00
Fall 2014	\$97.00
Winter 2015	\$97.00
Summer 2015	\$97.00
Fall 2015	\$100.00
Winter 2016	\$100.00

The above price schedule will only be revisited during the term of this agreement if Guelph Transit's cost base for the provision of service to the University increases significantly (10% or greater), or the level of service to the University increases or declines significantly.

A new fee schedule will be developed, subject to referendum approval, prior to the end of the Fall Semester in 2015.

9. All graduate students will include payment for the Universal Pass Program as part of their ancillary fees for each semester. The Registrar will collect these monies from the students. The Registrar will guarantee, as set out in the letter attached in Appendix A to this Agreement that monies will be forwarded to the GSA with sufficient time to meet the payment schedule detailed below. The GSA will retain all accrued interest and remit the principal amount to the City according to the following payment schedule:

Fall Semester:	35%	October 15 <sup>th</sup> November 15 <sup>th</sup> December 15 <sup>th</sup>
Winter Semester:	50%	February 15 <sup>th</sup>

		March 15th April 15 <sup>th</sup>
Summer Semester:	35%	June 15 <sup>th</sup> July 15 <sup>th</sup> August 15 <sup>th</sup>

The cheque is to be made payable to:

Guelph Transit

And mailed to:

The City of Guelph, Transit Services Attention: Supervisor, Transit Business Services 170 Watson Road South Guelph ON N1L 1C1

If the Registrar is more than 15 days late remitting monies to the GSA, the GSA will arrange for the Registrar to advise the City in writing. The GSA shall remit overdue funds owing to the City immediately upon receipt of these funds from the Registrar. The GSA shall not be held responsible for losses suffered by the City for late payment resulting from failure of the Registrar to transfer funds to the GSA in accordance with the above noted payment schedule.

- 10. Nothing in this Agreement alters, affects or prejudices any other rights or remedies to which the City or the GSA may be lawfully entitled.
- 11. The terms of this Agreement shall commence on May 01, 2013.
- 12. This Agreement does not have a specified termination date.
- 13. The City or the GSA may terminate this agreement at any time with four (4) months written notice.
- 14. All students will use the Transit service offered by the City in accordance with the Rules and Guidelines detailed in Appendix B to this Agreement.
- 15. By the end of the Summer Semester of each year, GSA staff will provide the City the following information for the next three (3) semesters:
  - The estimated graduate student enrolment;
  - The opening day of each semester;
  - The dates of late registration and class add period;
  - The date all classes start;
  - The dates for reading week;
  - The date classes end;
  - The dates exams are scheduled; and
  - The final day of each semester.

- 16. The City is required to provide uninterrupted regular City bus service for the duration of each semester. Failure of the City to provide regular bus service for greater than a total of seven (7) full service days during any semester will result in an adjustment of fees remitted to the City at the next payment date according to the formula detailed in Appendix C to this Agreement. Days for which the University is closed due to inclement weather will not be considered as days of non-service.
- 17. The GSA will advise the City as soon as they are aware that the University is, or will be, closed due to unforeseen circumstances (i.e. inclement weather, etc). The semester fee will not be adjusted to reflect any such closure of the University unless a semester is terminated and students receive a refund of ancillary fees. The Universal Pass Program would be considered null and void for the remainder of the affected semester.
- 18. A Transit Committee comprised of GSA members, CSA members, GSA and CSA staff, and Guelph Transit management will meet at least once per semester to discuss the Universal Pass Program and any outstanding transit-related issues.
- 19. This Agreement constitutes the entire agreement and supersedes any and all prior understandings, discussions, negotiations, commitments, representations, warranties and agreements, written or oral, expressed or implied between the City and the GSA.
- 20. This Agreement shall be subject to and interpreted in accordance with the laws of the Province of Ontario.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED in the presence of:

Authorized Signing Officers of:

# THE UNIVERSITY OF GUELPH, GRADUATE STUDENTS' ASSOCIATION

\_\_\_\_\_

Shawna Holmes, V.P. Finance

Jose Pepe Rodriguez, V.P. External

# THE CORPORATION OF THE CITY OF GUELPH

Karen Farbridge, Mayor

Blair Labelle, City Clerk

Dated and Signed at Guelph

This \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2013

Appendix A



#### OFFICE OF THE ASSOCIATE VICE PRESIDENT STUDENT AFFAIRS

February 13, 2013

Joshua Ofori-Darko Human Resources & Operations Commissioner Central Student Association

Jose Luis Rodriguez Gil GSA V.P. External Graduate Students' Association

Dear Josh and Jose Luis:

I have reviewed the UPass agreement between the City and the CSA and GSA and have confirmed that it is consistent with the Student Fees Protocol As such, I will be asking Student Financial Services to collect the fee as per the schedule and transfer the bus pass finds to the Central Student Association and the Graduate Students' Association according to the proposed terms of the agreement to be signed with the City of Guelph Transit Authority.

Yours sincerely,

Knowle whitside

Brenda Whiteside Associate Vice-President (Student Affairs)

cc M. Anders, GM Community Connectivity and Transit M. Sheey, Student Financial Services

GUELPH • ONTARIO • CANADA • N1G 2W1 • (519) 824-4120 • FAX (519) 767-1693



## RULES AND GUIDELINES FOR TRANSIT USERS

#### Passengers

Must pay the applicable fare or provide a valid transfer. Transfers are valid for one hour from time of issue. A transfer is valid as part of one continuous trip from origin to destination. A transfer is not valid for a return trip. A transfer is valid for a stopover or layover within the one hour time period. Passengers must present their transfer to the operator upon entry. The transfer must be unfolded, date side up for inspection. In the event of a dispute, passengers must pay the requested fare and may contact Guelph Transit for possible adjustment. Other key operating rules include:

- Passes must be clearly shown to driver when boarding the bus;
- No smoking, food or drinks on City buses;
- Priority seats are at the front of all buses for seniors and persons with a disability;
- No playing radios or audio devices unless using headphones;
- No skis, snowboards or equipment;
- No wearing inline skates;
- No wagons or bicycles;
- No swearing or use of profane or discriminatory language;
- No sleighs or toboggans (small infant single seats accepted);
- All passengers must exit by rear doors; and
- When standing, please move to the very back of the bus.

#### **Guide Dogs and Service Animals**

Guide Dogs and Service Animals are permitted on Guelph Transit vehicles. When it is not readily apparent (can't easily and clearly be seen) that an animal is a Service Animal, a letter from a physician or nurse confirming that the person requires the animal for reasons relating to their disability, must be presented to the driver when boarding a Guelph Transit vehicle. All other pets must be secured in a small pet carrier that can fit between the seats.

#### **Transportation of Articles**

- No pets (unless in small secured pet carrier to fit between the seats);
- Transportation of bulk items will be at the operator's discretion;
- Chemicals, toxic substances and flammables are not permitted;
- Firearms, offensive or prohibited weapons are not permitted;
- Parcels and personal items must be kept clear of the aisles; and
- Guelph Transit is not responsible for any lost or stolen articles.

#### Strollers

Single strollers are permitted on Guelph Transit. Passengers may board a bus without folding up strollers or bundle buggies, but it is the responsibility of passengers to ensure that their strollers and/or bundle buggies do not interfere with the safety or comfort of other passengers. Oversize strollers will not be allowed on the buses. An oversize stroller is considered anything larger than a single stroller and includes jogging strollers. Guelph Transit bus operators are responsible for the operation of the bus and for administering Guelph Transit's policies and regulations as outlined above. Regulations are for the comfort and safety of all passengers.

#### **Priority Seating**

Priority Seating is for the use of passengers with a disability. These seats are located close to the front of the vehicle. Customers are expected to respect and obey the purpose of the designated seating area, which means: **if you are sitting in one of these designated seats**, **you MUST vacate the seat for a passenger with a disability**. Bus Drivers will not enforce this requirement or intervene in any dispute related to Priority Seating.

The provision of Priority Seating on all conventional transit vehicles has been mandated as part of the Accessibility for Ontarians with Disabilities Act 2005 (AODA) accessibility standards requirements.



#### Courtesy Seating

Courtesy Seating is intended to provide additional seating for people who will benefit from having a seat near the front of the vehicle including:

- Seniors;
- Expectant mothers;
- Adults traveling with infants or small children; or
- Any other passenger who may benefit from a seat.

If you are sitting in one of these designated seats, please respect its purpose and give up your seat to those who need it. Bus Drivers will not enforce this requirement or intervene in any dispute related to Courtesy Seating.



For further inquires, contact Guelph Transit by phone, 519-822-1811, or email, transit@guelph.ca



### FORMULA FOR INTERRUPTED SERVICE REBATE

Total days of service provided

Total days of service scheduled\*

**Final enrolment** (for effected semester)

X Bus pass semester fee (per student)

= Adjusted Payment

Х

\*Total days of service scheduled - will be based on the number of days Transit service is scheduled from the opening day to the final day of the effected semester as defined in clause 15 of the GSA agreement

#### CONSENT REPORT OF THE PLANNING & BUILDING, ENGINEERING AND ENVIRONMENT COMMITTEE

March 25, 2013

Her Worship the Mayor and Councillors of the City of Guelph.

Your Planning & Building, Engineering and Environment Committee beg leave to present their SECOND CONSENT REPORT as recommended at its meeting of March 18, 2013.

If Council wishes to address a specific report in isolation please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Report of the Planning & Building, Engineering & Environment Committee will be approved in one resolution.

### **PBEE-2013.8** Stormwater Funding Study – Terms of Reference

That staff be directed to proceed with the Stormwater Funding Study by issuing the terms of reference for the consultant engineering assignment.

# PBEE-2013.9 Sign By-law Variances for 40 Wellington Street West (Belmont Equity Parners Inc.)

- 1. That the Planning, Building, Engineering and Environment report dated March 18, 2013, regarding Sign by-law variances for 40 Wellington Street West, be received.
- 2. That the request for variances from the Sign By-law for 40 Wellington Street West to permit freestanding signage with a setback of 1 to 6 metres, a maximum size of 10 square metres and a maximum height of 4.5 metres, be approved.

All of which is respectfully submitted.

Councillor Piper, Chair Planning & Building, Engineering and Environment Committee

# PLEASE BRING THE MATERIAL THAT WAS DISTRIBUTED WITH THE AGENDA FOR THE MARCH 18, 2013 MEETING.



TO Planning & Building, Engineering and Environment Committee

SERVICE AREA Planning, Building, Engineering and Environment

DATE March 18, 2013

SUBJECT Stormwater Funding Study – Terms of Reference

**REPORT NUMBER** 

# **EXECUTIVE SUMMARY**

### **PURPOSE OF REPORT**

The purpose of the report is to provide background and details on the proposed consultant engineering assignment terms of reference for the Stormwater Funding Study.

# **KEY FINDINGS**

Some key findings of the report:

- The Sustainable Infrastructure Report and Infrastructure Scorecard indicated an "F" grade for stormwater infrastructure assets and the current City spending is only 41% of the estimated equivalent annual cost to sustain stormwater infrastructure assets.
- The report lists general criteria to be included in the proposed consultant engineering assignment terms of reference for the Stormwater Funding Study.

# FINANCIAL IMPLICATIONS

The Stormwater Funding Study will be funded from SW0060 that was approved in the amount of \$200,000.00 and is funded by Development Charges (62.25%) and City Reserves (37.75%).

# **ACTION REQUIRED**

The Planning, Building, Engineering and Environment Committee approve the Stormwater Funding Study - Terms of Reference report recommendation.

# RECOMMENDATION

1. That staff be directed to proceed with the Stormwater Funding Study by issuing the terms of reference for the consultant engineering assignment.



# BACKGROUND

The need for increased funding for stormwater system infrastructure was recently highlighted in the Sustainable Infrastructure Report that was received for information by Council in Fall, 2012. The consultant report detailed the City's stormwater assets being valued at \$506,400,000, with an approximate infrastructure improvement backlog of \$25,000,000 and an annual sustainable cost requirement of \$6,400,000. The infrastructure scorecard developed as part of the study resulted in an "F" scorecard grade for stormwater system assets with current funding being only at 41% of the estimated annual need.

As a result of the consultant report findings, the Planning & Building, Engineering and Environment Committee report entitled, Sustainable Infrastructure Report, dated October 15, 2012 included the following action item:

• Initiate a Storm Water Funding review to address the sustainable funding level for storm water assets

Further detailed review of the City's stormwater management infrastructure was undertaken with the completion of the Stormwater Management Master Plan in Summer, 2011. The June 20, 2011 Planning & Building, Engineering and Environment Committee report detailing the Stormwater Management Master Plan findings and recommendations was approved by Council and included the following recommendation:

• AND THAT staff be authorized to prepare draft Terms of Reference to undertake a "*Stormwater User Pay Feasibility Study*" as a potential future funding source for stormwater infrastructure in Guelph, as recommended in the Master Plan and outlined in this report, and that the draft Terms of Reference be considered by Council for approval at a future meeting, prior to release.

In addition to the two engineering study reports, the approved 2013-2016 Corporate Strategic Plan (CSP) Work Plan dated November 12, 2012, included a "storm water funding review" as one of the CSP initiatives for 2013 in the Cost Avoidance and System Optimization category.

# REPORT

As part of Engineering Services 2013 work plan and CSP initiatives, staff is prepared to move forward with the initiation of a stormwater funding study. In order to proceed with a feasibility study, a terms of reference for consultant engineering services is required to hire a qualified firm. The consulting team will be tasked to identify, review and evaluate alternative funding mechanisms to support the City's stormwater management program and to recommend a preferred funding



approach. In general, the terms of reference for the consultant assignment would include the following steps to be undertaken by the project team:

- Compile and quantify the cost of the City's existing stormwater management program including operations and maintenance, asset management, planning and monitoring activities and capital plans;
- Develop and evaluate various stormwater management program options based on varying levels of service and recommend a program that will meet the desired levels of service, targets for compliance with regulations and other future pressures;
- Review available stormwater financing options;
- Recommend the preferred option that offers a fair and equitable method for allocating the costs of the stormwater management program;
- Develop a strategy to implement the recommendations.

It is expected that a key to the success of the Stormwater Funding Study will be consultation with stakeholders and public. Parallel to the above activities, the study terms of reference will include the following in order to seek input and support the above tasks:

- Develop a Consultation Plan to identify and outline a framework and schedule for consultation with City staff, stakeholders and the general public;
- Assist in the formation of a Stormwater Advisory Committee with key stakeholders to solicit feedback on the study components and related issues;
- Conduct education sessions with the Leadership Team, the Mayor and Members of Council;
- Conduct 'focus group' sessions to seek additional public feedback with representatives from residential, non-residential and tax exempt property owners as well as host public Open Houses.

The above list of items will form part of the Stormwater Funding Study terms of reference document. Consultant submissions will be evaluated based on their proposed methodology, experience, project management and cost with respect to the study terms of reference.

# CORPORATE STRATEGIC PLAN

2 Innovation in Local Government

- 2.1 Build an adaptive environment for government innovation to ensure fiscal and service sustainability
- 2.3 Ensure accountability, transparency and engagement
- 3 City Building
  - 3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City
  - 3.2 Strengthen citizen and stakeholder engagement and communications



# **DEPARTMENTAL CONSULTATION**

The terms of reference for the Stormwater Funding Study will include Finance, Public Works and Community Engagement and Social Services staff in the development of the document prior to release.

# COMMUNICATIONS

The terms of reference for the Stormwater Funding Study will be posted on the City's website for interested firms to receive the detailed document.

# ATTACHMENTS

October 15, 2012 Planning, Building, Engineering and Environment Committee Report - Sustainable Infrastructure Report <u>http://guelph.ca/living.cfm?smocid=2963</u>

June 20, 2011 Planning, Building, Engineering and Environment Committee Report - Stormwater Management Master Plan Study and Recommendations <u>http://guelph.ca/uploads/062011 Baker SWM Master Plan FINAL.pdf</u>

# **Report Author**

Don Kudo, P.Eng. Manager of Infrastructure Planning Design & Construction Engineering Services 519-822-1260 ext 2490 don.kudo@guelph.ca

Original Signed by:

# Approved By

for: Richard Henry, P.Eng. General Manager/City Engineer Engineering Services 519-822-1260 ext 2248 richard.henry@guelph.ca Original Signed by:

# **Recommended By**

for: Janet L. Laird, Ph.D. Executive Director Planning, Building, Engineering and Environment 519-822-1260 ext 2237 janet.laird@guelph.ca



TO Planning & Building, Engineering and Environment Committee

SERVICE AREA Planning, Building, Engineering and Environment

DATE March 18, 2013

# SUBJECT SIGN BY-LAW VARIANCES FOR 40 Wellington Street West (Belmont Equity Partners Inc)

# **EXECUTIVE SUMMARY**

# PURPOSE OF REPORT

To advise Council of three (3) Sign By-law variances for 40 Wellington Street West, requesting freestanding signage with a setback of 1 to 6 metres, a maximum size of 10 square metres and a maximum height of 4.5 metres.

# **KEY FINDINGS**

- Standard regulations for commercial malls are being requested;
- Commercial tenants require signage exposure in a mall setting.

# FINANCIAL IMPLICATIONS

N/A

# **ACTION REQUIRED**

To approve the request for three (3) Sign By-law variances from the Sign By-law for 40 Wellington Street West.

