CITY COUNCIL AGENDA

Council Chambers, Guelph City Hall, 1 Carden Street

DATE July 29, 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) None

CONFIRMATION OF MINUTES (Councillor Laidlaw)

***"THAT** the minutes of the Council Meetings held June 24 and July 8, 2013 and the minutes of the Closed Meetings of Council held June 24 and July 8, 2013 be confirmed as recorded and without being read."*

PUBLIC MEETING TO HEAR APPLICATIONS UNDER SECTIONS 17, 34 AND 51 OF THE PLANNING ACT

Application	**Staff Presentation**	**Applicant or Designate**	**Delegations** ***(maximum of 10 minutes)***	**Staff Summary**
151 Cityview Drive North – Proposed Zoning By-law Amendment (File: ZC1302), Ward 1	Chris DeVriendt, Senior Development Planner	• Franca DaMaren		
50 Stone Road East – Proposed Official Plan Amendment and Zoning By-law Amendment (File: OP1301 / ZC1304), Ward 5	Chris DeVriendt, Senior Development Planner	• Krista Walkey, Stantec Consulting Ltd.		

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.

Community & Social Services Committee			
Item	**City Presentation**	**Delegations**	**To be Extracted**
CSS-2013.19 2013-2018 Youth Strategy Implementation Plan			
CSS-2013.21 Outstanding Motions of the Community & Social Services Committee			

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

Corporate Administration, Finance & Enterprise Committee			
Item	**City Presentation**	**Delegations**	**To be Extracted**
CAFE-2013.24 2013 Efficiency Target Progress Update			
CAFE-2013.25 Budget Monitoring Policy			
CAFE-2013.26 2014 Capital Budget Framework		• Scott Doern	√
CAFE-2013.27 Outstanding CAFE Committee Motions for the Finance & Enterprise Service Area			
CAFE-2013.29 Outstanding CAFE Committee Motions			

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

Governance Committee			
Item	**City Presentation**	**Delegations**	**To be Extracted**
GOV-2013.8 2014 Municipal Election: Methods of Voting	• Blair Labelle, City Clerk • Nicole Goodman, Research Consultant	• Janet Doner, Manager Community Engagement & Global Citizenship, Student Life, University of Guelph • Tyler Valiquette, Local Affairs Commissioner, University of Guelph	√
GOV-2013.9 CAO Performance Appraisal Committee Terms of Reference and Process Protocol			
GOV-2013.10 Delegation of Authority for Operational Applications, Contracts and Agreements			

Adoption of balance of Governance Committee Second Consent Report – Mayor Farbridge, Chair

Operations, Transit & Emergency Services Committee			
Item	**City Presentation**	**Delegations**	**To be Extracted**
OTES-2013.13 Land Ambulance Response Time Performance Plan for 2014			
OTES-2013.14 Ambulance Base in Drayton			
OTES-2013.15 Open Air Burning – Residential/ Commercial Fire Pits and Related Fuel Burning Appliances			
OTES-2013.18 Restorative Alternatives Program Pilot			
OTES-2013.19 Business Licence By-law Amendment – Driving Instructor Licensing			

OTES-2013.20 Costco Wholesale Corporation – Noise Exemption Request			
OTES-2013.21 Hamilton Tiger Cats 2013 Mutual Service Agreement			
OTES-2013.22 Guelph Storm 2013/2014 Mutual Service Agreement			

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

Planning & Building, Engineering and Environment Committee			
Item	**City Presentation**	**Delegations**	**To be Extracted**
PBEE-2013.25 Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 – Implementation Plan & Performance Measurement Framework			
PBEE-2013.26 Rental Housing Licensing Cost-Benefit Analysis			

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

Report of the Integrity Commissioner			
Item	**Presentation**	**Delegations**	**To be Extracted**
IC-2013.2 Complaints Against a Councillor Received by the Integrity Commissioner			

Adoption of the Report of the Integrity Commissioner.

Council Consent Agenda			
Item	**City Presentation**	**Delegations**	**To be Extracted**
CON-2013.18 Proposed Demolition of 17 Clive Avenue, Ward 2			

CON-2013.19 1750 Gordon Street – Application for Site Plan Approval for Phase 2 of a Mixed Use Commercial Development (File SP13C003), Ward 6	• Michael Witmer, Planner/ Site Plan Coordinator		√

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:

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

SPECIAL RESOLUTIONS

BY-LAWS

Resolution – Adoption of By-laws (Councillor Piper)

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

Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
Monday June 24, 2013 at 6:00 p.m.

Attendance

Members: Mayor Farbridge, Councillors Bell, Dennis, Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein

Absent: Councillors Burcher Hofland, Kovach and Piper

Staff: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director, Corporate & Human Resources; Ms. C. Clack, Interim Executive Director, Community & Social Services; Mr. A. Horsman, Executive Director, Finance & Enterprise; Ms. J. Laid, Executive Director, Planning & Building, Engineering and Environment; Mr. D. McCaughan, Executive Director, Operations, Transit & Emergency Services; Mr. B. Labelle, City Clerk; Ms. J. Sweeney, Council Committee Coordinator

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Call to Order *(6:00 p.m.)*

Mayor Farbridge called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor Furfaro
Seconded by Councillor Dennis

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (c) of the *Municipal Act* with respect to proposed or potential acquisition or disposition of land.

CARRIED

Closed Meeting (*6:01 p.m.)*

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

The following matters were considered:

C.2013.9 Hanlon Creek Business Park Proposed Disposition of Land

Rise from Closed Meeting *(6:50 p.m.)*

Council recessed.

Open Meeting (7:00 p.m.)

Mayor Farbridge called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

Confirmation of Minutes

1. Moved by Councillor Furfaro
   Seconded by Councillor Van Hellemond

   That the minutes of the Council Meetings held on May 27 and June 4, 2013 and the minutes of the Closed Meetings of Council held May 27 and June 4, 2013 be confirmed as recorded.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

Consent Reports

Audit Committee Third Consent Report

Councillor Guthrie presented the Audit Committee Third Consent Report.

2. Moved by Councillor Guthrie
   Seconded by Councillor Furfaro

   That the June 24, 2013 Audit Committee Third Consent Report as identified below, be adopted:

AUD-2013.7 2012 Draft Audited Consolidated Financial Statements and External Post-Audit Report

1. That Report FIN-13-23 entitled "2012 Draft Audited Consolidated Financial Statements and External Post-Audit Report" be received.

2. That the 2012 Draft Audited Consolidated Financial Statements be approved.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

Closed Meeting of Council Fourth Consent Report

3. Moved by Councillor Dennis
Seconded by Councillor Findlay

That the June 24, 2013 Closed Meeting of Council Fourth Consent Report as identified below, be adopted:

CMC-2013.5 Citizen Appointments to Environmental Advisory Committee

That Greg Johnstone and Yvette Roy be appointed to the Environmental Advisory Committee for a term expiring November 30, 2013.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

Community & Social Services Committee Fifth Consent Report

Councillor Dennis presented the Community & Social Services Committee Fifth Consent Report.

4. Moved by Councillor Dennis
Seconded by Councillor Laidlaw

That the June 24, 2013 Community & Social Services Committee Fifth Consent Report as identified below, be adopted:

CSS-2013.17 Community Investment Strategy: Innovation Fund Implementation

1. That the City's role as a funding partner and trustee in this emerging Innovation Fund model, delegating authority to the Executive Director of Community and Social Services to make funding decisions as part of this collaboration be approved.

2. That staff be directed to report back early in 2014 on the first cycle of awards and key performance indicators.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

Corporate Administration, Finance & Enterprise Committee Fifth Consent Report

Councillor Wettstein presented the Corporate Administration, Finance & Enterprise Committee Fifth Consent Report.

5. Moved by Councillor Wettstein
Seconded by Councillor Laidlaw

That the June 24, 2013 Corporate Administration, Finance & Enterprise Committee Fifth Consent Report as identified below, be adopted:

CAFE-2013.22 2012 Final Year-End Operating Variance Report and Operating Surplus Allocation

1. That the report FIN-13-26 dated June 10, 2013 entitled "2012 Year-End Variance Report and Operating Surplus Allocation" be received.

2. That the allocation of the 2012 Tax Supported year end operating surplus in the amount of $659,937 be allocated to reserve 193 – OMB and Legal Reserve.

3. That the Enterprise surplus of $3,478,963 be allocated as follows:

2012 Enterprise Surplus Allocation	
Water Capital Reserve Fund (152)	$ 1,040,578
Wastewater Stabilization Reserve (182)	$ 100,000
Wastewater Capital Reserve Fund (153)	$ 1,859,391
POA Capital Reserve Fund (120)	$ 452,643
POA Contingency Reserve (211)	$ 26,351
Total Enterprise Allocation	$ 3,478,963

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

Operations, Transit & Emergency Services Committee Third Consent Report

Councillor Furfaro presented the Operations, Transit & Emergency Services Committee Third Consent Report.

6. Moved by Councillor Furfaro
Seconded by Councillor Bell

That the June 24, 2013 Operations, Transit & Emergency Services Committee Third Consent Report as identified below, be adopted:

OTES-2013.12 Wellington County Brewery – Manufacturer's Limited Liquor Sales License Application

1. That the Operations, Transit & Emergency Services Committee Report OTES061311 dated, June 3, 2013, regarding Wellington County Brewery's application to the Alcohol and Gaming Commission of Ontario for a Manufacturer's Limited Liquor Sales Licence be received.

2. That Guelph City Council support Wellington County Brewery's application to the Alcohol and Gaming Commission of Ontario for a Manufacturer's Limited Liquor Sales Licence for their brewery located at 950 Woodlawn Road W. as set out in the Operations, Transit & Emergency Services Committee Report OTES061311 dated, June 3, 2013.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

Planning & Building, Engineering and Environment Committee Fifth Consent Report

Councillor Guthrie presented the Planning & Building, Engineering and Environment Committee Fifth Consent Report.

7. Moved by Councillor Guthrie
Seconded by Councillor Furfaro

That the June 24, 2013 Planning & Building, Engineering and Environment Committee Fifth Consent Report as identified below, be adopted:

PBEE-2013.24 Sign By-law Variance for 100 Woodlawn Road West (Frederick's Furniture)

1. That the Planning, Building, Engineering and Environment report dated June 10, 2013, regarding a Sign By-law variance for 100 Woodlawn Road West, be received.

2. That the request for a variance from the Sign By-law for 100 Woodlawn Road West to permit a freestanding sign with a height of 5.59 metres with a setback of 2.5 metres, be approved.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

Council Consent Agenda

The following item was:

CON-2013.16 2012 GMHI Financial Statements and Exemption of GMHI for Section 10.3 of the Shareholder Declaration by Council as Shareholder of GMHI

Balance of Council Consent Items

8. Moved by Councillor Guthrie
Seconded by Councillor Wettstein

That balance of the June 24, 2013 Consent Agenda as identified below, be adopted:

CON-2013.17 Alcohol Sales at Hastings Stadium for Guelph Royals

That Council approve the revision of the previously approved conditions for sale of alcohol at Hastings Stadium to allow the AGCO permit to be in the name of a third party caterer, under the terms of that caterer's existing AGCO license.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

Extracted Items

CON-2013.16 2012 GMHI Financial Statements and Exemption of GMHI for Section 10.3 of the Shareholder Declaration by Council as Shareholder of GMHI

Ms. Tara Johnston, Manager of Financial Reporting and Accounting provided clarification with respect to the audit process for GMHI financial statements.

9. Moved by Councillor Findlay
Seconded by Councillor Guthrie

1. That Council approve an exemption for GMHI from compliance in 2013 with the requirements of section 10.3 of the GMHI Shareholder Declaration to hold the Annual General Meeting of GMHI by June 30 of each year.

2. That Council receive the 2012 GMHI Financial Statements (unaudited) and refer them to the Annual General Meeting of the Shareholder to be held July 10, 2013.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

By-laws

10. Moved by Councillor Guthrie
Seconded by Councillor Dennis

That By-laws Numbered (2013)-19590 to (2013)-19600, inclusive, are hereby passed.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Dennis Findlay, Furfaro, Guthrie, Laidlaw, Van Hellemond and Wettstein (9)
VOTING AGAINST: (0)

CARRIED

Adjournment *(7:20 p.m.)*

11. Moved by Councillor Findlay
Seconded by Councillor Dennis

That the meeting be adjourned.

CARRIED

Minutes to be confirmed on July 29, 2013.

_____
Mayor Farbridge

_____
City Clerk

Minutes of Guelph City Council
Held in the Council Chambers, Guelph City Hall on
Monday July 8, 2013 at 5:30 p.m.

Attendance

Members: Mayor Farbridge, Councillors Bell, Burcher (arrived at 6:00 p.m.), Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond (arrived at 5:50 p.m.) and Wettstein

Absent: Councillor Kovach

Staff: Ms. A. Pappert, Chief Administrative Officer; Mr. M. Amorosi, Executive Director, Corporate & Human Resources; Ms. J. Laid, Executive Director, Planning & Building, Engineering and Environment; Ms. D. Jaques, General Manager Legal and Realty Services/City Solicitor; Ms. S. Smith, Associate Solicitor, Mr. D. Mast, Associate Solicitor; Ms. S. Kirkwood, Manager Development Planning; Ms. M. Aldunate, Manager Policy Planning and Urban Design; Mr. M. Witmer, Site Plan Coordinator; Ms. T. Agnello, Deputy Clerk; Ms. J. Sweeney, Council Committee Coordinator

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Call to Order *(5:30 p.m.)*

Mayor Farbridge called the meeting to order.

Authority to Resolve into a Closed Meeting of Council

1. Moved by Councillor Dennis
Seconded by Councillor Hofland

That the Council of the City of Guelph now hold a meeting that is closed to the public, pursuant to Section 239 (2) (c) and (e) of the *Municipal Act* with respect to proposed or pending acquisition or disposition of land and litigation or potential litigation.

CARRIED

Closed Meeting *(5:31 p.m.)*

Disclosure of Pecuniary Interest and General Nature Thereof

Councillor Guthrie declared a potential pecuniary interest with regards to 310 Cole Road Upcoming Ontario Municipal Board Hearing as his sibling owns the subject property and left the room when the matter was discussed.

The following matters were considered:

C.2013.8 Proposed or Pending Acquisition or Disposition of Land

C.2013.10 310 Cole Road: Upcoming Ontario Municipal Board Hearing (A-46.13) – Ward 5

Rise from Closed Meeting *(6:50 p.m.)*

Council recessed.

Open Meeting (7:00 p.m.)

Mayor Farbridge called the meeting to order.

Disclosure of Pecuniary Interest and General Nature Thereof

Councillor Furfaro declared a potential pecuniary interest with regards to the proposed Official Plan and Zoning By-law Amendment for 5 Arthur Street South as he owns property on Arthur Street in the vicinity of the proposed development. He did not participate or vote on the matter.

Planning Public Meeting

Mayor Farbridge announced that in accordance with The Planning Act, Council is now in a public meeting for the purpose of informing the public of various planning matters. The Mayor asked if there were any delegations in attendance with respect to the planning matters listed on the agenda.

5 Arthur Street South – Proposed Official Plan and Zoning By-law Amendments (File OP1302/ZC1305) – Ward 1

Katie Nasswetter, Senior Development Planner provided and outline of the application. She advised that since the applications were submitted, portions of Official Plan Amendment 43 for the Downtown Secondary Plan have been approved and are deemed to be in effect, and as a result some of the Official Plan Amendments proposed by the applications may no longer be necessary as they are supported by policies within the Downtown Secondary Plan.

Lee Piccoli representing 5 Arthur Street Developments, said this will be a substantial development with various levels of complexity relating to being a brownfield site, building beside the river, location of bedrock, providing proposed site amenities and historical elements. He said that specific site plans will be developed promoting strong urban design principles while respecting the neighbourhood. He said that they would like to release Phase 1 for presale in 2014.

Joe Lobko of DTAH, architect for the applicant, stated that this site is important as it will provide a transition between St. Patrick's Ward and the downtown. He outlined the proposed open spaces, pedestrian bridge connection to the downtown, public views and public accessibility, the technical challenges of grading, location of bedrock, groundwater, flooding restrictions/requirements, built form framework and river walk. He further outlined the two proposed options for development.

Dan Leeming, urban designer involved in the project, reiterated the transition importance of the site and that the development will be compatible with St. Patrick's Ward. He outlined the various technical studies either completed or to be completed and that the application is

consistent with the Provincial Policy Statement and growth plans and various City plans and initiatives. He advised that various ongoing capital works by the City will be required for site servicing.

William Sleeth of The Ward Residents Association, advised that Option B (10 and 14 storeys) is their preferred development. His primary concern is regarding the context and the relationship to the downtown. He expressed concern with the proposed isolation of the riverside walk and public open space, the importance of the pedestrian bridges over the river and the Arthur Street streetscape and the importance of considering both sides of the street in creating an effective transition.

Maria Pezzano, Chair of the Ward Resident's Association, expressed concern with the proposed wall along the riverwalk and suggested that this walk needs to be animated and welcoming. She advised of their support for the retention of the heritage building and the proposed mixed use of the site. She requested that the City include in the 2014 capital budget funds to support the construction of a pedestrian bridge alongside the rail trestle at Allen's Dam; conduct a study on the heritage wall before determining its fate in the development; plan and develop budgets for the river walk open space to be dedicated as parking by the applicant; consider the urban design streetscape for Wellington Street and the Speed River Corridor adjacent to 5 Arthur Street and the a future location for a second pedestrian bridge.

Marty Williams on behalf of the Guelph Business Association, expressed support for this proposal. He suggested that the proposed development is consistent with the vision of the Downtown Secondary Plan and will bring people and businesses downtown.

Lloyd Longfield, General Manager of Guelph Chamber of Commerce, said the proposed development aligns with the Chamber of Commerce's long term goal of contributing to the prosperity of the downtown and it will provide residential density that will assist in the development of a long term rail service. He encouraged Council to receive the report so Fusion Homes can continue to work with staff and the neighbourhood.

Barbara Mann expressed support for the proposed mixed land uses. She expressed concern with the scale of the development; no control of who will be the commercial tenants; the private road; the request for the river setback to be reduced by 50%; scale of development at Neeve Street end of the site blocking the gateway to the city; increased traffic on neighbourhood streets; stress on existing water services infrastructure; lack of green space & too much concrete; and the introduction of non-native plantings on the proposed wall.

Laura Murr stated that she supports the redevelopment of the site for residential use, but has concerns related to the requested reductions of amenity areas, setbacks between the buildings and parkland dedication, and reduced setback to the water, which she believes will have a negative impact on quality of life. She expressed concern with possible flooding of the site. She further stated that if the development is eligible for any downtown grants that they should be contingent on the requirement for some form of rental housing geared to income.

Judy Martin expressed concern with the, reduced river buffer, open space, common amenities request for reduction from 25 square metres to 5 square metres, the amount of parkland dedication, the angular plane and the proposed wall along the river. She stated that the proposal does not conform to providing public views to the water. She urged Council to approve minimum open space and parkland and to retain the 30m river setback.

There was considerable discussion by Council, and additional information was requested on:

- community energy initiatives
- options for solid waste servicing
- how density bonusing could encourage housing affordability
- traffic implications for corner of Macdonell and Wellington Streets
- interaction between pedestrian and vehicular traffic
- how development is going to fund the relocation of parkland downstream
- ability of the city to fund in the 2014 capital budget the design of the riverwalk, pedestrian bridge, Wellington Street crossing and heritage wall
- service upgrades to the site to complement old and new areas
- any future developments past this site that could affect servicing
- antennas and satellite dishes
- downtown activation grant if development has the opportunity to access funds and if so when would they come back to Council
- shadowing
- wind impacts
- clear understanding of what Council is being asked to decide and when and any parallel decisions that need to be considered

1. Moved by Councillor Burcher
   Seconded by Councillor Guthrie

   That Report 13-35 regarding Official Plan and Zoning By-law Amendment applications by 5 Arthur Street Developments, to permit a mixed use, commercial and high density residential development at 5 Arthur Street South from Planning, Building, Engineering and Environment dated July 8, 2013, be received.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein (11)
VOTING AGAINST: (0)
Councillor Furfaro did not vote due to his declared potential pecuniary interest.

CARRIED

By-laws

2. Moved by Councillor Hofland
   Seconded by Councillor Bell

   That By-laws Numbered (2013)-19601 to (2013)-19603, inclusive, are hereby passed.

VOTING IN FAVOUR: Mayor Farbridge, Councillors Bell, Burcher, Dennis, Findlay, Furfaro, Guthrie, Hofland, Laidlaw, Piper, Van Hellemond and Wettstein (12)
VOTING AGAINST: (0)
Councillor Furfaro did not vote due to his declared potential pecuniary interest.

CARRIED

Adjournment *(9:30 p.m.)*

3. Moved by Councillor Dennis
Seconded by Councillor Findlay

That the meeting be adjourned.

CARRIED

Minutes to be confirmed on July 29, 2013.

_____
Mayor Farbridge

_____
Deputy Clerk

STAFF REPORT

TO	Guelph City Council
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	July 29, 2013
SUBJECT	**151 Cityview Drive North– Proposed Zoning By-law Amendment (File: ZC1302) Ward 1**
REPORT NUMBER	13-39

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To provide planning information on an application requesting approval of a Zoning By-law Amendment to permit the development of a single detached dwelling.

KEY FINDINGS
Key findings will be reported in future, following staff review of the application.

FINANCIAL IMPLICATIONS
Financial implications will be reported in the future Planning, Building, Engineering and Environment recommendation report to Council.

ACTION REQUIRED
Council will hear public delegations regarding the applications, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

RECOMMENDATION
1. That Report 13-39 regarding a Zoning By-law Amendment application by Bill and Franca DaMaren to permit the development of a single detached dwelling at the property municipally known as 151 Cityview Drive North and legally described as Lot 19, Registered Plan 462, City of Guelph, from Planning, Building, Engineering and Environment dated July 29, 2013, be received.

BACKGROUND
An application for a Zoning By-law Amendment has been received for the property municipally known as 151 Cityview Drive North from Bill and Franca DaMaren. The application would permit the development of a single detached dwelling. The application was deemed complete March 6, 2013.

Location
The subject property has a site area of 0.143 hectares and is located on the east side of Cityview Drive North, south of Grange Road (see Attachment 1). The site has a lot frontage of approximately 23 metres and a lot depth of approximately 63 metres. The subject property is vacant of any buildings or structures. Adjacent land uses consist of single detached dwellings to the north and south, and a future elementary school site at 25 Lee Street to the east.

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, semi-detached residential dwellings and multiple unit residential buildings. The relevant policies of the "General Residential" land use designation are included in Attachment 2.

Existing Zoning
The subject property is zoned UR (Urban Reserve) Zone. Details of the existing zoning are included in Attachment 3.

REPORT

Description of Proposed Zoning Bylaw Amendment
The applicant is requesting to rezone the subject property from the UR (Urban Reserve) Zone to the R.1C (Single Detached Residential) Zone to permit the development of a single detached dwelling. The applicant has requested to develop the property in accordance with the permitted uses and regulations of the standard R.1C Zone. It is the applicant's intention to construct a one storey single detached home, approximately 148 to 158 square metres in size, with a front yard setback consistent with the existing homes along the east side of Cityview Drive.

Staff Review
The review of these applications will address the following issues:

- Evaluation of the proposal's conformity to the Provincial Policy Statement;
- Evaluation of the proposal's conformity with the Official Plan;
- Review of the proposed zoning and any need for specialized zoning regulations; and
- Compatibility with surrounding development.

Once the application is reviewed and all issues are addressed, a report from Planning, Building, Engineering and Environment with a recommendation will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN

Strategic Direction 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.

FINANCIAL IMPLICATIONS

Financial implications will be reported in the future staff recommendation report to Council.

COMMUNICATIONS

The Notice of Complete Application was mailed on March 6, 2013 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 July 4, 2013.

ATTACHMENTS

Attachment 1 – Location Map
Attachment 2 – Existing Official Plan Land Use Designations and Policies
Attachment 3 – Existing and Proposed Zoning and Details

Report Author
Chris DeVriendt
Senior Development Planner

Approved By
Sylvia Kirkwood
Manager of Development Planning

"original signed by Sylvia Kirkwood for"

Approved By
Todd Salter
General Manager
Planning Services
519.822.1260, ext. 2395
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"original signed by Richard Henry for"

Recommended By
Janet Laird, Ph.D.
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and Environment
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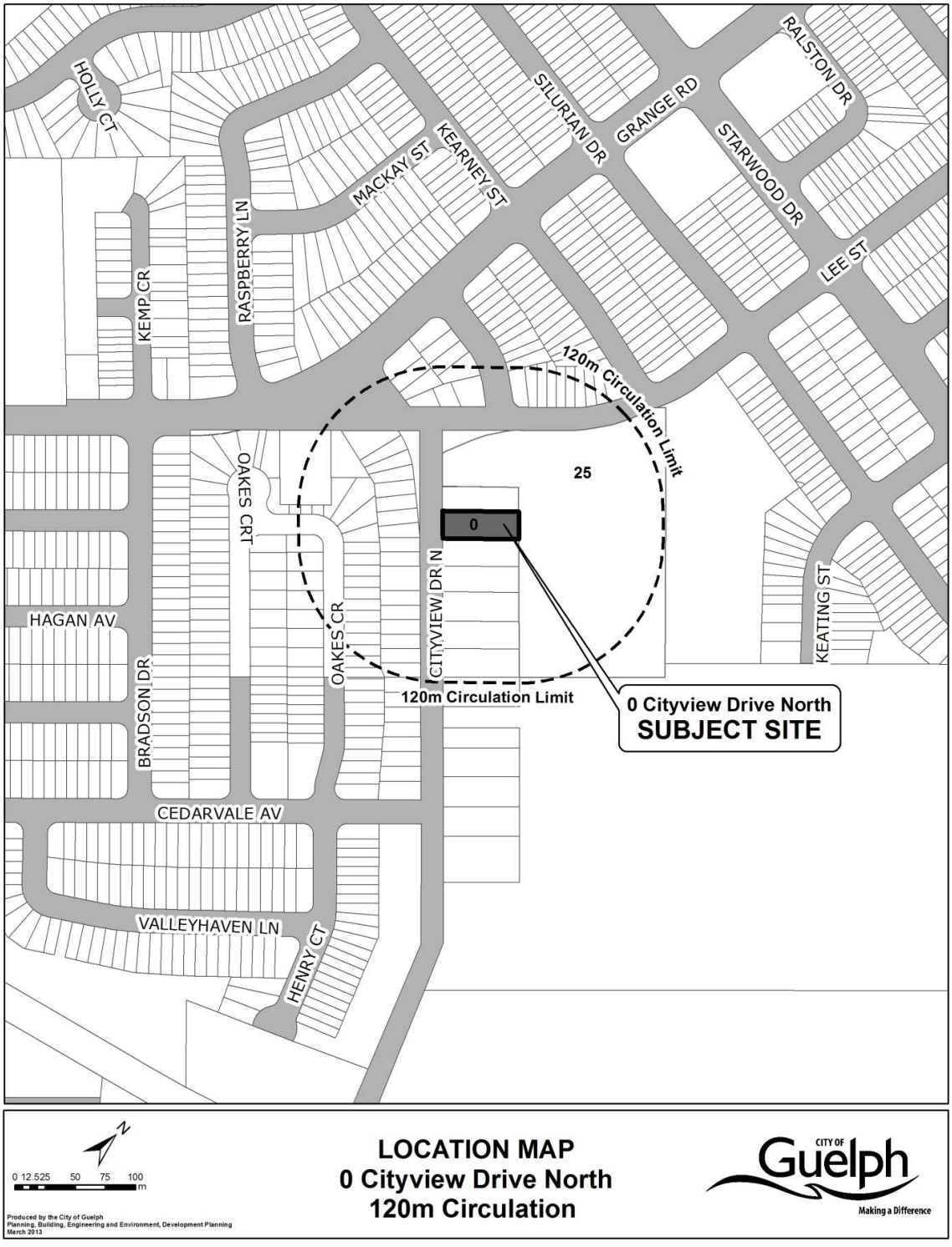
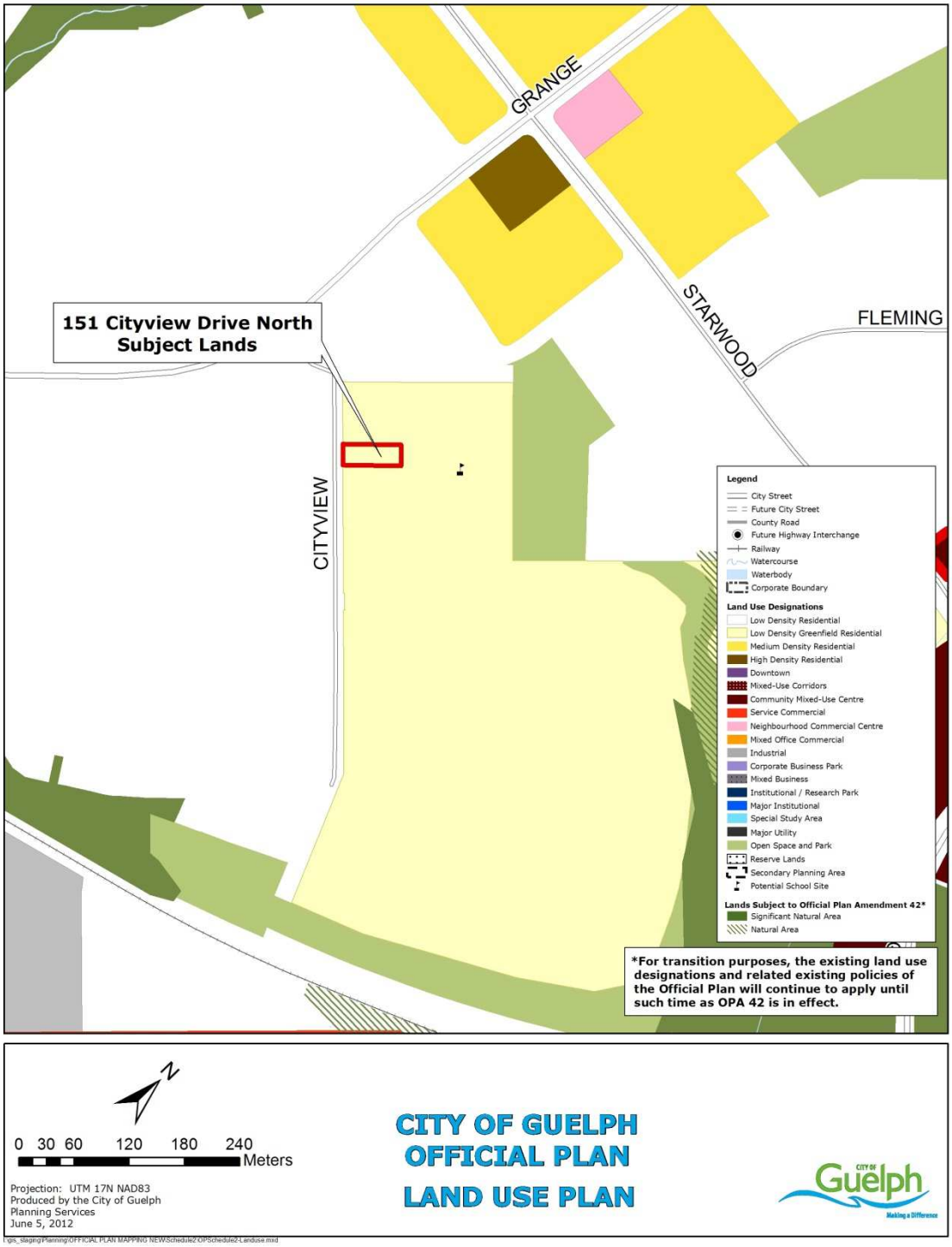
Attachment 1 – Location Map



Attachment 2: Existing Official Plan Designations and Policies



Attachment 2 (continued): Existing Official Plan Designations and 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).

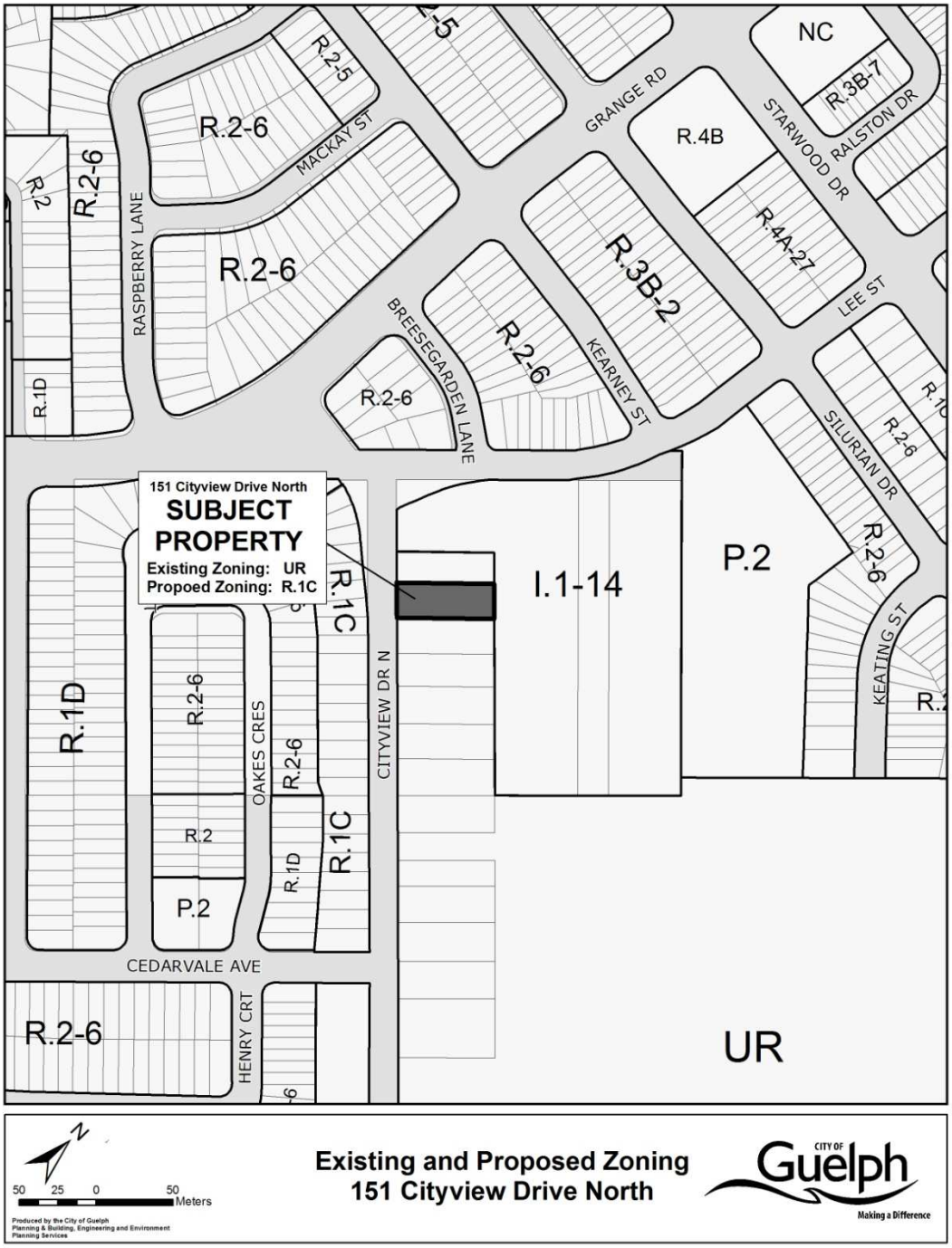
7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.