# RECOMMENDATION

- 1. That the Planning, Building, Engineering and Environment report dated March 18, 2013, regarding Sign by-law variances for 40 Wellington Street West, be received.
- 2. That the request for variances from the Sign By-law for 40 Wellington Street West to permit freestanding signage with a setback of 1 to 6 metres, a maximum size of 10 square metres and a maximum height of 4.5 metres, be approved.

# BACKGROUND

Belmont Equity Partners Inc. has submitted a Sign by-law variance application for the property located at 40 Wellington Street West (see Attachment 1- Location Map) to allow for two freestanding signs to be located with a 1 to 6 metres setback. The property is zoned Commercial Residential, CR-3 in the Zoning By-law No. (1995)-14864. The Sign By-law No. (1996)-15245 in Table 2, Row 5; restricts



freestanding signs more stringently in a CR zone than a standard commercial zone. This property was the subject of a Zoning By-law Amendment in 2011 to permit a wider range of commercial uses in a commercial mall setting. There is presently a Site Plan Review application being processed by staff (see Attachment 2- Proposed Site Plan). The final location of the signs has not been determined pending the outcome of this variance application.

# REPORT

Belmont Equity Partners Inc. has applied for three (3) Sign By-law variances for 40 Wellington Street West, (see Attachment 3- Signage For Variances). Staff identified that the proposed signage would not comply with the Sign By-law in that regulations for freestanding signs in the Commercial Residential (CR) zone are more stringent than that in standard commercial zones. The Commercial Residential zone allows a setback of 2.5 metres from the sidewalk (4 metres where no sidewalk exists.) The maximum size is 3 square metres per side and the maximum height is 1.8 metres. This variance application is to permit the freestanding signs to be developed with regulations that are standard to other commercial zones that have a mall setting. The standard regulations are: a setback of 1 to 6 metres, a maximum size of 10 square metres and a maximum height of 4.5 metres. One sign is proposed to be located on City owned lands adjacent to the site that will be used for parking. An encroachment agreement is required for this sign and preliminary discussions have indicated support for the encroachment.

The following reasons have been supplied by the applicant in support of the variance requests:

- The property will be a commercial mall that was the subject of a rezoning last year to permit a wide range of commercial uses;
- The CR zone is more restrictive than a standard commercial zone;
- Commercial tenants value advertising opportunities through signage;
- Standard commercial regulations for signage are being requested.

Freestanding Sign (Commercial CR zone)	By-law Requirements	Request
Maximum Sign Face per area face	3 square metres	10 square metres
Permitted Location on Private Property	2.5 metres from nearest sidewalk, if no sidewalk then 4 metres from road	Setback 1 to 6 metres from property line
Maximum Height	1.8 metres	4.5 metres

The requested variances are as follows:



The requested variances from the Sign By-law are recommended for approval because:

- Standard regulations for commercial malls are being requested
- Commercial tenants require signage exposure in a mall setting

# **CORPORATE STRATEGIC PLAN**

3.1- Ensure a well designed, safe, inclusive, appealing and sustainable City

# **DEPARTMENTAL CONSULTATION**

N/A

# COMMUNICATIONS

N/A

# ATTACHMENTS

Attachment 1 -Location Map Attachment 2 –Proposed Site Plan Attachment 3 –Signage For Variances

# **Report Author**

Pat Sheehy Senior By-law Administrator Building Services 519-837-5615 ext. 2388 patrick.sheehy@guelph.ca

Original Signed by:

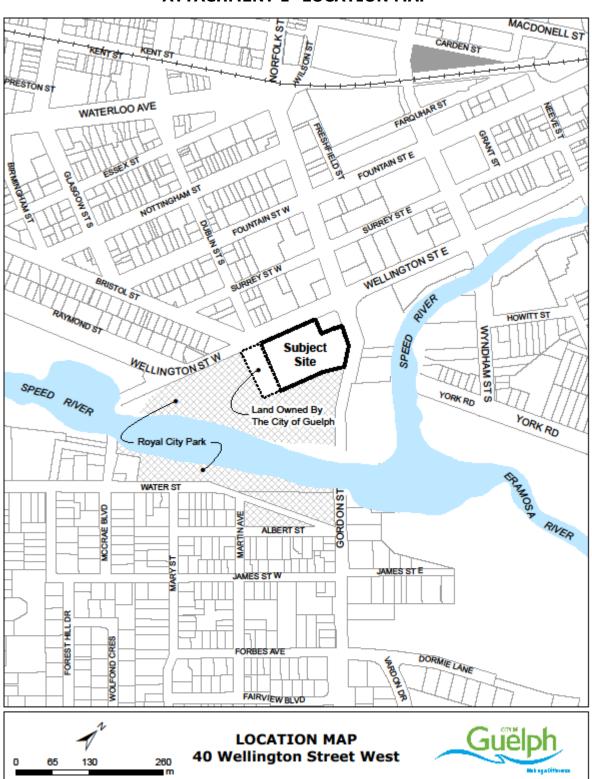
# **Approved By**

Bruce A.Poole Chief Building Official Building Services (519)837-5615, Ext. 2375 bruce.poole@guelph.ca Original Signed by:

# **Recommended By**

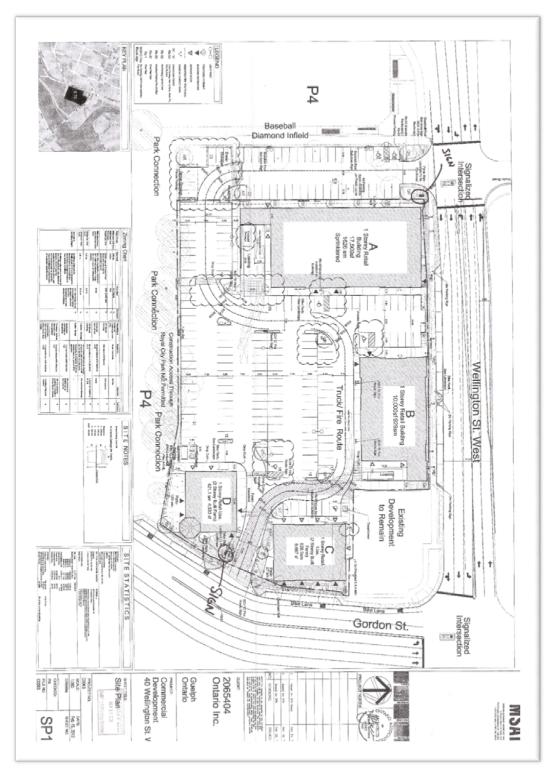
for: Janet L. Laird, Ph.D. Executive Director Planning, Building, Engineering and Environment 519-822-1260, ext 2237 janet.laird@guelph.ca





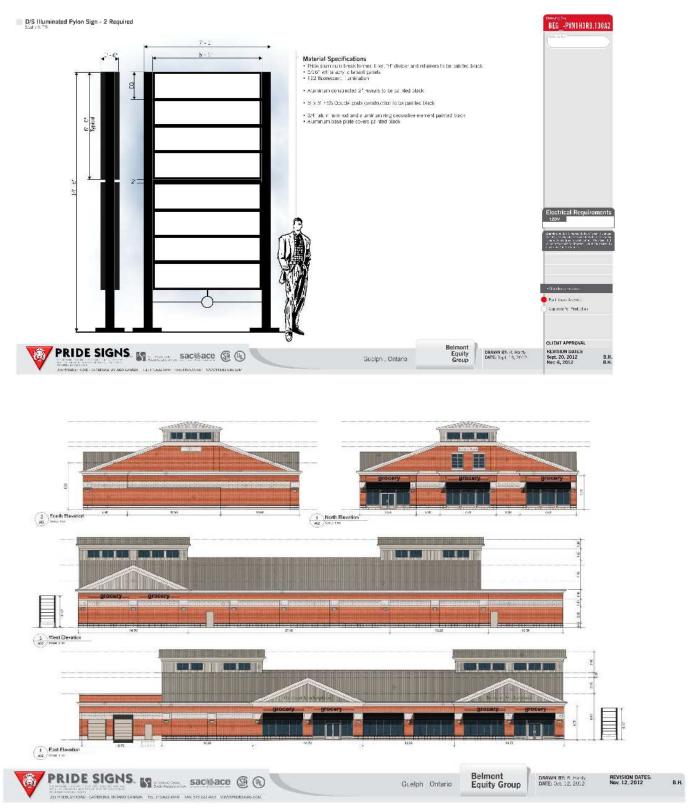








# **ATTACHMENT 3- SIGNAGE FOR VARIANCES**



# **CONSENT AGENDA**

## March 25, 2013

Her Worship the Mayor and Members of Guelph City Council.

### **SUMMARY OF REPORTS:**

The following resolutions have been prepared to facilitate Council's consideration of the various matters and are suggested for consideration. If Council wishes to address a specific report in isolation of the Consent Agenda, please identify the item. The item will be extracted and dealt with immediately. The balance of the Consent Agenda will be approved in one resolution.

# A REPORTS FROM ADMINISTRATIVE STAFF

REPORT	DIRECTION
CON-2013.3 CITY OF GUELPH RESPONSE TO PROPOSED AMENDMENT 2 TO THE GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE	Approve
<ol> <li>That the staff comments provided to the Ministry of Infrastructure, dated February 8, 2013, and included as Attachment 1 be endorsed;</li> </ol>	
<ol><li>That the City Clerk be directed to inform the Ministry of Infrastructure that the staff comments have been endorsed by Council.</li></ol>	
CON-2013.4 86 LANE STREET – PROPOSED ZONING BY-LAW AMENDMENT (FILE: ZC1209) - WARD 1	Approve
<ol> <li>That Report 1308 regarding a Zoning By-law Amendment application to permit a semi-detached dwelling at 86 Lane Street, legally described as Part of Lot 8, Range 2, Division 'F', City of Guelph, from Planning, Building, Engineering and Environment, dated March 25, 2013, be received.</li> </ol>	
2. That the application by Van Harten Surveying Inc., on behalf of KJM Quality Construction Ltd., for a Zoning By-law Amendment from the R.1B (Single Detached Residential) Zone to the R.2 (Semi-detached Residential) Zone affecting the property municipally known as 86 Lane Street, and legally described as Part of Lot 8, Range 2, Division 'F', City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2 of Planning, Building, Engineering and Environment Report 13-08, date March 25, 2013.	

3.	That the request to demolish the detached dwelling at 86 Lane Street be approved.	
4.	That the applicant be requested to contact the General Manager of Solid Waste Resources, Planning, Building, Engineering and Environment, regarding options for the salvage or recycling of all demolition materials.	
CON-	2013.5 ANNUAL ASPHALT, CONTRACT 2-1301	Approve
1.	That the tender of Coco Paving be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 2-1301 for the Annual Asphalt Contract for a total tendered price of \$ 3,827,310.00 with actual payment to be made in accordance with the terms of the contract.	
CON-	2013.6 EASEMENT AGREEMENT – 40 WELLINGTON STREET WEST	Approve
1.	That the City Solicitor be authorized to execute an agreement for the sale of easements to 2065404 Ontario Inc., and all related documents required for the transfer and registration thereof, in relation to the proposed development located at 40 Wellington Street West, Guelph, on the terms included in the report dated March 25, 2013, in a form satisfactory to the City Solicitor.	
CON-	2013.7 LITIGATION STATUS REPORT	Receive
1.	That the report of Legal and Realty Services regarding the status of City litigation be received.	

attach.



TO City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE March 25, 2013

SUBJECT City of Guelph Response to Proposed Amendment 2 to the Growth Plan for the Greater Golden Horseshoe

REPORT NUMBER 13-09

# **EXECUTIVE SUMMARY**

# **PURPOSE OF REPORT**

To advise Council of Proposed Amendment 2 to the Growth Plan for the Greater Golden Horseshoe, 2006, outline staff's review and comments on the proposed amendment and seek Council endorsement of the staff comments.

# **KEY FINDINGS**

Policy 2.2.1.2 of the Growth Plan states that the Minister will review the Growth Plan's population and employment forecasts at least every five years, in consultation with municipalities, and may revise the forecasts.

The Minister of Infrastructure initiated a review of the forecasts in 2012, and released Proposed Amendment 2 in November 2012 for municipal review and comments.

Amendment 2 proposes to extend the population and employment forecast horizon of the Growth Plan from 2031 out to 2041, and identifies proposed population and employment forecasts for Greater Golden Horseshoe municipalities for the years 2031, 2036 and 2041.

For Guelph, Amendment 2 proposes to retain the City's current 2031 population and employment forecasts of 175,000 people and 92,000 jobs respectively, and proposes 2041 population and employment forecasts of 191,000 people and 101,000 jobs.

The proposed 2031 forecasts are consistent with the City's approved Growth Plan conformity amendment, Official Plan Amendment 39, and do not, therefore have any significant implications for the City.

The proposed 2041 forecasts would result in an increase of 16,000 people and 9,000 jobs between 2031 and 2041. Although this indicates continued growth after 2031, it represents a notable slow-down in Guelph's anticipated population growth rate post 2031, from an average rate of approximately 1.5% annually between 2006 and 2031, to approximately 0.9% annually between 2031 and 2041.



The implications of the proposed 2041 forecasts would have to be comprehensively assessed to determine if they are feasible and appropriate for the City of Guelph. Such a comprehensive assessment could not be undertaken within the comment period established by the Province, therefore Guelph is not in a position to advise as to whether or not the 2041 forecasts are feasible or appropriate from the City's perspective.

Should the Province approve Proposed Amendment 2 with 2041 forecasts, the City would undertake the necessary comprehensive assessment, likely as part of the City's next 5-Year Official Plan Review.

# FINANCIAL IMPLICATIONS

There are no immediate financial implications of Proposed Amendment 2. Should the Province formally amend the Growth Plan for the Greater Golden Horseshoe to update the growth forecasts and extend the time horizon of the forecasts and policies out to 2041, the financial implications of the new forecasts and horizon will have to be reviewed through the above-noted comprehensive assessment.

# **ACTION REQUIRED**

Council endorsement of the staff comments, dated February 8, 2013, regarding Proposed Amendment 2 to the Growth Plan for the Greater Golden Horseshoe, 2006.

# RECOMMENDATION

- 1. That the staff comments provided to the Ministry of Infrastructure, dated February 8, 2013, and included as Attachment 1 be endorsed.
- 2. That the City Clerk be directed to inform the Ministry of Infrastructure that the staff comments have been endorsed by Council.

# BACKGROUND

The Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") came into effect on June 16, 2006. The Growth Plan established a vision and policies to manage the rapid growth projected for the Greater Golden Horseshoe to the year 2031 in a manner that ensures the development of compact, vibrant and complete communities. It established population and employment forecasts for municipalities that are to be achieved by 2031 and set policies and targets relating to infill and intensification and minimum densities for new Greenfield development. Municipalities were required to amend their Official Plans within three years to bring them into conformity with the Growth Plan.

The City of Guelph adopted its Growth Plan conformity amendment, OPA 39, in June 2009, and OPA 39 is in full force and effect. Building on earlier work completed through the Smart Guelph initiative, the Local Growth Management Strategy, and various other City initiatives, strategies and master plans, OPA 39



established the City's overall City-Building vision and growth management framework, including key urban form elements, such as the Downtown Urban Growth Centre, Intensification Nodes and Corridors and new mixed use, compact Greenfield neighbourhoods. OPA 39 established 2031 population and employment forecasts of 175,000 people and at least 92,000 jobs. Consistent with the Growth Plan, OPA 39 set out policies that plan to achieve a minimum density for new Greenfield development of 50 persons and jobs per hectare and that support and facilitate achievement of the intensification target that by the year 2015 and every year thereafter, a minimum of 40% of all new residential development will occur through intensification within the built-up area.

The overall growth management framework established through OPA 39 was further elaborated on and detailed through the third and final phase of the City's 5-Year Official Plan Review, OPA 48, which was adopted by Council in June 2012. OPA 48 is currently being reviewed by the Ministry of Municipal Affairs and Housing.

Policy 2.2.1.2 of the Growth Plan states that the Minister responsible for the Growth Plan (now the Minister of Infrastructure) will review the population and employment forecasts at least every five years, in consultation with municipalities, and may revise the forecasts. The Minister of Infrastructure initiated a review of the forecasts in 2012, and released Proposed Amendment 2 in November 2012 for municipal review and comments. A companion technical report prepared by Hemson Consulting Ltd., was released at the same time. The Hemson report analyses economic, social and demographic trends and provides the long term forecasts that underpin Proposed Amendment 2.

Amendment 2 proposes to extend the population and employment forecast horizon of the Growth Plan from 2031 out to 2041, and identifies proposed population and employment forecasts for the years 2031, 2036 and 2041 for municipalities within the Growth Plan area.

For Guelph, Amendment 2 proposes to retain the City's current 2031 population and employment forecasts of 175,000 people and 92,000 jobs respectively, and proposes 2041 population and employment forecasts of 191,000 people and 101,000 jobs.

Amendment 2 also contains proposed "Transition" provisions that would apply to specific matters that were in process when the Amendment comes into effect. This would include Upper and Single Tier conformity amendments that have been adopted but are currently before the Ontario Municipal Board, and zoning by-law amendments being undertaken to implement the conformity amendments once they are in full force and effect.

Finally, Amendment 2 proposes to set an alternate date for required municipal conformity that would enable municipalities to coordinate their Growth Plan conformity work with the next scheduled review of their official plans pursuant to



Section 26 of the Planning Act (commonly referred to as the 5-Year Official Plan Review). This would replace the three year conformity requirement currently specified in the *Places to Grow Act*.

The Minister requested that municipal comments on Proposed Amendment 2 be submitted by February 8, 2013. Due to the time required to undertake a preliminary, integrated interdepartmental review of the proposed amendment, it was necessary for staff level comments to be submitted by the requested commenting deadline prior to bringing a report to Council. Ministry staff has confirmed that staff level comments submitted by the deadline will be fully considered, provided formal Council-endorsed comments are subsequently submitted.

### REPORT

The review of the population and employment forecasts is being undertaken in accordance with Section 2.2.1.2 of the Growth Plan, and is supported by a Technical Report prepared by Hemson Consulting Ltd. As noted in Proposed Amendment 2, the current Growth Plan forecasts were originally developed in the early 2000's, using Statistics Canada 2001 Census data. The review provides an opportunity to verify and update the original forecasts in the context of Census data for 2006 and 2011 that is now available and considering and incorporating current information on a variety of matters, including demographic and economic trends, land availability, infrastructure investment, and water and wastewater servicing capacity.

In broad terms, the Province anticipates that the Greater Golden Horseshoe will continue to experience healthy growth, and by 2041 the region is forecast to grow to almost 13.5 million people and 6.2 million jobs. Immigration will continue to be the most significant driver of growth, and growth will also be driven by the key demographic trends of higher fertility rates and lower mortality rates (people are living longer and having more children), and the number of people living in each home will be higher than previously anticipated.

Based on the technical methodology and analysis contained in the Hemson Report, Proposed Amendment 2 updates Schedule 3 of the Growth Plan and provides population and employment forecasts for all Greater Golden Horseshoe municipalities for the years 2031, 2036 and 2041. As noted earlier, Amendment 2 proposes to retain the City's current 2031 population and employment forecasts of 175,000 people and 92,000 jobs respectively, and proposes 2041 population and employment forecasts of 191,000 people and 101,000 jobs.

The proposed 2031 forecasts are consistent with the City's approved Growth Plan conformity amendment, Official Plan Amendment 39, and do not, therefore have any significant implications for the City. The Hemson Technical Report contains a number of methodological refinements/changes from the earlier work done to support the original forecasts, such as changing demographic trends and increased household sizes (persons per unit), and staff have asked for clarification on a number of items. These methodological changes will have to be further assessed,



but based on preliminary staff analysis, they appear to have minimal implications on the City's current 2031 growth management framework.

The proposed 2041 forecasts would result in an increase of 16,000 people and 9,000 jobs between 2031 and 2041. This represents a notable slow-down in Guelph's anticipated population growth rate post 2031, from an average rate of approximately 1.5% annually between 2006 and 2031, to approximately 0.9% annually between 2031 and 2041, and a more moderate slowdown of the employment growth rate, from approximately 1.0% to 0.8%. This slowdown in the growth rate is primarily attributed to an assumption stated in the Hemson Technical Report that environmental constraints (headwaters, groundwater and assimilative capacity) will limit the ability to provide long-term water and wastewater servicing to accommodate significant additional growth. This assumption has also been applied to a number of other municipalities in Guelph's vicinity, including Wellington and Dufferin Counties and the Region of Waterloo.

The implications of the proposed 2041 forecasts would have to be comprehensively assessed to determine if they are feasible and appropriate for the City of Guelph. This comprehensive assessment would include such matters as: the capacity of existing and planned infrastructure (hard and soft) to support the growth in a financially and environmentally sustainable matter; the impact and desirability of the growth from an urban form/community/social sustainability perspective; an assessment of whether or not the forecasted growth could be accommodated within the existing corporate boundaries of the City of Guelph through continued infill/intensification and Greenfield development, and all other matters deemed relevant.

Such a comprehensive assessment could not be undertaken within the comment period established by the Province, therefore Guelph is not in a position to advise as to whether or not the 2041 forecasts are feasible or appropriate from the City's perspective. However, a very preliminary integrated interdepartmental review of the amendment was undertaken by staff from Planning, Water, Wastewater and Engineering Services in order to develop the initial staff response contained in Attachment 1 to this report. Some of the key initial findings include:

- Through the City's previous Local Growth Management Strategy (LGMS) work, water and wastewater servicing were identified as key constraining factors on growth in Guelph.
- The City has recently initiated an update to its Water Supply Master Plan and an update to the Wastewater Treatment Master Plan is anticipated to be initiated in 2014.
- Should the Province approve new 2041 population and employment forecasts, these Master Plan updates will provide an opportunity to assess the extended forecasts to determine, among other things, whether or not water and wastewater servicing continue to place limitations on Guelph's growth potential, and if they do, to what extent.



- Through the LGMS, the City made an explicit policy decision to not seek an urban boundary expansion prior to 2031 to accommodate growth. The LGMS included a detailed analysis of Guelph's Greenfield land supply, infill and intensification opportunities, and other urban form considerations, and identified preferred 2031 population and employment forecasts that could be accommodated within Guelph's existing corporate boundaries. These are the forecasts that were ultimately included in OPA 39 and approved by the Province.
- Very preliminary analysis suggests the City may be able to accommodate some additional population and employment growth beyond the current 2031 forecasts, within its current boundaries, through continued Greenfield development and intensification. However, to develop a detailed understanding of the actual capacity to accommodate specific 2041 growth forecasts (should they be issued) from a land supply and urban form/social sustainability perspective and the implications of such growth, it will be necessary for the City to undertake a rigorous update/review of the LGMS, including necessary technical analysis and significant public and stakeholder engagement.
- Should the Province approve Proposed Amendment 2 with 2041 forecasts, staff will need to develop a strategy to update the City's LGMS for Council review and direction. In terms of timing, the LGMS update, and related technical work and community engagement, would likely need to be undertaken in the lead up to the City's next 5-Year Official Plan Review, which is scheduled for 2017.
- The Province will be undertaking a 10-year review of the Growth Plan in 2016. The City may wish to time its LGMS update work such that it is sufficiently advanced to allow Guelph to provide well informed input to the Growth Plan review. For example, the LGMS update work could identify areas of the Growth Plan that the City would like to see revised, including adjustments to the population and employment forecasts, if substantiated.

In terms of the other components of Proposed Amendment 2, staff fully agrees with the need to include appropriate Transition provisions in order to ensure that matters still in process to implement the first cycle of Growth Plan conformity amendments are not impacted by the Amendment 2. From Guelph's perspective, this must include OPA 42 which is currently before the Ontario Municipal Board, and OPA 48, which is still undergoing provincial review, and provides detailed policy direction to implement the City's fundamental Growth Plan conformity amendment, OPA 39.

Also, with respect to zoning by-law amendments being undertaken to implement the first cycle of conformity Official Plan amendments, it is imperative that these also be sheltered under Transition provisions, whether or not they are formally commenced when Amendment 2 comes into effect. Given the lengthy period of time it has taken (and continues to take) to bring the conformity Official Plan amendments into effect, it is likely that many municipalities, including Guelph, have not initiated their zoning by-law conformity amendments. Furthermore, Section 26 (9) of the *Planning Act* 



provides a three year window, after the conformity Official Plan amendments come into effect, for the zoning by-law conformity work to be completed.

Finally, staff supports the proposal to allow municipalities to bring their Official Plans into conformity with Amendment 2 through their next regularly scheduled 5-Year Official Plan review, rather than within a prescribed three-year window. This allows flexibility to organize and schedule the work to ensure appropriate coordination and integration with other Official Plan matters the municipality decides to review at that time, including associated technical studies and community/stakeholder engagement.

As a general comment, and as has been raised by many municipalities through the first cycle of Growth Plan conformity, it is fundamentally imperative that the Provincial and Federal Governments make long term, sustained commitments to invest in the infrastructure that is needed to support projected growth. Municipalities cannot, on their own, financially sustain the impacts of continued growth, and significant upper level government investment is needed in many key areas, such as higher order transportation (all modes) and transit, goods movement, health and social services, and affordable housing.

#### Potential Next Steps and Timing\*:

- **Timing to be determined** Finalization and release of Proposed Amendment 2 to the Growth Plan; subject to provincial approval.
- **2016**: 10 Year Review of the Provincial Growth Plan by Province.
- 2015 2017: scoping and initiation of background studies, including update to City's Local Growth Management Strategy and community consultation, to support next Official Plan 5 Year Review\*\*
- 2017: City launches next Official Plan 5-Year Review\*\*\*

\* Actual details and timing of City-initiated work will be subject to future Council consideration and approval

\*\* Update to the City's Local Growth Management Strategy can take into consideration amended provincial growth forecasts, if Proposed Amendment 2 finalized by Province. Any public input received in relation to Proposed Amendment 2 will be considered through the LGMS Update in 2015-2017.

\*\*\* Projected timing of next OP 5 Year Review based on completion of most recent Official Plan Update process in 2012 (i.e. Council adoption of OPA 48 in June 2012)

#### CORPORATE STRATEGIC PLAN

**3.1**: Ensure a well designed, safe, inclusive, appealing and sustainable City.

**3.2**: Be economically viable, resilient, diverse and attractive for business.



### DEPARTMENTAL CONSULTATION

The following Departments were consulted in the preparation of this report: Engineering Services; Water Services; and Wastewater Services.

#### COMMUNICATIONS

None

### ATTACHMENTS

- ATT-1 Staff comments on Proposed Amendment 2 to the Growth Plan for the Greater Golden Horseshoe, 2006, in a letter dated February 8, 2013
- ATT-2 Proposed Amendment 2 to the Growth Plan for the Greater Golden Horseshoe, 2006, located at the attached link: <u>https://www.placestogrow.ca/index.php?option=com\_content&task=view\_&id=337&Itemid=14</u>

Original Signed by:

#### **Report Author**

Todd Salter General Manager Planning Services 519-822-1260 ext 2395 todd.salter@guelph.ca

Original Signed by:

#### Approved and Recommended By

Janet L. Laird, Ph.D. Executive Director Planning, Building, Engineering and Environment 519-822-1260 ext 2237 janet.laird@guelph.ca



#### **ATTACHMENT 1**

### Letter to Ministry of Infrastructure – Feb. 8, 2013

**Feb 8, 2013** Via email – hard copy to follow

ATTN: Maya Harris Ontario Growth Secretariat Ministry of Infrastructure 777 Bay Street, 4th floor, Suite 425 Toronto, ON M5G 2E5

Dear Maya,

#### RE: Proposed Amendment 2 to the Growth Plan for the Greater Golden Horseshoe

Thank you for the opportunity to comment on Proposed Amendment 2 to the Growth Plan for the greater Golden Horseshoe. In order to meet the Provincial comment deadline of February 8, 2013, we are submitting these as the City's initial staff-level comments. It is understood from discussions with Ministry staff that staff-level comments will be fully considered, provided formal Council-endorsed comments are subsequently submitted. Staff will be reporting to Council on Proposed Amendment 2 on March 4, 2013 and will forward Council's formal comments when they are available.

#### **Comments on the Proposed Population and Employment Forecasts**

The proposed 2031 forecasts are consistent with the City's approved Growth Plan conformity amendment, Official Plan Amendment 39, and do not, therefore have any significant implications for the City.

The implications of the proposed 2041 forecasts must be comprehensively assessed to determine if they are feasible and appropriate for the City of Guelph. This comprehensive assessment would include such matters as: the capacity of existing and planned infrastructure (hard and soft) to support the growth in a financially and environmentally sustainable matter; the impact and desirability of the growth from an urban form/community/social sustainability perspective; an assessment of whether or not the forecasted growth could be accommodated within the existing corporate boundaries of the City of Guelph through continued infill/intensification and Greenfield development, and all other matters deemed relevant.

Such a comprehensive assessment could not be undertaken within the comment period, therefore the City is not in a position to advise as to whether or not the 2041 forecasts are feasible or appropriate. However, a very preliminary integrated interdepartmental review of the amendment was undertaken by staff in order to develop some initial key findings:



- Through the City's previous Local Growth Management Strategy (LGMS) work, water and wastewater servicing were identified as key constraining factors on growth in Guelph.
- The City has recently initiated an update to its Water Supply Master Plan and an update to the Wastewater Treatment Master Plan is anticipated to be initiated in 2014.
- Should the Province approve new 2041 population and employment forecasts, these Master Plan updates will provide an opportunity to assess the extended forecasts to determine, among other things, whether or not water and wastewater servicing continue to place limitations on Guelph's growth potential, and if they do, to what extent.
- Through the LGMS, the City made an explicit policy decision to not seek an urban boundary expansion prior to 2031 to accommodate growth. The LGMS included a detailed analysis of Guelph's Greenfield land supply, infill and intensification opportunities, and other urban form considerations, and identified preferred 2031 population and employment forecasts that could be accommodated within Guelph's existing corporate boundaries. These are the forecasts that were ultimately included in OPA 39 and approved by the Province.
- Very preliminary analysis suggests the City may be able to accommodate some additional population and employment growth beyond the current 2031 forecasts, within its current boundaries, through continued Greenfield development and intensification. However, to develop a detailed understanding of the actual capacity to accommodate specific 2041 growth forecasts (should they be issued) from a land supply and urban form/social sustainability perspective and the implications of such growth, it will be necessary for the City to undertake a rigorous update/review of the LGMS, including necessary technical analysis and significant public and stakeholder engagement. Such an update would likely be undertaken in the context of the City's next regularly scheduled 5-year Official Plan Review.

#### Comments on Other components of Proposed Amendment 2

Staff fully agrees with the need to include appropriate Transition provisions in order to ensure that matters still in process to implement the first cycle of Growth Plan conformity amendments are not impacted by Amendment 2. From Guelph's perspective, this must include OPA 42 which is currently before the Ontario Municipal Board, and OPA 48, which is still undergoing provincial review, and provides detailed policy direction to implement the City's fundamental Growth Plan conformity amendment, OPA 39.

Also, with respect to zoning by-law amendments being undertaken to implement the first cycle of conformity Official Plan amendments, it is imperative that these also be sheltered under Transition provisions, whether or not they are formally commenced when Amendment 2 comes into effect. Given the lengthy period of time it has taken (and continues to take) to bring the conformity Official Plan amendments into effect, it is likely that many municipalities, including Guelph, have not initiated their zoning by-law conformity amendments. Furthermore, Section 26 (9) of the *Planning Act* provides a three year window, after the conformity Official Plan amendments come into effect, for the zoning by-law conformity work to be completed.



Finally, staff support the proposal to allow municipalities to bring their Official Plans into conformity with Amendment 2 through their next regularly scheduled 5-Year Official Plan review. This allows flexibility to organize and schedule the work to ensure appropriate coordination and integration with other Official Plan matters the municipality decides to review at that time, including associated technical studies and community/stakeholder engagement.

As a final general comment, and as has been raised by many municipalities through the first cycle of Growth Plan conformity, it is fundamentally imperative that the Provincial and Federal Governments make long term, sustained commitments to invest in the infrastructure that is needed to support projected growth. Municipalities cannot, on their own, financially sustain the impacts of continued growth, and significant upper level government investment is needed in many key areas, such as higher order transportation (all modes) and transit, goods movement, health and social services, and affordable housing.

#### Technical Comments/Matters for Clarification

The Hemson Technical Report contains a number of methodological refinements from the work done in 2008 to support the original forecasts. We would appreciate any clarification that could be provided on several matters.

The 2012 Technical Report assumes a 2011 employment base for the City of Guelph of 72,490. Based on a 2006 employment base of 70,790, the annual employment growth over the 2006 to 2011 period was 0.5%, significantly lower than the 3.3% growth over the 1996 to 2001 period and the 1.3% annual growth observed over the 2001 to 2006 period. Based on historical employment and labour force growth trends and a review of non-residential building permit activity, we estimate the 2011 employment base for the City of Guelph is approximately 73,600. Accordingly we are interested to know how the 2011 employment was estimated.

The City's 2011 activity rate of 57% is high in comparison with the Outer Ring rate of 46%. Over the 2011 to 2031 forecast period, the City's total employment activity rate is forecast to decline to 53%. During the 2021 to 2031 period, the incremental employment activity rate is estimated to fall to 39%, and then followed by an increase in the activity rate to 50% during the 2031 to 2041 period. We are interested in understanding the rationale for these swings in the incremental activity rate especially as they relate to the labour force and net migration. We are furthermore interested in how employment growth by type (Employment Land, Population Based and Major Office) were forecast.

In addition, the population and employment forecasts contained in Proposed Amendment 2 would result in a decline of the City's overall activity rate from 57% to 53% by 2041. This is inconsistent with the City's stated policy objective of maintaining its current activity rate. Prior to finalizing Proposed Amendment 2, the City requests that further discussions be held to determine an appropriate employment forecast in relation to the proposed population forecasts. For example, based on the proposed 2041 population forecast of 191,000, preliminary staff calculations indicate that a corresponding employment forecast of approximately 109,000 (as opposed to the 101,000 currently contained in Proposed Amendment 2) would be required to maintain the desired activity rate.