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 3: Existing and Proposed Zoning



Attachment 3 (continued): Existing Zoning Details

UR (Urban Reserve) Zone

Permitted Uses

- Agriculture, Livestock Based
- Agriculture, Vegetation Based (mushroom farms shall not be permitted)
- Conservation Area
- Flood Control Facility
- Outdoor Sportsfield Facilities
- Recreation Trail
- Wildlife Management Area
- Accessory Uses in accordance with Section 4.23

Regulations

Within the Urban Reserve (UR) Zone, no land shall be Used and no Building or Structure shall be erected or Used except in conformity with the applicable regulations contained in Section 4 – General Provisions and the following regulations:

Minimum Separation Distances Regulating Livestock Based Agriculture

Minimum separation distances for Livestock Based Agriculture operations shall be based on the Minimum Separation Distance requirements for livestock farms required by the Ontario Ministry of Agriculture and Food.

Permitted Building or Structure

In addition to all other provisions of this Section, a permitted Building or Structure shall only be permitted in accordance with all of the following regulations:

Minimum Side Yard

Equal to one-half the Building Height but in no case less than 3 metres.

Minimum Rear Yard

Equal to one-half the Building Height but in no case less than 7.5 metres.

Minimum Front Yard

7.5 metres or as set out in Section 4.24, whichever is greater.

Off-Street Parking

No off-Street parking shall be located within 3 metres of any boundary of an UR Zone.

Off-Street Loading

No off-Street loading shall be located within 3 metres of any boundary of an UR Zone.

Accessory Building or Structure

Despite Section 4.5, an accessory Building or Structure shall be permitted only in accordance with the following regulations:

No accessory Building or Structure shall be used for human habitation.

No accessory Building or Structure shall be located between the Street Line and any Setback line.

No accessory Building or Structure shall be located in any Side Yard.

No accessory Building or Structure shall be located closer to any Lot Line than one-half Building Height or 7.5 metres, whichever is greater.

Lighting of Outdoor Sportsfield Facilities

Outdoor Sportsfield Facilities shall be permitted to have lighting facilities developed in accordance with Section 4.18.1

Attachment 3 (continued): Proposed Zoning Details

R.1C 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.1C Zone
Minimum Lot Area	460m^2
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 Over 2 storeys	 1.5m 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

STAFF REPORT

TO	Guelph City Council
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	July 29, 2013
SUBJECT	**50 Stone Road East – Proposed Official Plan Amendment and Zoning By-law Amendment (File: OP1301/ZC1304) Ward 5**
REPORT NUMBER	13-38

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To provide planning information on an application requesting approval of an Official Plan Amendment and Zoning By-law Amendment to permit the development of 19 single detached dwelling units fronting on a private condominium road.

KEY FINDINGS
Key findings will be reported in future, following staff review of the application.

FINANCIAL IMPLICATIONS
Financial implications will be reported in the future Planning, Building, Engineering and Environment recommendation report to Council.

ACTION REQUIRED
Council will hear public delegations regarding the applications, ask questions of clarification and identify planning issues. The report is to be received and no decisions are to be made at this time.

RECOMMENDATION
1. That Report 13-38 regarding an Official Plan Amendment and Zoning By-law Amendment application by Stantec Consulting Ltd. on behalf of the University of Guelph to permit the development of 19 single detached dwelling units fronting on a private condominium road at the property municipally known as 50 Stone Road East and legally described as Part of Lot 2, Concession 8, (formerly Puslinch Township), City of Guelph, County of Wellington, from Planning, Building, Engineering and Environment dated July 29, 2013, be received.

BACKGROUND

An application for an Official Plan Amendment and Zoning By-law Amendment has been received for the property municipally known as 50 Stone Road East from Stantec Consulting Ltd. on behalf of the University of Guelph. The application would permit the development of 19 single detached dwellings fronting on a private road that would be created through a future Plan of Condominium. The application was deemed complete on May 22, 2013.

Location

The subject lands consist of 3.78 hectares (1.42 hectares of developable area) located on the west side of Victoria Road, south of Stone Road (see Attachment 1). The subject site is vacant and is generally bounded by Victoria Road to the east, the University of Guelph Arboretum to the north, and the Torrence Creek Provincially Significant Wetland (PSW) to the west and south. As part of the larger University of Guelph property, it is anticipated that the subject site would be subject to a future consent to sever application to separate the parcel from the University.

Existing Official Plan Land Use Designation and Policies

The Official Plan land use designation that applies to the subject lands is "Major Institutional". The site is also within the Non-Core Greenlands Overlay in the current Official Plan (see Attachment 2).

The predominant use of land within the "Major Institutional" land use designation is public buildings, universities, colleges, social and cultural facilities, correctional and detention centres, hospitals, residential care and health care facilities.

The Official Plan land use designations and related policies are included in Attachment 2.

Official Plan Amendment #39 (in effect) identifies the site within the "Built-Up Area" of the City. The "Built-Up Area" is intended to accommodate a significant portion of new residential and employment growth through intensification.

Existing Zoning

The subject site is zoned I.2 (Institutional) Zone, which permits the following uses:

- Guelph Correctional Centre and its directly related operations;
- the University of Guelph and its directly related operations;
- Day care centre in accordance with Section 4.26;
- Group Home in accordance with Section 4.25; and
- Accessory Uses in accordance with Section 4.23

Details of the existing zoning are included in Attachment 3.

REPORT

Description of Proposed Official Plan Amendment

The applicant's proposed Official Plan Amendment is to redesignate the subject site from the "Major Institutional" land use designation to the "General Residential" land use designation. The "General Residential" designation permits all forms of residential uses to a maximum net density of 100 units per hectare. The "General Residential" land use designation policies are provided in Attachment 3.

Description of Proposed Zoning Bylaw Amendment

The applicant is requesting to rezone the subject lands from the I.2 (Institutional) Zone to R.1B-? (Specialized Single Detached Residential) Zone to permit the development of 19 single detached dwelling units. The applicant has requested to develop the property in accordance with the permitted uses and regulations of the standard R.1B Zone, with the following exceptions:

- Minimum Front Yard of 4.5 metres to front wall of habitable space
- Minimum Exterior Side Yard of 3 metres adjacent to private streets
- Minimum Rear Yard of 5 metres or 20% of the lot depth whichever is less
- That the Front Yard be considered the Exterior Side Yard for the purposes of Section 4.20.10 (Fencing within Residential Zones)

The existing and proposed zoning details are provided in Attachment 3.

Proposed Development

The applicant's proposed development concept, shown in Attachment 4, illustrates the development of 19 single detached dwelling units with lot frontages ranging from 15.2 metres to 19.9 metres. The lots are proposed along a 7 metre wide private road, with one site access proposed from Victoria Road. The development concept also includes a stormwater management block at the southerly portion of the site and a 5 metre wide landscaped buffer strip along Victoria Road.

Supporting Documents

The application is supported by the following:

- Stormwater Management Design Brief prepared by Stantec Consulting Ltd., April, 2013.
- Geotechnical Investigation, Reid's Heritage Homes Victoria Road prepared by Stantec Consulting Ltd., April 2013.
- Environmental Impact Study, University of Guelph Victoria Lands prepared by Stantec Consulting Ltd., April 2013.
- Noise Impact Assessment, Reid's Heritage Homes Victoria Road prepared by Stantec Consulting Ltd., April 2013.
- Municipal Servicing Brief prepared by Stantec Consulting Ltd., April 2013.

- Archaeological Assessment, University of Guelph Lands prepared by Parker Archaeological Consulting., May 2009.
- Planning Justification Report for Reid's Heritage Homes at Victoria Road prepared by Stantec Consulting Ltd., April 2013

Staff Review
The review of these applications will address the following issues:

- Evaluation of the proposal against the Provincial Policy Statement and the Places to Grow legislation;
- consideration of the merits of the Official Plan Amendment;
- Evaluation of the proposal's conformity with the Official Plan;
- Review of the proposed zoning, including specialized regulations requested;
- Review of the proposed site design and building elevations;
- Review of servicing and traffic issues;
- Environmental review; and
- Community Energy Initiative considerations.

Once the application is reviewed and all issues are addressed, a report from Planning, Building, Engineering and Environment with a recommendation will be considered at a future meeting of Council.

CORPORATE STRATEGIC PLAN
Strategic Direction 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.

FINANCIAL IMPLICATIONS
Financial implications will be reported in the future staff recommendation report to Council.

COMMUNICATIONS
The Notice of Complete Application was mailed on June 5, 2013 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 July 4, 2013.

ATTACHMENTS

Attachment 1 – Location Map
Attachment 2 – Existing and Proposed Official Plan Land Use Designations and Policies
Attachment 3 – Existing and Proposed Zoning and Details
Attachment 4 – Proposed Development Concept

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Recommended By
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Executive Director
Planning, Building, Engineering and Environment
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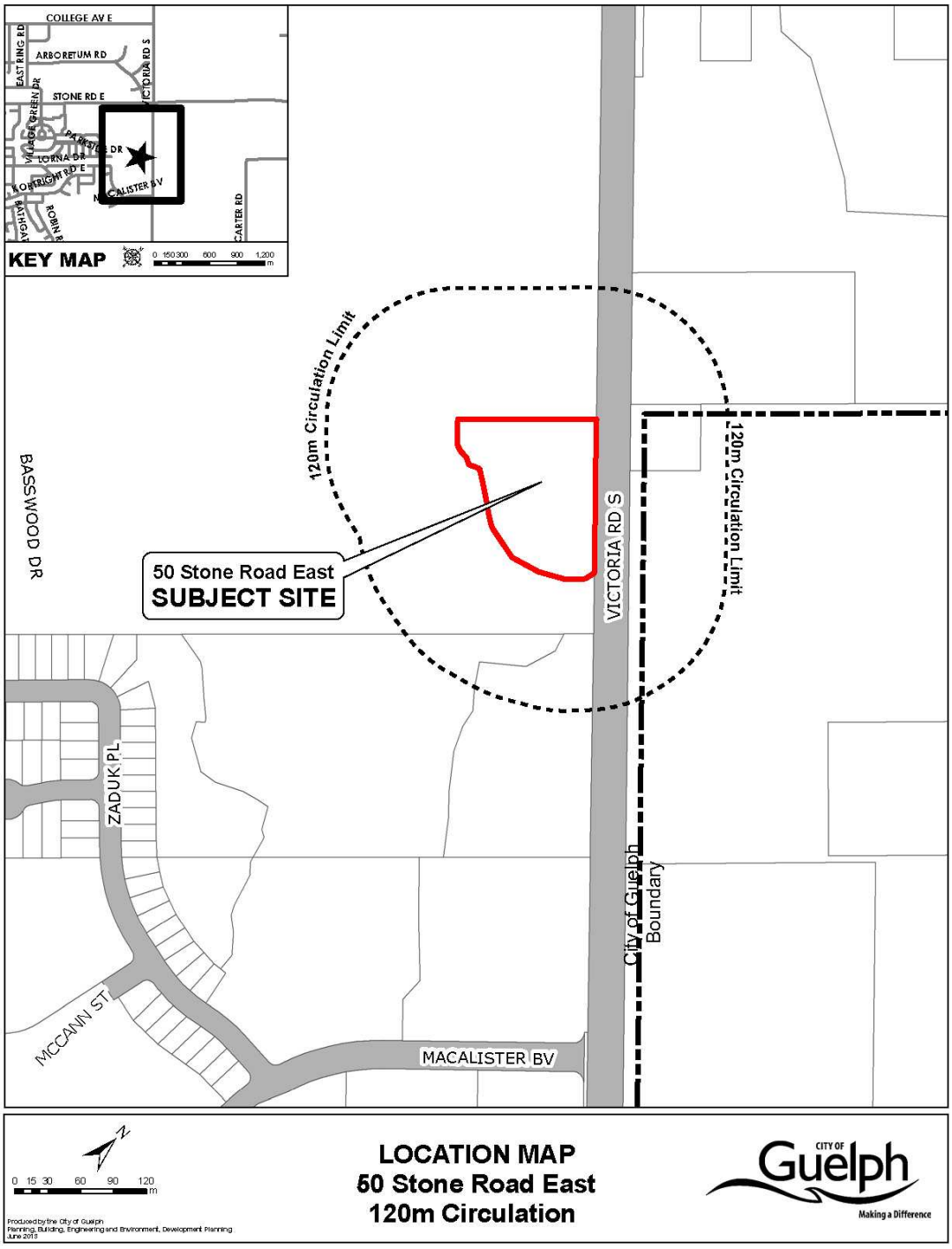
Attachment 1 – Location Map



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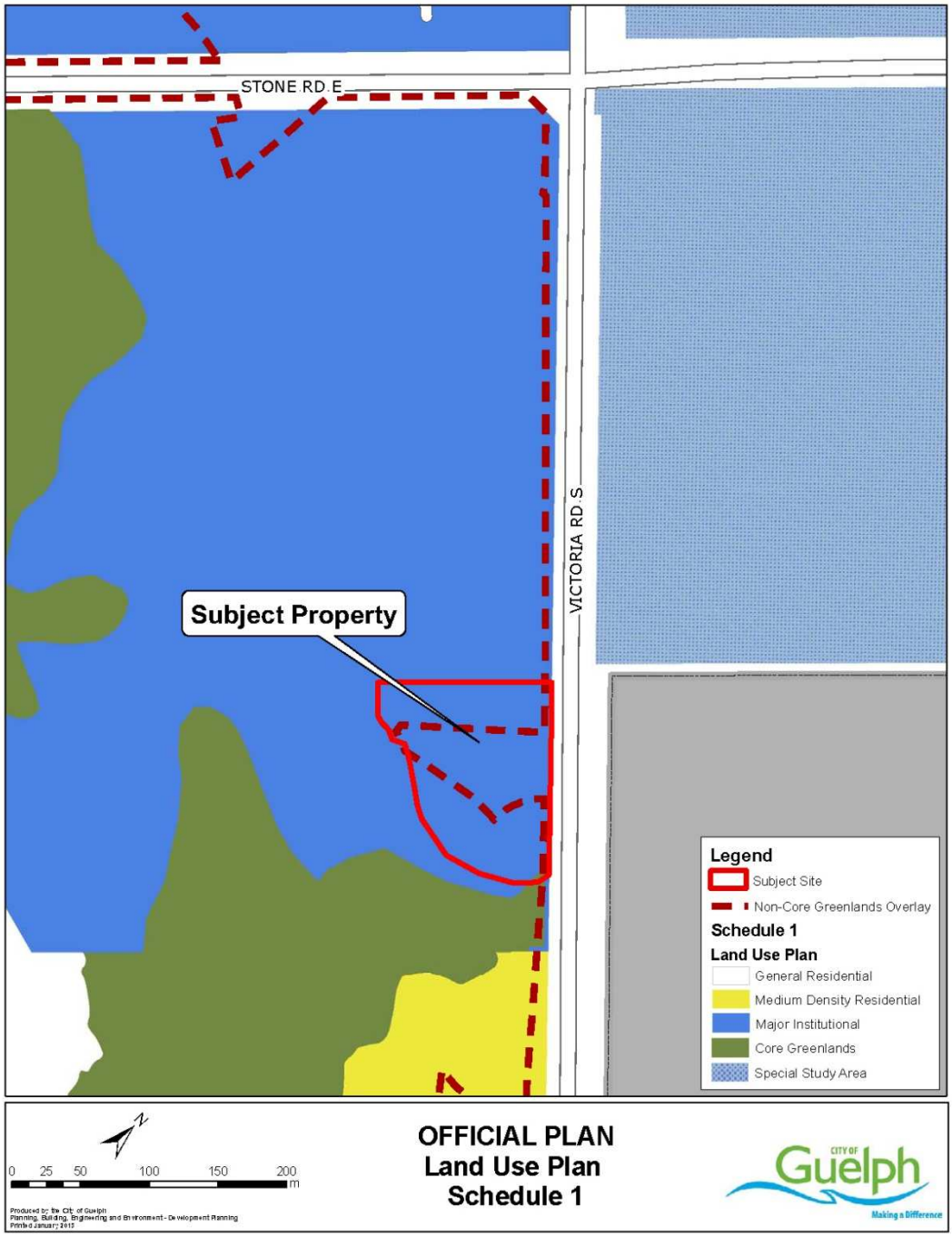


Attachment 2 (continued): Existing Official Plan Designations and Policies

'Major Institutional' Land Use Designation

Objectives

a) To ensure that adequate institutional, educational, health care and social services are provided at suitable locations to meet the needs of residents in the City and surrounding region.
b) To encourage the provision of a full range of "continuum of care" facilities in appropriate settings to serve the residents of Guelph and surrounding area.

General Policies

7.10.1 On lands designated as 'Major Institutional' on Schedule 1 of this Plan, the predominant use of land shall be for public buildings, universities, colleges, social and cultural facilities, correctional and detention centres, hospitals, residential care and health care facilities.

7.10.2 Complementary uses may be permitted, provided that they do not conflict with or interfere with the satisfactory operation and development of the lands for institutional purposes. Such complementary uses may include convenience and personal service uses, residences, day care facilities, parks, recreation facilities and non-livestock based agricultural uses.

a) For convenience and personal service uses, these facilities will be oriented and designed to primarily serve the needs of those persons directly associated with the 'Major Institutional' use. These uses shall not be located in a manner that will attract or serve the general public.
b) For residential uses, these activities will be designed for, and used by those persons directly associated with the 'Major Institutional' use.
c) In spite of the non-livestock based agricultural uses provision of policy 7.10.2, livestock-based instruction, research and care may be permitted on lands utilized by the University of Guelph.

7.10.3 The establishment of new ‘Major Institutional’ areas not designated on Schedule 1 shall require an amendment to this Plan. When considering such amendments, the following factors shall be taken into account:

a) The site's location relative to arterial or collector roads;
b) The compatibility of the proposed development with surrounding land uses;
c) The proximity of the site to existing or planned public transit routes; and
d) The adequacy of municipal services to the proposed area.

7.10.4 In the preparation of the implementing Zoning By-law, consideration will be given to recognizing 'Major Institutional' uses based on their size, character and nature.

Non-Core Greenlands Overlay

7.13.5 The lands associated with the Non-Core Greenlands overlay on Schedule 1 may contain natural heritage features, natural feature adjacent lands and natural hazard lands that should be afforded protection from development. The following natural features and their associated adjacent lands are found within the Non-Core Greenlands area: fish habitat, locally significant wetlands, significant woodlands, significant environmental corridors and ecological linkages, significant wildlife habitat. In many instances these natural features also have hazards associated with them which serve as development constraints.

1. Policies relating to natural heritage features are contained in Section 6 of this Plan.

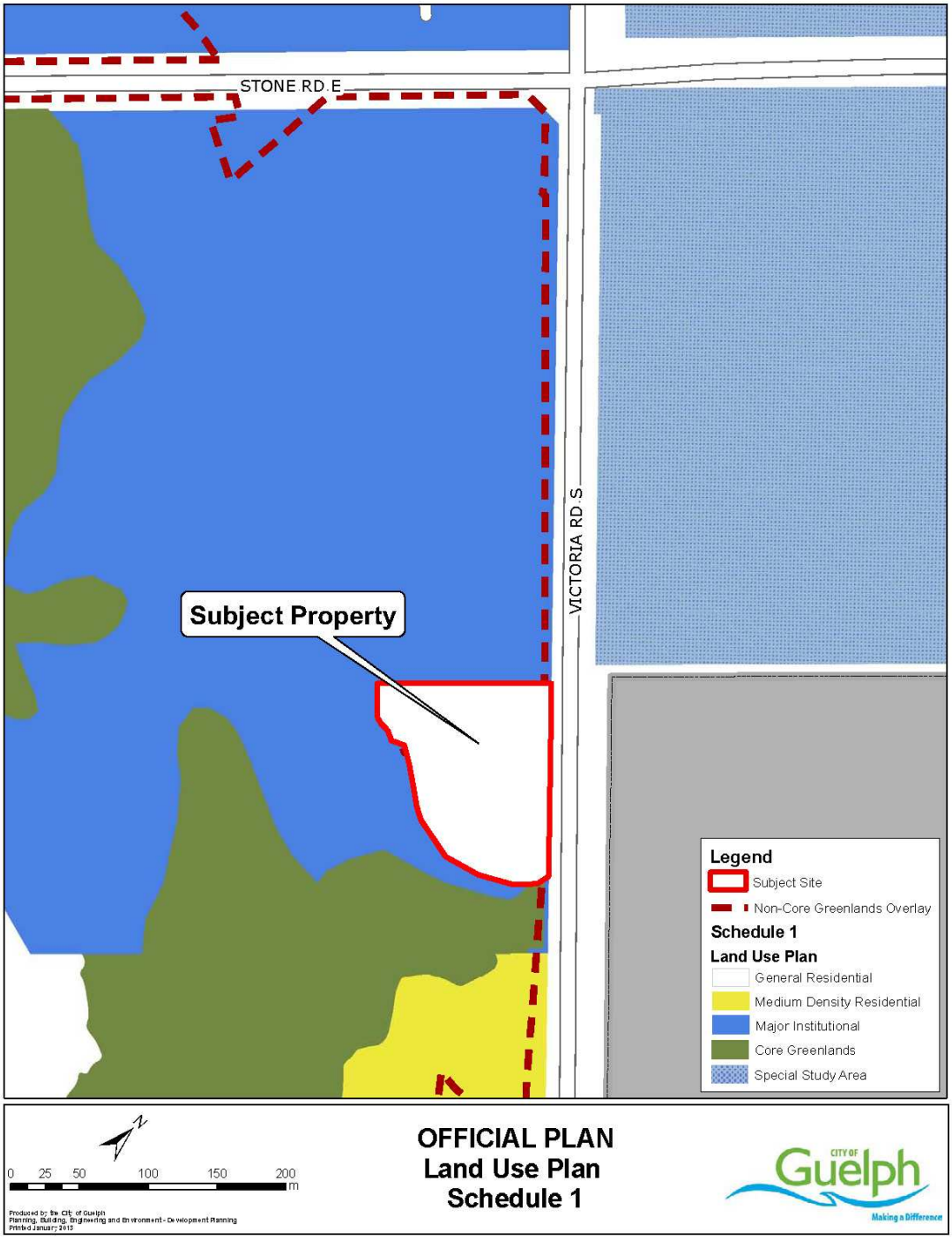
2. Policies relating to natural hazard lands are contained in Section 5 of this Plan.

7.13.6 Development may occur on lands associated with the Non-Core Greenlands overlay consistent with the underlying land use designation in instances where an environmental impact study has been completed as required by subsection 6.3 of this Plan, and it can be demonstrated that no negative impacts will occur on the natural features or the ecological functions which may be associated with the area. Where appropriate and reasonable, consideration will be given to measures to provide for the enhancement of any identified natural heritage feature as part of such environmental impact study.

7.13.7 It is intended that the natural heritage features associated with the Non-Core Greenlands overlay are to be protected for their ecological value and function. The implementing Zoning By-law will be used to achieve this objective by placing such delineated features from an approved environmental impact study in a restrictive land use zoning category.

7.13.8 Development may occur on lands associated with the Non-Core Greenlands overlay where the matters associated with hazard lands as noted in Section 5 can be safely addressed. In addition, development within the flood fringe areas of the Two Zone Flood Plain will be guided by the policies of subsection 7.14.

Attachment 2 (continued): Proposed Official Plan Designations and Policies



Attachment 2 (continued): Proposed Official Plan Designations and 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).

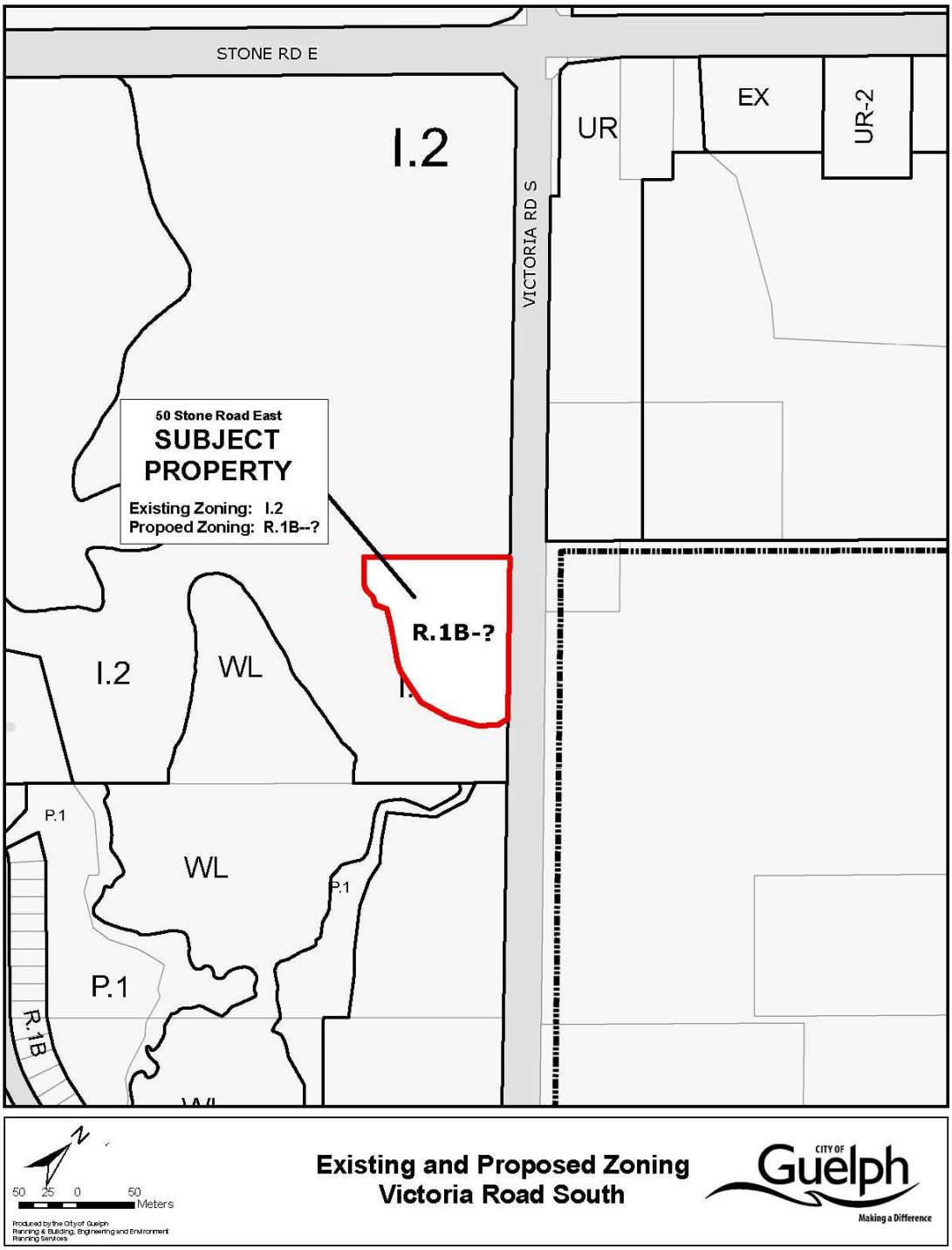
7.2.33 The physical character of existing established low density residential neighbourhoods will be respected wherever possible.

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 3: Existing and Proposed Zoning



Attachment 3 (continued): Existing Zoning Details

I.2 (Institutional) Zone

Permitted Uses

Guelph Correctional Centre and its directly related operations
University of Guelph and its directly related operations
Day Care Centre in accordance with Section 4.26
Group Home in accordance with Section 4.25
Accessory Uses in accordance with Section 4.23

Regulations

Regulation	Required in the Standard R.1B Zone
Minimum Lot Area	460m^2
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 Over 2 storeys	 1.5m 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 3 (continued): Proposed Zoning Details

R.1B-? (Specialized Residential Single Detached) Zone

Permitted Uses

In accordance with the following uses included within the standard R.1C Zone:

- Single Detached Dwelling
- Accessory Apartment
- Bed and Breakfast Establishment
- Day Care Centre
- Group Home
- Home Occupations
- Lodging House Type 1

Regulations

Regulation	Standard R.1B Zone	Proposed
Minimum Lot Area	460m^2	
Minimum Lot Frontage	15m	
Maximum Building Height	3 storeys	
Minimum Front Yard	6m	4.5 metres to front wall of habitable space
Minimum Exterior Side Yard	4.5m	3 metres adjacent to private streets
Minimum Side Yard 1 to 2 storeys Over 2 storeys	 1.2m 1.2m	
Minimum Rear Yard	7.5m or 20% of the lot depth	5 metres or 20% of lot depth
Accessory Buildings or Structures	Section 4.5	
Fences	Section 4.20	That the Front Yard be considered the Exterior Side Yard for the purposes of Section 4.20.10
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	In accordance with Section 4.9	

Attachment 4: Proposed Development Concept



CONSENT REPORT OF THE
COMMUNITY & SOCIAL SERVICES COMMITTEE

July 29, 2013

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

Your Community & Social Services Committee beg leave to present their SIXTH CONSENT REPORT as recommended at its meeting of July 16, 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-2013.19 2013 – 2018 Youth Strategy Implementation Plan

1. That Council approve the Year One Implementation Plan of the 2013 – 2018 Guelph Youth Strategy.

2. That Council direct staff to report back in Q3 2014 on the Year One Implementation Plan of the 2013 – 2018 Guelph Youth Strategy specifically reporting on key performance indicators and outcomes as well as notable progress, achievements and resource requirements.

3. That Council direct staff to present an annual Youth Strategy Implementation Plan in Q3 of each year of the five year plan.

CSS-2013.21 Outstanding Motions of the Community & Social Services Committee

1. That the report, dated July 16 2013, regarding outstanding resolutions of the Community and Social Services Committee, be received.

2. THAT the following resolution, previously passed by the Community and Social Services Committee of Council, be eliminated from staff work plans and from the outstanding resolutions list, based on reasons provided.

   - 23-Jun-08; *"THAT the location of heritage festivals, particularly related to Festival Italiano, be referred to the Emergency Services, Community Services & Operations Committee for review."*

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 July 16, 2013 meeting.

STAFF REPORT

TO	Community and Social Services Committee
SERVICE AREA	Community and Social Services Community Engagement and Social Service Liaison
DATE	July 16, 2013
SUBJECT	**2013 – 2018 Guelph Youth Strategy Implementation Plan**
REPORT NUMBER	CSS-CESS-1333

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To provide Council with the Year One Implementation Plan of the 2013 – 2018 Guelph Youth Strategy for approval.

KEY FINDINGS
On March 25, 2013, Guelph City Council endorsed CSS-2013.5, the Vision, Mission and Values of the 2013 – 2018 Guelph Youth Strategy and received the 10 Foundational and 30 Youth Driven Goals of the 2013 – 2018 Guelph Youth Strategy. Council further directed staff *" 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."*

Staff has completed an in depth Year One (July 1, 2013 to July 1, 2014) Implementation Plan responding to ten recommendations contained within the Strategy. Staff is recommending that an annual implementation plan be provided to council in Q3 of each year of the strategy for approval.

The Guelph Youth strategy implementation plan details roles for the City of Guelph, Timelines, Budget Implications, Strategic Linkages, Community Partners, Funding Opportunities and Key Performance Indicators.

FINANCIAL IMPLICATIONS
Immediate implementation work on the Year One Implementation Plan recommendations can begin within current Community and Social Services (CSS) budget.

ACTION REQUIRED
That Council approves the Year One Implementation Plan and direct staff to bring an annual implementation plan for the remainder of the strategy time period.

STAFF REPORT

RECOMMENDATION

1. That Council approve the Year One Implementation Plan of the 2013 – 2018 Guelph Youth Strategy

2. That Council direct staff to report back in Q3 2014 on the Year One Implementation Plan of the 2013 – 2018 Guelph Youth Strategy specifically reporting on key performance indicators and outcomes as well as notable progress, achievements and resource requirements.

3. That Council direct staff to present an annual Youth Strategy Implementation Plan in Q3 of each year of the five year plan.

BACKGROUND

The Youth Strategy was developed to ensure that the Corporation of the City of Guelph is positioned to take a more positive and proactive approach to supporting our youth. It provides direction to the Youth Services Division within CSS and will unite the community through shared and actionable recommendations. Like other jurisdictions, youth issues can be some of the most pressing social concerns, and one of our most valuable community assets. A shared community response to supporting youth is fundamental to the success of this strategy. The Strategic Direction of "Deliver Public Service better" is the foundation to the Youth Strategy.

The Guelph Youth Strategy Implementation Plan details roles for the City of Guelph that include service and resource provider, youth advocate and a catalyst for community wide action. The Implementation Plan also highlights: Timelines, Budget Implications, Strategic Linkages, Community Partners, Funding Opportunities and Key Performance Indicators associated with the 2013 – 2018 Guelph Youth Strategy.

REPORT

In the interest of providing Council with thorough and responsive Implementation Plans, staff is committed to providing annual Youth Strategy Implementation Plans that directly correlate with the subsequent year's Youth Strategy Recommendations. This annual reporting will review successes, challenges and progress on the achievement of each recommendation. Presenting annual Implementation Plans through 2013 – 2018 will allow staff to respond to emerging community needs and opportunities, report on evolving partnerships and programming and highlight outside funding opportunities achieved, or in development.

Implementation Plan Highlights (See ATT-1 for detailed Implementation Plan)

Recommendations and Key Implementation Tasks

Each Year One (July 2013 – July 2014) youth-led recommendation is identified with a series of overarching tasks required for the completion of the recommendation. These tasks act as a work planning tool and connect directly to the successful completion of each recommendation.

Each recommendation presented has been generated through youth consultation, feedback, and information gathered in the 2013 Guelph Youth Survey. Additionally, recommendations have been reviewed with internal departments and community stakeholders that have a direct association with the recommendation. These conversations have included staff from various departments, as well as community partners including: Wellington Guelph Drug Strategy, Social Service Providers, a variety of Neighbourhood Groups, and Wellington-Dufferin-Guelph Public Health. All recommendations were vetted through the Guelph Youth Strategy Working Group with members representing City Staff, Community Stakeholders, Youth Representatives and Youth Services staff.

Recommendations positioned in Year One of the Guelph Youth Strategy and the Guelph Youth Strategy Implementation Plan are designed to be achievable in the first year of the Strategy and will deliver significant positive impact on the community. Additionally, the completion of first year tasks with identifiable indicators positions the strategy for continued success and increased stakeholder engagement.

Leadership

The City of Guelph's Youth Services staff initiated the development of the 2013 – 2018 Guelph Youth Strategy as a response to existing and emerging youth, stakeholder, community and City of Guelph needs. Youth Services staff has led youth and community engagement on this initiative, and expect to continue involvement in leadership, coordination, evaluation and reporting roles.