Based on our understanding of the employment on Employment Lands category, the 2011 figure seems high, given the estimated industrial employment in the City and the estimated share of City-wide commercial and institutional employment accommodated on employment lands. We suspect



that Employment Land employment identified in the Technical Report may include major institutional uses, such as the University of Guelph. Clarification on this matter would be appreciated.

In addition, the City requests any further clarification/information that can be provided with regards to:

- Forecast net migration by age group in five-year increments from 2011 to 2041 (including rationale for net migration assumptions by age);
- Forecast annual births and fertility rates by age of mother from 2011 to 2041 (including rational for fertility rate assumptions by age of mother); and
- Forecast deaths and mortality rates by age group from 2011 to 2041 (including rationale for mortality rate assumptions by age group).

We appreciate your consideration of these comments, and will advise further once City Council has had an opportunity to review Proposed Amendment 2.

Sincerely,

Todd Salter General Manager of Planning Services Planning, Building, Engineering and Environment Location: 1 Carden St.

T 519-822-1260 x 2395 F 519-822-4632 E todd.salter@guelph.ca



TO Guelph City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE March 25, 2013

SUBJECT 86 Lane Street - Proposed Zoning By-law Amendment (File: ZC1209) Ward 1

REPORT NUMBER 13-08

### **EXECUTIVE SUMMARY**

#### **PURPOSE OF REPORT**

This report provides a staff recommendation to approve a Zoning By-law Amendment to rezone the subject site to an R.2 Zone to permit a semi-detached dwelling to be built on the site.

#### **KEY FINDINGS**

Planning staff support the proposed rezoning as set out in Attachment 2 of this report.

#### FINANCIAL IMPLICATIONS

Estimated Development Charges: \$24,004 (2012 rate) Estimated Annual Tax Increase: From \$1,972 to \$5,732, a net gain of \$3,760

#### **ACTION REQUIRED**

Council is being asked to approve the Zoning By-law Amendment for the subject property.

#### RECOMMENDATIONS

- That Report 13-08 regarding a Zoning By-law Amendment application to permit a semi-detached dwelling at 86 Lane Street, legally described as Part of Lot 8, Range 2, Division 'F', City of Guelph, from Planning, Building, Engineering and Environment, dated March 25, 2013, be received.
- 2. That the application by Van Harten Surveying Inc., on behalf of KJM Quality Construction Ltd., for a Zoning By-law Amendment from the R.1B (Single Detached Residential) Zone to the R.2 (Semi-detached Residential) Zone affecting the property municipally known as 86 Lane Street, and legally described as Part of Lot 8, Range 2, Division 'F', City of Guelph, be approved in accordance with the zoning regulations and conditions outlined in Attachment 2 of Planning, Building, Engineering and Environment Report 13-08, dated March 25, 2013.



- 3. That the request to demolish the detached dwelling at 86 Lane Street be approved.
- 4. That the applicant be requested to contact the General Manager of Solid Waste Resources, Planning, Building, Engineering and Environment regarding options for the salvage or recycling of all demolition materials.

#### BACKGROUND

An application for a Zoning By-law Amendment was received on March 29, 2012 for the property municipally known as 86 Lane Street. The proposal requested to rezone the subject property to permit a semi-detached dwelling. The application was deemed to be complete on April 26, 2012. The statutory Public Meeting was held on September 4, 2012. At this meeting, Council received staff Report 12-82 that provided a factual background of the property and information related to the proposed Zoning By-law Amendment application.

#### Location

The subject property is 556 square metres in size and is located on the west side of Lane Street and north of Palmer Street (See Location Map in Attachment 1). The subject property has 18.3 metres of frontage on Lane Street and a lot depth of approximately 30 metres. It is bounded by single detached residential dwellings to the south, east and north and Laurine Avenue Public School to the west.

#### **Existing Official Plan Land Use Designation and Policies**

The Official Plan land use designation that applies to the subject property is "General Residential", which permits a range of housing types including single and semi-detached residential dwellings. See Attachment 3 for the Official Plan designation and relevant policies.

#### **Existing Zoning**

The subject property is zoned R.1B (Residential Single Detached) Zone, which permits single-detached houses and compatible uses such as a day care centre or group home (see Attachment 4 for a full list of permitted uses and standard regulations).

#### REPORT

#### **Description of Proposed Zoning Bylaw Amendment**

The applicant is requesting to rezone the lands from the R.1B (Residential Single Detached) Zone to the R.2 (Semi-Detached) Zone to permit the development of a semi-detached dwelling on the subject property (See Attachment 4 for permitted uses and standard regulations for the proposed R.2 Zone).

#### **Proposed Development Concept**

The applicant's proposed development concept is shown on Attachment 5. The proposal involves the development of the subject property to permit a semi-



detached dwelling containing two residential units on two separate parcels. The individual semi-detached lots would be created though a future consent to sever application.

#### Staff Review/Planning Analysis

At the public meeting on September 4th, 2012, a concern was raised by a neighbourhood resident regarding whether the proposed use was appropriate and in keeping with the surrounding neighbourhood. In light of this concern Council directed staff to meet with the neighbouring residents to discuss their issues. Staff held a meeting with adjacent neighbours and the proponent on January 9, 2013. At this meeting, discussion included concerns about backyard privacy, shadowing and noise. At the meeting the proponent agreed to frost an upper storey window on the northerly semi-detached unit to improve privacy for the neighbour to the north. The proponent also looked at options to alter the building location and window placement to further limit impact on the neighbour but it was determined that further changes would not be feasible given building code and other zoning regulation requirements. Condition #13 in Attachment 2 requires that the centre window on the second storey be frosted as noted above.

Comments from agencies include Engineering Services requiring standard conditions for redevelopment of the site to permit the development of the proposed semi-detached dwelling, Planning conditions for tree preservation and tree compensation and a request from the Upper Grand District School Board to notify the owner that the Laurine Avenue school is being redeveloped. Agency comments received are included in Attachment 6.

Planning staff have reviewed the proposed application and have no objection to the rezoning to permit a semi-detached dwelling to be built on this lot. The proposed redevelopment is a logical infill and is in keeping with the varied lot pattern and housing sizes in the surrounding neighbourhood. The lot and proposed semi-detached dwelling meet the regulations of the proposed R.2 zone and the "General Residential" policies of the Official Plan which permits a variety of housing types in this designation.

The proposed Zoning By-law Amendment is an opportunity for infill within the City's built-up area, in keeping with the requirements under the Provincial Places to Grow legislation which will require 40% of all new development to be within the City's Built Boundary annually. This further intensification also meets policies with the Provincial Policy Statement through making more efficient and effective use of land in an area of the City with full municipal services and near the downtown area and with a variety of services and amenities available within walking distance in the commercial area centred at Eramosa Road and Stevenson Street.

For these reasons, planning staff have recommended that this development be approved, subject to the conditions set out in Attachment 2, which would be imposed as conditions of the future consent to sever the property for the creation of lots for the two semi-detached dwellings.



Planning staff are also recommending Council approve the demolition of the existing single detached dwelling to allow for the proposed redevelopment of the property. The approval of the demolition application is recommended as the existing dwelling is not a significant cultural heritage resource and the subject property is proposed to be redeveloped into a semi-detached dwelling, therefore, there will be no overall loss of residential capacity in the City as a result of this application.

### CORPORATE STRATEGIC PLAN

**Strategic Direction 3.1:** Ensure a well designed, safe, inclusive, appealing and sustainable City.

#### COMMUNICATIONS

The Notice of Complete Application was mailed on May 2, 2012 to local boards and agencies, City service areas and property owners with 120 metres of the subject site for comments. The same notice was provided by signage on the site. The Notice of Public Meeting was advertised in the Guelph Tribune on August 9, 2012, and circulated to current owners within 120 metres of the site on August 10, 2012.

#### ATTACHMENTS

- Attachment 1: Location Map
- Attachment 2: Recommended Zoning Regulations and Conditions
- Attachment 3: Existing Official Plan Land Use Designations and Policies
- Attachment 4: Existing and Proposed Zoning
- Attachment 5: Proposed Development Concept Plan and Front Elevation
- Attachment 6: Circulation Comments Summary
- Attachment 7: Public Notification Summary

#### **Report Author**

Katie Nasswetter Senior Development Planner 519.822.1260 ext. 2356 katie.nasswetter@guelph.ca

#### Approved By

Sylvia Kirkwood Manager of Development Planning 519.822.1260 ext. 2359 sylvia.kirkwood@guelph.ca

Original Signed by:

#### **Approved By**

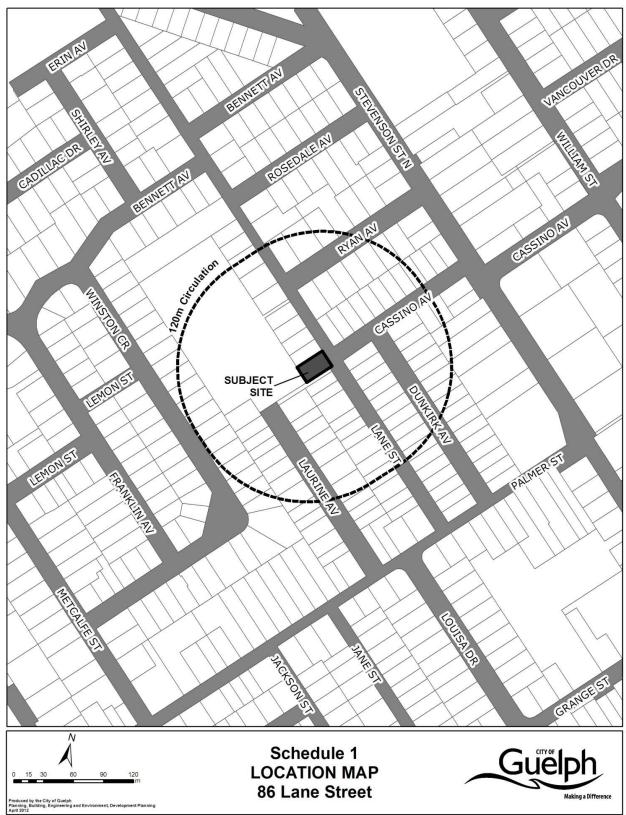
Todd Salter General Manager Planning Services 519.822.1260, ext. 2395 todd.salter@guelph.ca Original Signed by:

#### **Recommended By**

Janet Laird, Ph.D. Executive Director Planning, Building, Engineering and Environment 519.822.1260, ext. 2237 janet.laird@guelph.ca









### ATTACHMENT 2

#### **Recommended Zoning Regulations and Conditions**

The property affected by the Zoning By-law Amendment application is municipally known as 86 Lane Street and legally described as Part of Lot 8, Range 2, Division 'F', City of Guelph.

#### PROPOSED ZONING

The following zoning is proposed for the subject site:

#### R.2 (Semi-detached Residential) Zone

In accordance with Section 4.2 of Zoning By-law (1995)-14864, as amended.

#### PROPOSED CONDITIONS

The following conditions are provided as information to Council and will be imposed as conditions of consent:

- 1. Prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
- 2. Prior to any severance and prior to any construction and grading of the lands, the Developer shall be responsible for all of the costs associated with the demolition and removal of the existing dwelling from the property.
- 3. That the developer/owner shall pay development charges to the City in accordance with By-law Number (2009)-18729, as amended from time to time, or any successor thereof, and in accordance with the Education Development Charges By-laws of the Upper Grand District School Board (Wellington County) and the Wellington Catholic District School Board, as amended from time to time, or any successor by-laws thereto.
- Prior to building permit, the owner shall pay to the City cash-in-lieu of park land dedication in accordance with By-law (1989)-13410, By-law (1990)-13545 and By-law (2007)-18225, as amended from time to time, or any successor thereof.
- 5. That the Developer enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any severance of the lands and prior to any construction and grading of the lands.

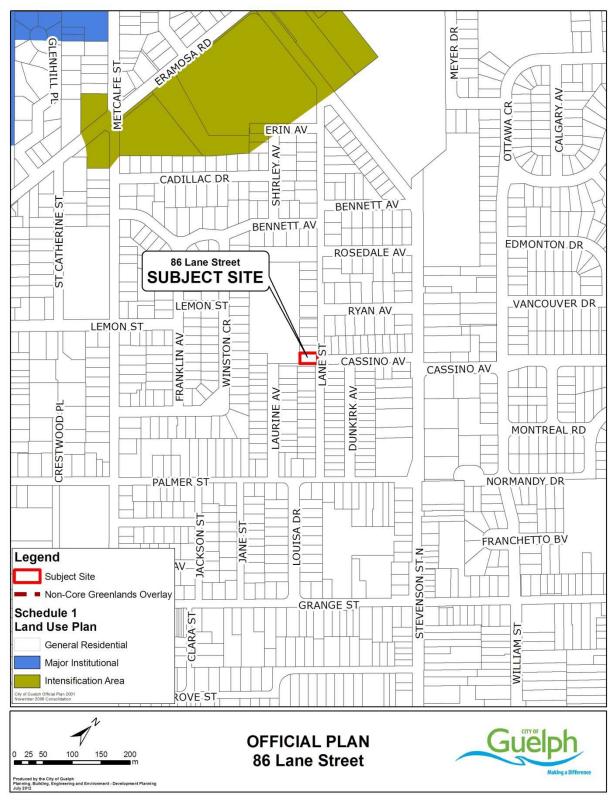
## STAFF <u>REPORT</u>



- 6. The Developer shall pay to the City the actual cost of the construction of the new driveways including the required curb cut and/ or fill and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall pay to the City the estimated cost for constructing the the new driveways including the required curb cut and/or fill, as determined by the General Manager/City Engineer.
- 7. The Developer shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall pay to the City the estimated cost of constructing, installing or removal of any service laterals, as determined by the General Manager/City Engineer.
- 8. Prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall pay the flat rate charge established by the City per metre for water frontage charges to be applied for the said lands.
- 9. That the Developer constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary.
- 10.That prior to building permit, the Developer complete a Tree Inventory & Protection Plan illustrating all existing trees (species, size, dbh, and condition) as well as protection during construction for trees that will remain, to the satisfaction of the General Manager of Planning Services.
- 11. That prior to building permit, the Developer complete a Landscaping, Replanting and Replacement Plan illustrating compensation trees, provided at a 3:1 ratio, to the satisfaction of the General Manager of Planning Services.
- 12. The Developer shall pay to the City, the total cost of reproduction and distribution of the Guelph Residents Environmental Handbook, with such payment based on a cost of one handbook for each of the new dwelling units as determined by the City, prior to the issuance of any building permits.
- 13.That prior to building permit, the Develop agree to frost the centre window on the second storey facing north in the northerly semi-detached unit to improve privacy for the adjacent neighbours.
- 14.Prior to any severance and prior to any construction and grading of the lands, the Developer shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.



**Attachment 3 - Existing Official Plan Designations and Related Policies** 





#### **Attachment 3 continued: Related Official Plan Policies**

#### 'General Residential' Land Use Designation

- 7.2.31 The predominant use of land in areas designated, as 'General Residential' on Schedule 1 shall be residential. All forms of residential *development* shall be permitted in conformity with the policies of this designation. The general character of development will be low-rise housing forms. *Multiple unit residential buildings* will be permitted without amendment to this Plan, subject to the satisfaction of specific development criteria as noted by the provisions of policy 7.2.7. Residential care facilities, *lodging houses, coach houses* and garden suites will be permitted, subject to the development criteria as outlined in the earlier text of this subsection.
- 7.2.32 Within the 'General Residential' designation, the *net density* of *development* shall not exceed 100 units per hectare (40 units/acre).
  - 1. In spite of the density provisions of policy 7.2.32 the *net density* of *development* on lands known municipally as 40 Northumberland Street, shall not exceed 152.5 units per hectare (62 units per acre).
- 7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.
- 7.2.34 Residential lot *infill*, comprising the creation of new low density residential lots within the older established areas of the City will be encouraged, provided that the proposed *development* is compatible with the surrounding residential environment. To assess compatibility, the City will give consideration to the existing predominant zoning of the particular area as well as the general design parametres outlined in subsection 3.6 of this Plan. More specifically, residential lot *infill* shall be compatible with adjacent residential environments with respect to the following:
  - a) The form and scale of existing residential development;
  - b) Existing building design and height;
  - c) Setbacks;
  - d) Landscaping and amenity areas;
  - e) Vehicular access, circulation and parking; and
  - f) Heritage considerations.
- 7.2.35 Apartment or townhouse *infill* proposals shall be subject to the development criteria contained in policy 7.2.7.







#### **Attachment 4 continued: Existing Zoning**

#### **Existing Zoning Details**

#### **R.1B Detached Residential Zone**

#### Permitted Uses

- Single Detached Dwelling
- Accessory Apartment
- Bed and Breakfast Establishment
- Day Care Centre
- Group Home
- Home Occupations
- Lodging House Type 1

Regulation	Required in the Standard R.1B Zone
Minimum Lot Area	460m <sup>2</sup>
Minimum Lot Frontage	15m
Maximum Building Height	3 storeys
Minimum Front Yard	6m
Minimum Exterior Side Yard	4.5m
Minimum Side Yard	
1 to 2 storeys	1.5m
Over 2 storeys	2.4m
Minimum Rear Yard	7.5m or 20% of the lot depth
Accessory Buildings or Structures	Section 4.5
Fences	Section 4.20
Off-Street Parking	Section 4.13
Minimum Landscaped Open Space	The front yard of any lot, excepting the driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 40% of the front yard. A minimum area of 0.5m between the driveway and the nearest lot line must be maintained as a landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species
Garbage, Refuse Storage & Composters	See Section 4.9



#### Attachment 4 continued – Proposed Zoning

#### **Proposed Zoning Details**

#### **R.2 Semi-Detached Dwelling Zone**

#### Permitted Uses

- Duplex Dwelling
- Semi-Detached Dwelling
- Accessory Apartment
- Bed and Breakfast Establishment
- Group Home
- Home Occupation

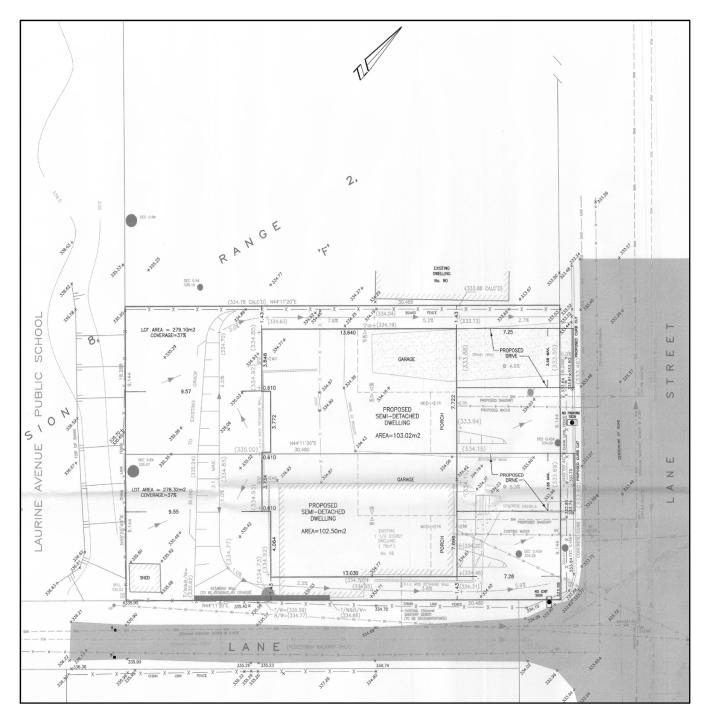
Regulation	Required in the Standard R.2 Zone		
Minimum Lot Area	460m <sup>2</sup> for every two units		
Minimum Lot Area	230m <sup>2</sup> for every unit		
Minimum Lot Frontage	15m for every two units and 7.5 for each unit		
	1 Storey – 80m <sup>2</sup>		
Minimum Ground Floor Area	1.5 Storeys – 55m <sup>2</sup>		
	2 or more Storeys 40m <sup>2</sup>		
Minimum Front Yard	6m		
Minimum Exterior Side Yard	4.5m		
Minimum Side Yard	1.2m		
Minimum Rear Yard	7.5m or 20% of the lot depth		
Accessory Buildings or Structures	Section 4.5		
Fences	Section 4.20		
Maximum Building Height	3 Storeys		
Maximum Lot Coverage	age 40% of the Lot Area		
Off-Street Parking	Section 4.13		
Garages	For those <i>Lots</i> located within the boundaries indicated on Defined Area Map Number 66, where a roofed porch is provided, the <i>Garage</i> may be located ahead of the front wall of the dwelling (enclosing <i>Habitable Floor Space</i> on the first floor) equal to the projection of the porch to a maximum of 2 metres.		



Garbage, Refuse Storage & Composters	See Section 4.9
Minimum Landscaped Open Space	The front yard of any lot, excepting the driveway shall be landscaped and no parking shall be permitted within this landscaped open space. The driveway shall not constitute more than 40% of the front yard. A minimum area of 0.6m between the driveway and the nearest lot line must be maintained as a landscaped space in the form of grass, flowers, trees, shrubbery, natural vegetation and indigenous species



ATTACHMENT 5 Proposed Development Concept Plan







#### **ATTACHMENT 5 continued**

### **Proposed Front Elevation**





#### **Attachment 6 – Circulation Comments Summary**

RESPONDENT	NO OBJECTION OR COMMENT	CONDITIONAL SUPPORT	ISSUES/CONCERNS
Planning		$\checkmark$	Subject to Attachment 2
Engineering*		$\checkmark$	Subject to Attachment 2
Upper Grand District School Board*		√	Subject to Attachment 2
GAWDA*	$\checkmark$		
Heritage Planner	~		
Guelph Police Service	~		
Guelph Emergency Services/Fire	√		
GRCA	~		
Union Gas	~		

\*comments included on following pages

MEMO



#### **Attachment 6 continued**



FILE: 16.131.001

TO:	Rita Kostyan, Development Planner
FROM:	Development Engineering
DEPARTMENT:	Engineering Services
DATE:	8 <sup>th</sup> June 2012
SUBJECT:	86 Lane Street Zoning By-law Amendment ZC1209

The application is for a Zoning By-law Amendment that would redesignate the site from the existing R.1B (residential single detached) zone to the R.2 (residential semi-detached) zone as described in the City of Guelph Zoning Bylaw. The subject lands (0.0556 ha) are located on the west side of Lane Street north of Palmer Street at the Lane Street and Cassino Ave "T" intersection. Laurine Ave Public School is situated immediately west of the property. The proposal includes a semi-detached dwelling with 2 residential units on the subject property which will require an application submission to the Committee-of-Adjustment for a land severance.

Engineering Services provides the following comments:

#### 1. Road Infrastructure Road:

The proposed development will be served by Lane Street.

The existing Lane Street frontage includes a 2 lane local roadway with sidewalk and grassed boulevard along the east side and a grassed boulevard along the west side of the road. The existing right-of-way width fronting this site is 12.19m (40.0ft.) and a road width of 7.77m (25.5ft).

#### 2. Municipal Services

#### Lane Street

Existing services within the right-of-way along Lane Street includes a sanitary sewer, storm sewer and watermain as follows:

- 200mm diameter sanitary sewer approximately 2.0m in depth;
- 300mm diameter storm sewer approximately 1.7m in depth;
- 150mm diameter watermain;

Adjacent City Laneway - Pedestrian Walkway (Between Laurine Ave & Lane Street, south of 86 Lane St)

Existing services within the right-of-way along the adjacent City Laneway includes a sanitary sewer, storm sewer and watermain as follows:

- 200mm diameter sanitary sewer approximately 1.8m in depth;
- 300mm diameter storm sewer approximately 1.1m in depth;
- 100mm diameter watermain;

Engineering Services Planning, Building, Engineering and Environmental Services

> T 519-837-5604 F 519-822-6194 engineering@guelph.ca





## MEMO

Engineering records indicate that the existing house is serviced with a 150mm diameter sanitary that was constructed around 1941 connecting into the adjacent City Laneway and a water service which connects to the Lane Street watermain.

#### 3. Recommended conditions of Approval We recommend the following conditions for approval of this proposed Zoning By-law Amendment:

- 1. Prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall have a Professional Engineer design a grading and drainage plan for the site, satisfactory to the General Manager/City Engineer.
- 2. That the Developer enters into a Storm Sewer Agreement, as established by the City, providing a grading and drainage plan, registered on title, prior to any severance of the lands and prior to any construction and grading of the lands.
- 3. The Developer shall pay to the City the actual cost of the construction of the new driveways including the required curb cut and/ or fill and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall pay to the City the estimated cost for constructing the the new driveways including the required curb cut and/or fill, as determined by the General Manager/City Engineer.
- 4. The Developer shall pay to the City the actual cost of constructing, installing or removal of any service laterals required and furthermore, prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall pay to the City the estimated cost of constructing, installing or removal of any service laterals, as determined by the General Manager/City Engineer.
- Prior to any severance of the lands and prior to any construction or grading on the lands, the Developer shall pay the flat rate charge established by the City per metre for water frontage charges to be applied for the said lands.
- 6. That the Developer constructs the new buildings at such an elevation that the lowest level of the new buildings can be serviced with a gravity connection to the sanitary.
- Prior to the passing of the zone change by-law, the Developer shall enter into an agreement with the City, registered on title, satisfactory to the General Manager/City Engineer, covering the conditions noted above and to develop the site in accordance with the approved plans.

Engineering Services Planning, Building, Engineering and Environmental Services

> T 519-837-5604 F 519-822-6194 engineering@guelph.ca





**MEMO** 

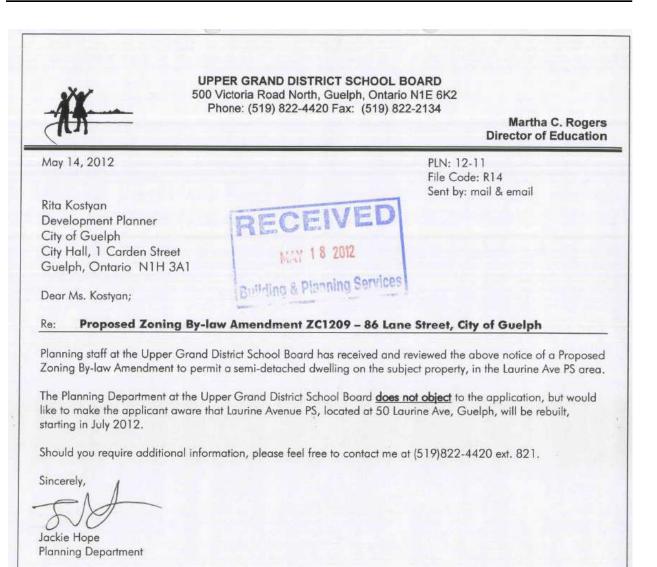
Mary Angelo, P. Eng. Development Engineering Supervisor

Kime Toole, C.E.T. Engineering Technologist II

Engineering Services Planning, Building, Engineering and Environmental Services

> T 519-837-5604 F 519-822-6194 engineering@guelph.ca





### STAFF <u>REPORT</u>



GWDA

May 16, 2012

Ms. Rita Kostyan Development Planner Planning Services Planning, Building, Engineering and Environment City of Guelph 1 Carden Street GUELPH, Ontario N1H 3A1



Dear Ms. Kostyan:

Re: 86 Lane Street - Proposed Zoning By-law Amendment (File # ZC1209)

The Guelph and Wellington Development Association is in receipt of the Notice of Complete Application dated May 2, 2012 for the above-noted property.

The Association supports the residential intensification of this underutilized property. The lot is sufficient in size to accommodate a semi-detached dwelling without impacting adjacent residential uses.

This form of development is consistent with residential intensification policies contained in the Growth Plan, the Provincial Policy Statement, the City's Official Plan and their Growth Management Strategy.

We encourage the City to expedite the processing of this application.

Yours truly

Alfred Artinger

President



### **ATTACHMENT 7: Public Notification Summary**

April 26, 2012	Application considered complete by the City of Guelph
May 2, 2012	Notice of Complete Application mailed to prescribed agencies and surrounding property owners within 120 metres.
August 10, 2012	Notice of Public Meeting mailed to prescribed agencies and surrounding property owners within 120 metres.
September 4, 2012	Public Meeting of City Council
January 9, 2013	Meeting with Residents
February 11, 2013	Notification provided to person or agencies providing comments or signed attendees at the Public Meeting that the matter will be on the March 4, 2013 Council Meeting for a decision.
February 13, 2013	Re-notification provided to interested persons that the March 4th, 2013 meeting was cancelled and this item was rescheduled for March 25, 2013.
March 25, 2013	City Council Meeting to consider staff recommendation on this application.



TO Guelph City Council

SERVICE AREA Planning, Building, Engineering and Environment

DATE March 25, 2013

#### SUBJECT ANNUAL ASPHALT, CONTRACT 2-1301

REPORT NUMBER

#### **EXECUTIVE SUMMARY**

#### **PURPOSE OF REPORT**

To award the tender for the Annual Asphalt Contract 2-1301

#### **KEY FINDINGS**

N/A

#### FINANCIAL IMPLICATIONS

Funding for this contract is from approved capital budgets and developer contributions.

#### **ACTION REQUIRED**

City Council to approve the award of the tender for the Annual Asphalt Contract 2-1301

#### RECOMMENDATION

1. That the tender of Coco Paving be accepted and that the Mayor and Clerk be authorized to sign the agreement for Contract 2-1301 for the Annual Asphalt Contract for a total tendered price of \$ 3,827,310.00 with actual payment to be made in accordance with the terms of the contract.

#### BACKGROUND

The contract work entails the rehabilitation of existing roads, hot mix asphalt paving and associated improvements including curb and gutters and sidewalks at various locations within the City as part of our ongoing infrastructure sustainability initiatives. The improvements will not include underground infrastructure.

In addition, the contract also includes placement of hot mix asphalt paving on new subdivision streets in various locations within the City.

This project was tendered in February 2013 as Contract 2-1301.



### REPORT

Tenders for the above mentioned project were received Friday, March 1st, 2013 as follows:

- 1. Coco Paving, Petersburg .....\$3,827,310.00
- 2. Capital Paving Inc., Guelph .....\$3,946,498.78
- 3. Steed and Evans Ltd., Kitchener ......\$4,372,700.00
- 4. Cox Construction Ltd., Guelph ......\$4,514,621.95

The tenders were checked for legal and arithmetic accuracy. All were found to arithmetically correct in the above order of tender. Coco Paving of Petersburg has successfully completed work on previous capital project contracts in the Region of Waterloo. We therefore recommend that the contract be awarded to this firm.

### **CORPORATE STRATEGIC PLAN**

3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City

### DEPARTMENTAL CONSULTATION

N/A

### COMMUNICATIONS

A notice of construction will be forwarded to the residents and businesses in the project areas prior to construction and the annual asphalt program will also be published in the City Page of the Guelph Tribune as well as posted on guelph.ca

### ATTACHMENTS

Budget and Financial Schedule 2013 Annual Asphalt Program link: <u>http://guelph.ca/living/getting-around/drive/road-maintenance</u>

#### **Report Author**

Grant Ferguson Program Manager, Technical Services Engineering Services 519-822-1260, ext. 2251 grant.ferguson@guelph.ca

Approved By Richard Henry, P.Eng. General Manager/City Engineer Engineering Services 519-822-1260, ext. 2248 richard.henry@guelph.ca

Recommended By Janet L. Laird, Ph.D. Executive Director Planning, Building, Engineering and Environment 519-822-1260, ext. 2237 janet.laird@guelph.ca

#### **Budget and Financing Schedule**

# Project name:2013 Annual Asphalt Construction- 2-1301Prepared by:Sarah PurtonDate:March 12, 2013

			Available	Amount	Remaining
			Budget	Requested	Balance
	<b>Budget Require</b>	ement			
	Tender Price - C	Coco Paving Inc. (Contract 2-1301)		3,827,310	
	less: HST Credi			(440,310)	
	add: HST (1.769	% on City share)		41,790	
		on developer share)		116,492	
А	TOTAL BUDGE	TREQUIREMENT		3,545,282	
		·			
	Budget Fundin	<u>g Available:</u>			
	City Share				
	RD0276	Pavement Deficit	2,956,000	2,435,515	520,485
	RD0225	Dublin St - Suffolk to Waterloo	53,471	53,413	58
	RD0122		49,201	43,769	5,432
В	SUBTOTAL CIT	ΓΥ SHARE	3,058,671	2,532,697	525,974
	Developer Shar				
	DA0075	Watson East Ph.1	7,376	7,376	-
	DA0087	Chillico Woods Ph.2	162,650	162,650	-
	DA0117	Pine Meadows Ph.6	15,659	15,659	-
	DA0139	Victoriaview North	186,563	186,563	-
	DA0143	Victoria Gardens Ph.3	29,627	29,627	-
	DA0154	Northern Heights Ph.3	73,128	73,128	-
	DA0155	Northview Estates Ph.2	135,412	135,412	-
	DA0156	Watson East Ph.6	134,810	134,810	-
	DA0157	Westminster Woods East Ph.3	59,912	59,912	-
	DA0163	Cityview Heights Ph.1	49,298	49,298	-
	DA0187	Northern Heights Ph.4	34,717	34,717	-
	DA0191	Northview Estates Ph.3	50,054	50,054	-
	DA0193	312-316 Grange Rd Subdivison	38,585	38,585	-
	DA0195	Westminster Woods East Ph.5	34,794	34,794	-
					-
С	SUBTOTAL DE	VELOPER SHARE	1,012,585	1,012,585	-
D	TOTAL BUDGE	ET FUNDING AVAILABLE [B+C]	4,071,256	3,545,282	525,974

Note 1: Funding for this project comes from a number of sources including

Federal Gas Tax, ISF Grants, Developer Contributions and City Reserves.

Note 2: The amount owing from the developer will be invoiced or drawn againt the LC held by the City



TO Guelph City Council

SERVICE AREA Corporate & Human Resources – Legal and Realty Services Finance & Enterprise – Downtown Renewal

DATE March 25, 2013

SUBJECT Easement Agreement 40 Wellington Street West

REPORT NUMBER CHR-2013-11

#### **EXECUTIVE SUMMARY**

#### PURPOSE OF REPORT

To request Council's approval for the transfer of certain easements to the developer of 40 Wellington Street West, Guelph.