The Guelph Youth Strategy Implementation Plan identifies three distinct forms of leadership:

1. City of Guelph Staff Led - recommendations that City of Guelph staff will take the lead on
2. City of Guelph and Community Organization Partnership – recommendations that City of Guelph staff and Community Partners will take equal responsibility in implementing
3. Community Led / City of Guelph Supported – recommendations that Community Partners lead with the support and liaising back to Council by Youth Services staff.

Of the ten Recommendations contained within the Year One Implementation Plan, eight are identified as City of Guelph and Community Partnerships. The remaining Year One recommendations are identified as City of Guelph Led initiatives.

The diverse range of recommendations in the 2013 – 2018 Youth Strategy allows for community participation, leadership and support in several distinct areas including: health and wellness, employment, recreation, volunteerism, etc. Recognizing the expertise that exists in Guelph and the collective ability of our community stakeholders to mobilize around their areas of expertise, the Youth Services team expects partnerships and leaders to develop around individual recommendations. Additionally, the Youth Services team is committed to supporting youth leadership and involvement in each recommendation of the 2013 – 2018 Guelph Youth Strategy.

Additional leadership for all Guelph Youth Strategy recommendations is provided by the Guelph Youth Council, who will act as youth "eyes and ears" overseeing the Strategy. Guelph Youth Council's membership consists of 16 members representing a diverse cross section of Guelph's youth community. Staff will continue to incorporate a youth voice into the Guelph Youth Strategy through monthly updates and Strategy review with Guelph Youth Council.

The Strategy's recommendations and progress will also be reviewed and guided quarterly by the Youth Strategy Steering Committee. The Youth Strategy Steering Committee is comprised of City Staff, Community Stakeholders, Youth and Parents. The Youth Strategy Steering Committee reviewed all recommendations before inclusion in the Guelph Youth Strategy and supported the development of associated tasks in the planning process.

Strategic Linkages

All recommendations connect to the City of Guelph's strategic focus areas identified in the City's Corporate Strategic Plan (CSP) and reflect the vision, mission and values of the CSP. Each recommendation in the Youth Strategy Implementation Plan connects directly with the City's Strategic Focus Areas and specific Strategic Directions. Of particular relevance to the recommendations and tasks with the Youth Strategy are:

2.2 – Deliver Public Service better
2.3 – Ensure accountability, transparency and engagement
3.3 – Strengthen citizen and stakeholder engagement and communications

Additional linkages to existing City of Guelph Strategies and Initiatives are also identified within the Youth Strategy Implementation Plan. The Community Wellbeing Initiative's goals and domains of wellbeing are also identified as foundational principles in the Youth Strategy Implementation Plan. Each Youth Strategy recommendation is connected to a minimum of two domains of wellbeing, and the recommendations and outcomes of the 2013 – 2018 Youth Strategy are expected to support and enhance Community Wellbeing outcomes (particularly in regards to youth populations).

The Youth Strategy Implementations Plan also highlights Youth Strategy connections to the City's developing Community Investment Strategy and the possibilities of supporting **Community Led** initiatives through this funding mechanism. Future youth led and creative initiatives may find support through the Community Wellbeing Initiative's Innovation Funds stream.

Finally, the entire Youth Strategy Implementation Plan is rooted in the work of the City's Community Engagement Framework (CEF) and follows the CEF's four pillars of community engagement: Performance, Practice, People and Policy, with the aim of continuing meaningful community, stakeholder and City staff engagement and contribution.

Budget Implications and Funding Opportunities

Immediate implementation work on the Year One Implementation Plan recommendations can begin within the current Community and Social Services (CSS) budget.

The Youth Strategy Year One Implementation Plan identifies City of Guelph budget implications as well as external funding opportunities that could support enhanced development and completion of individual Youth Strategy recommendations.

Funding

The 2013 – 2018 Guelph Youth Strategy Implementation Plan identifies a series of funding opportunities (more than 20) available locally, provincially and federally to support, supplement and enhance the recommendations contained within the Strategy. Youth Services staff is committed to exploring and pursuing all funding and partnership opportunities that could contribute to the successful completion of the 2013 – 2018 Guelph Youth Strategy. Additionally, these opportunities will be disseminated through Guelph's Youth serving community and stakeholders to further develop opportunities initiated through the Youth Strategy.

The Youth Services Division is utilizing the expertise of the City of Guelph's Senior Advisor, Policy & Intergovernmental Affairs for the identification and development of emerging funding opportunities to support recommendations of the 2013 – 2018 Youth Strategy and further the overarching goals of the City's Youth Services team.

Key Performance Indicators

Each recommendation contained within the 2013 – 2018 Guelph Youth Strategy Implementation Plan is measured by a set of specific Key Performance Indicators evaluating and tracking the success and progression of individual recommendations. Key Performance Indicators will act as guides for work planning, monitoring, evaluation, and reporting back to Council on the 2013 – 2018 Guelph Youth Strategy recommendations.

STAFF REPORT

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

City Building
3.3 Strengthen citizen and stakeholder engagement and communications

DEPARTMENTAL CONSULTATION
Community and Social Services: Parks and Recreation; Community Engagement and Social Services Liaison; Business Services; Culture and Tourism
Operations, Transit and Emergency Services
Planning, Building, Engineering and Environment
Corporate and Human Resources

COMMUNICATIONS
N/A

ATTACHMENTS
ATT-1 2013 – 2018 Guelph Youth Strategy Year One Implementation Plan

Approved By
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Recommended By
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Year One Recommendations and Key Implementation Tasks	Start Date & Rationale	Leadership	Community Wellbeing	Strategic Linkages	Potential Community Collaborations	Budget Implications	Funding Opportunities	Key Performance Indicators
1. Quarterly youth meetings for the purpose of connecting youth groups together a) Develop youth groups database including: key contact information, membership numbers, area of interest, annual goals b) Development of meeting format and agenda c) Develop group terms of reference d) Development of participant feedback survey and follow up discussions with key contacts	**September 2013** To better mobilize youth communities To connect established and emerging youth communities To maximize existing resources and supports	**City of Guelph/ Community Partnership** **Guelph Youth Council** **Youth Strategy Steering Committee**		Corporate Strategic Plan CWI RPC Strategic Master Plan (Draft)	School Boards Neighbourhood Groups Youth Serving Non-Profit Agencies	Planning and Delivery Within Existing Youth Services Budget Provision of In Kind Space	Ontario Trillium Foundation Community Use of Schools Program RBC After School Grants Program	# of Community Youth Groups Participating # of new Guelph Youth Council members # of Collaborative youth projects developed # of Participants attending youth based events # Completed Participant Feedback Surveys % increase in wellness indicators measured through surveys and participant feedback.
2. Develop and support programming and youth planning that supports the needs of marginalized and underserved youth in our community a) Promote subsidy opportunities available for marginalized/underserved youth b) Develop and market programming specifically for underserved youth c) Develop/Implement programming in non-traditional neighbourhoods and venues	**January 2014** To reduce barriers to program participation To provide equitable access and quality of programming for all youth To reduce the socio-economic impacts of marginalization	**City of Guelph Led** • CSSL **Guelph Youth Council** **Youth Strategy Steering Committee**		CWI RPC Strategic Master Plan (Draft) Corporate Strategic Plan	County of Wellington Neighbourhood Groups Youth Serving Non-Profit Agencies Newcomer/ Immigrant Serving Agencies	Planning and Partial Implementation within Existing Youth Services Budget Full Implementation within Expanded Youth Services Budget	Ontario Trillium Foundation Ontario Youth Action Fund Safer and Vital Communities Grant Children's Foundation G-W	# of Under-Represented Youth participating in programming # of Programs adapted to accommodate needs of Marginalized Youth. # of Youth Council members representing underserved populations. # of new programs developed to serve marginalized/ underserved youth # of completed Participant Feedback Survey's % increase in wellness indicators measured through surveys and participant feedback.
3. Sell bus tickets in all City of Guelph high schools a) Consult with all involved parties regarding recommendation, identifying opportunities and barriers b) Identify test schools to pilot initiative c) Develop MOU regarding purchase, sale and distribution of bus tickets in secondary schools d) Develop marketing and promotion of program e) Monitor and report back on successes and challenges of program	**September 2014** To improve access to public transportation for all Guelph youth To provide responsive and accessible transportation opportunities for all Guelph youth	**City of Guelph/ Community Partnership** • Guelph Transit • CSSL **Youth Strategy Steering Committee**		Transportation Master Plan CWI Community Energy Plan 2012 Official Plan	School Boards	Within Existing Youth Services Budget	Opportunities for cost recovery through increased ridership	# of schools participating in program # of tickets sold total # tickets sold per school % increase in youth tickets sold per semester/per school year % increase in youth ridership
4. Support and advertise existing Employment Programs a) Enhancement of Guelph Youth Website to include enhanced employment section b) Development partner relationships with existing youth employment service providers c) Enhance promotion of City of Guelph Youth Employment Opportunities	**June 2014** To increase awareness and access to existing Employment Programming and Opportunities for Guelph youth	**City of Guelph/ Community Partnership** • Finance and Enterprise • Human Resources • CSSL **Youth Strategy Steering Committee**		Corporate Strategic Plan Prosperity 2020 RPC Strategic Master Plan (Draft)	Community Employment Resources County of Wellington School Boards Private Sector	Planning within Existing Youth Services Budget Implementation within Expanded Youth Services Budget	Provincial SEP Grants Economic Action Plan Grants	# of Programs included on City Youth Portal/Partnerships developed. # of Youth Portal website hits % increase in program Employment referral # of Completed Partner and Youth feedback surveys

Year One Recommendations and Key Implementation Tasks	Start Date & Rationale	Leadership	Community Wellbeing	Strategic Linkages	Potential Community Collaborations	Budget Implications	Funding Opportunities	Key Performance Indicators
5. City of Guelph endorsed Anti-Bullying Policy a) Complete Best Practices and Literature Review b) Community Scan of Existing Policies, Practices and Stakeholders c) Resume Guelph Youth Violence Task Force d) Draft Community Anti-Bullying Policy/Program e) Participation and Support of Community Led Anti-Bullying Events	**January 2014** To ensure a safe and welcoming community for all Guelph youth To support consistent community wide safety and wellbeing policies	**City of Guelph/ Community Partnership** • CSSL • *GPS* **Guelph Youth Council** **Youth Strategy Steering Committee**		Corporate Strategic Plan CWI 2012 Guelph Police Services Business Plan Diversity Strategy (Internal)	Community Champions School Boards Guelph Police Services	Within Existing Youth Services Budget Additional Costs shared between expanded Youth Services budget and Partnering Organizations	Healthy Communities Fund Ontario Youth Action Fund Safe Schools Action Fund COYO Youth Grants	Completion of Community Anti-Bullying Policy # of schools and partnership organizations endorsing Community Anti-Bully Policy # Anti-Bullying Champions Identified in Community # of Community Anti-Bullying Events and Trainings # of Students participating in Events and Trainings
6. Advertise and support permanent youth art space displays a) Cataloguing Existing and Potential Display Spaces b) Draft Youth Arts Space Terms of Reference c) Develop and Promote Youth Arts Space Opportunities d) Develop Youth Arts Space Promotion Program	**May 2014** To promote and support emerging youth artists To support a community where youth expression, creativity and accomplishment is recognized and celebrated	**City of Guelph/ Community Partnership** • CSSL • Culture and Tourism **Youth Strategy Steering Committee**		RPC Strategic Master Plan (Draft) Urban Design Action Plan 2012 Official Plan	Guelph Arts Council Private Sector DBA	Planning within Existing Youth Services Budget Implementation within expanded Youth Services Budget Provision of In Kind Space	In Kind Supports Creative Communities Prosperity Fund Cultural Strategic Investment Fund Ontario Arts Council Ontario Arts Foundation	# of Youth Designated Arts Displays # of supporting organizations, businesses, locations # of Youth Artists on Display # of Requests to/for display Artist Feedback Survey Supporting Organization Feedback Survey
7. Continue supporting and promoting community endeavours that engage youth a) Promote Youth events through online, social media and traditional mediums b) Create Youth Friendly Event Criteria Catalogue existing Youth Friendly Events, Initiatives and Projects c) Develop Youth Positive Event Advertising and recognition Program	**January 2014** To endorse and support community events that welcomes youth and celebrates the contributions of young people To recognize and encourage the development of Youth Friendly events	**City of Guelph/ Community Partnership** • CSSL • Culture and Tourism **Guelph Youth Council** **Youth Strategy Steering Committee**		CWI CIS RPC Strategic Master Plan (Draft)	Community Service Providers and Event Hosts Volunteer Centre of Guelph Wellington Neighbourhood Groups School Boards Guelph Arts Council	Planning and Partial Implementation within existing Youth Services Budget Full Implementation within expanded Youth Services Budget	Building Communities Through Arts and Heritage	# of Community Youth Friendly Events # of Organizations/Events that meet Youth Friendly Criteria # of Organizations that seek Youth Friendly Event Designation # of Youth in Attendance (per event and cumulative) # of Completed event specific Youth Feedback Surveys % Increase in total # of Youth Volunteers
8. Provide free, accessible space for emerging and existing youth groups and committees a) Creation of Youth Space Database b) Develop Youth Space booking system c) Develop Youth Space Terms of Reference/Policy d) Develop Marketing and Promotion Program e) Develop Partner Recognition Program	**January 2014** To support the development of positive peer relationships To provide venues for pro-social activity and engagement To provide equitable access to space and resources for all youth	**City of Guelph/ Community Partnership** • CSSL • PBEE **Youth Strategy Steering Committee**		RPC Strategic Master Plan (Draft) CIS 2012 Official Plan	School Boards Community Supports Post Secondary Institutions	Within expanded Youth Services Budget Provision of In Kind space	Ontario Trillium Foundation Community Use of Schools Program RBC After School Grants Program	# of free community spaces for youth % annual increase in available youth spaces # of Youth Space Bookings % annual increase in Youth Space bookings In Kind $ dedicated to youth space # Completed Youth Space Feedback Forms # Completed Youth Space provider Feedback Forms

Year One Recommendations and Key Implementation Tasks	Timeline Start Date	Leadership	Community Wellbeing	Strategic Linkage	Community Collaboration	Budget Implications	Funding Opportunities	Key Performance Indicators
9. Maintain and expand City environmental programs to include a youth audience a) Catalogue current City of Guelph child and youth environmental programs b) Seek additional funding to expand programming to wider youth audiences c) Develop Youth Environmental Advisory Group d) Develop Youth Led Workshop in a Box addressing local environmental issues	**September 2014** To engage young people in environmentally friendly and responsible practices To mentor, support and engage emerging youth leaders To support existing and developing environmental policy and practice	**City of Guelph Led** • PBEE • Waterworks • CSSL **Youth Strategy Steering Committee**		RPC Strategic Master Plan (Draft) Water Conservation and Efficiency Strategy 2012 Official Plan	School Boards Private Sector University of Guelph	Within expanded Youth Services Budget	Ontario Trillium Foundation Leaders for a Sustainable Future Grants TD Friends of the Environment Grant Ontario Community Environment Fund	# of Programs Offered % increase in Programs Offered # of students engaged % increase of students engaged Development of Youth Advisory Committee # of new initiatives developed Development of Workshop in a Box series # of workshops delivered / # of participants # of youth trained
10. Facilitate a City-led health and wellness campaign to support youth wellness a) Catalogue Existing and Potential Wellness Activities and Providers b) Develop Wellness Campaign Working Group c) Develop Wellness Activity Campaign d) Market and Promote Youth Wellness Opportunities e) Develop Participant and Provider Feedback Surveys f) Develop "Wellness in a Box" workshops	**September 2014** To support community wide wellbeing and health promotion To support and provide resources to young people in need To identify and support Community Wellbeing as a contributor to enhanced mental, physical and emotional health	**City of Guelph/ Community Partnership** • CSSL • Parks and Recreation • Programming **Guelph Youth Council** **Youth Strategy Steering Committee**		CWI RPC Strategic Master Plan (Draft) Wellness Strategy (Internal)	School Boards WDG Public Health In Motion Guelph GW Children's Foundation	Planning within existing Youth Services Budget Implementation within expanded Youth Services Budget	Canadian Sport For Life Grants Provincial Sport Priority Funding Healthy Communities Fund	# of organizations engaged # of Youth Engaged # of activities available # of workshops completed # of youth leaders/teams engaged % increase in wellness indicators measured through surveys and participant feedback. Development of Wellness Workshop in a Box

STAFF REPORT

TO	Community and Social Services Committee
SERVICE AREA	Community and Social Services
DATE	July 16, 2013
SUBJECT	**Outstanding Resolutions of the Community and Social Services Committee**
REPORT NUMBER	CSS-ED-1332

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To advise the Community and Social Services Committee of the status of all outstanding Committee resolutions, and to advise the Committee if there are any outstanding resolutions that may no longer be of community and Council interest.

KEY FINDINGS
Staff are continuing to plan work required to address outstanding resolutions previously passed by the Committee. In some cases, resolutions previously passed may no longer be of community interest or have the same level of priority, based on more recent events or circumstances.

Staff have reviewed all outstanding resolutions and are recommending that one outstanding resolution no longer be given priority for staff/budgetary resources and be eliminated from the outstanding resolutions list. The status of all outstanding resolutions is provided.

FINANCIAL IMPLICATIONS
N/A

ACTION REQUIRED
To be advised of the status/timing of all outstanding CSS Committee resolutions and to update the outstanding resolution list by eliminating any resolutions no longer of priority to the Committee.

RECOMMENDATION

1. That the report, dated July 16 2013, regarding outstanding resolutions of the Community and Social Services Committee, be received

2. THAT the following resolution, previously passed by the Community and Social Services Committee of Council, be eliminated from staff work plans and from the outstanding resolutions list, based on reasons provided:

    - 23-Jun-08; THAT the location of heritage festivals, particularly related to Festival Italiano, be referred to the Emergency Services, Community Services & Operations Committee for review.

BACKGROUND

For some time, with input from the Clerk's Department, a record of outstanding resolutions of Committee has been maintained. The Executive Team has decided to bring to each Committee of Council an update of all outstanding resolutions. The biannual report may include recommendations, where appropriate, to eliminate from the list any outstanding resolutions that may no longer be of priority to the Committee. The current report is the first biannual report.

REPORT

The outstanding resolutions list for the Community and Social Services Committee, including the status of the work and the timing, when available, for when the work may be completed is attached as ATT-1.

In addition, below is a discussion of the one outstanding resolution that may no longer be of priority to the Committee. Staff are recommending to Committee that no further work is needed on this item and that it be eliminated from the outstanding resolutions list.

Upon review of the 2008 resolution pertaining to the location of heritage festivals, and in particular, Festival Italiano, staff determined that because it is a private property matter related to a specific third party organization, it was not appropriate for either staff or Council Committee to make recommendations regarding the location of the event. While there are no current issues, any future issues related to festivals on private property will continue to be addressed on an ongoing basis with the appropriate department (i.e. By-Law and Enforcement, Traffic Services, Special Events Coordination, etc...). Therefore, staff recommend removing the following resolution from the list:

- 23-Jun-08; THAT the location of heritage festivals, particularly related to Festival Italiano, be referred to the Emergency Services, Community Services & Operations Committee for review.

CORPORATE STRATEGIC PLAN

Innovation in Local Government

2.3 Ensure accountability, transparency and engagement

DEPARTMENTAL CONSULTATION
Corporate Services and Human Resources – Clerk's Department

COMMUNICATIONS
N/A

ATTACHMENTS
ATT-1 CSS Outstanding Resolutions List



Approved and Recommended By
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Community & Social Services

(Council/Committee Outstanding Items)

Date	Resolution	Contact	Status
25-Mar-13	**2013 – 2018 Guelph Youth Strategy** 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	Barbara Powell	Recommend report will be coming forward to CSS Committee in July 2013
05-Dec-12	That the City-wide **plantings of all shrubs and flowers** be reduced by 20% or $50,000; And that staff report back through Committee in October or November 2013 on the effects of the reduction.	Murray Cameron	Information report will come to CSS committee in November 2013
05-Dec-12	That staff be directed to accelerate the construction of the **Eastview Park Change Rooms** (PK0014) to 2014 and to identify capital funding sources as part of the 2014 capital budget process; And that staff be directed to work collaboratively to identify $150,000 to be reallocated within the approved 2013 Capital Budget envelope in order to conduct an engineering study and to ensure the project is shovel ready for 2014.	Murray Cameron	The RFP has been developed, however, the source of capital funding to issue the RFP remains outstanding. Funding within current Parks Capital accounts to have the RFP issued is unavailable. Staff will address the Eastview park change rooms as part of the capital budget process to determine how best to accelerate the construction.
05-Dec-12	That staff be directed to continue negotiations with **Macdonald Stewart Art Centre** Board of Trustees, the University of Guelph and the Upper Grand District School Board to develop a new governance model for the operation of the Macdonald Stewart Art Centre; And that staff report back to Council no later than September 2013 on the process and timelines for entering into a new governance model and agreement, including outlining the process for changing the Provincial legislation that currently governs the existing agreement.	Colleen Clack	In progress - information report will be coming forward in September 2013 with an update.
26-Nov-12	Staff directed to create a cross-department staff team responsible for the development of a corporate action plan based on the **Older Adult Strategy** to ensure Guelph is age-ready and age-friendly; And that staff be directed to report back on the plan, timelines and resource requirements.	Barbara Powell	Report will be coming forward to CSS Committee as part of the Implementation Plan in September 2013
24-Sep-12	**Community Investment Strategy Phase 2** Staff report back on the Terms of Reference for a new Community Wellbeing Grant Allocation Committee of Council for approval in 2012; And that staff be authorized to develop, and report back annually or case by case, as required on the status of new community benefit agreements with accompanying transition plans for existing service agreements that expire in 2012 and 2013; And staff directed to provide detailed implementation plans for Facility Discounts and the innovation Fund mechanisms	Barbara Powell	Multiple reports have already come forward as follows: 2013 Community Grants, Information Report: Jan 2013 Wellbeing Grant Program Model: Committee Report CSS-CESS-1311, Mar 2013, CSS Wellbeing Grants Allocation Panel CSS-CESS-1317- Apr 2013, Innovation Fund: CSS CESS-2013.17, June 2013; Info report on Community Wellbeing Grants- Jun 2013; Upcoming reports to come forward: Information Report on Community Benefit Agreements in July

Community & Social Services

(Council/Committee Outstanding Items)

Date	Resolution	Contact	Status
	in 2013.		2013. Report on Implementation of Small Dollar Waivers and Facility Discounts in 2014
24-Sep-12	Staff directed to report back on the range of possible options that meet the criteria for our designated **Long Term Care Home**.	Barbara Powell	Reports came forward as follows through the CSS Committee: CSS-CESSL-1231 November 2012, CSS-CESSL-1318, May 2013
07-Dec-11	Staff directed to undertake a consultation process with respect to a citywide **skateboard facility** and report back to Council prior to the 2013 budget process.	Barbara Powell	Report on recommended site and design will come forward in Sept 2013
27-Sep-11	THAT staff report back on time lines and requirements needed to get the **South End Community Centre** shovel-ready in order to take advantage of alternative funding sources should they become available.	Murray Cameron	Capital funding of $500K was approved as part of the 2013 budget to issue a Needs Assessment and Feasibility Study for the South End Community Centre. A draft RFP has been prepared and staff anticipate its release in early July 2013.
23-Aug-11	THAT staff be directed to investigate and report back to the committee regarding the feasibility of expanding the **off-leash zone** of the Hanlon Road corridor including timelines of implementation and resources required.	Murray Cameron	A review of the Dogs-off Leash programme will be reviewed in Q4 of 2013 with a report to Committee and Council in Q2 2014.
19-Jul-10	That the (Sports Field, Ice and Pool) **Allocation Policy** Principles set out in report CS-IS-1017, be received; And that staff be directed to review the scope of the policy and report back to committee with a more comprehensive framework.	Peter Avgoustis	This item will be brought to Council in 2013, as part of the Community Investment Strategy. Also, will be part of the Rates and Fees - report back in December 2014.
22-Feb-10	That Community Services Report CS-AD-1004 'Work Plan-**South End Community Centre**' dated Feb 16/10 be received; And that staff proceed with Phase One: Preliminary Partnership Assessment and Development Options for a future South End Community centre utilizing internal staff resources and report back to Council on their progress as outlined in report CS-AD-1004; And that staff report back to Council before the next budget, outlining the funding sources and potential options for this project, including when we started collecting development charges and how much we have collected for the South End Recreation Centre.	Murray Cameron	Capital funding of $500K was approved as part of the 2013 budget to issue a Needs Assessment and Feasibility Study for the South End Community Centre. A draft RFP has been prepared and staff anticipate its release in early July 2013.
20-Jul-09	That the **Recreation, Parks and Culture Strategic Master Plan** and **South End Centre Component Study** written by Monteith Brown Planning Consultants be received; And that the Recreation, Parks & Culture Strategic Master Plan and South End Centre Component Study be referred to staff for comment, and for staff to propose a strategic implementation plan to the Emergency Services,	Murray Cameron	Work is being addressed through the Corporate Strategic Plan on several of the initiatives included in the study. This includes: • the issuing of an RFP to undertake Needs Assessment and Feasibility Study for the South End Community Centre in 2013 • the work within the Community Wellbeing Initiative • the Community Investment Strategy

Community & Social Services

(Council/Committee Outstanding Items)

Date	Resolution	Contact	Status
	Community Services & Operations Committee prior to the end of 2009.		recommendations and implementation • the implementation of the Older Adult Strategy • the development of a new Parks Model, identifying the role of neighbourhoods and programming to animate parks as living community centres Other initiatives addressing the recommendations include: • Cultural Mapping project completed in 2013, which will form the basis for a future Municipal Culture Plan
23-Jun-08	THAT the location of **heritage festivals**, particularly related to Festival Italiano, be referred to the Emergency Services, Community Services & Operations Committee for review.	Colleen Clack	Staff determined that there are no viable options to recommend, as this is a private property matter related to particular outside rental clients. Recommend this be removed from the list.
13-Sep-06	That staff be directed to investigate activities that would celebrate **city milestones** occurring on the 5th, 10th or 25th anniversaries.	Colleen Clack	Report to come forward in Q4 2013 with recommendations to CSS Committee.
02-Dec-05	That city staff re-examine the options available to permit the satisfactory co-existence of **off-leash dogs** and their owners with cyclists and joggers using city trails, without resorting to the drastic measures of requiring that cyclists dismount and joggers stop jogging immediately while in leash-free areas; AND THAT the current code of conduct for bicyclists, joggers and dogs be repealed.	Murray Cameron	A review of the Dogs-off Leash programme will be reviewed in Q4 of 2013 with a report to Committee and Council in Q2 2014.

Community & Social Services

(Council/Committee Outstanding Items)

COMPLETED ITEMS

Date	Resolution	Contact	Status
28-May-12	That due to the time sensitivity of this matter, Council direct CSS staff, in partnership with Finance & Enterprise, to identify and reallocate monies from uncommitted grant monies within the existing 2012 city budget to enter into a service agreement with **Ward Skate Park & Shop** for use of their facility to serve as a temporary skate park in the summer of 2012; And that CSS staff also be directed to report back to CSS Committee with respect to the interim skateboard park arrangements, related funding source, evaluation and updated plans for the permanent skateboard park in Sept. 2012.	Murray Cameron Barb Powell	Completed - Information report CSS-CESS-1233 dated November 15, 2012, prepared by Adam Rutherford/ Barb Powell.
14-Feb-12	Request of **Royal City Musical Productions Inc.** to review the rental costs for the River Run Centre and creating a separate ticket percentage for local organizations be referred to the Community Investment Strategy	Colleen Clack	Completed - The Royal City Musical Production request was referred to the Community Investment Strategy
14-Feb-12	Request for the City to participate on the Guelph **Anti-Bullying Coalition** be referred to staff to meet with members of the organization to discuss opportunities and possible alliances and to report back to CSS with any recommendations	Barbara Powell	Completed - CSS-CESS-1235; November, 2012; anti bullying work is included in Youth Strategy Report CSS-CESS-1312
07-Dec-11	Staff be requested to report back through the CSS on low cost options for addition of **2 ice pads** at existing City facilities in context with the Recreation Master Plan.	Murray Cameron	Completed - Staff followed-up with an email to Mayor and Members of Council January 25, 2013, to address this resolution.
07-Dec-11	That the matter of continuing to provide a subsidy for **volunteer police checks** be referred to CSS to recommend a process to explore best practices in partnership with the Guelph Police Service and the Volunteer Centre of Guelph & Wellington	Barbara Powell	Completed - CSS-CESS- 1227, November 2012
14-Jun-11	That the matter of the **Guelph Family Health Team** Family Practice Teaching Unit and a Collaborative Care Clinic, Farley Road be referred to staff to examine the City's role and report back to committee.	Barbara Powell	Completed - Info Report, June 2013
28-Feb-11	The City supports in principle the designation of Guelph as a **Child Friendly City**; AND THAT the request of the Council of Opportunities for Children to work with them to achieve the designation as a Child Friendly City be referred to staff; AND THAT staff report back with a recommendation regarding the city's participation in the designation of a Child Friendly City.	Barbara Powell	Completed - February 2012 CSS Committee report CSS-CESS-1302
17-Jan-11	That the Director of Community & Social Services be	Barbara Powell	Completed - October 11, 2011: CSS-CESS-1138.

Community & Social Services

(Council/Committee Outstanding Items)

Date	Resolution	Contact	Status
	directed to provide the committee with information regarding other **non-profit housing** corporations within the city and clarifying whether there is a role for City Council to have a voice on such board.		

CONSENT REPORT OF THE
CORPORATE ADMINISTRATION, FINANCE
& ENTERPRISE COMMITTEE

July 29, 2013

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

Your Corporate Administration, Finance & Enterprise Committee beg leave to present their SIXTH CONSENT REPORT as recommended at its meeting of July 15, 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-2013.24 2013 Efficiency Target Progress Update

1. That FIN-13-31 2013 Efficiency Target Progress Update be received for information.

2. **That new revenue not be included in the reporting on the 2013 Efficiency Target.**

3. **That staff include in their reporting on the 2013 Efficiency Target a summary of their approaches to engage employees in identifying opportunities for efficiency and continuous improvement.**

CAFE-2013.25 Budget Monitoring Policy

1. That the FIN-13-29 Budget Monitoring Policy dated July 15, 2013, be received.

2. That the Budget Monitoring Policy, attached as Appendix 1, be approved and adopted through by-law.

CAFE-2013.26 2014 Capital Budget Framework

1. That the Corporate Administration, Finance and Enterprise Services Committee receive FIN-13-30 Capital Framework report.

2. That no changes be made to the Capital Priority Model Criteria used in the development of the 2014 Capital Budget.

3. That the current framework reflects the appropriate role and participation of Council and management in the Capital Budget process.

4. That the Capital Budget be integrated with the Corporate Strategic Plan staring in the 2015 planning process.

5. **That correspondence received with respect to active transportation capital budget funding requests be referred to the October 1st capital budget meeting**.

CAFE-2013.27 Outstanding CAFE Committee Motions for the Finance & Enterprise Service Area

1. That report FIN-13-28 dated July 15, 2013, regarding outstanding motions of the Corporate Administration, Finance & Enterprise Committee, be received.

2. THAT the following motions, previously passed by the Corporate Administration, Finance & Enterprise Committee of Council, be eliminated from staff work plans and from the outstanding motion list, based on reasons provided.

   04/07/2011; "THAT Councillor Furfaro's Notice of Motion which was passed by Council July 4, 2011, be received and referred to staff; THAT staff develop and provide options to Council for promoting the Market Square area, the options to include potential programs, initiatives and partnerships with our neighbours, and that the program use $175,000 as a guideline budget limit; AND THAT this request be referred to the CAFES Committee with a direction that staff bring these options back for review by Council in Sept. 2011 taking into consideration: differentiation and weighting of businesses; if the funding can be found in the current budget; highlighting if any of the delays that were beyond the City's control."

   03/03/2011; "THAT the matter of the budget format and process be referred to the CAFES Committee for consideration."

   09/08/2010; "THAT the request from St. Joseph's Health Centre Foundation for a $1.2 million contribution to their capital campaign be referred to the 2011 budget process; AND THAT staff prepare a report prior to the budget deliberations outlining the history of health care funding in the City and previous capital campaign contributions the City had made."

   15/06/2009; "THAT staff be directed to report back to FACS with a response to the request from Westminster Square Ltd. to waive development charges for the medical clinic in Westminster Woods (33 Farley)."

   05/11/2008; "THAT the request from the Guelph & District Labour Council with respect to adopting a procurement policy with respect to Buy Canadian – Build Communities", be received; AND THAT the correspondence be referred to staff to consider in conjunction with the procurement procedures review."

05/12/2007; "THAT staff be directed to develop a policy addressing requests from community organizations for relief from development costs."

03/10/2007; "THAT staff report back to FACS with a strategy on how to address health related capital funding needs proactively."

CAFE-2013.29 Outstanding CAFE Committee Motions

1. That the report, dated July 15, 2013, regarding outstanding motions of the Corporate, Administration, Finance & Enterprise Committee, be received.

2. THAT the following motions, previously passed by the Corporate, Administration, Finance & Enterprise Committee of Council, be eliminated from staff work plans and from the outstanding motion list, based on reasons provided:

   05/12/2012; "Councillor Furfaro's motion be referred to Committee for a broad discussion around the management of FTEs and gapping. (Councillor Furfaro's motion – implement a hiring adjustment for 2013 as an effective means of reducing operating costs, and this hiring adjustment will operate on the principle of attrition, namely not replacing individuals choosing to retire)"

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 July 15, 2013 meeting.

STAFF REPORT

TO	Corporate Administration, Finance & Enterprise Services
SERVICE AREA	Finance & Enterprise Services
DATE	July 15, 2013
SUBJECT	**2013 Efficiency Target Progress Update**
REPORT NUMBER	FIN-13-31

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To provide Committee with a progress update with respect to the 2013 efficiency target approved by Council.

KEY FINDINGS
As of May 31, 2013, staff have identified approximately $126,300 in cost reductions and additional revenues that can be applied against the Council approved $500,000 efficiency target. In addition, staff have identified several initiatives that could potentially yield savings or result in new revenue opportunities. These ideas are currently being scoped and include corporate wide reviews on specific costs groups, collaboration with the City's union leadership and departmental initiatives. **Appendix One** provides a summary of the status of all initiatives.

FINANCIAL IMPLICATIONS
Should staff not reach the Council approved efficiency target, the tax supported operating budget could be in a net deficit position at year end requiring funding from a stabilization or operating reserve.

ACTION REQUIRED
That the Corporate Administration, Finance and Enterprise Services Committee receive FIN-13-31 2013 Efficiency Target Progress Update for information.

RECOMMENDATION
1. That FIN-13-31 2013 Efficiency Target Progress Update be received for information.

BACKGROUND

At the December 5, 2013 meeting of Council the following resolution was adopted by Council:

That staff be directed to meet a $500,000 efficiency target reduction as part of the 2013 Operating Budget.

This report will highlight progress made as of May 31, 2013 in terms of meeting the $500,000 target, as well as provide an overview of ideas currently being scoped.

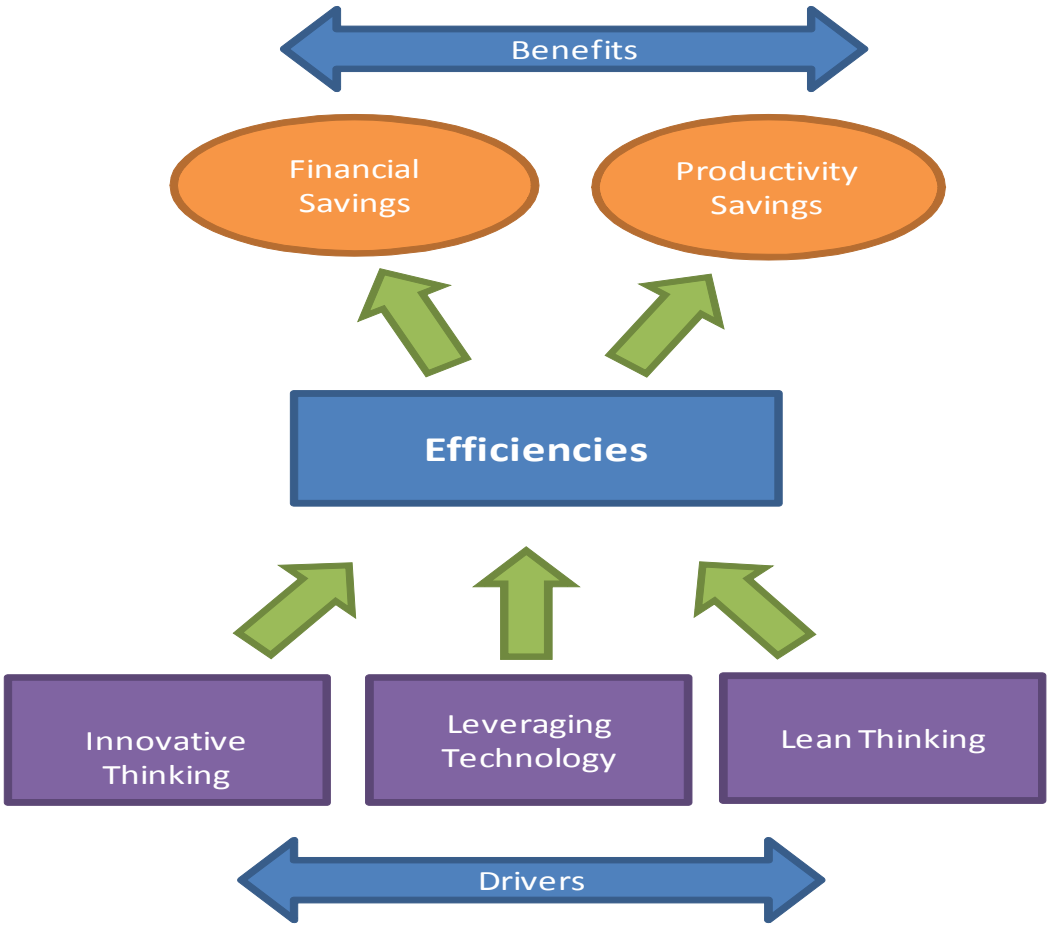
REPORT

The strategy taken by management to generate ideas that could potentially yield efficiencies was to engage staff directly and ask them for their input. Staff ideas were then shared with managers, reviewed with Finance and summarized in a document provided to the DRLT budget working group for discussion, review and input.

Through this process, it is evident that a culture of continuous improvement is being fostered and supported at the City of Guelph. As demonstrated in the diagram below, efficiencies are driven by a variety of opportunities and the financial rewards resulting from these ideas are one or two components of the benefit realized. An example of this is the implementation of electronic paystubs. By leveraging technology, the City's Human Resources department recognized print savings of $1,000 in 2013. More importantly, however, this initiative has freed up staff time across the organization to focus on other work thereby building capacity without requiring additional staff resources.

As part of staff's review, it was recognized that communication regarding efficiency measures implemented at the City should be improved so Council, members of the public and staff know what initiatives are being undertaken on an ongoing basis to make our organization leaner and more efficient.

Figure One: Efficiency Drivers & Benefits



As of May 31, 2013, staff have identified $126,300 in cost reductions and new revenue opportunities that can be applied against the $500,000 Council approved efficiency target. In addition staff are exploring additional ideas that have the potential to result in savings or additional revenue opportunities that could be applied against the target. Both the identifiable and potential cost savings and new revenue opportunities are highlighted in **Appendix 1**.

CORPORATE STRATEGIC PLAN

1.3 Build robust systems, structures and frameworks aligned to strategy.
2.3 Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

Departments were consulted on actions they have implemented to date. The report was reviewed by the DRLT Budget Group and Executive Team.

COMMUNICATIONS

The Communications department has been consulted on this report and any necessary public communications will be developed.

ATTACHMENTS

Appendix One: Summary of 2013 Efficiencies as of May 31, 2013

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Appendix One: Summary of 2013 Efficiencies as of May 31, 2013

Ref	Item	2013 Amount	Comment	Status	2014 Amount (note 1)
1	Electronic Pay Stubs	1,000	Transitioning to electronic paystubs is anticipated to save the City $1,000 in 2013. This process is currently underway and is expected to result in approximately $2,500 in savings when rolled out across the entire organization and fully annualized.	✓	2,500
2	Haul & Dispose Contract (SWR)	35,000	Savings that will be realized once the new rate for haul & disposal of Guelph's residual waste comes into effect in November 2013. Fully annualized savings of $250,000 are expected for 2014.	✓	250,000
3	Sale of GHG Credits from Guelph's Organic Waste Processing Facility (SWR)	50,000	New revenue from the sale of GHG credits realized from composting Guelph's residential SSO. The savings reflected are fully annulized and there will be nothing additional reflected in the 2014 budget for this item.	✓	50,000
4	Cart Exchange User Fee (SWR)	5,300	New revenue from Cart Exchange User fee that will come into effect July 2013. Fully annualized savings of $10,000 are expected for 2014.	✓	10,000
5	Reduced Maintenance Costs at Guelph Central Station	35,000	Represents reductions to maintenance provided by third party contractors. As Guelph Central Station is a new facility, the reduction is a result a review of required and forecasted maintenance. The savings reflected are fully annulized and there will be nothing additional reflected in the 2014 budget for this item.	✓	35,000
6	Agreement with Guelph Hydro	not known for this report	Information Technology Department is in the process of negotiating an agreement with Guelph Hydro to host their phones on the City's server system	🔍	not known for this report
7	Bell Contract	not known for this report	Information Technology Department is in the process of renegotiating the City's contract with Bell that may result in a lower annual cost	🔍	not known for this report
8	Addition of Bell Tower	not known for this report	Culture and Entertainment staff are negotiating an opportunity to have a Bell telephone tower put on top of the Sleeman Centre. The agreement would require that Bell pay the City for use of the space.	🔍	not known for this report
9	Value for Money Audits	not known for this report	The City's Internal Auditor identified several opportunities for potential cost savings in the "Value for Audit" Report presented to Audit Committee in April 2013. These include a review of overtime, training and education programming and budgets, use of consultants, and programming at City Recreation and Community Centres. As identified in the report, these reviews have the potential to contribute to the 2013 efficiency target.	🔍	not known for this report
10	Timekeeping	not known for this report	The City's Human Resources Department is currently exploring opportunities to improve efficiencies associated with timekeeping within the City. Staff will be looking at automation of exisiting manual processes as well as centralization versus decentralization of work.	🔍	not known for this report
11	Consultations with Union Leadership	not known for this report	A meeting is scheduled at the end of Q2 2013 to solicit feedback and ideas from the City's Union representatives.	🔍	not known for this report
12	Delivery of Transit Tickets and Passes	not known for this report	Transit staff are conducting a review of the current method employed to deliver transit tickets and passes to various locations.	🔍	not known for this report
13	Efficiencies within the Licensing Division	not known for this report	The By-law, Security and Licensing department is currently conducting an internal review to create efficiencies and improve customer service within the Licensing Division.	🔍	not known for this report

Legend

✓ Cost Reduction or New Revenue is Confirmed

🔍 Cost Reduction or New Revenue Idea is in Scoping Stage

Note 1: These amounts will be used to achieve the 2014 Budget target of 3.87%

STAFF REPORT

TO	CAFES Committee
SERVICE AREA	Finance and Enterprise Services
DATE	July 15, 2013
SUBJECT	**Budget Monitoring Policy**
REPORT NUMBER	FIN-13-29

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To present for approval a policy to provide a consistent framework relating to ongoing monitoring of the City's Tax Supported and Enterprise operating and capital budgets to ensure compliance with Council approved budgets and service levels.

KEY FINDINGS
The policy outlines seven guiding principles related to the monitoring of the actual operating and capital activity. The policy also identifies high level roles and responsibilities to ensure adherence to Council approved spending levels.

FINANCIAL IMPLICATIONS
The Budget Monitoring Policy does not have any direct financial implications, but failure to exercise the principles contained in the policy could have a negative impact on the safeguarding of City assets.

ACTION REQUIRED
Receipt of report number FIN-13-29 and approval of the Budget Monitoring Policy

RECOMMENDATION

1. That the FIN-13-29 Budget Monitoring Policy dated July 15, 2013, be received; and
2. That the Budget Monitoring Policy, attached as **Appendix 1**, be approved and adopted through by-law.

BACKGROUND

The Municipal Act requires municipalities to prepare and adopt budgets for each year. The operating and capital budgets include estimated expenditures and

revenues required to allow the municipality to deliver the functions approved by Council. Once the budget has been approved, no service level changes may occur without subsequent Council approval.

Best practices dictate that a government should evaluate its financial performance relative to the adopted budget. Regular monitoring of budgetary performance provides an early warning of potential problems and gives decision makers time to consider actions that may be needed if major deviations in budget-to-actual results become evident. It is also an essential input in demonstrating accountability.

City staff are committed to providing timely and accurate reporting to senior management, Council and the public. The Budget Monitoring Policy aims to provide consistent guidelines for departments with respect to managing their operating and capital budgets.

REPORT

Once the annual budget is approved by Council, actual revenues and expenditures are monitored closely to ensure compliance with the overall Council approved budget. Finance staff and department management, in consultation with the Executive Team, share a joint responsibility for this monitoring process.

The monitoring of a Service Area's budget is not limited to formal variance reporting, but is an ongoing process. The proposed Budget Monitoring Policy formalizes much of the review process that is already taking place, and establishes guiding principles and roles and responsibilities for the monitoring of the Council approved budgets and reporting of deviations from budget and the identification of risk.

The guiding principles of the Budget Monitoring Policy set a high level framework in reviewing financial information and include:

- Accountability and Transparency
- Delivery of Expected Outcomes
- Responsibility to the overall City budget
- Effective use of City funds
- Risk Management
- Timeliness
- Relevance

The Roles and Responsibilities section emphasises that since Service Area management have ultimate financial control, they have responsibility for ensuring spending within Council approved limits. Finance has responsibility to set internal controls and interpret financial information to enable management to perform the budget monitoring task.

CORPORATE STRATEGIC PLAN

1.3 Build robust systems, structures and frameworks aligned to strategy.
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 Budget Monitoring Policy

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CORPORATE POLICY AND PROCEDURE

POLICY	**Budget Monitoring Policy**
CATEGORY	Finance
AUTHORITY	Council
RELATED POLICES	Budget Policy General Reserve and Reserve Fund Policy Budget Monitoring & Capital Closing Procedure
APPROVED BY	Council
EFFECTIVE DATE	_____
REVISION DATE	_____

1. POLICY STATEMENT

It is the policy of the City of Guelph to monitor actual operating and capital activity to ensure adherence to Council approved spending and service levels.

2. PURPOSE OF POLICY

To set guidelines for monitoring operating and capital activity to ensure adherence to Council approved operating budgets, capital budgets and service levels.

3. BUDGET MONITORING PRINCIPLES

3.1 Accountability and Transparency

- As a public sector organization, the City is responsible to the taxpayers of Guelph. As such, Financial information should be presented in a transparent manner and decisions made in the best interests of the taxpayers.

3.2 Delivery of Expected Outcomes

- Financial information should provide a measure that a stated objective(s) has been met. This can mean a project is proceeding along expected timelines, that funds and grants have been used for their stated purpose, and that revenue targets have been met, and any deviation is highlighted and explained.

3.3 Responsibility to the overall City budget

- Departments and project managers should make financial decisions with regard to the overall budget of the city. Financial decisions impact other areas, and it is important to make decisions for the overall benefit of the city.

3.4 Effective use of City funds

- Financial decisions should be made in order to make the best use of available funds. This involves returning surplus funds to reserves, having funds

available to capitalize on opportunities and emerging priorities, and ensuring that money is spent on the greatest identified need.

3.5 Risk Management

- Having responsibility to the overall city budget means identifying and mitigating risks in order to minimize the impact to other departments. Over spending on capital projects can have an impact on capital reserves or operating budgets. Early identification of projects at risk of going over budget is important to mitigate these risks.

3.6 Timeliness

- Financial information must be presented in a timely manner following the period in which it relates in order to facilitate decision making and to mitigate risks.
- Financial information must be monitored regularly and formal reports presented at periodic intervals in order to mitigate risks.

3.7 Relevance

- Financial Information should be presented in only as much detail as necessary in order to facilitate decision making or to understand financial impacts. Information should be reliable, easy to understand, and presented in a consistent manner to enable comparisons

4. ROLES AND RESPONSIBILITIES

The monitoring of a Service Area's budget is not limited to formal variance reporting, but instead is an ongoing process. Ensuring that spending is within the Council approved budget is the responsibility of the Service Area. **The following roles have budget responsibilities as listed:**

Role	Role Responsibilities
Municipal Council	• Ultimate responsibility for City spending. Sets annual budget and service levels for staff to operate under. Any change in budget, service level or use of reserves must be approved by Council.
Chief Administrative Officer (CAO)	• To direct, in co-operation with the Chief Financial Officer and the Executive Team, the preparation and presentation of the operating and capital budget. • To exercise financial control over all Corporate operations in conjunction with the Chief Financial Officer, to ensure compliance with the annual estimates of revenue and expenditure approved by Council.
Executive Team (ET)	• Monitors financial information for City wide impacts and in consultation with the CAO and CFO approves actions to mitigate unfavorable variances. Each Executive Director has ultimate responsibility of their respective Service Area's budget.
Direct Report Leadership Team (DRLT)	• Overall accountability for the departmental budget. General oversight and monitoring of expenses to ensure adherence to the approved budget. Identification of risk and recommendation of mitigation measures to ET.

Department Managers	• Day to day approval of divisional expenditures, identification of risk and communication of issues to GM.
CFO and Finance Staff	• CFO - Makes recommendations to Council for in year budget changes and transfer of reserves at year end. • Finance staff provide expertise and guidance to Executive Team and Department Management to assist them in effectively managing their Budget.

5. OPERATING VARIANCE REPORTING

5.1 - Purpose

Once the Annual Budget is produced, actual expenditures are monitored and compared against budget. While some differences are expected, variances should not be considerably above or below budget. Departments are provided with regular financial reports outlining their pro-rated year to date budget which compares to their year to date expenditure in order to monitor their budget.

6. CAPITAL VARIANCE REPORTING

6.1 Purpose

Once a Capital Project is approved it is expected that it will be completed in a timely manner, within the approved budget and scope, and will deliver the expected outcome to the taxpayers.

Project Managers are provided with regular reports on the lifetime to date expenditures of their projects against approved budgets. This information allows them to identify potential financial or timeline related variances that may arise over the life of the project.

7. CONSISTENCY WITH GOVERNANCE FRAMEWORK

This policy was created to be consistent with the City's overall Governance Framework. In particular, the following governance principles have been incorporated to develop the principles contained in this policy:

- Accomplishment and Measurement
- Empowerment and Accountability
- Communication and Transparency

Capital Budget Framework

- Internal Staff Process
- Capital Budget Points of Council Input
- Report Recommendations

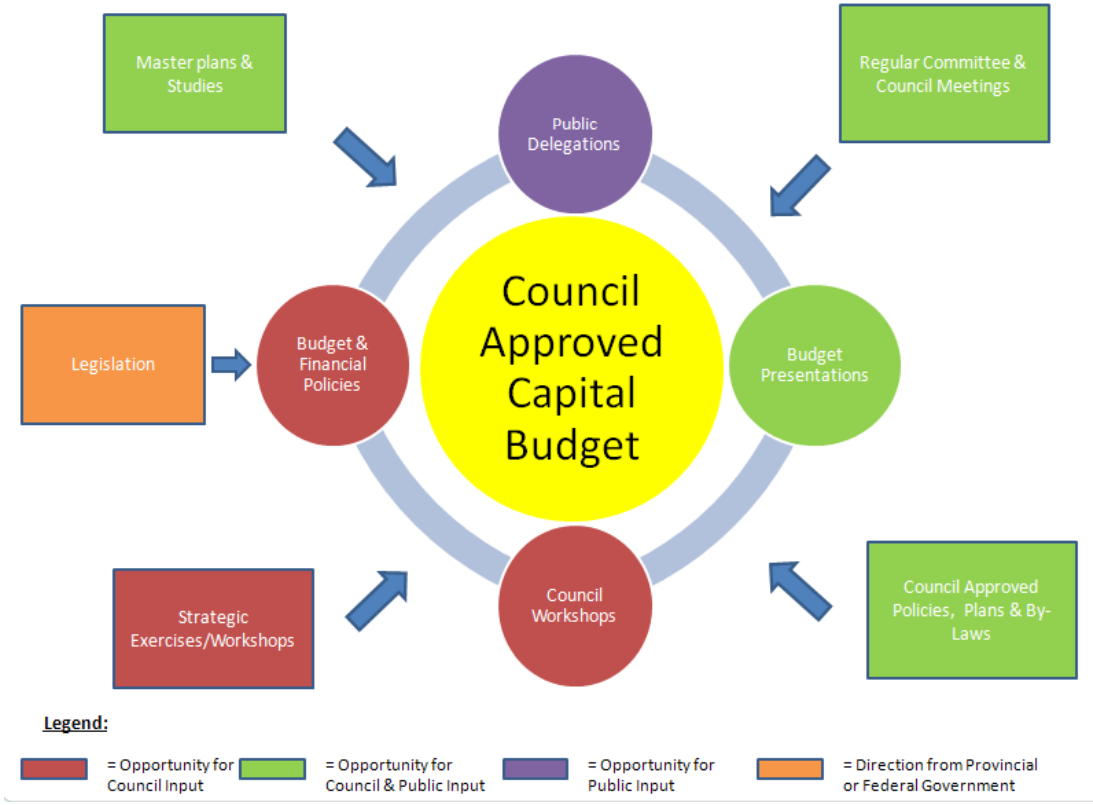
Internal Staff Process

- Capital Priority Model
- Cross departmental budget team
- 10-yr fully funded capital budget and forecast
- Two nights for delivery and approval of budget

Capital Budget Points of Council Input

- Master Plans and Studies
- Strategic exercises and workshops
- Council approved policies
- Regular Committee and Council meetings

Capital Budget Framework from an Oversight Perspective



Report Recommendations

THAT the Corporate Administration, Finance and Enterprise Services Committee receive the FIN-13-30 2014 Capital Budget Framework report;

AND THAT no changes be made to the Capital Priority Model Criteria used in the development of the 2014 Capital Budget;

AND THAT the current framework reflects the appropriate role and participation of council and management in the Capital Budget process;

AND THAT the Capital Budget be integrated with the Corporate Strategic Plan starting in the 2015 planning process.

Questions

STAFF REPORT

TO	Corporate Administration, Finance and Enterprise Services
SERVICE AREA	Finance & Enterprise
DATE	July 15, 2013
SUBJECT	**2014 Capital Budget Framework**
REPORT NUMBER	FIN-13-30

EXECUTIVE SUMMARY

PURPOSE OF REPORT

The purpose of this report is to provide Committee and members of Council with a high level overview of the City's existing capital budget framework. Through this framework, staff will inform Council of the points of input available to them with regards to the City's 10-year capital budget and forecast.

This report also reports back on motions raised in the 2013 budget deliberations such as active transportation and parks and trails funding. Both of these services have been identified as areas of concern by members of Council and the public during past budget cycles.

KEY FINDINGS

The City's current capital framework offers several opportunities for Council to provide input on the 10-year capital budget and forecast. While changes to the framework over the last two years have facilitated this, communication has been focused on improvements to technical issues rather than oversight requirements. Opportunities for input directly incorporated into the capital budget process include workshops, budget presentations scheduled two months in advance of Council approving the budget, budget and financial policies approved by Council and a public delegation meeting.

In addition, Council and members of the public have other opportunities to have input into the budget process through:

- Council approved master plans and studies Eg. Cycling Master Plan
- Strategic Exercises and Workshops Eg. Corporate Strategic Plan Workshops
- Council Approved Policies, Plans and By-Laws Eg. General Operating and Capital Budget Policy
- Regular Committee and Council meetings where members of the public are welcome to attend as delegates

In addition, over the past two budget cycles, Council has passed several resolutions regarding items they would like staff to report back on either for the

current budget process or in future budgets. Two examples where Council has shown significant concerns are funding for active transportation and parks and trails projects. As highlighted in the examples included in the report, staff have been allocating financing to active transportation and parks and trails; however, this has not always been clearly identified in the budget documents. It is recognized that these concerns and subsequent actions needs to be better documented.

FINANCIAL IMPLICATIONS
There are no financial implications resulting from this report.

ACTION REQUIRED
THAT the Corporate Administration, Finance and Enterprise Services Committee receive the FIN-13-30 2014 Capital Budget Framework report;

AND THAT no changes be made to the Capital Priority Model Criteria used in the development of the 2014 Capital Budget;

AND THAT the current framework reflects the appropriate role and participation of council and management in the Capital Budget process;

AND THAT the Capital Budget be integrated with the Corporate Strategic Plan starting in the 2015 planning process.

RECOMMENDATION

THAT the Corporate Administration, Finance and Enterprise Services Committee receive the FIN-13-30 2014 Capital Budget Framework report;

AND THAT no changes be made to the Capital Priority Model Criteria used in the development of the 2014 Capital Budget;

AND THAT the current framework reflects the appropriate role and participation of council and management in the Capital Budget process;

AND THAT the Capital Budget be integrated with the Corporate Strategic Plan starting in the 2015 planning process.

BACKGROUND

Beginning with the 2012 budget process, staff and Council have worked collaboratively to improve the City's budgeting process from a technical perspective, including significant improvements to the capital budget process. As part of the on-going review, several best practices have been incorporated into the capital budget process including:

- utilization of a staff developed prioritization model,
- formation of a cross departmental budget team that delegates decision making authority to members of the direct report leadership team freeing up time for the Executive Team to focus on strategic planning,
- introduction of the concept of a 10-year fully funded capital budget and forecast which requires staff to bring forward a budget in which each project included has an indentified funding source that is within Council and legislative approved policy guidelines,
- scheduling two separate nights for presentation and subsequent approval of the capital budget and forecast to provide greater opportunity for review, feedback and input.

As a result, the City has developed a robust capital framework that is serving the City well from a technical perspective and utilizes the in-house expertise of staff across the organization. From this perspective, staff are not recommending any changes to the existing capital budget process.

However, stemming from discussions over the past few months, it has been recognized that the capital budget process has been focused on the technical nature of the process and has not offered sufficient information with respect to points of input currently available to members of Council and the public.

REPORT

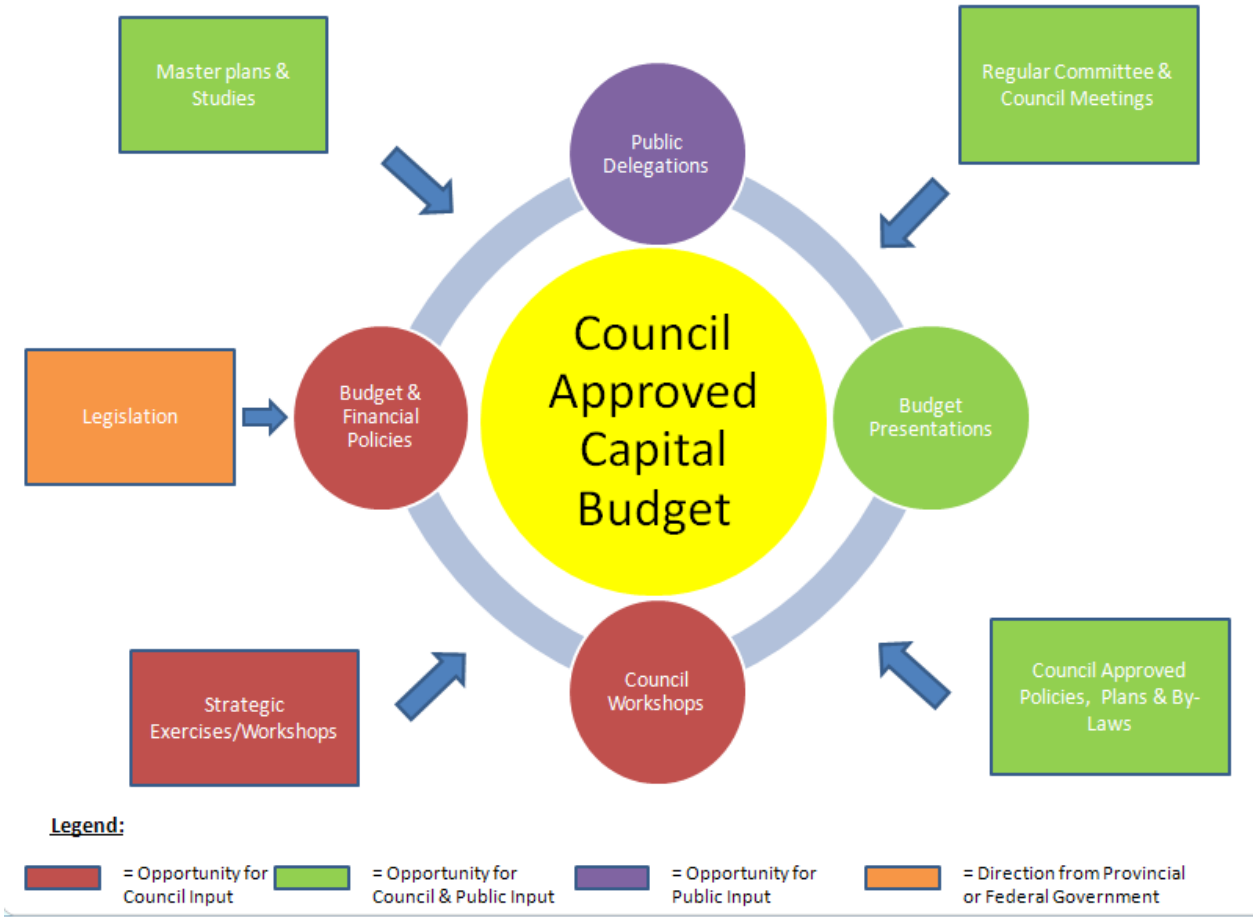
The City's capital budget process is informed by numerous policies, master plans, legislation, and strategic exercises. The diagram that follows, and is also attached as **Appendix 1** to this report, highlights the opportunities for input that Council and members of the public have with respect to the City's capital budget.

The four circles immediately surrounding the capital budget represent input opportunities that are built into the City's budget process. These are opportunities for Council and members of the public to comment on the staff recommended capital budget and provide input or feedback on recommendations staff have made with respect to the scope, timing and amounts for projects included (or excluded) from the ten year capital budget and forecast, as well as any related financing decisions. New for 2013, is the opportunity for the public to delegate at the 2014 Capital Budget Presentation scheduled for October 1, 2013. This was decided at the May 27, 2013 Council meeting and is reflective of Council's role of establishing the level of public engagement as outlined in the Council approved "**General Operating and Capital Budget Policy**".

The five squares outside of the City's budget process represent points of input that have the opportunity to influence or guide the development of the capital budget. While Council does not have control over changes to or introduction of new legislation, it is important to note the impact this can have on the City's limited funding resources. For example, the province changing legislation related to the number of kilometres an ambulance can drive before it has to be decommissioned can lead to the City needing to replace ambulances faster thereby moving up the timing and increasing the cost of a project(s) within the 10-year capital budget and forecast.

In addition, Council approved master plans, policies, plans and strategies play a significant role in guiding the development of the capital budget, as well as resolutions and direction resulting from regularly scheduled committee and Council meetings which are open to public delegations.

Figure 1: Capital Budget Framework from an Oversight Perspective



Due to the complex nature of financing capital projects, it is important that any changes to the staff recommended capital budget and forecast be done in advance of the night Council approves the City's capital budget. This gives staff the opportunity to fully review the forecast and subsequent financing and provide a complete recommendation on what can be done to accommodate any changes that are requested including the addition, cancellation, delay or change of scope to projects within the forecast. **Appendix 2** provides an overview of the funding sources used to pay for the City's capital projects and their limitations.

In addition, through each capital budget process, Council moves resolutions directing staff to report back either in the current or through future budgets on items that are identified as requiring additional attention. These resolutions are often a direction to provide additional information so an informed decision can be made by Council or to reflect specific capital works in future budgets. In the below sections, status updates are provided on two areas that Council has indicated are of concern.

Active Transportation:
During the 2013 budget process and at the May 2013 Council meeting, concerns were raised by members of the public and Council regarding the level of funding that has been allocated to projects that support active transportation. As a result of these concerns Council passed the following resolution:

"That funding for active transportation be included in the 2014 – 2022 Tax Supported Capital Forecast."

Resulting from this recommendation, staff noted that funding for active transportation is included in the capital budget, but is not easily identifiable within the 10-year forecast. For example many of the Road reconstruction or expansion projects include budget for the inclusion of bicycle lanes and sidewalks (eg. RD0271 Stone Road: Monticello to Victoria). For the 2014 – 2023 Capital Budget and Forecast, staff will ensure that projects that result in active transportation opportunities are better identified in the budget document.

Parks and Trails:
Council also identified funding for parks and trails as a concern during the 2012 budget process and passed the following resolution:

"Whereas the citizens of Guelph have clearly stated their desire and preference for more trails as part of the recreational services offered;

That staff, as part of the development of the 2013 capital budget be directed to give greater emphasis to trail development within the Operations and Transit Service Area."

Through the 2013 budget, staff responded by increasing funding in the 2013 budget, as well as reprioritized work to be more reflective of Council's priorities, including accelerating funding for the trail connection near the Wastewater Treatment Plant Trail. However, this was not clearly reflected in the budget documents that were brought forward to Council.

CORPORATE STRATEGIC PLAN

1.3 Build robust systems, structures and frameworks aligned to strategy.
2.3 Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION

The City's Executive Team was consulted on this report.

COMMUNICATIONS

The Communications department has been consulted on this report and any necessary public communications will be developed.

ATTACHMENTS

Appendix 1: Capital Budget Framework from an Oversight Perspective
Appendix 2: Capital Funding Overview

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Appendix One: Capital Budget Framework from an Oversight Perspective



Legend:

= Opportunity for Council Input

= Opportunity for Council & Public Input

= Opportunity for Public Input

= Direction from Provincial or Federal Government

Appendix 2: Capital Funding Overview

Overview

The sources of funding for capital projects are many and varied, and during the process of developing the annual capital budget for presentation to Council much work is put into balancing the availability of funds from these various sources. During Council deliberations regarding the capital budget, discussion generally revolves around which projects are in and which projects were not included for various reasons. Frequently projects may be included or excluded depending on the source of funding and its availability in a particular year. This appendix is intended as an informational source regarding the opportunities and constraints on the various sources of funding.

The focus will be on the Tax Supported Capital Budget and the various sources of funding available for the projects contained within it. A project may be supported by a single source, but the majority are funded from two or more sources. This added complexity increases the amount of work required to balance the various sources of capital money. Therefore a better understanding of the uses and constraints of each will allow Council to better evaluate the proposed capital budget.

Sources of Funding

<u>Direct Tax Supported</u>

Projects supported can range from replacement and renewal activities to service expansion due to growth and even the introduction of new facilities or services.

In terms of replacement and renewal these funds are focused on replacement and major repair of equipment, facilities and infrastructure which the City already owns. These funds are needed on an annual basis to ensure that the City is able to deliver the services it is currently providing to existing tax payers.

For service expansion projects due to growth the first source of funding is generally Development Charges (DC) (see below), however due to limitations in the provincial Development Charges Act (DC Act), certain portions of these projects may need to be funded from City revenues for a number of reasons. Each project is evaluated on its eligibility for DC funding and the balance is generally funded from tax revenue.

When the City looks at introducing new facilities or services requiring capital assets or expanding activities not covered by the DC Act, the burden falls to current tax payers through direct tax supported capital contributions unless 3rd party sources can be secured.

Although the City is free to use these funds as needed, there exist certain guidelines and principles that direct the allocation of the funds across the above types of projects.

Own Revenue

In some situations specific assets or activities may generate their own sources of capital revenue, either through fees or donations/sponsorships. This applies to the Library Board and major recreation and cultural facilities such as the River Run Centre and Sleeman Centre. A portion of their fees or direct donations/sponsorships are contributed to reserve funds specifically earmarked to provide for capital renewal spending or future expansion activities.

External Partner

As we partner with a number of local agencies and other levels of Government we manage capital projects which provide services to not only the citizens of Guelph but also a larger community outside of the City boundaries. In these cases the external partner will provide funding based on a formula designed to distribute the costs equitably amongst those that benefit from it. Examples of this include Land Ambulance services and projects related to the Grand River watershed.

We also from time to time partner with local developers to expand City infrastructure projects to incorporate their needs in order to save both ourselves and the developer time and money. This includes projects where items such as additional turning lanes, sidewalks, sewer and water services are installed earlier then needed as part of a larger City project in order to avoid the inconvenience and added cost of doing the works in the near future. In these instances the developer contributes the amount equal to the work that would not normally be undertaken by the City.

Grant Funding

There are two main scenarios for Grant funding; upfront funding with follow up reporting, or as completed reimbursement of expenses.

In the first instance an allotment is made by the granting body or an application is made for funds. The funds are received at scheduled times regardless of stage of the project. However, follow up reporting is required to ensure funds are not recalled or future eligibility for funds is not terminated. The Federal Gas Tax program and the Municipal Infrastructure Investment Initiative (MIII) are examples of this type of funding. The funds may be provided for a specific project or for certain types of capital activities.

The second type provides for funding based on a formula up to a maximum amount. In order to receive funding, eligible expenditures must have occurred and

reimbursement is requested through the approving agency. The recent Infrastructure Stimulus Funding (ISF) program is an example of this. If the City does not spend the money on the approved project the funding is not provided.

Development Charges

Development Charges (DCs) are a way for growth projects to be paid for by the growth that is requiring the expanded services. In order for a project to receive DC funding it must be included in a DC Background Study (currently underway for 2014), indicating the share of the project that will benefit growth. In addition the Municipal DC Act stipulates other reductions based on various criteria. The result is that the majority of growth related projects receive less than 100% of their funding from growth and must rely on additional funding from tax supported sources in order to fund the balance. Each growth related project is unique in its ratio of DC funded to non-DC funded portion.