#### **KEY FINDINGS**

Following the zoning amendment approved by Council in 2012, 2065404 Ontario Inc. (Belmont Equity) is developing the property at 40 Wellington Street (SW corner of Gordon and Wellington Streets) for commercial uses.

The property is adjacent to City owned lands including the former Dublin Street road allowance to the west and Royal City Park, on the south and west sides. In order to have access to Wellington Street, the developer requires access through City land on the Dublin Street extension to access the traffic-light controlled intersection. The City and the developer have negotiated an agreement to transfer easements over City land to the developer relating to signage, access on the west side and plantings on the south side of the property.

The easement agreement provides for nominal financial consideration for the granting of the easements, which is acceptable on the basis that the City will continue to use and enjoy the City's Lands affected by the easements, and that the developer will be designing, constructing, and maintaining the works required to the City's lands.

#### FINANCIAL IMPLICATIONS

The City is acquiring additional parking for park purposes and landscaping on the existing park through the redevelopment of 40 Wellington.

This development has received approval for a Downtown Major Activation Grant through the Downtown CIP. Costs related to the off-site improvements,

# STAFF REPORT



including park upgrades and road reconstruction costs formed part of the items eligible for the tax-increment based grant.

### ACTION REQUIRED

Approve the transfer of easements over City Land to 2065404 Ontario Inc.

#### RECOMMENDATION

That the City Solicitor be authorized to execute an agreement for the transfer of easements to 2065404 Ontario Inc., and all related documents required for the transfer and registration thereof, in relation to the proposed development located at 40 Wellington Street West, Guelph, on the terms included in the report dated March 25, 2013, in a form satisfactory to the City Solicitor.

#### BACKGROUND

40 Wellington Street West is a long-standing Brownfield site located at the corner of Gordon and Wellington Streets in Guelph, adjacent to Royal City Park. This site had been the location of heavy industry and since then, through a long process of remediation and stalled commercial redevelopment, has remained a fenced underutilised site for decades. Part of the fenced Brownfield site is City-owned property (the former extension of Dublin Street).

The site is the subject of an order from the Ministry of Environment relating to the decontamination of the site. Rockwell Automation Canada Inc. has assumed responsibility for compliance with the order. There is an existing License Agreement between the City and Rockwell relating to the use of City lands for the environmental remediation infrastructure, which includes pipes, monitoring wells and a treatment facility on both City lands and the development site.

Guelph City Council approved a new commercial zoning application for the property in 2012. The developer also received approval to enter into a Downtown Major Activation Grant agreement in the fall of 2012 based on the approved zoning and estimates of eligible costs to be recovered through increased tax performance of the site once constructed.

The City land which forms part of the Brownfield site, as described in the zoning application, is to be redeveloped as public parking for Royal City Park and function as the commercial development's access to the signalised intersection at Wellington and Dublin Streets.

# STAFF REPORT



The development is also contributing to improvements to the Royal City Park facilities. These improvements are not part of the Easement Agreements described in this report, but are being achieved through the Site Plan Approval process.

The shared use of the City-owned lands requires the City to transfer easements to the developer to permit the project to proceed.

This report is to obtain Council authority to enter into the agreement and transfer the easements.

#### REPORT

The City and the developer have reached an agreement for the transfer of three permanent easements over City land to the developer – an Access Easement, a Sign Easement and a Planting Easement, all of which are shown outlined in red on the sketch attached as Schedule A.

In consideration for the transfer of the easements to the developer, the City will receive the following:

- 1. Additional parking for the use of Park patrons, to be designed, constructed and maintained by the developer.
- 2. Landscaping on City lands on the south side of the property, to be designed, constructed and maintained by the developer.
- 3. A contribution by the developer to enhancements to park lands and recreational facilities to the west of the development (in the area shown as the Permission to Enter Area on Schedule A) to ensure compatibility between the two uses.

A list of the works to be completed by the developer on the Easement Lands is attached as Schedule B.

The environmental condition of the City's lands to be transferred creates risk for both the developer and the City. As stated previously, Rockwell has assumed responsibility for the contamination and remediation efforts on both the development lands and the Easement Lands. The developer is assuming the environmental risk created by developing on the contaminated property, including the risk that the contamination will worsen. The City is assuming the risk for the existing contamination, subject to Rockwell's ultimate responsibility.

It is anticipated that the transfer of the easements will occur in mid-April. In parallel to the negotiation of the transfer, the City and the developer are proceeding with the site plan approval process for the development.



#### CORPORATE STRATEGIC PLAN

**3.1 City Building** – Ensure a well designed, safe, appealing and sustainable City.

#### **DEPARTMENTAL CONSULTATION**

Planning, Building, Engineering & Environment Community and Social Services

#### COMMUNICATIONS

N/A

#### ATTACHMENTS

Schedule A Schedule B Location Map List of Works

Taques for Bu Vanababer

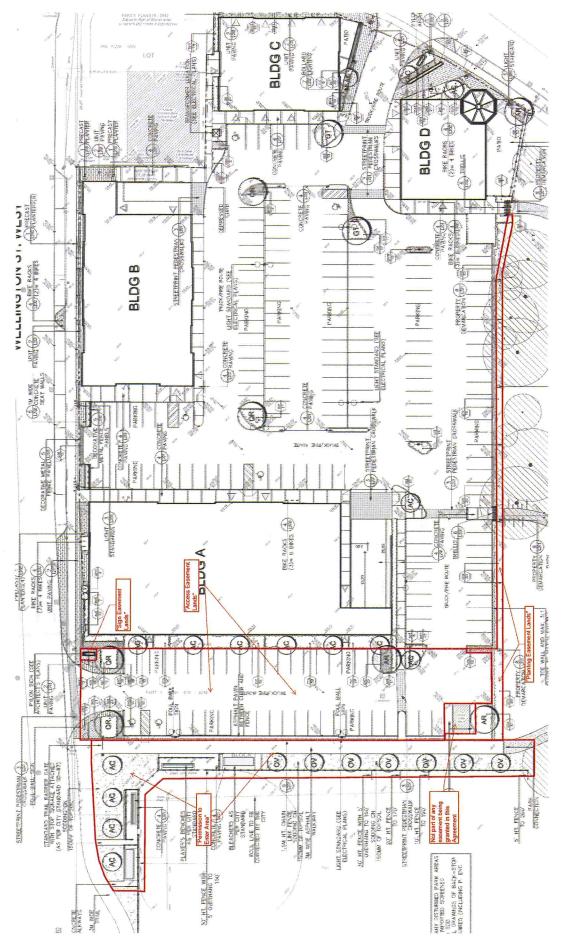
Report Author Donna Jaques General Manager, Legal & Realty Services/City Solicitor X 2288 donna.jaques@guelph.ca

Recommended By Mark Amorosi Executive Director, Corporate & Human Resources X 2281 mark.amorosi@guelph.ca

Report Author Ian Panabaker Corporate Manger, Downtown Renewal x 2475 ian.panabaker@guelph.ca

Recommended By Al Horsman Executive Director, Finance & Enterprise Services/CFO x 5606 al.horsman@guelph.ca

Schedule "A"



#### Schedule "B"

#### Works to be Completed by the Developer on Easement Lands

#### Access Easement

- (a) Constructing, at 2065404's sole cost and to the satisfaction of the City, the following works (collectively referring to as the "Works"):
  - 1. Asphalt driveways;
  - 2. Asphalt parking spaces;
  - 3. Line marking/painting;
  - 4. Overhead lighting;
  - 5. Concrete curbing and walkways;
  - 6. Directional signage;
  - 7. Storm sewers;
  - 8. Sanitary sewers, if required;
  - 9. Water lines, if required;
  - 10. Landscaping and plantings; and
  - 11. Any appurtenance associated with the foregoing.
- (b) Maintaining, at 2065404's sole cost, the Works to the continued reasonable satisfaction of the City including but not limited to keeping the Works clean and in good repair, replacing the Works when warranted in 2065404's reasonable opinion, and keeping the Easement Lands free of snow and ice except in appropriately designated areas;
- (c) Vehicular and pedestrian access between the Development and Wellington Street West; and
- (d) Parking of vehicles on the Access Easement in parking spaces. The use of the driveways and parking spaces located on the Access Easement shall be available to and shared by the patrons of the Development, the City, and the general public on a first-come, first-served basis. Notwithstanding the foregoing, the City shall have the right to impose, from time to time, reasonable restrictions on the use of those parking spaces on the west side of the Access Easement, including prohibiting parking during certain hours and limiting the

duration of parking in such parking spaces. For clarity, the City does not have the right to impose restrictions on the use of the other parking spaces situated on the Access Easement.

#### Sign Easement:

Construction of a pylon sign and appurtenances (including, without limitation, underground conduit to service such pylon sign) in, under and upon the lands and keeping, maintaining, repairing and operating the same at all times in good condition and repair.

#### Planting Easement:

Planting and maintaining shrubs in, under and upon the lands, and keeping and maintaining the same at all times in good condition.

# STAFF <u>REPORT</u>



TO Guelph City Council

SERVICE AREA Legal and Realty Services Corporate and Human Resources

DATE March 25, 2013

SUBJECT Litigation Status Report

REPORT NUMBER CHR-2013-14

#### **EXECUTIVE SUMMARY**

#### PURPOSE OF REPORT

To provide information regarding the current status of litigation involving the City.

#### **KEY FINDINGS**

The amount of litigation, excluding Planning matters, that the City is involved in has been reduced significantly over the past year. The number of Planning matters has dramatically increased over the last two years. The number of matters being handled by external legal counsel has declined due to strategic recruitment and reorganization of the legal department.

# FINANCIAL IMPLICATIONS

N/A

#### ACTION REQUIRED

Receive

#### RECOMMENDATION

That the report of Legal and Realty Services regarding the status of City litigation be received.

#### BACKGROUND

Legal and Realty Services reports on the status of the litigation involving the City on a semi-annual basis.

#### REPORT

The attached chart sets out the details of the litigation the City is involved in and the resolutions which have occurred since the last report in September, 2012.

# STAFF REPORT



There continues to be a significant amount of OMB work, in all areas - policy, development applications and Committee of Adjustment. To effectively address this issue, LRS has recruited an additional planning lawyer for a one year contract to assist with OMB work and planning policy issues. In addition, to deal with the substantial increase in development work and to provide more assistance to City staff earlier in the development application process, the previous position of Manager of Realty Services has been replaced with an Associate Lawyer – Real Estate and Development who is currently being recruited. It is anticipated that the addition of more specialized legal services staff will allow the municipality to effectively handle the increase in volume of planning and development matters resulting from the continued growth and maturity of the City.

LRS continues to seek resolution of the OMB matters in a timely fashion and has been successful in resolving a number of matters in the last six months. Of significance are resolution or pending resolution of 8 of the 15 appeals of OPA 42 (Natural Heritage), the settlement of the appeal of the Development Charges Bylaw, and the completion of the hearing of the appeal relating to the proposed student residence at 716 Gordon Street.

LRS has achieved a resolution or commencement of resolution of many non-OMB Litigation matters since September, 2012. Of particular significance were the successful resolution of the Ministry of Labour charges in February, 2013, the commencement of the Urbacon trial on January 22, 2013, the successful resolution of the Supreme Court of Canada leave to appeal application relating to a property standards order and the successful defence of a request to the Canadian Transportation Agency to add the City as a respondent to a complaint regarding accessibility to train service during construction of the transit hub.

LRS is now handling in house the defence of all liability claims against the City which fall under the City's insurance deductible of \$50,000.

LRS is experiencing capacity issues relating to lack of legal support staff as identified in the Legal Services review completed in October, 2012. Since that date, the need for additional legal support staff has increased as a result of the addition of the two new legal positions, the retention of more matters in house and the increase in volume of planning and development matters. LRS is tracking staff time and resource allocation to provide fulsome information to Council regarding staffing requirements and is reviewing the options for a solution to this issue.

#### CORPORATE STRATEGIC PLAN

2.3 Ensure accountability, transparency and engagement.

#### **DEPARTMENTAL CONSULTATION** N/A

# STAFF REPORT



COMMUNICATIONS N/A

### ATTACHMENTS

Litigation Status Report dated March 11, 2013

marol

Prepared By Donna Jaques General Manager, Legal & Realty Services/City Solicitor X 2288 donna.jaques@guelph.ca

Submitted By Mark Amorosi Executive Director, Corporate & Human Resources x 2281 mark.amorosi@guelph.ca

COURT ACTIONS				
Matter	Description	History	Current Status	Counsel
Urbacon Buildings Group Corp. v. City of Guelph Ontario Superior Court of Justice Court File No. 866/08 (main action)	<ul> <li>On September 19, 2008, the City terminated the contract of Urbacon for the construction of City Hall and the POA Court.</li> <li>Urbacon commenced a claim against the City seeking damages in the amount of \$12,164,181.71 (this being the amount of the construction lien registered against the new City Hall property on September 26, 2008) and damages for alleged delay, loss of revenue and profits, unjust enrichment, punitive and other damages of \$7,000,000.00.</li> <li>City served a Statement of Defence and Counterclaim seeking \$5,000,000 in damages for breach of contract.</li> </ul>	<ul> <li>October 9, 2008 – Served with Statement of Claim</li> <li>October 29, 2008 – City's Statement of Defence and Counterclaim served on Urbacon</li> <li>October 8, 2010 to January 25, 2012 – Case Management Supervision meetings held approximately every six months</li> <li>August, 2011 – Final examinations for Discovery completed</li> <li>May 28, 2012 – case supervision meeting held</li> <li>September 20 and 21, 2012 – mediation held</li> <li>November 20, 2012 – case supervision meeting held</li> </ul>	<ul> <li>Trial on the issue of liability commenced January 22, 2013 for 5 weeks</li> <li>Trial resumed March 11, 2013 for 3 weeks.</li> </ul>	Simpson Wigle
Subcontractors Construction Lien Claims	<ul> <li>Subcontractors to Urbacon who were not paid registered liens against City land and commenced actions to recover the money owed.</li> <li>These claims were reviewed by a vetting committee.</li> <li>The court ordered the City pay into court \$3.2 million representing the minimum holdback amount the City is required to have.</li> </ul>	<ul> <li>July 19, 2010 – Order for the partial distribution of holdback money to subcontractors.</li> <li>January 3, 2012 – Order for payment of holdback money to Swan</li> </ul>	Case managed along with the main action	Simpson Wigle
City of Guelph v. Urbacon Buildings Group Corp. Ontario Superior Court of Justice Court File No. 705/09	<ul> <li>Subsequent to the termination of Urbacon's contract, the City directly paid 19 subcontractors money they were owed by Urbacon, for a total amount of \$4,825.807.92.</li> <li>On August 21, 2009, the City commenced an action against Urbacon to recover this and other expenses</li> </ul>	<ul> <li>Urbacon has defended this proceeding.</li> </ul>	Case managed along with the main action	Simpson Wigle
City of Guelph v. Aviva Insurance Company of Canada Ontario Superior Court of Justice Court File No. 1002/08	<ul> <li>Following the termination of Urbacon, the City made a claim against the performance bond issued by Aviva. Aviva refused to acknowledge its obligations</li> </ul>	<ul> <li>November 20, 2008 – City served Statement of Claim on Aviva</li> <li>January 13, 2009 – Statement of Defence of Aviva was received</li> </ul>	<ul> <li>Case managed along with the main action.</li> </ul>	Simpson Wigle