Debt

Borrowing to fund current capital projects allows for the distribution of the costs over a number of years and to future tax payers who may benefit from the project. The additional cost of interest on these projects limits the ability of the City to spend on future capital projects and the long term nature of the repayment may reduce the City's flexibility in future years. The City has a Debt Policy which sets out the guidelines on the types of projects that are eligible for debt funding, as well the Provincial Government sets out constraints regarding the amount of debt a municipality may take on.

Please include this letter as part of delegation for budget CAFE meeting on July 15. Thank you.

My name is Yvette Tendick and I am president of Guelph Coalition for Active Transportation. Our mandate is to increase the quantity, quality and safety of Active Transportation in Guelph.

We recently received a letter from Ruth Sethi, Director of Community Health and Wellness, from the Wellington-Dufferin-Guelph Public Health, endorsing our effort to increase the level of active transportation in Guelph, and to support the need for good active transpiration infrastructure in Guelph.
Attached is the letter written by Ms. Sethi.

Thank you very much for your time

Yvette Tendick
Guelph Coalition for Active Transportation

Public Health

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www.wdghu.org
info@wdghu.org

Wellington-Dufferin-Guelph Public Health

July 9, 2013

Dear Guelph Coalition for Active Transportation,

On behalf of Wellington-Dufferin-Guelph Public Health (WDGPH) I would like to commend you on your efforts to advance active transportation within the City of Guelph. WDGPH's mandate is to improve the health of communities and individuals through promotion, protection, and prevention. Specifically, we promote healthy lifestyle behaviours, which include active living and active transportation, for the reduction of chronic disease and illness. With your advocacy efforts for local trails and safe cycling, your work is contributing to our overall mandate.

Within Ontario, active transportation and the overall built environment is a priority for improving health (both physical and mental) and reducing health and social costs. In the 2004 Chief Medical Officer of Health's report *Healthy Weights, Healthy Lives,* it is recognized that current communities promote obesity because of the lack of opportunities to be physically active everyday. Thus, the built environment has been identified as a strategic goal of *Make No Little Plans – Ontario's Public Health Sector Strategic Plan* (2012). Within this strategic plan, it makes specific reference to characteristics that promote or discourage positive health. For example:

- "Policies that promote active transportation (e.g., walking, cycling, strollers, wheelchairs) and public transportation reduce car use and make communities more walkable, which can help achieve provincial health goals such as reducing diabetes and childhood obesity.
- Poor design of roadways, sidewalks and stairways can discourage walking while obstacles, such as potholes in sidewalks and roads and poor lighting, can increase falls and injuries.
- The built environment affects air quality, safety and social connectivity – all key to individual and community health."

Consequently, all sectors and levels of government must work together to address the issue of the built environment so that we can improve the overall quality of life for our residents. We thank you again for your hard work towards enhancing safe routes and trails within the City of Guelph.

Sincerely,

Rita Sethi, RN, BScN, MPA
Director of Community Health & Wellness
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Rita.sethi@wdgpublichealth.ca
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Memo To: CAFÉ Meeting Committee
From: Scott Doern
Re: Funding for Active Transportation
Date: July 15, 2013

As a resident of the East side of Guelph and Chair of Ken Danby PS Parent Council, I have been in communication with Councilors Bob Bell, Jim Furfaro and Cam Gutherie regarding the needs of our community.

On Wednesday June 26th our community walked to school in large numbers to support the following needs:

1. Pedestrian Activated traffic light at the intersection of Watson & Flemming Road
2. Crossing guard for Watson & Grange
3. Sidewalks on Watson Parkway that will continue directly to the East side library.
4. Speed limit reduction to 50km for Watson Parkway from York Rd to Wellington Rd 24
5. Speed limits reduced to 40km in all school zones across Guelph.

Attached is a PDF of an article from the Guelph Tribune that highlights some of our efforts. Of particular note is the following paragraph:

"I'm here to support the efforts of the parents, because safety is a worthy cause," said Ward 1 councilor Jim Furfaro **as a large dump truck barreled through a red light behind him.**

Not knowing that the protocol had changed regarding community input at the CAFÉ Meetings, I am not able to speak directly to these issues. However, I am quite sure that the Councilors will be able to articulate the above needs to ensure that these items are put into the proposed budget.

Sincerely,
Scott Doern

Thursday, June, 27, 2013 - 10:10:14 AM

Tribune photo by Megan Christensen



Parents of Ken Danby Public School and Holy Trinity Catholic School students want to see safer street crossings for next September.

Walk to school highlights need for safer school crossings

By Megan Christensen Guelph Tribune Dozens of concerned parents and their children were out at the intersection of Watson Parkway and Grange Road on Wednesday morning to bring awareness of road safety and the needs of a growing community. “I’m here to support the efforts of the parents, because safety is a worthy cause,” said Ward 1 councillor Jim Furfaro as a large dump truck barrelled through a red light behind him. Furfaro explained to Scott Doern, the demonstration’s organizer and the chair of Ken Danby school’s parent council, that money needs to be set aside for a crossing guard. He encouraged Doern to attend a July 15 meeting where city staff will be gathering public input for the next budget. Doern and other parents want to see a longer crossing light and a crossing guard at the intersection for extra security. The light signal needs to be longer, said area resident and father Ed Veldman. “A crossing guard would be good, really good,” he said. Another parent, Wendy Owens, said she would definitely feel much safer if a guard were at the light. “We get big trucks that don’t slow down,” she said. “I think some of them don’t even remember that there is a light here.” Upper Grand District School Board chair Mark Bailey attended the demonstration as an interested observer. “I’m supportive of Scott’s initiative, and I think this corner does need a crossing guard,” Bailey said. “We’ll see what the city decides.” Another intersection in need of attention is where Fleming Road crosses the four-lane parkway, Doern said. He said there is no light or crosswalk there now, but families still cross there, The next step is to attend the July 15 meeting to express the urgent need of the growing community, said Doern. “We just have to keep pushing the buttons,” he said.

STAFF REPORT

TO	Corporate Administration, Finance & Enterprise Committee
SERVICE AREA	Finance & Enterprise Services
DATE	July 15, 2013
SUBJECT	**Outstanding CAFE Committee Motions for the Finance & Enterprise Service Area**
REPORT NUMBER	FIN-13-28

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To advise the Corporate Administration, Finance & Enterprise Committee of the status of all outstanding Committee resolutions, and to advise the Committee if there are any outstanding resolutions that may no longer be of community and Council interest.

KEY FINDINGS
Staff are continuing to plan work required to address outstanding motions previously passed by the Committee. In some cases, motions previously passed may no longer be of community interest or have the same level of priority, based on more recent events or circumstances.

Staff have reviewed all outstanding motions and are recommending that 7 outstanding motions no longer be given priority for staff/budgetary resources and be eliminated from the outstanding motion list. A further 4 items are being recommended to remain on the outstanding motion list and continue to be resourced in accordance with the approved annual budget. The status of all outstanding motions is provided.

FINANCIAL IMPLICATIONS
There are no direct financial implications.

ACTION REQUIRED
To be advised of the status/timing of all outstanding CAFE Committee motions and to update the outstanding motion list by eliminating any motions no longer of priority to the Committee.

RECOMMENDATION

"That report FIN-13-28 dated July 15, 2013, regarding outstanding motions of the Corporate Administration, Finance & Enterprise Committee, be received;

THAT the following motions, previously passed by the Corporate Administration, Finance & Enterprise Committee of Council, be eliminated from staff work plans and from the outstanding motion list, based on reasons provided."

04/07/2011; "THAT Councillor Furfaro's Notice of Motion which was passed by Council July 4, 2011, be received and referred to staff;

THAT staff develop and provide options to Council for promoting the Market Square area, the options to include potential programs, initiatives and partnerships with our neighbours, and that the program use $175,000 as a guideline budget limit; AND THAT this request be referred to the CAFES Committee with a direction that staff bring these options back for review by Council in Sept. 2011 taking into consideration: differentiation and weighting of businesses; if the funding can be found in the current budget; highlighting if any of the delays that were beyond the City's control."

03/03/2011; "THAT the matter of the budget format and process be referred to the CAFES Committee for consideration."

09/08/2010; "THAT the request from St. Joseph's Health Centre Foundation for a $1.2 million contribution to their capital campaign be referred to the 2011 budget process; AND THAT staff prepare a report prior to the budget deliberations outlining the history of health care funding in the City and previous capital campaign contributions the City had made."

15/06/2009; "THAT staff be directed to report back to FACS with a response to the request from Westminster Square Ltd. to waive development charges for the medical clinic in Westminster Woods (33 Farley)."

05/11/2008; "THAT the request from the Guelph & District Labour Council with respect to adopting a procurement policy with respect to Buy Canadian – Build Communities", be received; AND THAT the correspondence be referred to staff to consider in conjunction with the procurement procedures review."

05/12/2007; "THAT staff be directed to develop a policy addressing requests from community organizations for relief from development costs."

03/10/2007; "THAT staff report back to FACS with a strategy on how to address health related capital funding needs proactively."

BACKGROUND

For some time, with input from the Clerk's Department, a record of outstanding motions of Committee has been maintained. The Executive Team has decided to bring to each Committee of Council an update of all outstanding motions. The biannual report may include recommendations, where appropriate, to eliminate from the list any outstanding motions that may no longer be of priority to the Committee. The current report is the first biannual report.

REPORT

Please find attached for information the outstanding motion list for the CAFE Committee, including the status of the work and the timing, when available, for when the work may be completed.

In addition, below is a discussion of the 7 outstanding motions that may no longer be of priority to the Committee. Staff are recommending to Committee that work cease on these items and that they be eliminated from the outstanding motion list.

04/07/2011; Issue has been addressed.
Recommendation passed at the September 6, 2011 Council Meeting. DGBA received grant money to manage promotional program and report back.

03/03/2011; Issue has been addressed.
Budget format has been adjusted per feedback received from Council following the 2011 budget. In 2012 there was a debrief process to address concerns and receive input. A similar debrief occurred in early 2013 following the approval of the budget.

09/08/2010; Issue has been addressed.
St. Joseph's has delegated at Public Delegation night in 2012 and 2013. Due to other health care funding commitments the grant has not been awarded. The history of Health Care spending was outlined in a report provided to Council as part of the Community Investment Strategy undertaken by Community and Social Services. We also provided an overview of health care spending as part of the 2013 budget package (see Appendix C - 2013 Tax Supported Q&A's (pg. 5)).

15/06/2009; Issue has not been addressed and does not need to be addressed.
As at Dec 7, 2012 the building has not been initiated. Non-compliance issues with the Site Plan Approval regarding the first 2 buildings on the site have not been resolved; this may be one reason why the DC issue on the 3rd building has remained outstanding. The "medical clinic" referred to is the Guelph Family Health Team which occupies offices at multiple locations throughout the city including the Village By the Arboretum for which DC's were paid in 2003. In fact,

all of their offices are located within buildings for which impost or DC/s have been paid. When the Developer continues with this building, if the Guelph Family Health Team is still interested in becoming their tenant, there are no grounds to exempt them from paying DC's.

05/11/2008; Issue has been addressed.
This issue had been addressed verbally by the former CFO. Per the CFO's verbal update, reporting on the City of Guelph procurement of goods and services for monies spent, percentage of Canadian dollars expended, etc. is now included in the City's annual Making a Difference Report. Consideration for fair trade concerns is also made within the trade agreements that the City is governed under.

05/12/2007; Issue has been addressed.
Corporate Policy effective Sept 2012 entitled "Community Wellbeing Grant Program" was issued by CSS as part of their 2013 Wellbeing Grant Program. Policy describes the procedure to be followed by not-for-profit community groups and agencies to apply for a grant which they may then use to pay their DC's.

03/10/2007; Issue has been addressed.
This is included in the scope of the Community Investment Strategy (CSS responsibility)

CORPORATE STRATEGIC PLAN
Innovation in Local Government
2.3 Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION
Community and Social Services
Executive Team

COMMUNICATIONS
N/A

ATTACHMENTS
Attachment 1: Finance & Enterprise Services Outstanding Resolutions

"original signed by Al Horsman"

_____

Approved and Recommended By
Al Horsman
Executive Director and CFO
Finance and Enterprise Services
519-822-1260 ext 5606
al.horsman@guelph.ca

FINANCE AND ENTERPRISE SERVICES

(Council/Committee Outstanding Items) **FIN-13-28 Attachment 1**

Date	Resolution	Contact/Dept	Status
FINANCE AND ENTERPRISE SERVICES			
April 29, 2013 Council	That Property Tax Policy, specifically as it relates to all classes ratio, be looked at to establish a long term objective and rationale for these categories in advance of the next tax policy annual review. (2013 Property Tax Policy)	Finance & Enterprise (Gail)	Tentatively Dec 2013; will have report done by consultant and they will present to Council.
April 29, 2013 Council	That staff report back in September 2013 with results of their additional research on growth (volume) measures. (2014 Budget Workshop Follow-up and Responses)	Finance & Enterprise (Al/Katrina)	Will be included in the report to Council in the 2014 Tax Supported Operating Budget on November 5, 2013.
September 24, 2012 Council	That a summary of the costs and benefits associated with late night downtown bars be referred to the CAFE Committee for discussion and direction to staff; And that a summary of the costs and benefits associated with late night downtown bars be undertaken following the pilot program; And that the matter of preparing the report be referred to the Manager of Downtown Renewal to report back to CAFE Committee.	Finance & Enterprise (Downtown Renewal) (Ian P)	May 2013 – draft report developed and discussed with the Executive Team. Additional research and community development work underway to bring forward a successful recommendation on the issue. Targeting the report for July.
January 9, 2012	Staff requested to report back to Committee with a policy relating to operating variance reporting.	Finance (Sarah)	Issue has been partially addressed. A budget calendar indicating dates that Council would receive formal variance reports was produced in 2012 and 2013. The Operating and Capital Budget Monitoring Policy is scheduled to go forward in Q2 2013 for ET/Council approval per Al Horsman's direction.
July 4, 2011 (Council)	THAT Councillor Furfaro's Notice of Motion which was passed by Council July 4, 2011, be received and referred to staff. THAT staff develop and provide options to Council for promoting the Market Square area, the options to include potential programs, initiatives and partnerships with our neighbours, and that the program use $175,000 as a guideline budget limit; AND THAT this request be referred to the CAFES Committee with a direction that staff bring these options back for review by Council in Sept. 2011 taking into consideration: differentiation and weighting of businesses; if the funding can be found in the current budget; highlighting if any of the delays that were beyond the City's control.	Downtown Renewal(Ian P)	Issue has been addressed. Recommendation passed at the September 6, 2011 Council Meeting. DGBA received grant money to manage promotional program and report back.

Date	Resolution	Contact/Dept	Status
March 3, 2011	THAT the matter of the budget format and process be referred to the CAFES Committee for consideration.	Finance (Sarah)	Issue has been addressed. Budget format has been adjusted per feedback received from Council following the 2011 budget. In 2012 there was a debrief process to address concerns and receive input. A similar debrief occurred in early 2013 following the approval of the budget.
August 9, 2010	THAT the request from St. Joseph's Health Centre Foundation for a $1.2 million contribution to their capital campaign be referred to the 2011 budget process; AND THAT staff prepare a report prior to the budget deliberations outlining the history of health care funding in the City and previous capital campaign contributions the City had made.	Finance (Sarah)	Issue has been addressed. St. Joseph's has delegated at Public Delegation night in 2012 and 2013. Due to other health care funding commitments the grant has not been awarded. The history of Health Care spending was outlined in a report provided to Council as part of the Community Investment Strategy undertaken by Community and Social Services. We also provided an overview of health care spending as part of the 2013 budget package (see Appendix C - 2013 Tax Supported Q&A's (pg. 5)).
June 15, 2009	THAT staff be directed to report back to FACS with a response to the request from Westminster Square Ltd. to waive development charges for the medical clinic in Westminster Woods. (33 Farley)	Finance (Wendy, Mary)	Issue has not been addressed and does not need to be addressed. As at Dec 7, 2012 the building has not been initiated. Non-compliance issues with the Site Plan Approval regarding the first 2 buildings on the site have not been resolved; this may be one reason why the DC issue on the 3rd building has remained outstanding. The "medical clinic" referred to is the Guelph Family Health Team which occupies offices at multiple locations throughout the city including the Village By the Arboretum for which DC's were paid in 2003. In fact, all of their offices are located within buildings for which impost or DC/s have been paid. When the Developer continues with this building, if the Guelph Family Health Team is still interested in becoming their tenant, there are no grounds to exempt them from paying DC's.
November 5, 2008	THAT the request from the Guelph & District Labour Council with respect to adopting a procurement policy with respect to Buy Canadian – Build Communities", be received; AND THAT the correspondence be referred to staff to consider in conjunction with the procurement procedures review.	Finance (Bill Stewart)	Issue has been addressed. This issue had been addressed verbally by the former CFO. Per the CFO's verbal update, reporting on the City of Guelph procurement of goods and services for monies spent, percentage of Canadian dollars expended, etc. is now included in the City's annual Making a Difference Report. Consideration for fair trade concerns is also made within the trade agreements that the City is governed under.

Date	Resolution	Contact/Dept	Status
December 5, 2007	THAT staff be directed to develop a policy addressing requests from community organizations for relief from development costs.	Finance (Wendy)	Issue has been addressed. Corporate Policy effective Sept 2012 entitled "Community Wellbeing Grant Program" was issued by CSS as part of their 2013 Wellbeing Grant Program. Policy describes the procedure to be followed by not-for-profit community groups and agencies to apply for a grant which they may then use to pay their DC's.
October 3, 2007	THAT staff report back to FACS with a strategy on how to address health related capital funding needs proactively.	Finance (Sarah)	Issue has been addressed. This is included in the scope of the Community Investment Strategy (CSS responsibility)

STAFF REPORT

TO	Corporate, Administration, Finance & Enterprise Committee
SERVICE AREA	Corporate & Human Resources
DATE	July 15, 2013
SUBJECT	**Outstanding Motions of the Corporate, Administration, Finance & Enterprise Committee**
REPORT Number	**CHR-2013-28**

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To advise the Corporate, Administration, Finance & Enterprise Committee of the status of all outstanding Committee resolutions pertaining to Corporate & Human Resources and to advise the Committee if there are any outstanding resolutions that may no longer be of Council interest.

KEY FINDINGS
Staff are continuing to plan work required to address outstanding motions previously passed by the Committee. In some cases, motions previously passed may no longer be of interest or have the same level of priority based on more recent events or circumstances.

Staff have reviewed all outstanding motions and are recommending that those outstanding motions indicated under the Recommendation heading of this report no longer be given priority for staff/budgetary resources and be eliminated from the outstanding motion list. The status of all outstanding motions is provided.

FINANCIAL IMPLICATIONS
None

ACTION REQUIRED
To be advised of the status/timing of all outstanding Corporate, Administration, Finance & Enterprise Committee motions pertaining to Corporate & Human Resources and to update the outstanding motion list by eliminating any motions no longer of priority to the Committee.

STAFF REPORT

RECOMMENDATION

That the report dated July 15, 2013, regarding outstanding motions of the Corporate, Administration, Finance & Enterprise Committee, be received;

THAT the following motions, previously passed by the Corporate, Administration, Finance & Enterprise Committee of Council, be eliminated from staff work plans and from the outstanding motion list, based on reasons provided:

Date	Resolution	Lead	Status
Dec 5/12 Council	*Councillor Furfaro's motion be referred to Committee for a broad discussion around the management of FTEs and gapping. (Councillor Furfaro's motion – implement a hiring adjustment for 2013 as an effective means of reducing operating costs, and this hiring adjustment will operate on the principle of attrition, namely not replacing individuals choosing to retire)*	C & HR – HR	Complete CAFE Committee workshop Apr 23/13 Comp Workshop"

BACKGROUND

For some time, with input from the Clerk's Department, a record of outstanding motions of Committee has been maintained. The Executive Team has decided to bring to each Committee of Council an update of all outstanding motions. The biannual report may include recommendations, where appropriate, to eliminate from the list any outstanding motions that may no longer be of priority to the Committee. The current report is the first biannual report. There are no motions from Governance Committee that staff recommend be eliminated at this time.

REPORT

Included for information is the outstanding motion for the Corporate, Administration, Finance & Enterprise Committee, including the status of the work and the timing, when available, for when the work may be completed.

Date	Resolution	Lead	Status
Nov 12/12	That the matter of decoupling the appointment of incumbents from the advertising of vacancies on boards and committees be referred to the 2013 planned review of the process to appoint citizens to boards and committees.	C & H / Clerks.	Ongoing – to be completed 2013
Jul 25/11 Council	That the Executive Team be authorized to manage within their approved annual budgets and adjust staffing levels to maintain the level of Council approved programs and services provided that no costs are incurred in the current or subsequent budget years and that staff changes be reported.	C & HR / HR	Staff will report prior to the end of 2013
May 25/09	~~Canada Revenue Agency~~ AND THAT staff report back on the financial impact of the final decision of the appeal to ascertain Council's commitment to offset the impact on staff.	C & HR / HR	Ongoing
Nov 7/07	Staff were directed to report back in one year with an update on the fiscal effects of benefits for eligible non-union employees working past the age of 65.	Human Resources / Legal Services	Staff will report prior to the end of 2013 with 5 yr trend analysis

CORPORATE STRATEGIC PLAN
Innovation in Local Government
2.3 Ensure accountability, transparency and engagement.

DEPARTMENTAL CONSULTATION
Finance & Enterprise – Finance Department,
Corporate & Human Resources – Clerks Department

COMMUNICATIONS
N/A

ATTACHMENTS
None

"original signed by Mark Amorosi"

_____

Approved and Recommended By

Mark Amorosi,
Executive Director
Corporate & Human Resources
519.822.1260 ext 2281
Mark.amorosi@guelph.ca

CONSENT REPORT OF THE GOVERNANCE COMMITTEE

July 29, 2013

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

Your Governance Committee beg leave to present their SECOND CONSENT REPORT as recommended at its meetings July 16, 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 Governance Committee will be approved in one resolution.

GOV-2013.8 2014 Municipal Election: Methods of Voting

1. That a By-law be approved to support the use of vote scanners/tabulators in the 2014 Municipal Election.

2. That a By-law be approved to support the use of Internet voting in the 2014 Municipal Election as a complementary voting channel for the advance voting period.

GOV-2013.9 CAO Performance Appraisal Committee Terms of Reference and Process Protocol

1. That the CAO Performance Appraisal Process Terms of Reference and Process Protocol be approved.

2. That the Performance Appraisal Committee be struck as an Ad Hoc Committee of Council to meet in accordance with the Terms of Reference provided as part of the July 16, 2013 report entitled "CAO Performance Appraisal Committee Terms of Reference and Process Protocol.

GOV-2013.10 Delegation of Authority for Operational Applications, Contracts and Agreements

1. THAT the Report 'Delegation of Authority for Contract and Agreements' dated, July 16, 2013 be received.

2. **That the Delegation of Authority for Operational Applications, Contracts and Agreements Schedule Z be amended under Delegates by deleting the last bullet and replacing it with the following: "A person who is appointed as Acting Executive Director by the CAO or by an Executive Director from time to time to as in their stead."**

3. That Council approve an amendment to the Delegated Authority By-law for approving applications, contracts and agreements under the jurisdiction of the City of Guelph to Chief Administrative Officer and to the positions of Executive Directors of Operations, Transit & Emergency Services, Community and Social Services, Corporate and Human Resources, Finance and Enterprise and Planning, Building, Engineering and Environment.

All of which is respectfully submitted.

Please bring the material that was distributed with the Agenda for the July 16, 2013 meetings.

2014 Municipal Election:

Methods of Voting



July 16, 2013 Governance Committee

Blair Labelle, City Clerk

Presentation Outline

- Proposed 2014 Election Model (B. Labelle)
- Internet Voting
  - Advantages
  - Challenges
  - Security
  - Rate of Adoption
- Voting Options Report (N. Goodman)
  - Public Opinion Research – Key Findings
  - Voter Participation
  - Practical Challenges

Proposed 2014 Election Model

- Advance voting period
  - Voting places
    - ✓Vote anywhere
    - ✓Paper ballots + scanners/tabulators
    - ✓On-site Internet voting
  - Remote Internet voting

- Voting day
  - Voting places
    - ✓Paper ballots + scanners/tabulators

Advantages of Internet voting

- Internet voting suggested as a compliment to traditional voting in an effort to:
  - Increase participation from those inclined not to attend a voting place in order to cast a ballot
  - Enhance convenience for voters who would otherwise need to vote by proxy (non-resident electors, vacationers, students attending out of City schools etc.)
  - Provide greater privacy for some voters with disabilities
  - Present a “green” option of voting

Challenges with Internet voting

- Internet voting presents many of the same challenges as other unsupervised voting methods
  - A loss of traditional transparency/reduced oversight by candidates and scrutineers
  - Administrative work (voter outreach, training, process and procedure development, monitoring/auditing etc.)
  - Loss of the “traditional voting experience”
  - Cost
  - Security...

Security

Security Challenge	Mitigation Measures
Auditability	Application and system audit logs, voting receipts (system dependant), audit process, logic and accuracy testing followed by system lockdown
DDoS	High capacity servers, real-time monitoring, access rules, incident response, cloud layer and multiple environment redundancy, elastic systems, firewalls/IDSs, high capacity systems/bandwidth
“Hacking”	Firewalls, IDS, servers hardening, systems monitoring, access credentials, penetration audits
Connectivity	Power generators, network and data redundancy, multiple ISP bandwidth agreements, systems scaling, real-time monitoring
Data Integrity	Cryptography (digital signatures/HMACs), integrity checks from initial access to final ballot confirmation
Phishing	Voter education and outreach, voting receipts (system dependant), secured web access, systems monitoring
Viruses/Malware	Virus protection, minimum system requirements, hardened data centre environments, multiple firewall protection
User Authentication	Voters’ list management, registration system, CHAPTCHA , multiple credentials and delivery procedures, digital certificates, challenge-response protocol
User Support	Online help guide, e-mail and telephone support, voter education, candidate training

Rate of Adoption

- Rate of adoption in Ontario has doubled every year since 2003
- Rate of adoption in Nova Scotia increased by 75% after successful uses by Halifax and others in 2008 by-elections
- After an extensive review by Elections Ontario, the Chief Electoral Officer has recommended piloting Internet voting in a future by-election
- As part of their strategic plan, Elections Canada has agreed to a trial sometime before 2017
- Used to support numerous “primary” and union votes within Canada
- Expanding use in Europe (UK, Estonia, Norway etc.)
  - Cantons in Switzerland use the internet for numerous referendums each year

Questions?



REMOTE ELECTRONIC VOTING OPTIONS IN THE CITY OF GUELPH

Nicole Goodman, PhD

Innovation Policy Lab, Munk School of Global Affairs, University of Toronto

Email: nicole.goodman@utoronto.ca

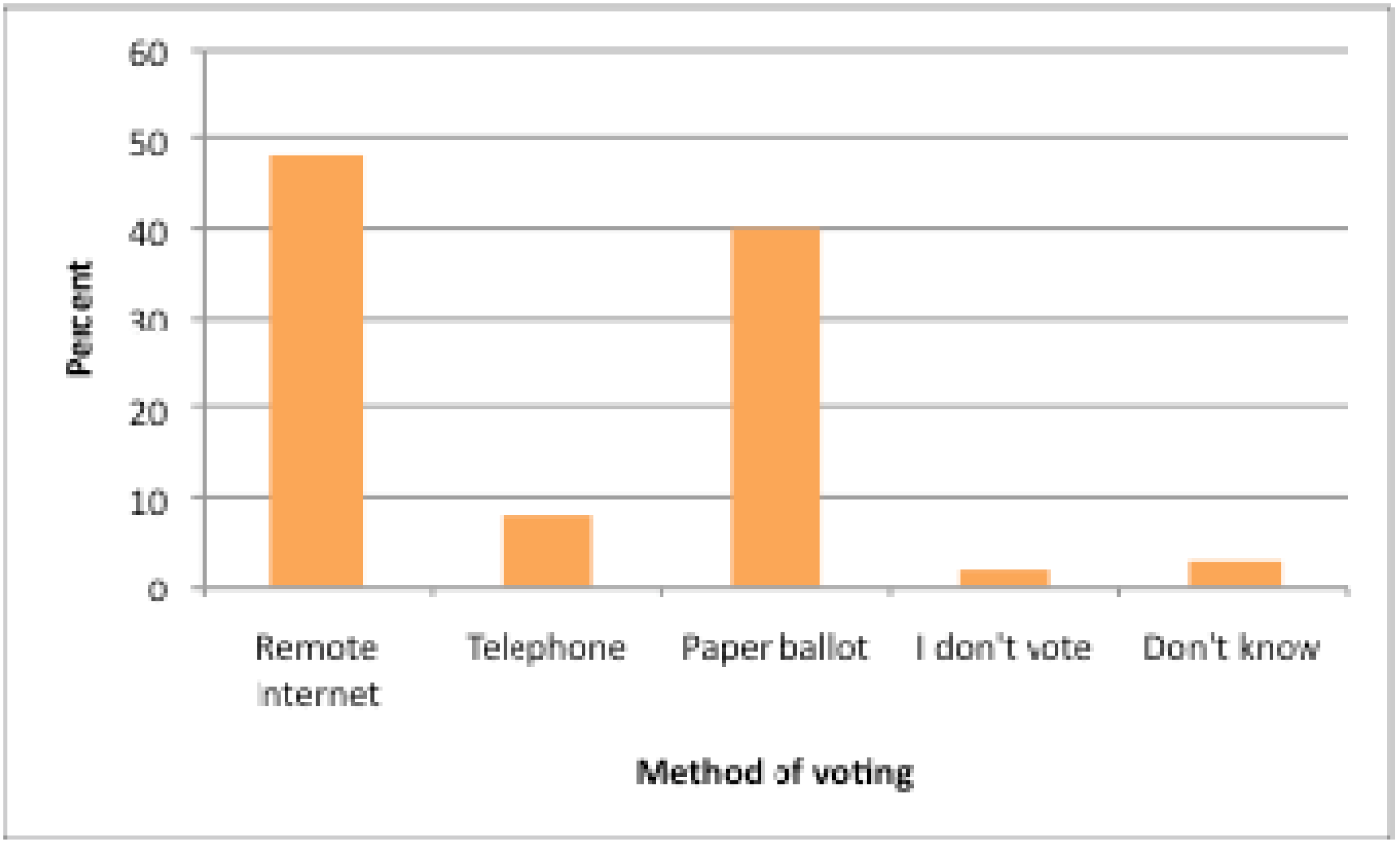
Presentation prepared for July 16, 2013 City of Guelph Governance Committee

Key Findings: City of Guelph Survey

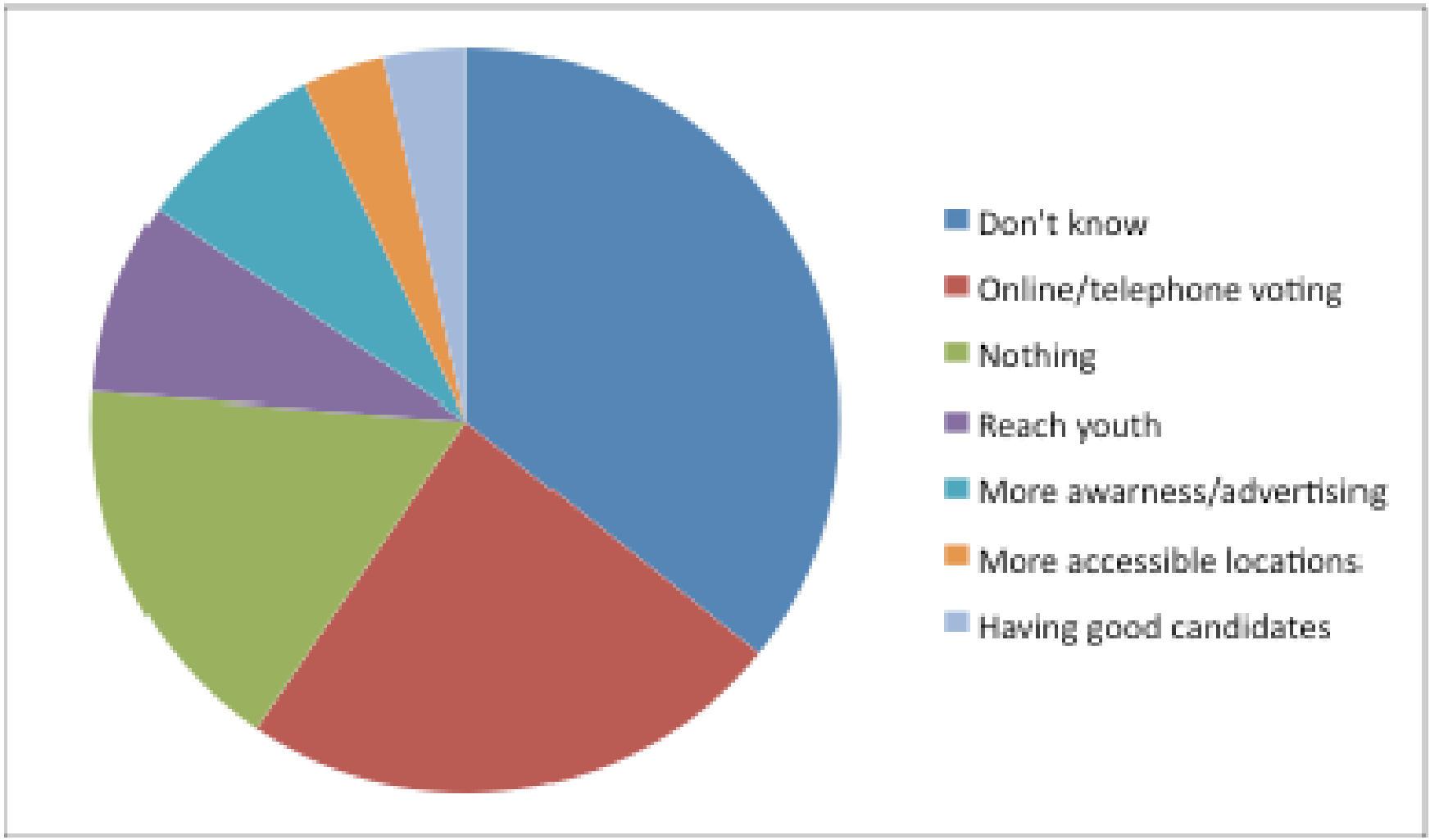
Potential use

- A majority of respondents say they would be likely to use remote Internet voting in a future local election.
  - 42 percent say the same for voting by telephone.
    - 43 percent say they would be somewhat or very unlikely to do so.
- Those aged 34 to 44 reports being most inclined to make use of remote Internet voting.
  - 25 to 34 most likely to vote Internet if all three offered

I would be most likely to vote by:



Turnout: Suggested strategies for improving turnout



Key Findings: City of Guelph Survey

Turnout

- A majority of non-voters say that they would vote if Internet (55 percent) and telephone (56 percent) voting were an option.
  - Non-voters **18 to 44** and **over 65** express strong agreement that an Internet voting option would encourage their participation.
  - Non-voters **over 65** express a noticeable willingness to vote if telephone voting was offered.