### March 11, 2013

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Matter	Description	History	Current Status	Counsel
City of Guelph v. Moriyama & Teshima Architects Ontario Superior Court of Justice Court File No. 09- 14746	<ul> <li>On September 21, 2009, the City commenced a \$2 million claim against the architects involved as consultants on the Urbacon project alleging negligence in their project management and seeking contribution</li> </ul>	<ul> <li>June 30, 2011 – Statement of Claim served on Defendants</li> <li>September 14, 2011 – Statement of Defence of MTA received</li> </ul>	<ul> <li>Case managed along with the main action</li> </ul>	Simpson Wigle
Wm. J. Gies Construction Limited v. City of Guelph Ontario Superior Court of Justice Court File No. 342/99	<ul> <li>Application for a declaration that Gies, the owner of the land at the southwest corner of Downey Road and the Hanlon Parkway, has prescriptive easements or rights-of-way over adjacent City owned lands.</li> <li>Related to an Ontario Municipal Board appeal on a zoning matter in which Gies is seeking approval for a 288 unit apartment development.</li> </ul>	<ul> <li>April 27, 1999 – Application commenced by Gies</li> <li>May 12, 1999 – City responded</li> <li>January 26, 2006 – Cross-examination of City witnesses</li> <li>January 24, 2008 – Cross-examination of Gies witnesses</li> </ul>	<ul> <li>No further steps taken by Applicant since January 24, 2008.</li> <li>City is taking steps to have the matter discontinued</li> </ul>	Legal Services
Wm. J. Gies Construction Limited v. City of Guelph Ontario Superior Court of Justice Court File No. 1234/99	<ul> <li>Application under section 298 of the former Municipal Act (the provision was repealed by Bill 130) which provided that a road closing by-law may not be passed if it would deprive a person access to the person's land.</li> <li>Relate to By-law (1971)-7810 a by-law to close parts of Kortright Road (now Downey Road)</li> <li>Same property as above</li> </ul>	<ul> <li>October 25, 1999 – Notice of Application by Gies</li> <li>October 27, 2000 – Notice of Appearance by City</li> </ul>	<ul> <li>No further steps taken by Applicant</li> <li>City is taking steps to have the matter discontinued</li> </ul>	Legal Services
Wyndham Corporate Centre Inc. v. City of Guelph Ontario Superior Court of Justice Court File No. CV 09 09638600	<ul> <li>The Plaintiff commenced an action seeking damages from the City in the amount of \$225,000 and aggravated damages in the amount of \$150,000 relating to the alleged failure of the City to remove carpets from the property at 2 Wyndham Street following expiration of the lease.</li> </ul>	<ul> <li>September 29, 2009 – City served with Statement of Claim</li> <li>October 15, 2010 - City served Statement of Defence</li> </ul>	<ul> <li>City waiting on response from Plaintiff</li> </ul>	Madorin Snyder
<b>1266304 et al. v.</b> <b>City of Guelph</b> Ontario Superior Court of Justice Court File No. 90/10	<ul> <li>Action commenced by 14 builders/developers for damages in the amount of \$2,000,000 for breach of contract (subdivision agreements), negligent misrepresentation, unjust enrichment and breach of trust relating to allegations of "additional" development charges being improperly imposed for "hard" services.</li> </ul>	<ul> <li>February 8, 2010 – City served with Statement of Claim</li> <li>March 10, 2010 – City's Statement of Defence served</li> <li>November 8, 2010 – Summary Judgment motion brought by the City heard – not successful</li> <li>January 17, 2011 – City Motion for leave to Appeal heard - not successful</li> </ul>	<ul> <li>City's undertakings being completed</li> <li>Assignment Court date scheduled for April 22, 2013</li> </ul>	Aird & Berlis

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Matter	Description	History	Current Status	Counsel
1266304 et al. v. City of Guelph		<ul> <li>July 6, 2012 – mediation held</li> <li>January 23, 2013 – examination of City witness</li> </ul>		
City of Guelph v. Terra-Alta Construction Ltd. & Braun Consulting Engineers Ltd.	<ul> <li>Action commenced by the City against Terra-Alta and Braun for damages in the amount of \$150,000 relating to deficiencies in the construction of the water and wastewater services in the Pine Meadows subdivision.</li> <li>Further issues with other locations were discovered after the commencement of the action, which caused the City to increase its claim for damages to \$500,000.</li> </ul>	<ul> <li>April 21, 2011 – City issued Statement of Claim</li> <li>November 1, 2011 – Pleadings complete. Braun and Terra-Alta cross-claimed against each other. Braun and Terra-Alta each issued a Third Party Claim against Naylor Engineering.</li> <li>March 5, 2012 – City issued Amended Statement of Claim</li> <li>June 21, 2012 – Amended Statement of Defence and Crossclaim of Terra Alta served on city</li> <li>Discoveries tentatively scheduled 2<sup>nd</sup> week of July</li> </ul>	<ul> <li>December 21, 2012 – Terra-Alta filed for Bankruptcy</li> <li>February 1, 2013 - City's Proof of Claim filed with the Trustee</li> <li>City taking steps to try to resolve the action with remaining defendants</li> </ul>	Legal Services
Galatianos v. City of Guelph and R. Reynen Ontario Superior Court of Justice Court File No. 464/11	<ul> <li>Action commenced by Galatianos for general damages, misfeasance in public office and an injunction restraining the City from entering his property without 24 hours notice</li> <li>Based on Galatianos failing to comply with a notice to clean up his property under the Yard Maintenance Bylaw and the City undertaking the clean up.</li> </ul>	<ul> <li>June 21, 2011 – Statement of Claim served on City</li> <li>July 19, 2011 – City served and filed its Statement of Defence</li> <li>December 6, 2011 – Amended Statement of Claim served on City</li> <li>Examinations for Discovery held June 28, 2012</li> <li>City's discovery undertakings complete as of August 1, 2012</li> <li>Plaintiff's undertakings complete as of August 30, 2012</li> </ul>	City waiting for pre- trial conference to be scheduled	Legal Services
Kahro v. City of Guelph Small Claims Court Court File No. 12-745	<ul> <li>Action commenced by former employee alleging inappropriate notice period in termination of employment contract</li> </ul>	<ul> <li>December 3, 2012 – Plaintiff's Claim served on City</li> <li>December 11, 2012 – City filed Defence</li> </ul>	Settlement Conference scheduled for March 20, 2013	Legal Services

#### March 11, 2013 **COURT ACTIONS RESOLVED SINCE SEPTEMBER 2012** Matter Description History **Current Status** Counsel Erica Davis v. The Ms. Davis appealed the order of • February 18, 2011 - October 30, 2012 – Legal the Property Standards City of Guelph **Decision of Superior** Ms. Davis' motion Services Supreme Court of Committee requiring Ms. Davis to Court of Justice released for reconsideration Canada make structural repairs to the March 11, 2011 – City was not accepted Court File No. 564/09 swimming pool at 8 Terrace Lane, filed Notice of Appeal for filing by the Guelph to the Superior Court of SCC October 24, 2011 – Justice. • This matter is Matter heard at Ontario The City successfully appealed complete Court of Appeal the order of the Superior Court of • December 6, 2011 -Justice to the Court of Appeal, Decision of Court of obtaining an order restoring the Appeal received decision of the Property • January 4, 2012 - Ms. Standards Committee and for Davis filed application for \$12,000 in costs. leave to appeal to the • Ms. Davis requested leave to Supreme Court of appeal the Court of Appeal Canada decision to the Supreme Court of • March 2, 2012 - City filed Canada response to leave to appeal application • May 24, 2012 - City received decision from Supreme Court of Canada dismissing the applications of Ms. Davis • August 23, 2012 - Davis served the City with a Motion for Reconsideration at the SCC Intact Insurance Plaintiff alleges negligent repair of October 13, 2011 – • This matter is Legal Company et al v. water main by City - October 16, Statement of Claim complete Services **City of Guelph** 2009 served on City **Ontario Superior Court** • November 24, 2011 of Justice City served Statement of Court File No. 755/11 Defence SP April 26, 2012 – Examination for **Discovery held** November 20, 2012 – Order issued dismissing the Action without costs Hugh Whitely v. • Dr. Whitely is seeking an order for May 29, 2012 – City Awaiting decision Legal Thomasfield leave to appeal to the Divisional served with the Notice of Services on costs Homes Ltd., City of Court with respect to the decision Motion for leave to appeal This matter is **Guelph and D Four** of the OMB dated May 14, 2012 • August 8, 2012 – Motion complete Guelph scheduled - adjourned at **Developments Ltd.** the request of the moving **Ontario Superior Court** party of Justice - Divisional October 11, 2012 – Court Motion heard at Toronto Court File No. **Divisional Court** DC-12-52-00 November 23, 2012 – **Decision received** dismissing the application

	COURT ACTIONS RESOL	N 11, 2013 VED SINCE SEPTEMBER	R 2012	
Matter	Description	History	Current Status	Counsel
Hugh Whitely v. City of Guelph et al		for leave to appeal the decision of the Ontario Municipal Board. • December 2012 – costs submissions of all parties made		
Kliska v. City of Guelph and Terracon Underground Ltd. Ontario Superior Court of Justice Court File No. 442/12	<ul> <li>Damage as a result of flooding and sewage backup – June 27 and July 11, 2010</li> </ul>	<ul> <li>June 12, 2012 – Statement of Claim served on City</li> <li>August 21, 2012 – City filed Statement of Defence and Crossclaim against Terracon</li> <li>September 5, 2012 – Terracon served Statement of Defence and Crossclaim against Guelph</li> <li>December 17, 2012 – Settlement reached</li> </ul>	This matter is complete	Legal Services
Baranski v. City of Guelph and Drexler Small Claims Court Court File No. 12-636	<ul> <li>Property damage – July 28 – September 1, 2011</li> </ul>	<ul> <li>November 30, 2012 – Plaintiff's Claim served on City</li> <li>December 12, 2012 – City filed Defence</li> <li>December 12, 2012 – City filed Defendant's Claim against Drexler</li> <li>January 31, 2013 – action against the City dismissed without costs</li> <li>February 21, 2013 – City discontinued claim against Drexler</li> </ul>	This matter is complete	Legal Services

**************************************	OMB MATTERS				
Matter	Description	History	Current Status	Counsel	
Wm. J. Gies Construction Limited Southwest corner of Downey Rd. and Hanlon Pkwy	<ul> <li>Long outstanding zoning appeals relating to the two court matters.</li> </ul>		<ul> <li>Matter not currently being pursued by appellant</li> </ul>	Legal Services	
580 Paisley Road – Armel Corporation Case No. MM080050	<ul> <li>Appeal by the owner, Armel Corporation, of a decision not to approve a site plan application for a proposed gas bar, car wash and kiosk. The main issue relates to site access.</li> </ul>	<ul> <li>October 1, 2008 – Appeal received</li> </ul>	Matter in abeyance pending the completion of the Environmental Assessment of Silvercreek Parkway South	Legal Services	
381-385 Elmira Road North Case No. PL100953	<ul> <li>Appeal by the Ontario Dairy Herd Improvement Corporation from certain conditions requested by City staff and imposed by the</li> </ul>	<ul> <li>January 5, 2011 – hearing scheduled – adjourned</li> </ul>	<ul> <li>Parties will to confirm a new hearing date</li> <li>Parties attempting</li> </ul>	Legal Services	

#### March 11, 2013 **OMB MATTERS** Matter Description History **Current Status** Counsel 381-385 Elmira Committee of Adjustment as part to resolve the of its decision approving a minor **Road North** matter variance to permit the establishment of a transportation depot for outdoor storage and light maintenance of school buses. The conditions from which the owner has appealed relate to compliance with a previously approved site plan for the property. **OPA 42** • 15 appeals relating to various July 6, 2011 – prehearing • As of March 11. Legal (15 Appeals) aspects of Official Plan 2 appeals have Services conference held; Case No. PL110278 • November 18, 2011 - 2<sup>nd</sup> been withdrawn, 1 Amendment No. 42 (Natural has settled, 5 are Garrod Heritage Strategy) prehearing conference Pickfield moving to settle at held a prehearing April 13, 2012 – scheduled March settlement hearing held 18-20, 2013 • April 27, 2012 - Settlement prehearing conference discussions are held ongoing for the • June 7, 2012 - motion by remaining 7 Garibaldi Holdings Ltd. appeals. for party status - granted by decision issued June 26, 2012 • November 13 & 14, 2012 - Prehearing conference held 716 Gordon Street Appeal by Adobe Varsity Living re • December 12, 2011 - Awaiting decision Legal Case No. PL111340 applications for OP amendment Appeals received of the Board Services and zoning by-law amendment to • December 23, 2011 permit development of apartment Garrod municipal submission Pickfield building designed for students form and accompanying documents filed with OMB April 19, 2012 – Prehearing held • July 13, 2012 continuation of prehearing • September 10, 2012 hearing commenced (3 weeks) October 3, 2012 – hearing concluded 553 Edinburgh Appeal by Narain Sambhwani of • January 30, 2012 -· Hearing scheduled Legal Road a Committee of Adjustment Appeal received Services for May 15, 2013 Case No. PL120169 decision for minor variances. February 24, 2012 – ICB including variance from the no longer in effect Interim Control By-law (ICB) and March 5, 2012 – ICB depth of required parking repealed spaces, to allow accessory

apartment

OMB MATTERS				
Matter	Description	History	Current Status	Counsel
180 Gordon Street Case No. PL120457	Appeal by Karen Balcom of Zoning By-law amendment and Official Plan Amendment for 180 Gordon Street	<ul> <li>April 18, 2012 – Appeal received</li> <li>November 5, 2012 – Prehearing held</li> <li>February 25-March 1 – hearing held</li> </ul>	<ul> <li>Awaiting decision of the Board</li> </ul>	Legal Services
OPA 43 (6 Appeals) Case No. PL120723	<ul> <li>6 appeals relating to various aspects of Official Plan Amendment No. 43 (Downtown Secondary Plan)</li> <li>The matter has been split into two sets of appeals – the first dealing exclusively with the appeal re property at 45 Yarmouth and the second dealing with the remaining appeals by 5 owners and tenants at 84-96 Wellington Street and 110 Wellington Street</li> </ul>	<ul> <li>June 20, 2012 – Appeals received</li> <li>January 30, 2013 - Prehearing held</li> <li>February 21, 2013 – hearing by teleconference held</li> </ul>	<ul> <li>Parties working towards establishing a mutually agreeable issues list, procedural order, and proposed hearing dates</li> </ul>	Legal Services
<b>11 Starwood Drive</b> Case No. PL121057	<ul> <li>Appeals under sections 22(7), 34(1) and 51(34) Planning Act of Zoning By-law amendment application, Official Plan amendment application, and plan of subdivision application</li> </ul>	<ul> <li>September 6, 2012 – Appeals received</li> <li>January 23, 2013 – prehearing held</li> </ul>	<ul> <li>May 6, 2013 – Hearing scheduled to commence (3 days)</li> </ul>	Legal Services
<b>1159 Victoria Road</b> <b>South</b> Case No. PL121406	<ul> <li>Appeals by Victoria Park Village Ltd. regarding failure to make a decision with the prescribed time</li> </ul>	<ul> <li>November 29, 2012 – Appeal received</li> </ul>	<ul> <li>May 14, 2013 – Prehearing scheduled</li> </ul>	Garrod Pickfield Legal Services
1141 Paisley Road Case No. PL121421	<ul> <li>Appeal by Silvercreek Guelph Developments Limited of Zoning By-law (2012) – 19496</li> </ul>	<ul> <li>December 18, 2012 – Appeal received</li> </ul>	<ul> <li>March 21, 2013 – Motion scheduled to be heard (2 days)</li> </ul>	Garrod Pickfield Legal Services
402 Starwood Drive Case No. PL121422	<ul> <li>Appeal by Lynn Schmakies of a Committee of Adjustment decision for minor variance</li> </ul>	<ul> <li>December 18, 2012 – Appeal received</li> <li>March 4, 2013 – report to Council</li> <li>March 7, 2013 – hearing held</li> </ul>	Awaiting decision of the Board	Legal Services
41 Reid Court Case No. PL 130112	<ul> <li>Appeal by Vanco and Svetlana Stojonovski of a Committee of Adjustment decision for minor variance</li> </ul>	<ul> <li>January 25, 2013 – Appeal received</li> </ul>	<ul> <li>May 2, 2013 – hearing scheduled</li> </ul>	Legal Services
692 Scottsdale Drive Case No. PL130113	<ul> <li>Appeal by Wei Ji Liang of a Committee of Adjustment decision for minor variance</li> </ul>	<ul> <li>February 1, 2013 – Appeal received</li> </ul>	<ul> <li>May 1, 2013 – hearing scheduled</li> </ul>	Legal Services
103 Lynch Circle Case No. PL130111	<ul> <li>Appeal by Carol McCluskey of a Committee of Adjustment decision for minor variance</li> </ul>	<ul> <li>January 16, 2013 – Appeal received</li> </ul>	May 13, 2013 – hearing scheduled	Legal Services

	OMB MATTERS RESOLV	11, 2013 ED SINCE SEPTEMBER	2012	
Matter	Description	History	Current Status	Counsel
<b>106 Clough Cres.</b> Case No. PL120453	Appeal by Bruce Everitt of a Committee of Adjustment decision refusing a minor variance to permit two off-street parking spaces in lieu of the required three off-street parking spaces, for purposes of an accessory apartment	<ul> <li>April 30, 2012 – Appeal received</li> <li>October 4, 2012 – Hearing scheduled - cancelled</li> <li>October 1, 2012 - Appeal withdrawn</li> </ul>	This matter is complete	Legal Services
<b>17 Tolton Drive</b> Case No. PL120463	Appeal by Weisen Gao of a Committee of Adjustment decision refusing minor variance to permit second driveway and minor variance from maximum driveway front yard coverage provision	<ul> <li>April 27, 2012 – Appeal received</li> <li>June 25, 2012 – Council approved report from Planning that the City be a party to the upcoming hearing</li> <li>August 2, 2012 – Hearing held</li> <li>October 17, 2012 – The Board issued a decision dismissing the appeal</li> </ul>	This matter is complete	Legal Services
<b>387 Ironwood Road</b> Case No. PL110468	Appeal by Mansoor Vezvaie of a Committee of Adjustment decision refusing minor variances, including a variance from the Interim Control By-law (ICB) to establish an accessory unit	<ul> <li>May 2, 2011 – Appeal received</li> <li>July 28, 2011 – hearing held</li> <li>February 24, 2012 - ICB no longer in effect</li> <li>March 5, 2012 – ICB repealed</li> <li>September 26, 2012 – The Board issued a decision allowing the appeal and authorizing the variances</li> </ul>	This matter is complete	Legal Services
103 Lynch Circle Case No. PL120846	Appeal by Carol McCluskey of a Committee of Adjustment decision refusing minor variances relating to max size of an accessory apartment and driveway width (front yard coverage)	<ul> <li>July 26, 2012 – Appeal received</li> <li>October 23, 2012 – Hearing held</li> <li>November 15, 2012 – The Board issued a decision dismissing the appeal</li> </ul>	This matter is complete	Legal Services
29 Curzon Crescent Case No. PL111263	<ul> <li>Appeal by Wes and Margaret Zalewski of the Committee of Adjustment decision for minor variance relating to driveway width (front yard coverage)</li> </ul>	<ul> <li>November 28, 2011 – Appeal received</li> <li>March 21, 2012 – Hearing held</li> <li>November 21, 2012 – The Board issued a decision denying the appeal</li> </ul>	This matter is complete	Legal Services
817 Hanlon Road Case No. PL120353	<ul> <li>Appeal by Chandrakant Kothari of a Committee of Adjustment decision refusing a consent</li> </ul>	<ul> <li>March 21, 2012 – Appeal received</li> <li>July 23, 2012 – Hearing held</li> <li>August 27, 2012 –</li> </ul>	This matter is complete	Legal Services