Key Findings: City of Guelph Survey

Access to, and confidence in, the technology

- A majority (62 percent) of respondents say they would feel confident voting by Internet.
  - Nearly one half (47 percent) say the same about telephone voting.

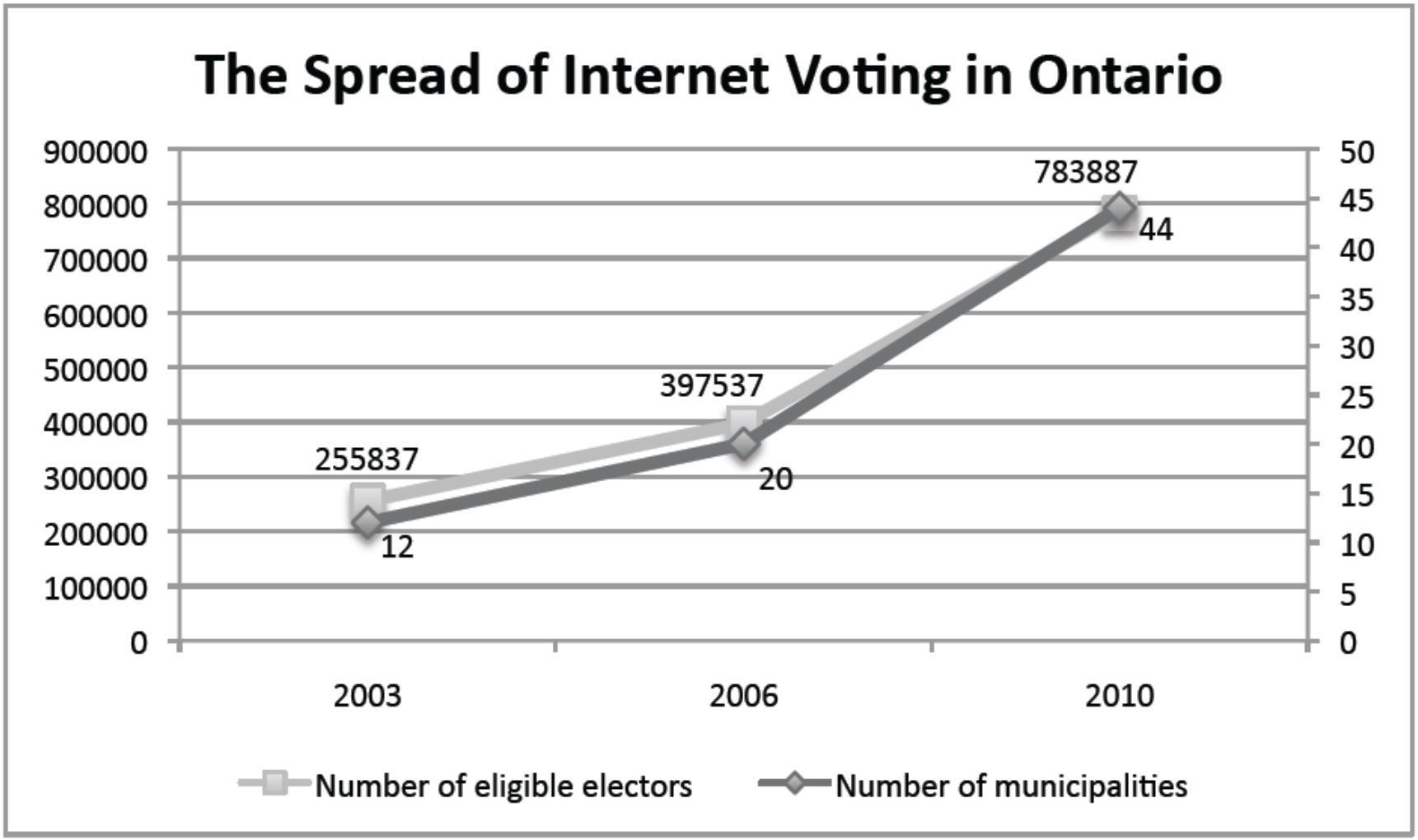
- 87 percent of respondents have Internet access at home.
  - 72 percent use the Internet daily.

Why Internet voting?

Primary reasons for the consideration or adoption of Internet voting

Jurisdiction name	Reason for adoption						
	Voting turnout	Leadership role in e-government	Accessibility	Convenience	Focus on citizen-centered service	Greater youth involvement	Counting efficiency
Estonia	X	X	X				
Switzerland	X	X (especially Geneva)	X	X			
Norway			X			X	X
Edmonton		X	X	X	X		
Markham	X	X	X	X	X		
Halifax	X		X				
Cape Breton	X	X	X				
Truro	X	X	X	X		X	

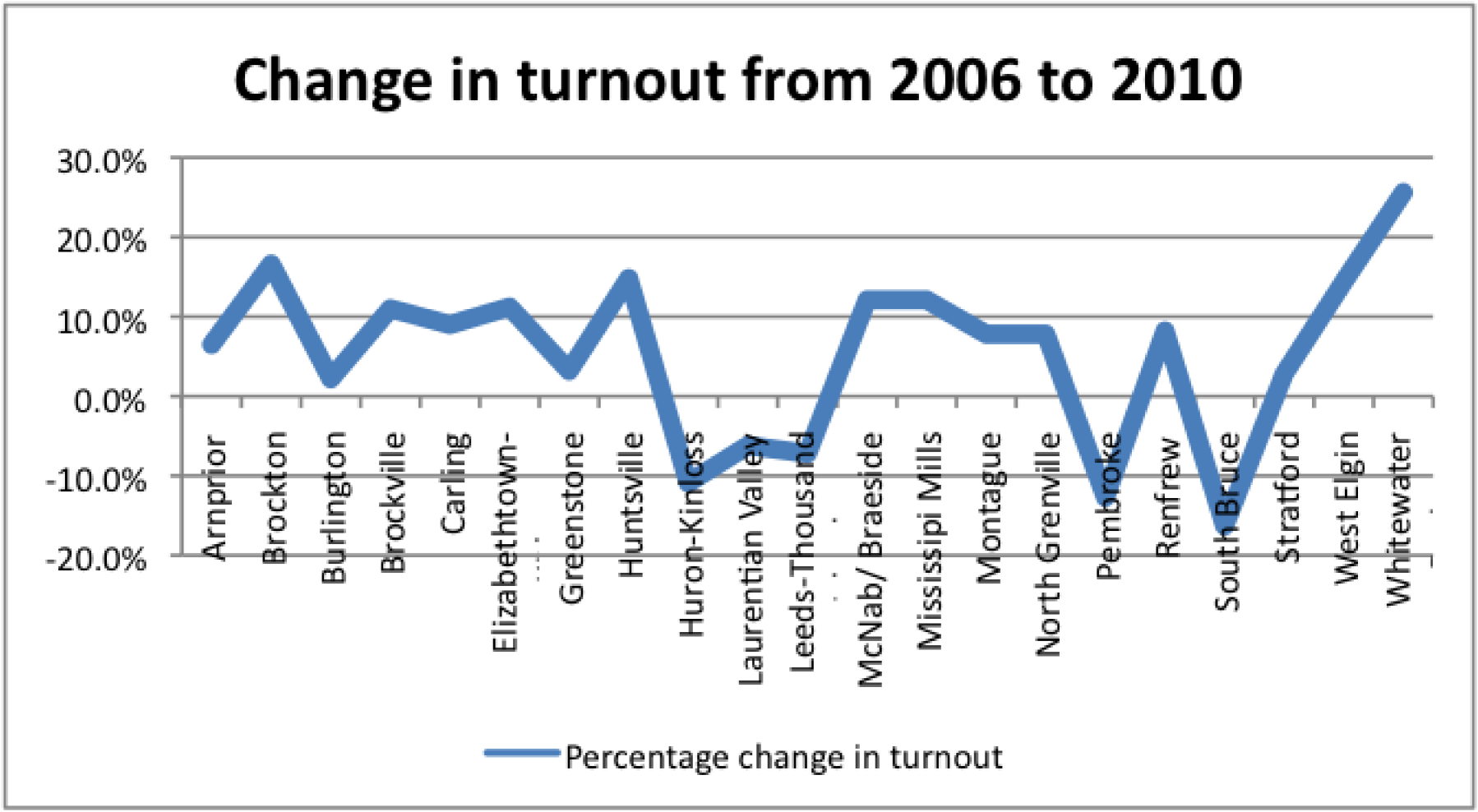
Internet Voting in Canada: Ontario



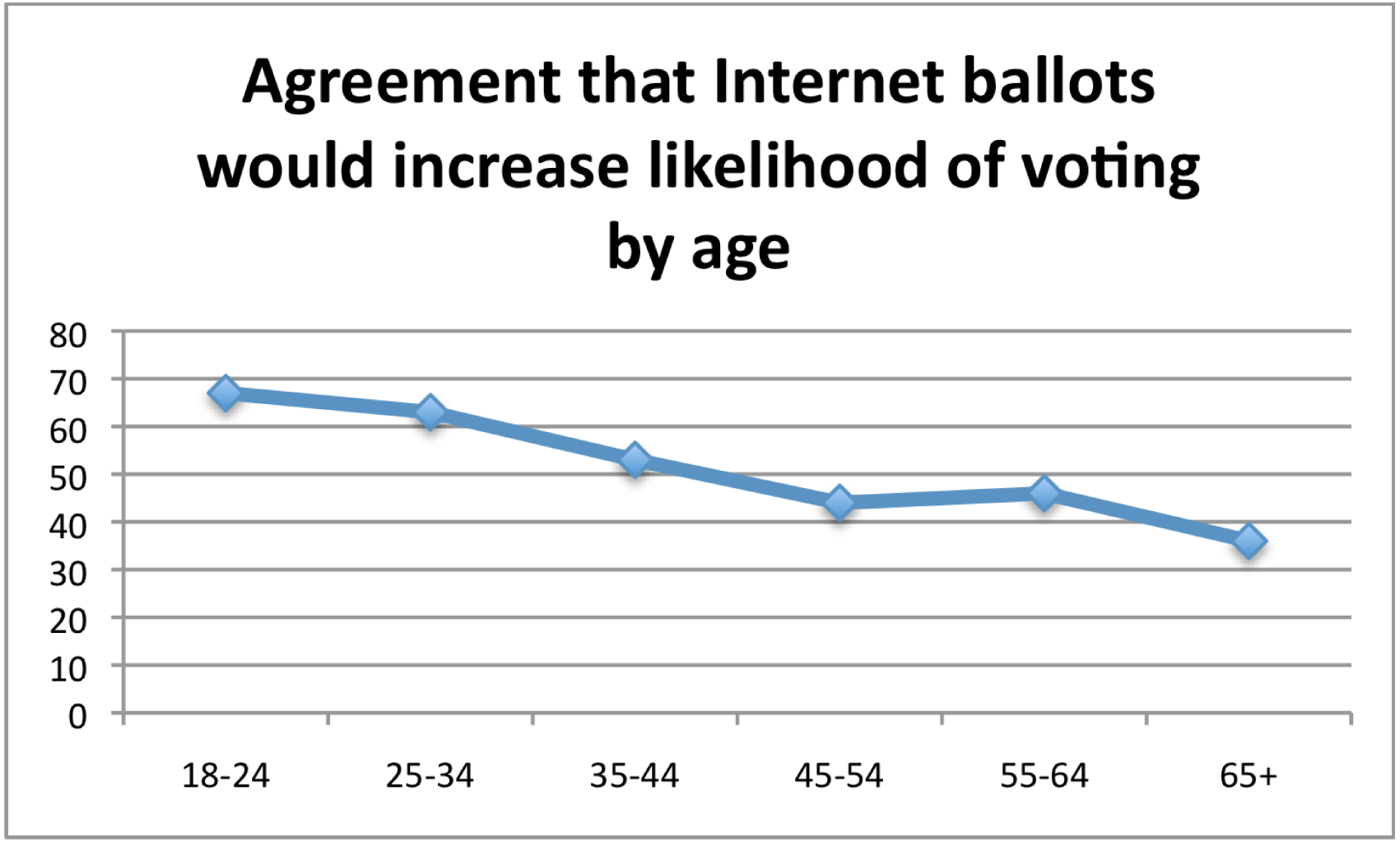
What about Turnout?

- Markham
  - 300 percent increase in 2003
  - 43 percent increase in 2006
  - No change in 2010 (less than 1 percent decrease)
- Truro
  - 140 percent increase in 2012
- Cape Breton Regional Municipality
  - 12 percent increase in 2012
  - 58 percent of votes cast, cast online

Voter turnout: Municipalities new to Internet voting in 2010

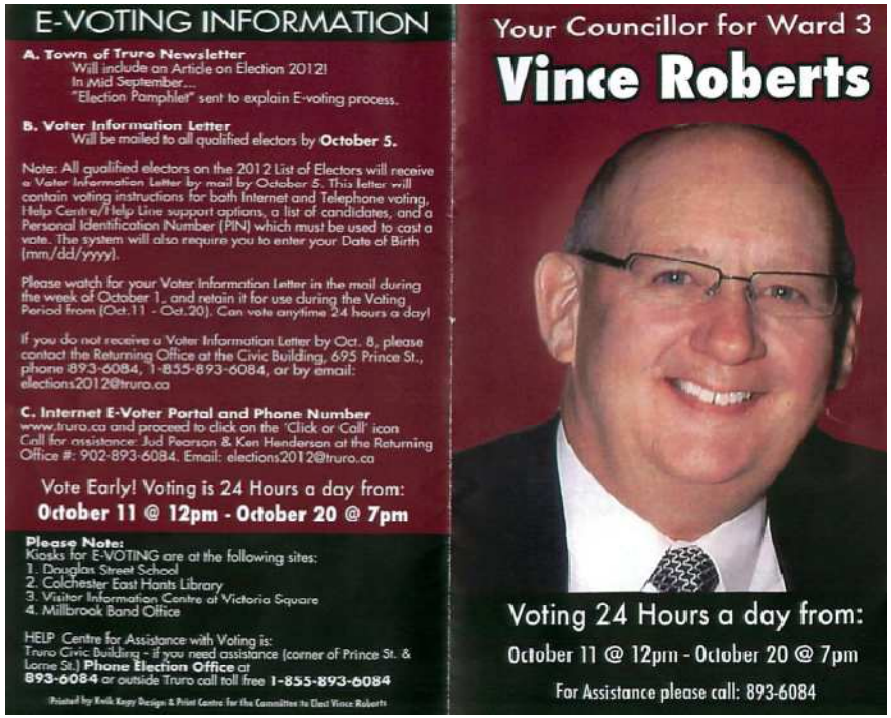


AskingCanadians Panel (Canada-wide)



Challenges

- Educating stakeholders
  - Education and outreach strategy i.e. Truro
  - Facebook page and Twitter account



Challenges cont'd

- Managing negative media
  - Reached out the media – met with them, talked to them, let them in
- Loss of the "voter experience"
  - 4 satellite computers (can't browse, just vote)
  - Swore in staff at nursing homes as DROs
- Getting people excited about e-voting and voting in general
  - Release of turnout stats daily (# of votes cast, % overall and by ward)

Challenges cont'd

- Technology barrier
  - Mostly telephone
    - # sign
    - Hearing issues
- Security
  - Voters' list on a USB – encrypted and encoded
- Privacy

Thank you and Questions

- Questions
- Contact me at: nicole.goodman@utoronto.ca

STAFF REPORT

TO	Governance Committee
SERVICE AREA	Corporate and Human Resources
DATE	July 16, 2013
SUBJECT	**2014 Municipal Election: Methods of Voting**
REPORT NUMBER	CHR-2013-30

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To provide information with respect to available methods of voting and to recommend proposed methods for the 2014 Municipal Election.

KEY FINDINGS
- Unsupervised methods of voting which are now more frequently being used by municipalities can increase risk but also provide effective opportunities to enhance the voting process by making it more accessible to electors.
- Internet voting provides for the least amount of risk when compared to other alternative voting methods and the greatest potential benefit for voters.
- There are security and process related controls available to mitigate risks associated with the use of remote Internet voting.
- To maximize accessibility, remote Internet voting is best used as an optional voting method to complement the use of paper ballots and voting places.
- Internet voting provides an additional option to voters who may be unable or unwilling to vote at a physical voting place.
- Remote Internet voting provides the only opportunity for some voters with disabilities to completely mark a ballot, in private, without assistance.
- The use of Internet voting as a complementary voting channel strengthens a principle tenant of the *Municipal Elections Act* by making an election accessible to more electors.
- Internet voting meets the principles of the City's Open Government Framework specifically in relation to embracing innovation and leveraging technology to further enhance civic participation.

FINANCIAL IMPLICATIONS
The rental cost of vote scanners/tabulators for an election period are approximated to be $700 to $1,200 per tabulator. The projected costs to implement Internet voting as a complementary voting channel might range anywhere from $50,000 to $90,000. All costs will be funded by the existing election reserve - no additional funds will be required.

ACTION REQUIRED
To approve By-laws to support the use of vote-counting equipment and Internet voting as an alternative voting method for the 2014 Municipal Election.

RECOMMENDATION

1. That a By-law be approved to support the use of vote scanners/tabulators in the 2014 Municipal Election.

2. That a By-law be approved to support the use of Internet voting in the 2014 Municipal Election as a complementary voting channel for the advance voting period.

BACKGROUND

The City first began using optical scan vote-counting equipment in the 1994 election by implementing a central-count system. This expanded in 2006 when precinct-based optical scanners/tabulators were deployed to all voting places. The practice of transitioning from manually counting paper ballots to using a fully electronic automated system of tabulation has grown rapidly within municipal elections in Ontario over the past decade. The level of maturity with respect to products now available within the marketplace give jurisdictions a plethora of options with which to implement a reliable system making voting more efficient for the voter and administrators alike. This level of product maturity is now also being demonstrated through the availability and use of alternative electronic voting methods such as telephone and Internet voting.

Although not explicitly found within the *Municipal Elections Act*, 1996 (the "Act"), Municipal Clerks, or Returning Officers, must ensure that an election is consistent with the following principles:

- the secrecy and confidentiality of the voting process is paramount;
- the election shall be fair and non-biased;
- the election shall be accessible to the voters;
- the integrity of the process shall be maintained throughout the election;
- there is to be certainty that the results of the election reflect the votes cast;
- voters and candidates shall be treated fairly and consistently; and
- the proper majority vote governs by ensuring that valid votes be counted and invalid votes be rejected so far as reasonably possible

The Returning Officer is responsible for administering an election on behalf of a respective jurisdiction. The above noted principles, in addition to other regulations within the Act, serve to support decision-making in this regard. Pursuant to the Act, Council has the authority to approve by-laws to modify voting hours for special voting places (ex. long-term care facilities), permit the use of vote-counting equipment and/or approve the use of alternative voting methods. Vote-counting equipment most commonly refers to either the use of optical scan tabulators or Direct-Recording Electronic (DRE) machines such as touch screen systems. An alternative voting method refers to a means of voting that differs from traditional paper-based, in person voting, namely; vote-by-mail, telephone voting, remote Internet voting, or other types of digital or SMS voting. Aside from the modification of voting times for special voting places, there is no requirement for Council to approve any aspect of a voting system based on a method of manually counting paper ballots.

Notwithstanding the debate between unsupervised and supervised voting methods (ATT-1), local municipalities within Ontario and Nova Scotia have begun to lead the way with respect to the use of alternative voting methods in the name of enhancing voter accessibility and convenience. The impetus behind implementation is also focused on creating environmental conditions which may help to reverse the trending decline of voter turnout. The average participation rate has variably decreased in the City of Guelph by nearly 11% since the 2000 Municipal Election.

REPORT

Proposed Voting Methods for the 2014 Election:

1. Vote Scanners/Tabulators

The City's historical use of vote scanners/tabulators has significantly increased the efficiency of election administration. It has also enhanced the verification of voter intent as well as elevated the accuracy and security associated with ballot tabulation. For these reasons, vote scanners/tabulators are now commonly used to support Municipal Elections in Ontario. Due to enhancements made to hardware between election periods, most municipalities choose to rent or lease vote scanners/tabulators. Similar to 2006 and 2010, it is recommended that vote scanners/tabulators be deployed to all voting places[1] in the City of Guelph for the purposes of scanning and counting votes.

2. Internet Voting

Based on a detailed review and evaluation of alternative voting methods (ATT-1), it is also recommended that Internet voting be used as a complementary voting channel during the advance voting period only. This use of online voting will present voters with an option to either cast an electronic ballot online from their personal computer, tablet or smart phone OR a paper ballot at one of several voting places during the advance voting period. Similar to past practice, the only voting option for electors on voting day will be to manually mark a paper ballot at their prescribed voting place.

Alternative Methods of Voting

In order to encourage greater voter participation and to make voting easier and more convenient for Guelph electors, consideration was given to three alternative voting methods for the 2014 Municipal Election. The review considered such voting channels as complementary to the use of paper ballots and physical voting locations which will also be used in 2014. The methods reviewed were vote-by-mail, telephone, and remote Internet voting. Consideration of these channels was based on the risks and advantages each had to offer. A detailed synopsis of this assessment along with further considerations regarding Internet voting can be found attached to this report as ATT-1. The conclusion of this review identified Internet voting as being the alternative voting method which provided the least amount of risk and the greatest potential benefit to voters when compared to the other alternative methods. As noted in more detail in the attached review, there are several advantages and challenges linked to use of Internet voting, such as:

[1] Alternate vote counting and/or ballot collection practices may be considered for special voting places

Advantages of Internet Voting

- Designed to encourage participation from those who may be less inclined to visit a physical voting place in order to vote
- Provides an additional voting opportunities for students and vacationers who are unable to visit a voting place (ie. more convenient than voting proxies)
- Enhances accessibility and privacy for voters with disabilities
- Generates faster, more accurate results due to electronically automating tabulation
- Presents a "green" option for voting due to the reduced need to travel to and from a voting place and due to the potential decrease in printed ballots and materials

Challenges of Internet Voting

- Perception of security concerns and process vulnerabilities
- Voter authentication
- A loss of transparency in the traditional sense with reduced oversight of some components of the voting process by candidates and scrutineers
- Internet proliferation (ie. the availability of internet access in the community)
- Administrative work necessary to support initial use
- Costs to administer as a complementary channel (it can often be less costly than traditional methods when employed as a single voting channel)

Research

Of the municipalities who responded to a 2010 survey by the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), 30 noted use of the Internet as a complementary voting channel in the 2010 Municipal Election. Of those respondents, 70% noted they were extremely satisfied, 26% were very satisfied and 4% were satisfied. None of the municipalities noted an unsatisfactory experience with any Internet voting product currently available.

There are several municipalities who have already confirmed that they will be using Internet voting for the first time in 2014 including Cambridge, Sudbury, Ajax and Parry Sound. Other municipalities such as Mississauga, Waterloo, Kingston, Thunder Bay and East Gwillimbury are also investigating potential use. Elections Canada and Elections Ontario have also been considering implementation of online voting in a future election. More than one third of the Council approved comparator municipalities are either using Internet voting in 2014 or are considering use.

On behalf of the City, a telephone survey of Guelph electors was conducted in May 2013 in an effort to measure voter awareness, voting method preferences and barriers to participation. As a result of this research, 56% of the respondents indicated that they would be more likely to vote if remote Internet voting were an option in 2014. Moreover, if online voting were offered as a complimentary channel, respondents indicated that they would be more likely to vote online than in person at a voting place. A detailed analysis of the Guelph survey can be found attached to this report as ATT-2. Further review and analysis of this survey data will serve to support election planning efforts and directly inform the development of a comprehensive Election Communications plan for 2014.

FINANCIAL IMPLICATIONS

Upon Council approval, the City will issue request for proposals to source the most competitive bid for vote scanners/tabulators and Internet voting. The costs of vote scanners/tabulators is unknown currently as the voting places for 2014 have not yet been confirmed. Based on market approximations and past contracts, the cost to rent tabulators for an election period can range anywhere from $700 to $1,200 per tabulator. Based on the number of eligible electors from 2010, the cost to support the use of Internet voting as a complementary channel can be anywhere from $50,000 to $90,000. All related costs will be funded through the existing election reserve - no additional funding will required to support implementation of Internet voting. The final budgetary impact may be offset by efficiency savings found elsewhere in the election budget.

CORPORATE STRATEGIC PLAN

Innovation in Local Government
2.2 Deliver Public Service better
2.3 Ensure accountability, transparency and engagement

City Building
3.3 Strengthen citizen and stakeholder engagement and communications

DEPARTMENTAL CONSULTATION

Various departments were consulted in relation to this report.

COMMUNICATIONS

Formal communications planning efforts are being led by Corporate Communications. Tactics include media relations efforts, online resources, targeted communications to stakeholders, traditional advertising, and social media promotion. A broad-based and robust election communications plan will be developed to support the 2014 Municipal Election.

ATTACHMENTS

- ATT-1 An Analysis of Alternative Voting Methods
- ATT-2 Guelph Report on Remote Electronic Voting Options
- ATT-3 By-law to authorize use of vote scanners/tabulators for 2014
- ATT-4 By-law to authorize use of Internet voting in 2014
- http://guelph.ca/city-hall/internet-voting can be accessed for more info

"original signed by Blair Labelle"

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ATT-1

AN ANALYSIS OF ALTERNATIVE VOTING METHODS

July 16, 2013

Blair Labelle, City Clerk



CITY OF Guelph
Making a Difference

Preamble

There are several voting models available with respect to conducting municipal elections. The most common model is based on the use of decentralized voting places designed to process ballots for a particular subset of the electorate. That said, the use of alternative voting methods is now on the rise. Vote-by-mail, telephone and Internet voting have all been used by municipalities for various reasons. These "unsupervised" voting methods have traditionally been employed by jurisdictions in Ontario which are predominantly rural in nature and where the electorate is geographically detached. Municipalities such as these tend to favour alternative methods in lieu of physical voting places because these jurisdictions can experience challenges locating facilities which are both accessible to the electorate and feasible for processing voters. Within the global context, this trend seems to be changing somewhat as now more urbanized municipalities are implementing alternative methods as complementary voting channels in elections.[1]

In theory, unsupervised voting enhances voter accessibility at the expense of relinquishing some oversight with respect to the verification of voter identity and behaviour. It has been argued that some of the principles of the Act cannot be fully upheld by a voting method whereby direct supervision of electors does not occur. It is important to note, however, that Section 89 of the Act clearly bestows certain responsibilities on the voter such as ensuring that one is entitled to vote prior to doing so as well as ensuring that one does not vote more times than allowable. To some, unsupervised voting facilitates the potentiality of these offences, but to others it simply highlights the fact that pursuant to the Act the overall accountability of voting rests with each individual voter. Voter impersonation, coercion and fraud are concerns which are mitigated through the design of any voting system, regardless of whether it is a supervised or unsupervised model.

In order to encourage greater voter participation and to make voting easier and more convenient for Guelph electors, consideration was given to three alternative voting methods for the 2014 Municipal Election. The review considered such voting channels as complementary to the use of paper ballots and physical voting locations. The methods reviewed were vote-by-mail, telephone, and remote Internet voting. Consideration of these channels was based on the risks and advantages each had to offer.

Vote-by-Mail

A vote-by-mail solution[2] has the ability to enhance the convenience of voting for both resident and non-resident electors. It can also eliminate or reduce the cost of voting places and temporary election officials depending on whether it is employed as a primary channel or as part of a multi-channel approach along with physical voting places. As paper ballots are used, it also most closely resembles a traditional

[1] In a report published by the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) in response to a voluntary survey of Returning Officers, roughly 20% of municipalities in Ontario used some form of alternative voting method in 2010 and approximately 10% implemented a multi-channel approach using more than one method. This use represents an 18% increase in the use of alternative voting methods from 2006 to 2010.

[2] A non-electronic based alternative voting method which retains use of a paper ballot. The voting method has been in use for many years, most commonly by rural and/or sparsely-populated jurisdictions with larger geographic areas (ex. cottage communities). The voting process within such a scenario begins with a package being mailed to every qualified elector on the voters' list containing instructions, a ballot and a voter declaration form. Within the defined voting period, voters are asked to return mail their completed ballot and declaration form to the municipality each within a separate prepaid postage envelope. The declaration forms are reviewed in an independent manner in order to cross voters off the voters' list. At the end of the day on voting day, a Returning Office will then either hand count the returned ballots or tabulate them using a central count scanner/tabulator (they can be scanned prior to election day, just not tabulated). Results are then transferred to an election reporting system or declared by some other means.

precinct-based model which provides for a good audit trail. The majority of jurisdictions who used a vote-by-mail solution implemented it as the sole method of voting. In some municipalities, there is an option extended to the electorate to either vote-by-mail or attend one of the few voting places set up to process ballots, however, in many cases only "Town Hall" is equipped to do this.

Some concerns with vote-by-mail solutions have been expressed with respect to errors that can occur as a result of the mail distribution process. Inexact voters' list data can lead to challenges further exacerbated by vote-by-mail since there is a prospect for electors to not only mistakenly receive voter packages intended for other individuals, but also ballots as well. There is also room for error in relation to method of returning voters packages to the Returning Office. There are documented examples within vote-by-mail elections where voters have returned their ballots improperly marked and/or inadvertently disclosed their identity by returning their declaration form and ballot in the same envelope. Furthermore, unlike electronic solutions, there can be no automatic controls established in order to prevent a spoiled ballot (ex. by over-voting). Although a central count scanner/tabulator can assist in deciphering voter intent as part of a vote-by-mail solution, it would still be required to automatically spoil votes for an office that is improperly marked as the voter would not be present at the time of tabulation. Depending on the size of the electorate, there can be significant postage costs related to supporting a vote-by-mail solution. Some also argue that a full reliance on the postal system to not only disseminate blank ballots but also process completed ballots exposes the overall voting system to considerable risk.

Based on a general evaluation of the overall costs to implement and the elevated exposure to risk, a vote-by-mail method is not seen to be a good compliment to a physical voting place-based election system and is not recommended.

Telephone Voting

Telephone voting[3] is most commonly employed as part of a multi-channel voting solution in conjunction with remote Internet voting. To the best of staff's knowledge, the largest municipality to use telephone voting in Canada is the Regional Municipality of Halifax which used a combination of remote Internet and telephone voting. Telephone voting provides for an enhanced level of convenience as it allows voters to cast their ballot remotely from anywhere they have access to a phone line at any time within a defined voting period. A telephone-based system is also better able to fully qualify voter intent through use of automatic controls. In other words, the system could be programmed to disallow a voter from proceeding to the next office if their current selection resulted in an over-vote. This all but eliminates unintentional spoiled ballots, a control which can also be engaged on vote scanners/tabulators. Certain voting systems allow for a voter to complete their ballot interchangeably by using the Internet as well as the telephone.

[3] Telephone voting is an alternative voting method which allows voters to complete a ballot using any point-to-point telephone connection. Qualified electors on the voters' list receive a voter information package containing instructions on how to dial in to access the system as well as how to navigate the audio ballot. Most interactive telephone voting systems rely on the voter to interact with the audio ballot by way of dialling on the key pad in relation to response requests, however, the potential exists to use voice activated responses to navigate and complete an audio ballot. After voting selections have been made for each office, the voter is prompted to review their decisions and continue on. Once the ballot is completely "marked" by the voter, he/she is then asked to review their selections prior to submission. Once submitted, the respective data is transferred to a secure server which effectively separates the voters' identity data (name, phone number etc.) from their ballot data. The former serves as the master voters' list identifying, in real-time, those electors who have voted and the latter represents pending results which are not tabulated until the end of voting day.

One of the most commonly cited concerns regarding telephone voting has been that it can take a significant amount of time to navigate through and complete an audio ballot. A ballot for a local municipality in Ontario can consist of a multitude of offices with which to vote including municipal candidates, school board candidates and referenda questions. Depending on the number and sequencing of selections and the review options engaged, a lengthy audio ballot can even serve to disengage and confuse voters. Furthermore, the clear pronunciation of candidate names can be a challenge if call quality on either end is compromised. Other documented issues relate to network congestion as the host telecommunications system must be able to support call volumes that are often difficult to predict. As with most technology solutions, the overall cost of telephone voting can fluctuate based on the scale and composition of the system. Often, the largest contributor to cost in this regard relates to the capacity of the system to be able to support high volumes of traffic and its ability to provide for an adequate backup system.

Arguably, telephone voting involves less risk and is more cost effective than a vote-by-mail solution (due to only involving one postal mail-out). It is also seen to be a better complement to a physical voting place based-model. That said, there are some operational concerns from the user's perspective with respect to the time in which it takes to complete an audio ballot. As a result, telephone voting may not be the most ideal method for every voter and perhaps not the best value for money.

Internet Voting

There are various forms of Internet voting, some of which allow a voter to submit an electronic ballot over the internet within a physical voting place supervised by Election Officials. The most commonly referenced model, however, is remote Internet voting, which allows an elector to cast an electronic ballot from their personal computer, tablet or smartphone anywhere there is an internet connection. Internet voting has been used by various jurisdictions in order to enhance the convenience of voting, to accommodate changing lifestyles and demanding work schedules, and to enhance accessibility for persons who may not be available or able to vote in person. For rural areas, Internet voting offers a means with which to reach electors who are geographically disconnected. For others, it offers a potential means to further engage those who may be more inclined to vote from the comfort of their own home or office rather than travelling to a physical voting place. It also presents a viable method to replace voting by way of proxy for those electors who may be out of the City either on vacation or at school, during election time. Some claim that online voting is more environmentally sustainable as it may result in decreased paper production and an overall lower carbon footprint when compared to the resource requirements of a traditional election.

There are several Internet voting products currently available to jurisdictions, most of which can be customized to support various process requirements[4]. In a remote Internet voting election, voters can access their online ballot during the voting period from any computer, provided it is connected to the internet and the internet

[4] A jurisdiction will transmit security credentials to electors on the voters' list by way of the voter notification card.

Within a one-step process: the voter uses the credentials to access a ballot during the voting period. Prior to accessing the ballot, however, the voter is normally asked to authenticate his or her identity by answering a question based on information contained in the voters' list.

Within a two-step process: the voter notification card credentials are used by the elector to complete an online registration process. At the time of registration, an elector may also be asked to answer additional questions to establish a personalized access code in order to help authenticate their identity prior to accessing the online ballot. Following registration, additional credentials are forwarded to the elector either by a secondary postal mail out or by way of email. The voter would then use both sets of credentials along with their personalized access code in order to validate their identity and access the online ballot during the voting period.

browser meets the minimum technical security requirements. Most products also allow voters to access ballots from their tablets or smart phones. Online ballots commonly mirror that of traditional paper ballots and must subscribe to legislated requirements with respect to formatting and appearance. Internet voting can be designed to fully verify voter intent by disallowing unintentional spoiled ballots and, if so desired, providing warning prompts in relation to offices which may be under-voted or left blank. Completion of an online ballot is similar to marking a hard copy ballot, voters simply click on the check box next to the candidate or selection of their choosing and navigate to vote for each office appearing on the ballot. Upon completion, the voter has an opportunity to review his/her selections and make changes. When the ballot has been submitted, the voting data is stored in a secure database and is not tabulated until the end of voting day. This database is designed to encrypt the voting data in order to ensure there is no way to link a voter with his/her ballot after the electronic ballot has been submitted. It can also be managed to restrict access to designated Election Officials.

Internet Voting Research

In 2003, the Town of Markham was the first major municipality (i.e. electorate of 50,000+) in North America to use remote Internet voting. Markham offered it again in 2006 along with 19 other municipalities. In 2010, the number of municipalities in Ontario to use Internet voting more than doubled (44), although there were several variations with respect to the way the method was made accessible to electors. Some municipalities such as Markham and Peterborough provided Internet voting as a complementary voting channel during the advance voting period. Others such as Burlington, Belleville, Brockton, and Prince Edward County provided Internet voting as a complementary channel during both the advance voting period and on voting day. The majority of municipalities that used Internet voting in 2010 employed the method of voting along with telephone voting. These municipalities were either geographically dispersed, had transient populations and/or consisted of an electorate of less than 20,000. Commonly, remote Internet voting is offered as a replacement to a vote-by-mail model due to decreased risks and increased efficiency for both voters and administrators.

Several major municipalities in Ontario have confirmed they will be using remote Internet voting in 2014. The City of Cambridge (population of 132,000) and the City of Sudbury (160,000) will be using Internet voting for the first-time as a complementary method to their paper-based, physical voting location model. The Town of Ajax (110,000) and the City of Parry Sound (60,000) will also be using Internet voting for the first time in 2014, however, their implementation fully replaces paper ballots with electronic ballots. Similar to the model employed by the City of Stratford in 2010, Parry Sound will only offer remote Internet voting. Ajax will offer a combination of remote Internet voting as well as electronic ballots which can be submitted at one of several physical voting places throughout the Town. More than 100 other municipalities in Ontario including Mississauga, Waterloo, Kingston, Thunder Bay and East Gwillimbury are also investigating the potential use of Internet voting in the upcoming election. Both Elections Canada and Elections Ontario have been actively exploring the prospect of implementing an online voting channel for a number of years and have since allocated resources to undertake a detailed investigation and feasibility review of doing so.

Of the municipalities who responded to a 2010 AMCTO survey, 30 noted use of the Internet as a complementary voting channel in the 2010 Municipal Election. Of

those respondents, 70% noted they were extremely satisfied, 26% were very satisfied and 4% were satisfied. None of the municipalities noted an unsatisfactory experience with any Internet voting product. To date, City staff have consulted with a number of these municipalities to discuss their experiences. These conversations support many of the documented advantages of Internet voting. The potential risks and limitations were also discussed. The following provides a high level description of both the advantages and the challenges associated with Internet voting:

Advantages of Internet Voting

- Designed to encourage participation from those who may be less inclined to visit a physical voting location in order to vote
- Provides an additional voting opportunities for students and vacationers who are unable to visit a voting place (ie. more convenient than voting proxies)
- Enhances accessibility and privacy for voters with disabilities
- Generates faster, more accurate results due to electronically automating tabulation
- Presents a "green" option for voting due to the reduced need to travel to and from a voting place and due to the potential decrease in printed ballots and materials

Challenges of Internet Voting

- Perception of security concerns and process vulnerabilities
- Voter authentication
- A loss of transparency in the traditional sense with reduced oversight of some components of the voting process by candidates and scrutineers
- Internet proliferation (ie. the availability of internet access in the community)
- Administrative work necessary to support initial use
- Costs to administer as a complementary channel (it can often be less costly than traditional methods when employed as a single voting channel)

Security of Internet Voting

Several concerns have been expressed with respect to the security of Internet voting vis-à-vis fraudulent activity. Distributed Denial of service (DDoS) attacks, trojan horses, viruses and website spoofing have all been identified as potential threats. Internet voting procedures established by municipalities address potential risks by employing both technical and process related security measures designed to support system administration and control user access. Technical protective measures such as firewalling, user authentication techniques, failover connectivity and server redundancy all decrease the likelihood and effectiveness of these threats. Proper testing and auditing throughout the various implementation phases also serves to protect the voting system from external threats. Internet voting platforms utilize the same stringent access methodologies and encryption principles which protect internet banking sites and Electronic Medical Records (EMR) systems. Although there have been documented cases of malicious attempts designed to comprise an online voting system, there are no known controverted elections resulting from the use of an Internet voting channel.

Some have also expressed concerns with respect whether online voting is the best model to protect voter privacy. Although unsubstantiated to date, allegations that Internet voting will increase instances of voter coercion have led jurisdictions like

Estonia[5] to modify their Internet voting system to allow an elector to cast several online ballots with their final submission being tabulated as their only vote. The intent of this model is to address concerns regarding one family member exercising illegitimate and unlawful authority over another by compelling them to mark their ballot in a certain way. Conversely, agencies representing voters with disabilities allege that Internet voting is the only channel which allows for some voters with disabilities to completely mark a ballot, in private, without the assistance of a designated friend or Election Official.

Validating the identification of voters is another concern often noted. As a result, voter authentication practices commonly exist as part of any online voting system and can be customized to include use of personalized security questions, CHAPTCHA challenges, and/or unique identification codes (eg. "vote-TANs"). There are also procedural controls in place to authenticate potential electors. For example, only electors on the voters' list receive credentials which can be used to register to vote and/or vote online. An individual may be added to the voters' list but first must validate their identity by submitting an acceptable form of personal identification to a designated Election Official. Notwithstanding the process to validate the voters' list and the various techniques[6] noted above, it will always be more difficult to validate voters using an unsupervised voting method. That is not to say that supervised voting methods are infallible in this regard, only to suggest that the prospect for abuse is greater in relation to an unsupervised voting channel. That said, Section 89 of the Act is applicable in that the legal responsibility of upholding the integrity of the voting process rests with the voters themselves.

Internet voting products have continued to develop in response to common concerns expressed about the technology or the associated processes. For example, some products have the capability to create ballot images representative of the online ballots which are submitted. These images are marked accordingly from a database consisting of thousands of hand-written "X's" rendering the ballot image indistinguishable from any hand marked ballot. If a manual recount is ordered, these images can then be physically produced and run through tabulators along with manually marked ballots. Some products also have the capacity to provide encrypted receipts to voters verifying that their online ballot was registered. Within such systems, voters receive a text string when submitting their online ballot which they can use to reconcile against a master list (usually posted to the jurisdiction's official website) to verify that the system had accepted and tallied their vote.

Prior to the 2006 election, the City of Markham retained Dr. Henry Kim, York University Associate Professor of Information Systems and Management Science, to complete a risk analysis of remote Internet voting in order to address the key technical and process related challenges. The results demonstrate that a traditional voting place based method of election involves less risk than an Internet voting method, however, the overall risk score associated with the latter is not considerably higher than the former. The results also demonstrated that the assumed risks of Internet voting were substantially lower than vote-by-mail, a method which has been more commonly used by municipalities in Ontario.

[5] Has used Internet voting since 2005 at all levels of government as a complementary channel to traditional methods of voting. Estonia is also a reference model for 'anywhere voting' (voters can vote at the voting place of their choice) and the use of a government issued ID card which is used for voter identification.

[6] Biometric authentication measures are also currently under development.

Regardless of the voting channel(s) used in an election, risk cannot be completely eliminated - it must be managed.

Voter Participation

Voter turnout in the City of Guelph over the last decade has been underwhelming. The average participation rate has variably decreased by nearly 11% from 2000 resulting in a 33.91% turnout in 2010. This is well below the AMCTO documented average of 46.7%. The average for Ontario municipalities in 2006 (38.6%[7]) was much closer aligned to Guelph's average (39.76%), however, the 2000 and 2003 elections demonstrate greater discrepancies with the provincial municipal average. This variable decline in the City's voter participation seems a stark contrast to what has often been referred to as a community with an active citizenry.

In an effort to better understand this issue a telephone survey was conducted in May, 2013. The survey was designed by staff with support from Oracle Poll Research and by Nicole Goodman, PhD a political scientist research consultant. The intent was to collect data from Guelph electors in order to measure voter awareness, determine voting method preferences and assess barriers to participation among the electorate. A preliminary report was provided by Oracle Poll and a detailed analysis was completed by Dr. Goodman. When asked why they did not vote in the 2010 Guelph Municipal Election, nearly 60% of the respondents noted one of the following reasons:

1. *I didn't support any of the candidates (16%)*
2. *I didn't know the candidates platforms/policies (16%)*
3. *Didn't know it was happening (13%)*
4. *I don't care about / dislike politics (13%)*

In addition to those noted within the Guelph survey, there are a myriad of specific and sometimes interrelated factors[8] that impact voter participation. One could arguably conclude, however, that the majority of reasons cited by Guelph electors relate to a lack of information made available in 2010. Clearly, some of this will need to be addressed by candidates in 2014 through their political campaigns, however, the City can also take a more active role in enhancing voter awareness through communications and outreach. To assist in this regard, a robust communications plan designed to support the 2014 Municipal Election will be developed. Although the details are still yet to be determined, the plan will focus on new and innovative ways to better inform the electorate at large as well engage underrepresented groups such as students and new residents.

Aside from a more active approach to voter engagement and communications, remote Internet voting has often been suggested to be a potential solution to address declining voter participation rates. Internet voting ultimately results in a question of trade-offs between risk and enhanced voting opportunity. Although there are inherent challenges in adopting unsupervised voting channels, there is also the potential to enhance voter accessibility beyond the status quo and create an environment with which voter participation may be increased. A pertinent and timely report entitled *A Comparative Assessment of Electronic Voting* written for

[7] A weighted average sourced from the 2006 AMCTO Post-Election Survey

[8] Including voter apathy, voter fatigue, education, socioeconomic conditions, demographics, electorate population and geography, the profile of civic issues during an election year, the activity rate of candidate campaigns (often tied to the comprehension of candidate platforms), the level of competition between candidates, voting system accessibility, trust in elections as well as the government at large, the weather etc. etc.

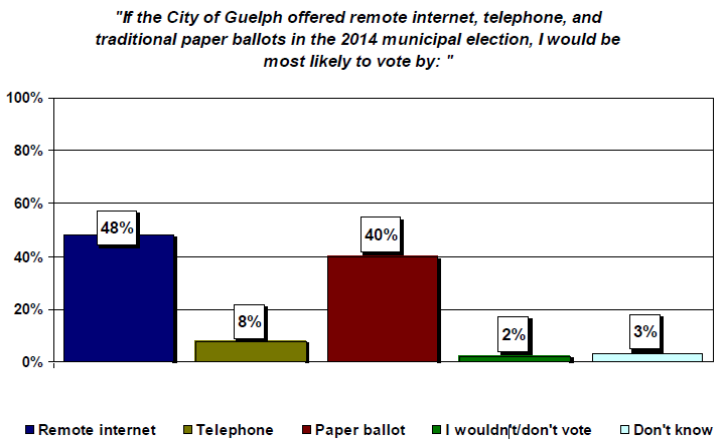
Elections Canada by the Strategic Knowledge Cluster Canada-Europe Transatlantic Dialogue, adeptly represents the balance between risk and opportunity:

> *Careful examination of the literature on Internet voting as well as the pilot experiences of many jurisdictions suggests that both the extremely optimistic and pessimistic positions about the effects of Internet voting are overstated. Internet voting will not act as a panacea for the social causes responsible for electoral disengagement, nor will it remedy negative attitudes toward political entities. It will, however, increase voting opportunities for electors and make casting a vote more accessible. On the other side, Internet voting will not erode democracy or result in vote buying and election fraud any more than does the existing system.*

The Elections Canada study clearly articulates that there is a need to conduct further research in order to better determine how Internet voting impacts voter participation. Any such research would also be used to build benchmarks to assist in the objective evaluation of the technology within the broader context of election service delivery. In order for this to occur, a greater number of jurisdictions will need to implement Internet voting and allow their program to be studied - a prospect which now appears more likely for 2014. To date, local jurisdictions in Ontario and Nova Scotia are being profiled as the leadership for Internet voting globally. The continued use of online voting to support the selection of political party leaders[9] and union votes may also urge more to explore use. Furthermore, the documented examination and review of Internet voting will continue to assist others in their own implementation efforts – an Issues Guide and Discussion Paper developed as part of the City of Edmonton's review is case in point.

There has been some research conducted within Ontario specifically in relation to the impact of online voting in the City of Markham. This research points out that Markham's advance voting turnout rose by nearly 300% from 2000 to 2003 along with their use of remote Internet voting. The overall voter turnout, however, stayed relatively the same at 27%. Markham again used Internet voting as an early voting optional channel in 2006 and 2010. In 2006, overall voter turnout rose to 38% but then dropped again to 35.5% in 2010. A review undertaken with respect to the City of Peterborough, who also used remote Internet voting in 2006 and 2010, demonstrates a similar result in that overall turnout did not increase. It is important to note that both jurisdictions only used online voting during early voting periods.

According to a 2011 survey conducted by Elections Canada, 57% of non-voters said they would have voted had it been possible to do so over the Internet. This increased to 67% of non-voters between the ages of 18 to 24. Certainly those jurisdictions adopting the use of remote Internet voting are doing so to enhance the overall



[9] At the federal level in Canada, Internet voting was recently used to elect a Liberal leader and, before that, the leader of the NDP. Provincially, it was recently used as a method of voting to select leaders of the NDP in Saskatchewan, Ontario, and British Columbia, Liberal parties in Alberta, New Brunswick, and British Columbia, and the Alberta Party.

convenience of voting but also to engage youth who have traditionally been underrepresented. The Guelph survey reinforced these findings as 56% of respondents indicated that they would be more likely to participate if remote Internet voting were an option. Moreover, if online voting were offered as a complimentary channel in Guelph in 2014, respondents indicated that they would be more likely to vote online than in person at a voting place.

Final Thoughts

Remote Internet voting is an unsupervised form of voting, not unlike telephone and vote-by-mail which are currently used by approximately 33% of municipalities in Ontario. Municipalities using such methods are required to establish specific procedures to ensure that they are regulated and controlled to the highest possible degree. It is the responsibility of the Returning Officer to ensure the method of voting upholds the principles of the Act. It is the responsibility of the voter to ensure he or she does not contravene the provisions of the Act or compromise the integrity of the election process. Section 49 provides that no person shall:

- *Interfere or attempt to interfere with an elector who is marking the ballot;*
- *Obtain or attempt to obtain, at a voting place, information about how an elector intends to vote or has voted; or*
- *Communicate any information obtained at a voting place about how an elector intends to vote or has voted.*

A contravention of any of the above noted provisions is subject to severe penalties ranging from fines to imprisonment or both. Some municipalities require voters to complete an online affidavit prior to voting online in order to confirm a commitment to upholding their responsibilities as an elector. This is a similar to a voting procedure which allows electors to vote at a voting place if they do not have an acceptable form of identification on their person. If evidence suggests a violation of the Act in any regard, the Returning Officer can take appropriate legal action.

Based on the practical research conducted to date and the composition of products currently available, the use of remote Internet voting as a complementary method does not seem to elevate risks beyond what is deemed to be acceptable vis-à-vis upholding the principles of the Act. In fact, the secured use of remote Internet voting serves to enhance and support many of the fundamental principles contained therein, most notably that *an election must be made accessible to all voters.*

Clearly, Internet voting cannot resolve some intrinsic problems which have been linked to the decline in voter turnout. Online voting does, however, offer a new way with which to potentially engage or re-engage underrepresented electors. Remote Internet voting aligns to what has been referred to as *a full transition to the use of technology within contemporary culture.* In the same way, it complements the Council approved City of Guelph Open Government Framework which establishes the foundations with which to encourage and embrace innovation, bolster transparency and accountability and leverage technology to better support civic participation. Although voting is only one aspect of community participation, it is an important one. Often referred to as the cornerstone of democracy, elections serve to reinforce the legitimacy of the political process. If nothing is done to correct the trending decline in participation, there is a real risk in eroding the public trust and bestowing an important civic duty upon a new generation of voters.

ATT-2

City of Guelph Report on Remote Electronic Voting Options

Nicole Goodman, PhD

July, 2013

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Note to the Reader

This report was prepared by Nicole Goodman, PhD. Nicole is a Post-Doctoral Fellow at the Innovation Policy Lab in the Munk School for Global Affairs at the University of Toronto. The survey instrument was jointly developed by the City of Guelph with input from Nicole and Oraclepoll. The polling firm, Oraclepoll, provided the data collection and preliminary analysis. Special thanks to Carleton University Professor Jon Pammett for his survey comments and advice.

Executive Summary

This report presents the results of a public opinion survey conducted by Oraclepoll for the City of Guelph between May 23 and June 3, 2013. The goal of the survey was to gain additional insight into electors' perceptions of voting experiences in the City of Guelph and to gauge public sentiment regarding the potential use of a remote Internet or telephone voting option in future local elections. Overall results suggest widespread public support for the introduction of Internet voting and weak to modest support for the initiation of telephone voting. Public readiness for Internet voting can be seen through the fact that potential voters report being most likely to use that voting method in the 2014 City of Guelph election, more likely in fact than traditional paper ballots. Support for telephone voting is modest, even among those who report having poor knowledge of computers and who belong to older age groups. This implies there may not be the same level of public readiness for voting by telephone.

The following are some key highlights of the findings based on the survey:

Public Use

- A majority (63 percent) of respondents say they would be likely to use remote Internet voting in a future local election.
    - 42 percent say the same for voting by telephone.
- If all ballot options were offered nearly half of all respondents (48 percent) say that they would vote remotely by Internet, 40 percent by paper ballot, and 8 percent by telephone.
- Those aged 34 to 44 reports being most inclined to make use of remote Internet voting.

Turnout

- Introducing *online/telephone voting* is the second most cited strategy for how to encourage electoral participation in City of Guelph local elections.
- A majority of non-voters say that they would vote if Internet (55 percent) and telephone (56 percent) voting were an option.
- Non-voters 18 to 44 and over 65 express strong agreement that an Internet voting option would encourage their participation.
- Non-voters over 65 express a noticeable willingness to vote if telephone voting was offered.

Access to, and confidence in, the technology

- A majority (62 percent) of respondents say they would feel confident voting by Internet.
    - Nearly one half (47 percent) say the same about telephone voting.
- 87 percent of respondents have Internet access at home.
- 72 percent use the Internet daily.
- 80 percent of those without access have an income of $39,999 or less.

Introduction

The City of Guelph recently commissioned a public opinion survey to shed light on voting experiences. Notably questions sought to gauge public supportiveness and readiness to adopt alternative electronic methods of voting, including Internet and telephone ballots. This report provides a summary and analysis of the results collected from the 2013 City of Guelph Survey. The goal of the report is to present city administrators and councilors with public perspective of election experiences to help inform their decision regarding whether to introduce an electronic voting option(s) in the 2014 City of Guelph election.

In particular, this report draws on the survey data to answer some specific questions about the possible introduction of Internet and telephone voting options in City of Guelph's 2014 municipal election. These questions include:

- Would the public make use of remote Internet and telephone voting methods?
- Is there a potential impact on voter participation?
- Is there a potential impact on specific groups that may experience greater difficulty participating such as youth and seniors?
- Do electors have access to the technology?
- Do electors have confidence in voting using the technology?

Who took part in the poll?

The 2013 City of Guelph Survey was carried out between May 23 and June 3, 2013 by the survey firm Oraclepoll. 600 randomly selected residents of the age of majority were contacted and surveyed by telephone. A focus of the survey was to attain equal representation from all 6 wards and this was achieved with 16.7 percent of respondents belonging to each of the wards. The average respondent comes from an urban, suburban neighborhood, has completed technical, community college, has an annual income between $50,000 and $59,999, and is between the ages of 45 and 64.

Gender is slightly overrepresented in this sample, with females accounting for 58 percent of respondents. In terms of age, there is an oversample of older electors. A majority (53 percent) of those surveyed report being 55 and older and 71 percent of the group is 45 and older. This presents some limitations and advantages for data analysis. While there is an under-representation of younger age cohorts, which means there is a greater margin of error for this group, the oversample of older electors provides for more reliable estimates of their attitudes and potential behaviour. Having a larger group of older electors can be helpful in a few ways.

First, older electors typically participate in elections at a greater rate than younger electors. Also, remote electronic voting data from other Canadian municipalities has shown that older age cohorts (those over the age of 55) are the most likely users of the service. Given that this group participates in elections most frequently and has been the largest user group in other communities, it is helpful to have a more reliable picture of whether middle-aged and senior residents in the City of Guelph would make use of the service(s). Furthermore, having an oversample is useful since greater concern is expressed about older electors having access to computers or electronic devices with Internet connections, knowledge of digital technology, and indicating a preference for traditional voting processes and methods.

If future data were collected it would be fruitful to try and achieve more equitable representation among age groups, particularly for the youngest electors since engaging this group is often cited as a rationale for considering electronic voting methods.

Finally, a large majority of respondents report having voted in the previous municipal, provincial, and federal elections; 87 percent, 88 percent, and 89 percent respectively. About an equally large number report being likely to participate in future elections. While voting behaviour is typically over-reported in surveys because it is seen as socially desirable, a larger sample of non-voters would help to better assess whether the option of remote electronic voting methods might entice these electors to participate.

Potential public use of remote Internet or telephone voting methods

An important consideration when evaluating whether to adopt alternative voting methods is whether electors will make use of the option. Survey respondents were asked some questions about potential use of Internet, telephone, and paper ballot methods, namely whether they would be likely to make use of Internet and telephone voting in local elections, and what their preferred type of ballot would be overall. Results suggest strong public support for the introduction of Internet voting and weak to modest support for the introduction of telephone voting. Those electors surveyed indicate that they would make use of Internet voting in particular, and that it would be the preferred type of ballot.

When asked, "*If you could vote remotely online, how likely would you be to use that method to vote in a future municipal election?"* a majority (63 percent) of respondents express that they would be very likely or somewhat likely to use remote Internet voting in a future local election. By comparison, about a quarter (26 percent) say that they would be somewhat or very unlikely to make use of this method of voting at the local level. This suggests that many eligible electors would cast a ballot by Internet remotely. Looking at these results by age group (see Figure 1) reveals that electors aged 18 to 44 reports being particularly inclined to make use of remote online voting, with those aged 34 to 44 being most likely to do so. This differs slightly from other data addressing Internet voting use at the local level collected in the City of Markham, in which the two youngest age groups reported the strongest likelihood to vote by Internet.

When asked the same question about telephone voting 42 percent of respondents report they would be somewhat or very likely to vote by telephone, while 43 percent indicate being somewhat or very unlikely to do so. Electors' support for voting by telephone in future local elections is much weaker than attitudes toward Internet voting. Furthermore, many respondents aged 18 to 54 say that they would be neither likely nor unlikely to use telephone voting, suggesting a degree of ambivalence toward the voting method. Telephone voting is typically proposed as an alternative voting method that is more appealing to senior citizens than voting by Internet given their familiarity with telephone technology, however even the oldest age group seems somewhat more inclined to try Internet voting than telephone.

Figure 1: Agreement with "If you could vote **remotely online**, how likely would you be to use that method to vote in a future municipal election?"

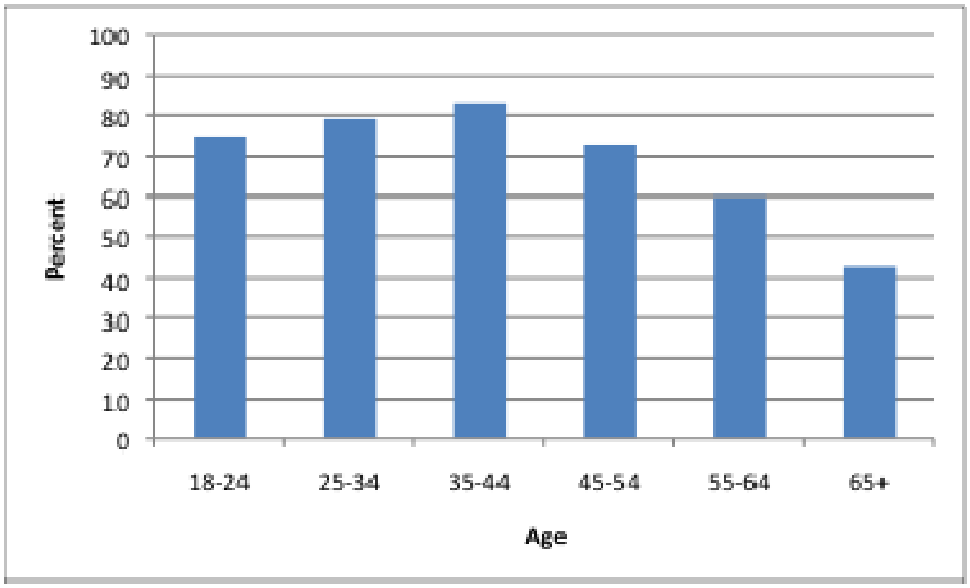
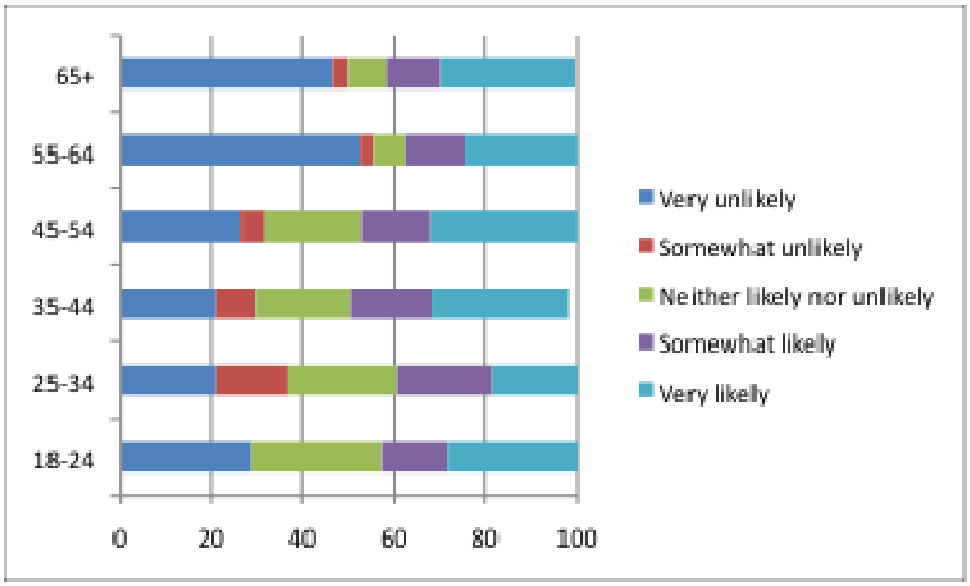


Figure 2: "If you could vote **by telephone**, how likely would you be to use that method to vote in a future municipal election?"



Further evidence of Internet voting being preferred over telephone is found looking to responses regarding which voting method electors would use to cast their ballot in the 2014 City of Guelph election when given the choice between Internet, telephone, or traditional paper ballots. Nearly half of all respondents (48 percent) say that they would vote remotely by Internet, 40 percent by paper ballot, and 8 percent by telephone (see Figure 3). Examining responses by age reveals that all age groups, other than those 65+, select

Internet ballots as their preferred voting method, or equal in preference to paper ballots (see those aged 55 to 64). This suggests that voters would vote remotely online.

Figure 3: "If the City of Guelph offered remote Internet, telephone, and traditional paper ballots in the 2014 municipal election, I would be most likely to vote by:"

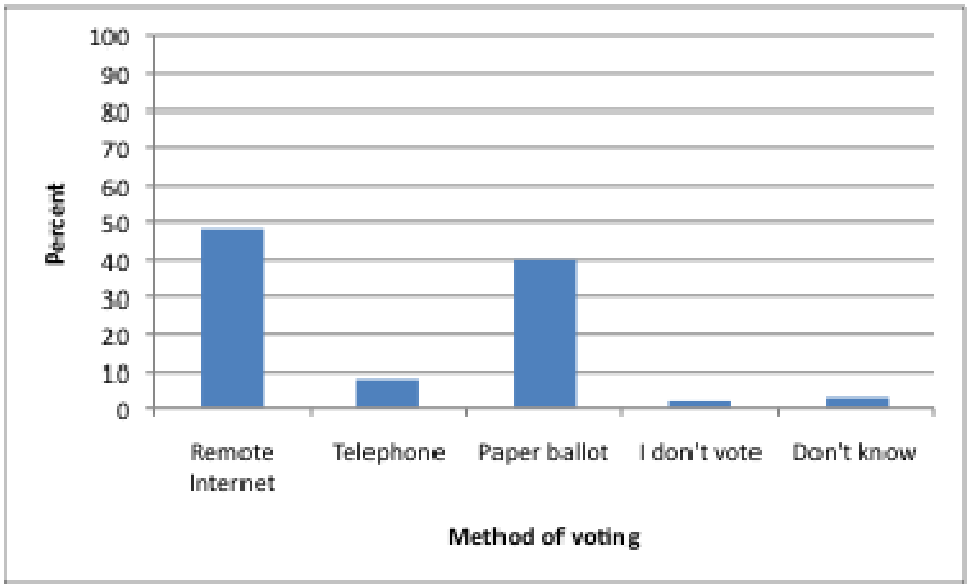
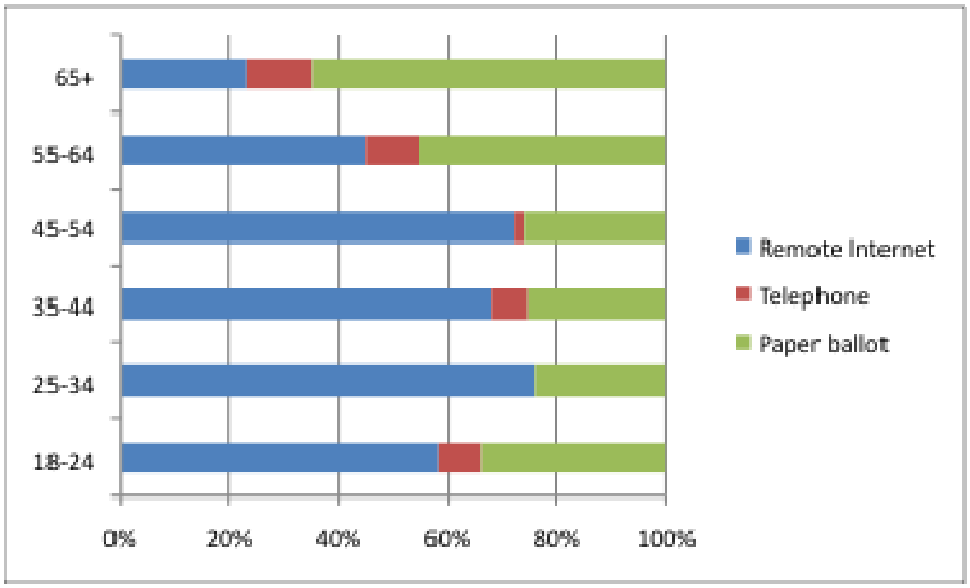


Figure 4: Estimated use of ballot type by age group



Those reporting average to very good knowledge of computers, and those reporting having accessed the Internet on a daily basis, are more likely to say they would vote by Internet. However, those with less familiarity and experience still express that they would be willing to give it a try. For example, one half of respondents (50 percent) who report using the Internet once a week say they would vote by Internet compared to one quarter (25 percent)

of the same group who say they would cast a paper ballot. Furthermore, a small group of respondents without access to the Internet express that they would like to vote online. These results suggest that some of those who have less practice using computers and the Internet are inclined to use remote online voting. If introduced, it would be helpful to ensure public access points were made available with qualified representatives to provide access and assistance for those without the Internet or knowledge of how to use it.

Findings from 34 Ontario municipalities that offered a remote Internet voting option in the 2010 local election supports Internet voting as the most popular method of casting a ballot when offered alongside telephone and paper ballots (see Figure 6). This evidence, coupled with the information collected in this survey, implies that City of Guelph electors would make use of the service if it were an option. With respect to age, data collected from the same election reveals that older electors (those aged 50 to 99) are more likely to vote by Internet than their younger counterparts (those aged 18 to 49) (see Figure 5). This result has less to do with the attraction of online voting, but is a consequence of the fact that older electors are more committed to voting and therefore participate in elections more frequently. Reported rates of use from younger age groups suggest that an Internet voting option would be used by electors representing a variety of age cohorts.