March 11, 2013

	OMB MATTERS RESOLV	ED SINCE SEPTEMBER	2012	
Matter 817 Hanlon Road Development Charges By-law	Description     Appeal of the development     charges by-law by the GWDA and	<ul> <li>History</li> <li>Continuation of Hearing held</li> <li>December 7, 2012 – The Board issued a decision dismissing the appeal</li> <li>March 9, 2009 – Appeal filed</li> </ul>	Current Status     This matter is complete	Counsel Garrod Pickfield
(2009) – 18729 – Guelph Wellington Development Association and 11 local home builders Case No. 090006	11 local home builders on a number of grounds: overestimated service requirements, certain capital projects not growth related, improper increase in level of service, improper growth/non- growth allocation, failure to apply DC funds to projects to reduce growth share, capital costs overstated for projects, and capital cost for ineligible projects are included.	<ul> <li>January 21, 2010 – Mediation held</li> <li>October 31, 2011 – hearing scheduled – adjourned</li> <li>January 24, 2012 – Prehearing teleconference held</li> <li>September 17, 2012 – hearing scheduled – adjourned</li> <li>February 7, 2013 – prehearing teleconference held, settlement reached</li> <li>February 26, 2013 – Order of the Board received allowing the appeal in part as per the settlement</li> </ul>		Legal Services

	OTHER	MATTERS		
Matter	Description	History	Current Status	Counsel
Ministry of Labour v. City of Guelph Charges under the Occupational Health and Safety Act: Ontario Court of Justice	<ul> <li>On April 27, 2010, the City of Guelph was charged with three offences under the Occupational Health and Safety Act ("OHSA"). The charges relate to the washroom building at the South End Community Park. The architect, L. Alan Grinham, and the engineer, Larry Argue (of Burnside consulting engineers) are each charged with one count under the OHSA.</li> </ul>	<ul> <li>April 27, 2010 – Charges received</li> <li>January 11, March 29, 2011 – Pre-trial conferences held</li> <li>April 20, 2011 – appearance to set trial dates</li> <li>August 16, September 12, November 30, December 23, 2011 – Pre-trial conferences held</li> <li>February 13, 2012 – Trial began in POA court on preliminary limitations issue</li> <li>April 20, 2012 – decision released dismissing charges against architect and engineer.</li> <li>May 28, 2012 – decision to dismiss against architect and engineer</li> </ul>	<ul> <li>February 12, 2013 <ul> <li>City acquitted of the charge laid by the Ministry of Labour</li> </ul> </li> <li>Ministry of Labour has until March 14 to appeal the acquittal</li> </ul>	Gowlings

#### **OTHER MATTERS** Matter Description History **Current Status** Counsel appealed by MOL Ministry of Labour v. City of Guelph • August 20-23, August 27-29, 2012, September 17-19, 2012 - trial held **Corporation of the** · City is appealing to the • February 12, 2013 - City Tribunal to render Garrod City of Guelph v. **Environmental Review Tribunal** filed an application for it decision within Pickfield Director, Ministry the issuance of Permit to Take Leave to Appeal with the 30 days of the of the Environment Water number 5080-8TAKK2 to ERT application being Legal Case No. 13-013 Services River Valley Developments Inc. filed

	OTHER MATTERS RESOL	VED SINCE SEPTEMBER	R 2012	
Matter	Description	History	Current Status	Counsel
<b>80 Simmonds Drive</b> Conservation Review Board	<ul> <li>Appeal by resident of designation of 80 Simmonds Drive under the Ontario Heritage Act.</li> </ul>	<ul> <li>August 17, 2011 – Prehearing conference scheduled – adjourned at the appellants request</li> <li>September 23, 2011 - Prehearing teleconference held</li> <li>January 10, 2012 – Prehearing teleconference held</li> <li>June 4-5, 2012 – hearing held</li> <li>November 6, 2012 – Received the report and recommendation of the CRB that Council proceed with the designation of the property</li> </ul>	This matter is complete	Legal Services
<b>Wozenilek</b> Canadian Transportation Agency	<ul> <li>Application against Via Rail Canada for Human Rights violation</li> </ul>	<ul> <li>September 8, 2012 - Application filed with the CTA</li> <li>November 30, 2012 - VIA Rail and City of Guelph sent joint correspondence to CTA to determine the proper respondents</li> <li>January 9, 2013 - CTA decided the City would not be a party to the complaint</li> </ul>	This matter is complete	

	INSURED MATTERS *				
Matter	Description	History	Current Status	Counsel	
Buzbuzian v. City of Guelph Ontario Superior Court of Justice Court File No. 3813/02	<ul> <li>Plaintiff purchased property based on it being zoned commercial, alleges the City misrepresented the correct zoning</li> </ul>	<ul> <li>October 7, 2002 – Statement of Claim served on City</li> <li>December 3, 2002 – City filed Statement of Defence</li> <li>June 3, 2008 – Status Hearing held</li> </ul>	• Ongoing	Insurers' legal counsel	

	INSURED MATTERS *					
Matter	Description	History	Current Status	Counsel		
Buzbuzian v. City of Guelph		<ul> <li>August 27, 2012 – assignment court</li> <li>December 7, 2012 – meeting with counsel scheduled</li> </ul>				
Reed v. City of Guelph et al Ontario Superior Court of Justice Court File No. 612/08	• Accident – May 24, 2007	<ul> <li>September 17, 2008 – Statement of Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel		
Kempt v. City of Guelph Ontario Superior Court of Justice Court File No. 11398/09	<ul> <li>Slip and Fall accident – September 17, 2007</li> </ul>	<ul> <li>June 4, 2009 – Statement of Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel		
Sharma v. City of Guelph et al Ontario Superior Court of Justice Court File No. 332/10	<ul> <li>Motor Vehicle accident – May 7, 2008</li> </ul>	<ul> <li>May 4, 2010 – Statement of Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel		
Mitchell v. City of Guelph et al Ontario Superior Court of Justice Court File No. C-628-10	<ul> <li>Motor Vehicle accident – June 16, 2009</li> </ul>	<ul> <li>July 9, 2010 – Statement of Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel		
Mcfadden v. City of Guelph et al Ontario Superior Court of Justice Court File No. 10- 23820	<ul> <li>Motor Vehicle accident – November 19, 2008</li> </ul>	<ul> <li>November 16, 2010 – Statement of Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel		
Linseman and Loewen v. City of Guelph and Guelph Transit Ontario Superior Court of Justice Court File No. CV-10-414425	<ul> <li>Slip and Fall accident – December 11, 2008</li> </ul>	<ul> <li>January 31, 2011 - Statement of Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel		
Debono et al v. City of Guelph et al Ontario Superior Court of Justice Court File No. 749/10	Accident – June 16, 2009	<ul> <li>January 31, 2011 – Statement of Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel		
Fruetel et al v. City of Guelph et al Ontario Superior Court of Justice Court File No. CV11-649	<ul> <li>Accident – September 8, 2009</li> </ul>	<ul> <li>September 12, 2011 – Statement of Claim served on City</li> <li>January 31, 2012 – City served Statement of Defence and Crossclaim</li> </ul>	Ongoing	Insurers' legal counsel		
McWhinney v. City of Guelph Ontario Superior Court of Justice Court File No. 467/11	<ul> <li>Slip and Fall accident – January 16, 2010</li> </ul>	<ul> <li>June 21, 2011 – Statement of Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel		

		MATTERS *		
Matter	Description	History	Current Status	Counsel
Smith v. City of Guelph Ontario Superior Court of Justice Court File No. 94/12	• Slip and Fall accident – March 15, 2011	<ul> <li>February 1, 2012 – Statement of Claim served on City</li> <li>March 13, 2012 – City served Statement of Defence</li> <li>May 2, 2013 – Examination for Discovery scheduled</li> </ul>	• Ongoing	Insurers' legal counsel
Hannah Max Enterprises Inc. v. Hira Custom Homes and Tvan Excavating Ltd. Ontario Superior Court of Justice Court File No. 516/10	<ul> <li>Plaintiff sued builder for water in basement because of a leak in water service pipe under the driveway. Builder third partied the City for contribution/indemnity</li> </ul>	<ul> <li>February 13, 2012 – Third Party Claim by Tvan Excavating Ltd. served on City</li> </ul>	<ul> <li>This matter is settled – currently awaiting dismissal order</li> </ul>	Insurers' legal counsel
Schade v. City of Guelph, Bell Canada, Neumann and Powell Ontario Superior Court of Justice Court File No. 1586/12	• Slip and Fall accident – November 19, 2010	<ul> <li>March 20, 2012 – Statement of Claim served on City</li> <li>March 22, 2012 – City served Notice of Intent to Defend</li> <li>April 17, 2012 – City served Statement of Defence</li> </ul>	• Ongoing	Insurers' legal counsel
Marshall v. City of Guelph and Drexler Construction Limited Ontario Superior Court of Justice CV-12- 00455098	<ul> <li>Property damage – July – October, 2010</li> </ul>	<ul> <li>July 13, 2012 – Statement of Claim served on City</li> <li>August 16, 2012 – City served Statement of Defence and Crossclaim</li> </ul>	Defence of this matter has been assumed by Drexler	Insurers' legal counsel
Costigan v. City of Guelph and J.G. Goetz Construction Ltd. Ontario Superior Court of Justice Court File No. 594/12	<ul> <li>Slip and Fall accident – May 27, 2011</li> </ul>	<ul> <li>August 15, 2012 – Statement of Claim served on City</li> <li>August 21, 2012 – City filed Notice of Intent to Defend</li> <li>March 19, 2013 – Examination for Discovery scheduled</li> </ul>	Ongoing	Insurers' legal counsel
Fitkowski et al v. City of Guelph and E&E Seegmiller Limited Ontario Superior Court of Justice Court File No. 663/12	• Accident – September 24, 2010	<ul> <li>September 10, 2012 – Statement of Claim served on City.</li> <li>September 13, 2012 – City served Notice of Intent to Defend</li> </ul>	Ongoing	Insurers' legal counsel
June Emily Mary Cops (Somma) v. City of Guelph Ontario Superior Court of Justice Court File No. 770/12	•	<ul> <li>October 23, 2012 – City served with Statement of Claim</li> </ul>	Ongoing	Insurers' legal counsel

## March 11, 2013

INSURED MATTERS *				
Matter	Description	History	Current Status	Counsel
Celi v. Leonforde, Moylan, Culliton, Luna, Weersink and City of Guelph Ontario Superior Court of Justice Court File No. 512/12	• Slip and fall – March 14, 2011	<ul> <li>November 27, 2012 – City added as a party and served with the Amended Statement of Claim</li> <li>December 7, 2012 – City served Statement of Defence and Crossclaim</li> </ul>	Ongoing	Insurers' legal counsel
Jassal v. Hilcox and City of Guelph Ontario Superior Court of Justice Court File No. CV 10 2468	<ul> <li>Accident – July 11, 2008</li> </ul>	<ul> <li>November 27, 2012 – Motion to amend the Statement of Claim and add the City as a party</li> <li>December 17, 2012 – City served with Amended Statement of Claim</li> </ul>	Ongoing	Insurers' legal counsel
Perrie v. City of Guelph, Guelph Transit, J. Dixon and N. Anderson Ontario Superior Court of Justice Court File No. 921/12	• Transit accident – June 1, 2012	<ul> <li>December 12, 2012 – Plaintiff's Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel
Nash v. City of Guelph, Guelph Transit, J. Dixon and N. Anderson Ontario Superior Court of Justice Court File No. 920/12	<ul> <li>Transit accident – June 1, 2012</li> </ul>	<ul> <li>December 12, 2012 – Plaintiff's Claim served on City</li> </ul>	Ongoing	Insurers' legal counsel
Perozzo v. City of Guelph Ontario Superior Court of Justice Court File No. 924/12	<ul> <li>Slip and fall accident - February 24, 2011</li> </ul>	December 14, 2012 – City served with Statement of Claim	Ongoing	Insurers' legal counsel
Angelone v. City of Guelph Ontario Superior Court of Justice Court File No. 150/13	Slip and fall accident – February 24, 2011	<ul> <li>February 21, 2013 – City served with Statement of Claim</li> <li>February 28, 2013 – City served Notice of Intent to Defend</li> </ul>	Ongoing	Insurers' legal counsel

\* Does not include claims solely against Guelph Police Services (i.e. City not named as a party)

INSURED MATTERS COMPLETE SINCE SEPTEMBER 2012				
Matter	Description	History	Current Status	Counsel
Gibbard v. City of Guelph Ontario Superior Court of Justice Court File No. 492/12	<ul> <li>Slip and Fall accident – August 1, 2010</li> </ul>	<ul> <li>June 27, 2012 – Statement of Claim served on City</li> <li>July 10, 2012 – City filed Notice of Intent to Defend</li> <li>December 18, 2012 – Order issued dismissing action without costs</li> </ul>	This matter is complete	Insurers' legal counsel

## Please recycle!

#### - BYLAWS -

- March 25, 2013 –		
By-law Number (2013)-19533 A by-law to amend By-law Number (1995) – 14864, as amended, known as the Zoning By-law for the City of Guelph as it affects property known municipally as 86 Lane Street and legally described as Part of Lot 8, Range 2, Division 'F', City of Guelph.	To amend the Zoning By-law as approved by Council March 25, 2013.	
By-law Number (2013)-19534 A by-law to dedicate certain lands known as Blocks 38 and 39, Plan 61N164 as part of Oakes Crescent, City of Guelph.		
By-law Number (2013)-19535 A by-law to authorize the execution of release of an Agreement with respect to property described as Lot 46 and Part Lot 47, Registered Plan 361, designated as Part 1, Reference Plan 61R10626, City of Guelph. (12 Chester Street)	To execute a release of an agreement. (12 Chester Street)	
By-law Number (2013)-19536 A by-law to enact a Capital Renewal Reserve Fund Policy.	To enact a Capital Renewal Reserve Fund Policy.	
By-law Number (2013)-19537 A by-law to enact a Development Charge Exemption Policy.	To enact a Development Charge Exemption Policy.	
By-law Number (2013)-19538 A by-law to authorize the execution of a Transfer Release and Abandonment of an Easement with respect to Lot 32, 61M172, City of Guelph. (temporary turning circle)	To execute a Transfer Release and Abandonment of an Easement. (temporary turning circle)	
By-law Number (2013)-19539 A by-law to authorize the execution of an Engineering Services Agreement between The Corporation of the City of Guelph and Victoria Wood (Arkell) Ltd.	To execute an Engineering Services Agreement. (246 Arkell Road Subdivision)	

(246 Arkell Road Subdivision)	
By-law Number (2013)-19540 A by-law to regulate certain indoor solid fuel heating appliances.	To regulate certain indoor solid fuel heating appliances.
By-law Number (2013)-19541 A by-law to authorize the execution of a Transfer Release and Abandonment of an Easement with respect to Lot 33, 61M172, City of Guelph. (temporary turning circle)	To execute a Transfer Release and Abandonment of an Easement. (temporary turning circle)
By-law Number (2013)-19542 A by-law to authorize the execution of a Transfer Release and Abandonment of an Easement with respect to Lot 35, Plan 61M172, City of Guelph. (temporary turning circle)	To execute a Transfer Release and Abandonment of an Easement. (temporary turning circle)
By-law Number (2013)-19543 A by-law to authorize the execution of an Engineering Services Agreement between The Corporation of the City of Guelph and Gamma Developers Limited. (Kortright East Phase 3 (Gamma Lands) Subdivision)	To execute an Engineering Services Agreement. (Kortright East Phase 3 (Gamma Lands) Subdivision)
By-law Number (2013)-19544 A by-law to authorize the execution of an Agreement between The Corporation of the City of Guelph and Braun Consulting Engineers Ltd. (Kortright East Phase 3 (Gamma Lands) Subdivision)	To execute a Professional Consulting Services agreement. (Kortright East Phase 3 (Gamma Lands) Subdivision)
By-law Number (2013)-19545 A by-law to authorize the execution of an Agreement between The Corporation of the City of Guelph and K.J. Behm & Associates Inc. (246 Arkell Road Subdivision)	To execute a Professional Consulting Services agreement. (246 Arkell Road Subdivision)