Figure 5: Age of Internet voters in Ontario municipalities in 2010

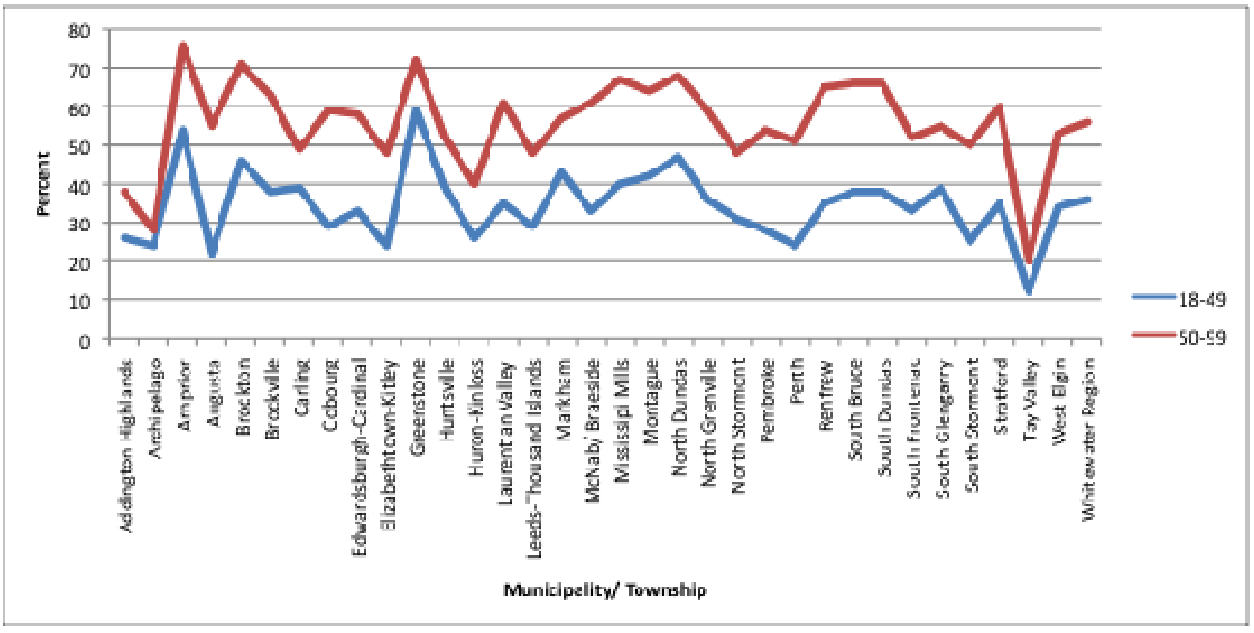
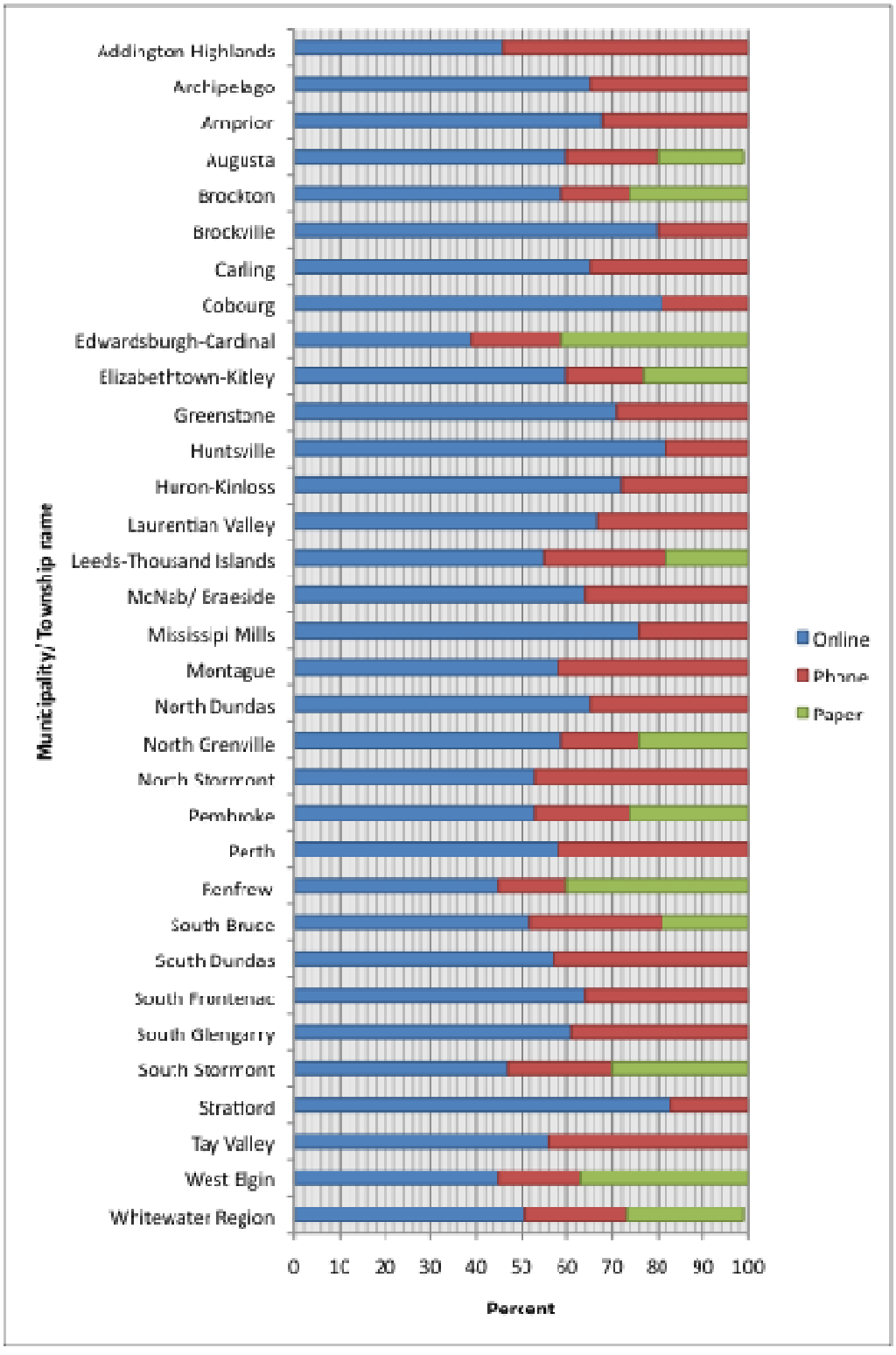


Figure 6: Method of voting used in Ontario municipalities in 2010



Potential impact on voter participation

Voter turnout is a concern for all levels of government in Canada. For various reasons turnout has noted a decline, which appears to be a long-term trend. Interestingly, while there is a secular turnout decline at federal and provincial levels, municipal turnout has been shown to be much more volatile. Internet voting is suggested as a change that may positively impact voter turnout. In a Canadian context, we do not have the data to support this assertion. We do know that Internet voting has had a positive impact on voter turnout based on some experiences, but in other cases there is no effect or a decrease. In Europe there is limited research on the impact of Internet voting on voter participation. One study analyzing local elections in the country of Estonia shows a positive effect of 2.6 percent, while another study examining national elections there finds no impact.

There are many contextual factors that impact levels of voter participation in elections. The combined impact of multiple variables makes it difficult to say for certain whether one structural change, such as introducing the option of Internet or telephone ballots, would have a positive effect on voter participation in local elections. For example, factors such as the perceived closeness of the race, the issues being addressed, types of candidates running, and the perceived importance of the election are some elements that can have an important impact on voter participation. The incredible inter-complexity of the variables that impact electoral participation suggests one factor alone will not remedy decreases in turnout. That said, the volatility of municipal turnout suggests it may be simpler to affect with the right mix of factors.

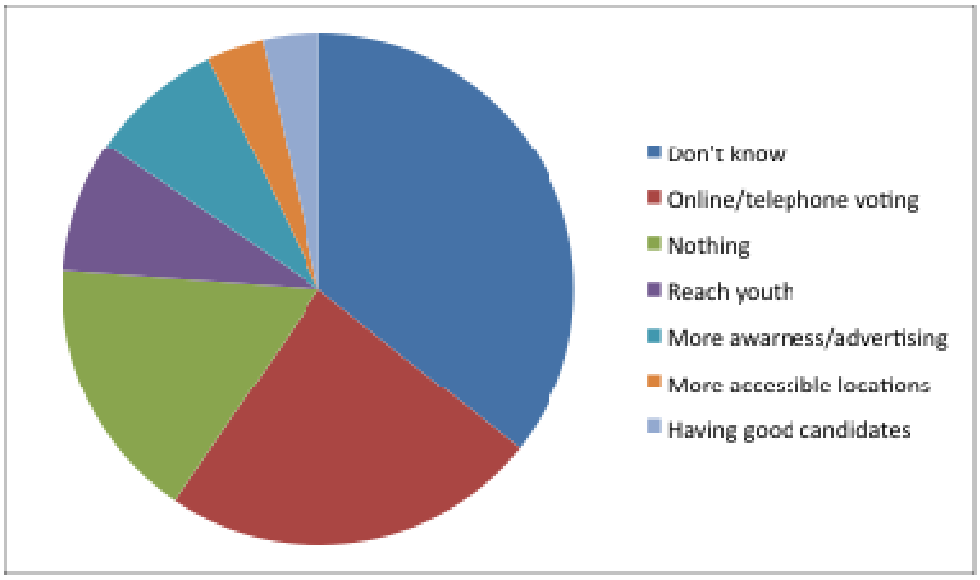
Data from the 2013 City of Guelph Survey finds some support to suggest the introduction of an Internet voting option may improve electoral participation, but this information should by no means be taken as a certainty that an increase would occur. Respondents were asked to make suggestions to improve municipal voter turnout. While nearly one third (30 percent) said they *did not know* of a solution. Next, *online/telephone voting* was the most frequently cited strategy for how to encourage electoral participation (see Figure 7). Suggestions that *nothing can be done*, *reaching youth*, *promoting awareness/advertising*, *increasing the number of accessible voting locations*, and *having good candidates* were also mentioned.[1] While these responses are no clear indication voter participation would increase as a result of offering electronic voting methods, some suggest electors may believe options that improve accessibility and convenience will help.

Although a small portion of survey respondents report having not voted in previous elections (13 percent) the reasons they provide for not participating municipally sheds light on whether alternative methods of voting could help. A large proportion of responses express a *lack of support for candidates* and a *need for better information* both in terms of the electoral event itself and also with respect to candidate policies. Another group say they *don't care about/ dislike* politics. The remainder of comments focuses on issues of accessibility. These include being *too busy* to make it to the polls, being *out of the city/province/country*, *illness/age,* and *inconvenient voting locations*. These types of considerations can be addressed in part by enhancing the accessibility of the voting process through an extended advanced voting period, the presence of voting locations in higher traffic public areas, and remote voting methods, electronic or otherwise, that would allow electors to cast a ballot from their home or work, and while traveling or ill. Previous

[1] Please note other suggestions were made, but they occupied 2 percent or less of the total responses.

research has shown that the convenience and accessibility offered by remote electronic voting methods, particularly Internet voting, is appealing to electors that cite these latter reasons for not having participated.

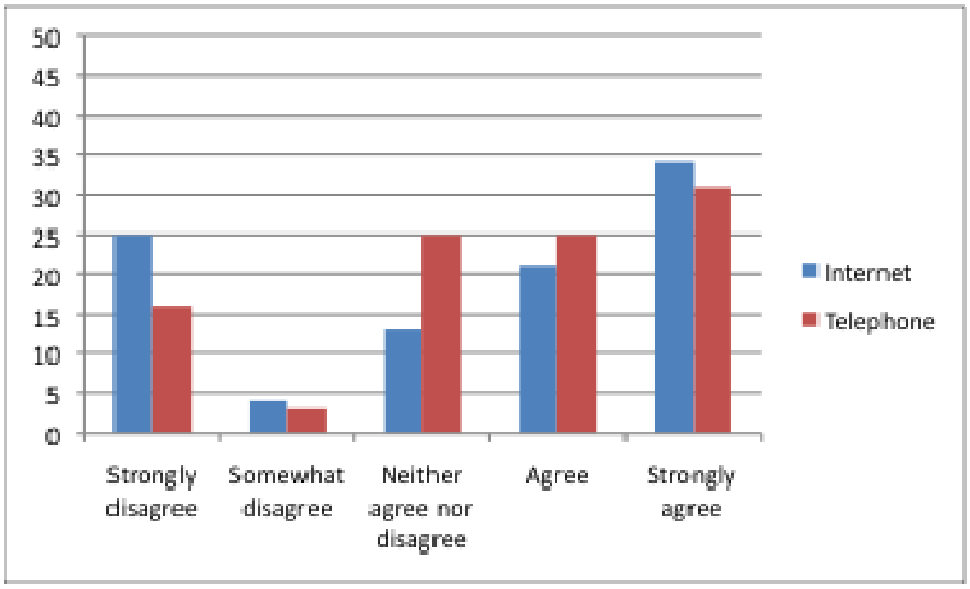
Figure 7: Suggestions to improve municipal voter turnout in the 2014 City of Guelph election



Electors that report not voting in previous elections were asked, "*If remote Internet/telephone voting were available I would vote in municipal elections*" to shed some light on whether these service options would promote electoral participation (see Figure 8). A majority of respondents express agreement that they would vote in municipal elections if these service options existed. Some respondents are again ambivalent regarding whether telephone voting would entice their electoral involvement, while they are much more decisive with respect to Internet voting, either positively or negatively. By age, those non-voters under 44 and over 65 express strong agreement that Internet voting would encourage their participation; while for telephone just those over 65 express a noticeable willingness to vote if it were an option. This information does not signify that turnout would surely increase if these methods were available, non-voters could just be saying this would help when there could be other more influential factors which effect their motivation to participate, but it suggests these voting methods may have an impact especially for younger and older electors.

Overall these results can be taken as evidence that some electors may be more inclined to participate if remote electronic voting methods were offered in the 2014 City of Guelph municipal election, especially Internet ballots. Younger and older non-voters report being especially likely to participate as a consequence and generally the accessibility offered by these options may promote the involvement of those electors who may not have participated because they were too busy, ill, traveling, or perceived voting locations to be inconvenient. That said, the introduction of these voting methods are by no means a guarantee that there will be a positive impact on voter participation and such structural changes will not be a panacea for voter apathy.

Figure 8: Agreement with "If remote Internet/telephone voting were available I would vote in municipal elections" among non-voters



Access to and confidence in the technology

Resident access to, and confidence in, remote electronic voting technologies is an important prerequisite when considering its adoption. As noted above, there is strong reported access to the Internet in the City of Guelph. 87 percent of respondents say they have access and a further 87 percent indicate they have access to an Internet connection from their home. 72 percent of residents surveyed express that they access the Internet daily, 10 percent do so on a weekly basis, and 4 percent on a monthly basis. This suggests relatively robust Internet penetration among the public. Still, however, 13 percent of those surveyed report not having access. Should Internet voting be adopted it would be important to put measures in place which promote accessibility of Internet ballots by all.

Examining access to Internet by income reveals that about 80 percent of those without access have an income of $39,999 or less. Looking more closely we see that the lower the reported income the less likely a respondent is to report having Internet access at home. This suggests that income may be a key factor in lack of online access for residents. Taking into account access to Internet by age shows that those belonging to the youngest age group (18 to 24) and the oldest age group (those 65+) report the lowest rates of access. Given that Internet voting is widely regarded as a change to improve accessibility it is salient to ensure this complementary method of voting does not exacerbate inequalities for those who do not have, or cannot afford, access.

In terms of confidence in the technologies, 62 percent of respondents overall report agreement or strong agreement with the statement, "*If remote Internet voting were an option for the 2014 municipal election in Guelph, I would feel confident casting my vote online*." When asked the same question with respect to voting by telephone 47 percent say they would feel confident casting a ballot that way. Particularly for Internet, this suggests relatively strong public confidence in the transmission of online ballots. Looking at

responses by age we see stronger confidence for Internet ballots, especially among electors 64 and under. 48 percent of electors 65 and older, however, disagree that they would be confident casting a ballot by Internet. This is an important finding and one that would have to be addressed with public education and outreach should this voting method be adopted.

Figure 9: Agreement with "If **remote Internet voting** were an option for the 2014 municipal election in Guelph, I would feel confident casting my vote online" by age

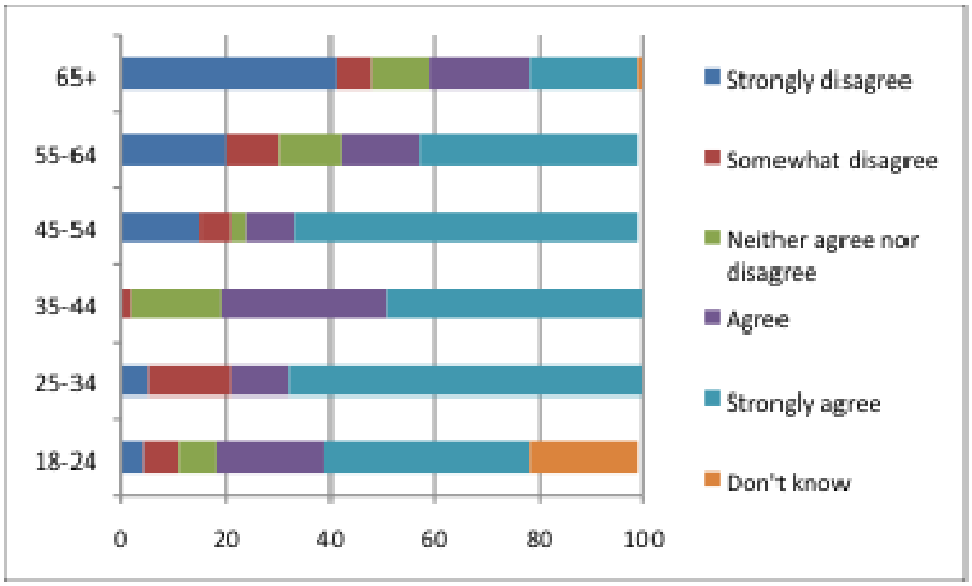
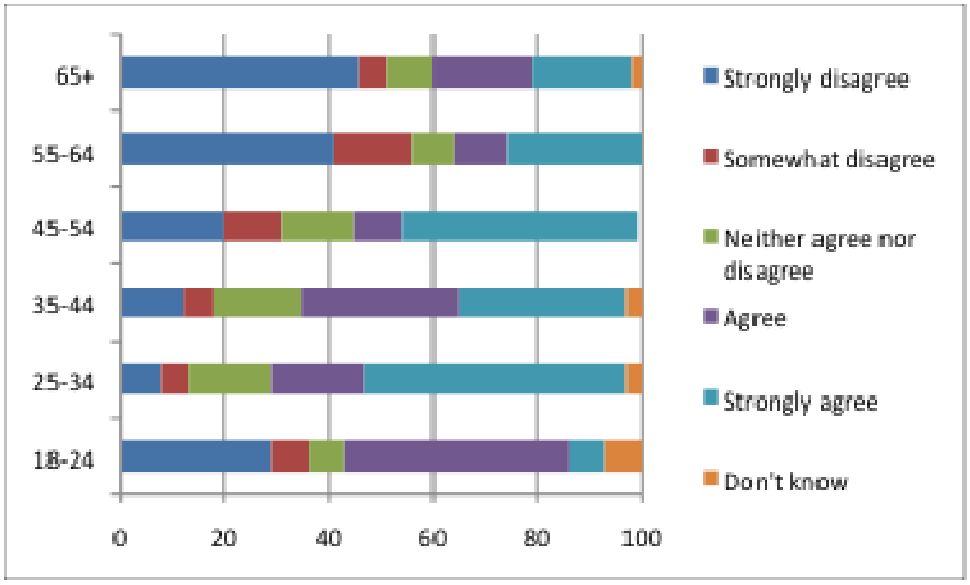


Figure 10: Agreement with "If **telephone voting** were an option for the 2014 municipal election in Guelph, I would feel confident casting my vote by telephone" by age



Confidence in the transmission of telephone ballots is lower among most age groups (except those aged 25 to 34). Notably a majority of those aged 55 to 64 and 65 and older disagree that they would feel confident voting by telephone; 55 percent and 51 percent respectively. Lower confidence in, and reported use of, telephone voting raises questions regarding its effectiveness as an alternative voting method. A robust education and information campaign would be recommended if council decided favourably to adopt it for the 2014 local election.

Overall results indicate there is robust Internet access and penetration among residents. Furthermore, electors express moderate to strong confidence in Internet ballots and more modest confidence in voting by telephone.

Conclusion

Information collected by 2013 City of Guelph Survey on voting experiences suggests public supportiveness and readiness for remote electronic voting methods. There is particularly strong support for an Internet voting option. A high proportion of electors report having access to the Internet, express confidence is casting their ballots online, and say they will make use of Internet voting, more so in fact than traditional paper ballots. There is weak to modest support for telephone voting and confidence in the transmission of votes using the technology is not as strong as by Internet. Furthermore, there is minimal reported use of telephone voting in future elections. Overall, public attitudes suggest that remote voting by Internet is a desirable alternative voting method for future local elections. Although there is interest in telephone voting, survey results imply this method is less attractive.

ATT-3

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2013)-XXXXX

A By-law to authorize the use of vote scanners/tabulators for the 2014 Municipal Election.

WHEREAS Section 42 of the *Municipal Elections Act, S.O. 1996* provides that a municipal council may on or before June1 in the year of an election, pass a by-law authorizing the use of optical scanning vote tabulators for the purpose of counting votes at Municipal elections;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. The use of vote scanners/tabulators is hereby authorized in respect to the 2014 Municipal Elections.

2. By-law Number (2010)-19009 is hereby repealed.

PASSED this 29th day of July, 2013.

KAREN FARBRIDGE - MAYOR

BLAIR LABELLE - CITY CLERK

ATT-4

THE CORPORATION OF THE CITY OF GUELPH

By-law Number (2013)- XXXXX

A By-law to authorize the use of Internet Voting in the 2014 Municipal Election

WHEREAS Section 42 of the *Municipal Elections Act, S.O. 1996* provides that a municipal council may on or before June1 in the year of an election, pass a by-law authorizing the use of alternative voting method(s) that does not require electors to attend at a voting place in order to vote;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF GUELPH ENACTS AS FOLLOWS:

1. Internet voting is hereby authorized in respect to the 2014 Municipal Election.

PASSED this 29th day of July, 2013.

KAREN FARBRIDGE - MAYOR

BLAIR LABELLE - CITY CLERK

Mayor Farbridge and respected councillors for the City of Guelph,

My name is Chris Cates and I am a citizen of Canada living in the city of Edmonton. Recently, I have heard news that your city is considering using internet voting in the next election. While I am not a resident of your city, I am very much concerned about the use of internet and electronic voting used anywhere in Canada because of the great harm it can do to our democracy.

Many municipalities across Canada are exploring the idea of using online and electronic voting solutions and some have already implemented the use of these technologies. While the **idea** of internet voting has a numerous merits, such as allowing disabled or infirm people the ability to vote, the practical application of internet voting is filled with numerous technical problems to which there are no solutions. I am writing you today to make you aware of the risks associated with using an online voting system.

Advocates, city clerks, and sales representatives will try to convince you that electronic voting will save your city money and increase voter participation. They will try to tell you that online voting is as safe and secure as online banking. Some advocates will even go so far as to lie by saying there have never been any problems with internet voting. These statements simply are not true as proven recently by the electronic election held in France where journalists, not hackers, were able to breach the election system promoted as "fraud-proof" and "ultra secure" (http://www.independent.co.uk/news/world/europe/fake-votes-mar-frances-first-electronic-election-8641345.html).

Attached to this message is the staff report from the city of Kitchener who recently performed an 18-month study into the use of internet voting. In this report you will find their study concluded that internet voting doubled election costs and only marginally increased voter turnout. The report also brought up serious concerns about the security associated with the use of internet voting.

In a recent CBC news broadcast with journalist, Rob Wipond, the internet voting system used in the Halifax Regional Municipality (HRM) during their last election was found to be filled with numerous security holes (http://www.cbc.ca/informationmorningns/2013/06/17/security-worries-over-website-used-during-halifaxs-last-election/). Computer security researcher, Kevin McArthur, found the system was vulnerable to man-in-the-middle types of attacks where elections officials and the internet voting company would have no idea the election was hijacked (http://www.unrest.ca/setting-the-record-straight-on-halifax-election-evoting).

Many advocates and news agencies report the same old saying: "If we can bank online, why can't we vote online?" Banking online means a trust must be formed between you and the bank. When logging into the bank's system, you know the bank and the bank knows you. Voting means your identity must remain 100% secret and there must be nothing linking you to your ballot. Would you bank online if your identity was to remain completely confidential from the bank? Likely not. These advocates also do not tell you about the numerous viruses which have circulated the world and scammed millions of dollars from banks. Viruses like: Zeus (http://en.wikipedia.org/wiki/Zeus_(Trojan_horse)) and SpyEye (http://www.dailymail.co.uk/sciencetech/article-2083271/SpyEye-trojan-horse-New-PC-virus-steals-money-creates-fake-online-bank-statements.html)

Advocates and supporters of electronic voting will also tell you that the system is full auditable, but nothing could be further from the truth. There is no way to independently audit an electronic election. Recounts are not possible. The e-voting system will only produce the same numbers it did before. What if there was a glitch which caused votes to be flipped from one candidate to another (http://tv.msnbc.com/2012/11/06/machine-turns-vote-for-obama-into-one-for-romney/)?

What if there was a mathematical error in the code which caused the election results to be miscalculated (http://www.freemalaysiatoday.com/category/nation/2013/01/05/dap-election-fiasco-an-embarrassment/)? There is no way to verify the election results because all votes are digital.

You may find it interesting to know the most outspoken individuals protesting the use of internet voting are computer science experts. These individuals are speaking out publicly and proving the technology cannot be trusted with our democracy. Computer experts like Prof. Ronald L. Rivest Ph.D. who is co-founder of the RSA security encryption algorithm and VeriSign used in many of today's online transactions. Or, Assc. Prof. J. Alex Halderman Ph.D. who successfully hacked the proposed Washington D.C. internet voting system which, were it not for his efforts, was about to be used in an actual election a mere 2-3 weeks later.

In 2012-13 the city of Edmonton explored the idea of using internet voting for its upcoming municipal election. A citizen jury was formed and a mock "Jellybean" election was conducted to test the internet voting system. All of the news reports of the time reported the system being safe and secure and no problems were found. As you may or may not be aware, I protested against the use of internet voting here in Edmonton in the rest of Alberta. My efforts helped raise awareness of the numerous flaws which exist with internet voting. Some of these flaws were highlighted by my ability to cast **two** ballots completely undetected by the online voting system or the election officials. After raising my concerns and highlighting the numerous risks associated with internet voting Edmonton city councillors voted 11-2 against using the technology.

Shortly before their decision I wrote a letter to Alberta Municipal Affairs Minister, Honourable Doug Griffiths, which further explained how internet voting does not uphold key election principles when used. It wasn't long after the city of Edmonton rejected using internet voting that Minister Griffiths sent a letter to all municipalities stating internet voting was not going to be allowed in Alberta. I have attached the letter to this message for your consideration.

I implore you to read the attached report and letter and I am sure that when you do, you too will find that internet voting does not enhance our democracy. With the use of internet voting citizens can no longer trust our elections. Performing recounts or proper independent audits become impossible as there is no way to independently verify the ballot was received exactly as it was cast. There is no way to ensure that voter coercion, vote buying/selling did not take place, or the system wasn't compromised by an individual or group with an agenda to manipulate the election results. There is no way to ensure that a virus or other malware didn't infect the system to change the results. There is no way to ensure the virtual ballot box wasn't virtually stuffed with ballots or switched for another virtual ballot box. There is no way to prevent a Distributed Denial of Service (DDoS) attack like the NDP election, or stop a phishing site from tricking users into submitting their ballots on a fake election server. By the way, to this day the culprits responsible for the NDP DDoS attack have never been identified or prosecuted, and the NDP had to call off their investigation due to enormous costs of investigating the crime (http://www.countingthevote.ca/apps/blog/show/21700105-pov-a-look-back-on-the-scytl-ndp-internet-voting-debacle). Is this what is waiting for your next election?

By deciding against internet voting you are upholding democracy in Canada and sending a message that this technology is not ready for use in our elections. We should not be using our elections as testing grounds for private for-profit voting companies. Internet voting companies claim their systems cannot be hacked and can withstand any cyber-attack. But I retort by asking you this: if secure government organizations like CSIS, the FBI, and numerous financial institutions can't stop hackers from penetrating their systems, what makes you think an internet voting company can?

Many municipalities have rejected the use of online voting because it does not live up to expectations. The city of Kitchener rejected using internet voting along with the city of Edmonton and recently the city of Thunder Bay (http://www.tbnewswatch.com/news/286546/Rejected). The provinces of Alberta and B.C. have rejected using internet voting. Huntsville, Ontario returned to using paper ballots after experiencing a significant problem during their 2010 internet election.

To learn more about internet voting and the risks associated with it, please visit my web site: http://www.countingthevote.ca. There are too many risks associated with using any electronic voting system. Please help to protect our democracy by using an open, transparent, and auditable election method that is proven successful: Paper ballots!

Regards,

Chris Cates, Computer Expert
CountingTheVote.ca

REPORT TO:	Finance & Corporate Services Committee
DATE OF MEETING:	December 10, 2012
SUBMITTED BY:	R. Gosse, Director of Legislated Services/City Clerk
PREPARED BY:	R. Gosse - 2809
WARD(S) INVOLVED:	n/a
DATE OF REPORT:	November 2, 2012
REPORT NO.:	FCS-12-191
SUBJECT:	ALTERNATIVE VOTING – INTERNET VOTING

RECOMMENDATION:

For information and discussion.

EXECUTIVE SUMMARY:

This report looks at the use of internet voting and attempts to answer the question of whether or not internet voting should be introduced as a voting option for the 2014 elections. Staff is of the opinion that it should not be introduced in 2014 based on several factors outlined in greater detail in this report such as:

- Security of an internet voting system;
- Data that suggests it does not increase voter turnout and in particular, younger voters;
- Does not meet all of the principles of a democratic voting process;
- Cost;
- The lack of overarching guidelines especially in the area of voting system security and,
- The absence of a Canadian legal challenge to this voting method.

BACKGROUND:

In June 2011, Council directed staff to report back in 2012 on alternative voting methods and in particular, internet voting and the option of implementing this type of voting for the 2014 municipal elections. This report will focus mainly on internet voting being it is a completely new method of voting for the City of Kitchener.

REPORT:

Internet voting is becoming more prevalent within Ontario and other jurisdictions across Canada and around the World. It is a voting method that allows a voter to submit a digital ballot over the public Internet utilizing a web browser or application through a PC, tablet or smart phone. This voting method provides a great deal of convenience by allowing voters with internet access to vote from any location at any time during the voting period. It is also provides access to the voting process for many voters with a disability.

Despite the apparent conveniences of internet voting, there are risks involved. It is critical that elections are conducted with utmost integrity and in compliance with democratic principles. In

order to maintain public confidence elections should be accessible, transparent, secret, accountable and secure from fraud. Internet voting may not adhere to some of those principles raising the question of whether or not it is important enough to dispense with one or more principles for the sake of convenience and other possible positive outcomes. It is important that decisions with respect to introducing internet voting, take into consideration the need to balance these competing principles.

This report will attempt to bring together information from various papers, reports, data and documents on the subject to assist council in making a decision on whether or not, internet voting is an acceptable and appropriate voting method for the City of Kitchener to introduce in 2014.

The Internet Voting Experience

Internet voting has been trialled over the past decade by several countries and jurisdictions throughout the world. In all cases except one, this voting method has only been offered on a local or jurisdictional level, not on a national level. In addition, except for some Ontario municipalities in 2010, internet voting has been offered as a voting option along with others such as paper ballot, phone voting and mail-in; in other words, internet has not been the sole method of voting.

Europe and Australia

Several European countries have investigated and piloted internet voting and Estonia and Switzerland appear to have embraced this method having conducted several elections with internet voting as an option. Estonia is the only country to have offered internet voting on a national level. Norway conducted its first pilot in 2011 on a limited municipal level and pending the outcome of an extensive post-election report, there are plans to introduce internet voting on a national level in 2017.

Germany, the Netherlands and the United Kingdom have used electronic counting equipment and have trialled internet voting but all three have moved away from these voting options based on certain democratic voting principles not being met. Both Germany and the Netherlands have gone so far as to decommission all electronic voting methods citing lack of transparency, accountability and the fact that equal and free voting could not be verified. The United Kingdom also cited transparency and security issues and found that the majority of internet users would have voted using the other available methods raising questions with respect to cost and value.

Australia piloted internet voting in 2007 but deferred further trials in 2009 citing cost as the major impediment in offering this voting option.

North America

The United States have trialled internet voting but only in limited uses such as primaries and overseas/military voters. Security and risks to voting integrity have been cited as concerns and as such, no internet program has been established on a federal level. According to one researcher, a national policy on internet voting is not expected in the near future. Certain individual States have used internet voting again mostly for military and absentee voters however; security remains an issue with some and there is evidence that a few states are moving back to a paper ballot to be counted either manually or by optical-scan machines.

In Canada, the Federal and several Provincial governments have commenced their investigations into the use of the internet as an optional method of voting. On the federal level the Office of the Chief Electoral Officer has completed the terms of reference for internet voting and if approval is given, will offer the option for a by-election in 2013. It is also expected that if the pilot is considered successful, a federal policy on internet voting including security and

integrity, will be developed sometime in 2015-16. This is much the same for the Ontario government with a goal to pilot the option in 2012 and report back to the Speaker of the House in 2013.

The Alberta and Nova Scotia provincial governments have taken steps to allow piloting of internet voting on both the provincial and municipal levels. Edmonton has conducted a mock vote using the internet and Halifax and a few smaller towns have conducted elections with internet as an option and Halifax is again offering this method for the current 2012 elections.

Ontario

Internet voting was first introduced by the Town of Markham in 2003 and has continued to be an option in the 2006 and 2010 elections. In 2006, several more municipalities offered internet voting and in 2010, 44 municipalities that completed a survey for the Association of Municipal Managers, Clerks and Treasurers of Ontario, indicated use of the internet. Of the 44 municipalities, 6 offered internet as an option and only for advance voting, 8 offered internet as an option including election day and, 30 as the only means of voting along with telephone voting. It should be noted that the 30 municipalities that offered only electronic voting (internet and telephone), the largest in population was approximately 30,000; most were under 15,000.

Results and Outcomes

Throughout most internet voting trials around the world, one factor has become clear; the majority of citizens have generally accepted internet voting as a practical option. This is not to say the majority of citizens embraced the technology rather, they viewed it as an acceptable alternative.

Although it has been found that voters have accepted internet voting as a method for casting votes, there is no evidence to show it increased voter turnout. This is true throughout most, if not all, internet voting trials.

The Town of Markham has been a front-runner in this field, being one of the first jurisdictions in the world to introduce internet voting in 2003. The Town has offered this voting method as part of the advance voting period for the past 3 regular elections and following each election, they contracted a third-party company to undertake an extensive follow-up to assess the effectiveness and value of internet voting.

The follow chart shows the Town of Markham turnout over the 3 years that internet voting was available during advance voting.

	2003			2006			2010
Electors	158000			164500			185470
Turnout	42198			61948			65927
% turnout	26.71%			37.66%			35.55%
internet votes	7210			10639			10597
% internet of turnout	17.09%			17.17%			16.07%
% internet of electors	4.56%			6.47%			5.71%

The post-election analysis undertaken by the consultant for the Town showed that whereas advance voting increased dramatically, 300% in 2003, the overall turnout did not increase significantly. It should be noted that 2003 was a particularly low turnout whereas 2006 and 2010 were closer and perhaps slightly higher than the average turnout for the Town. The consultant's report which included post-election surveys amongst those who utilized internet voting showed that approximately 75% of those using the internet had voted in the previous election and had indicated they would have voted regardless of voting options. This was true in each of the 3 elections however; alternatively, 25% of the voters indicated they did not vote previously showing that the method may attract new voters. In addition, acceptance of those using the internet was very high, not only in Markham but for most other jurisdictions globally. Most respondents indicated they would use the internet in future elections.

The figures from the Cities of Peterborough and Burlington are similar to that of Markham's.

	City of Peterborough				City of Burlington
	2006		2010		2010
Electors	52116		54874		121525
Turnout	25036		24219		45671
% turnout	48.04%		44.14%		37.58%
internet	3473		3951		2500
% internet of turnout	13.87%		16.31%		5.47%
% internet of electors	6.66%		7.20%		2.06%

The 2011 elections held in Norway trialled internet voting for some municipalities which allowed for comparison between those with and without internet voting as an option. The post-election analysis showed clearly that internet voting did not have a positive impact on turnout; the results from those municipalities mirrored the results from municipalities without the internet option. The report also indicated that 89% of internet voters surveyed stated they would have voted if internet voting was not available.

The Town of Markham post-election analysis went beyond just looking at voter turnout; it also included a breakdown by age groups for those who used the internet to cast their vote.

voters by age									
	2003			2006			2010*		
18-24	9%	649		7%	745		18-19	2%	219
25-34	12%	865		11%	1170		20's	11%	1134
35-44	22%	1586		22%	2341		30's	13%	1380
45-54	27%	1947		28%	2979		40's	23%	2412
55-64	19%	1370		21%	2234		50's	26%	2781

64+	8%	577		11%	1170		60's	17%	1827
Unknown	3%	216					70's+	8%	844
	100%	7210		100%	10639			100%	10597

*Note: The Town changed the age groups in 2010.

The results by age groups in Markham are very much the same as in other jurisdictions around the world. In all cases where post-election follow-up was conducted, it was found that the largest users of the internet were by voters age 45 to 55 and the smallest groups were 18-34. In Norway a focus group of teenaged voters was undertaken and it was found that the younger voter viewed walking to a poll to cast a ballot as ceremonial and symbolic of adulthood. They also indicated that it was more important to ask why a young person should vote rather than what method they will use to vote. There is clear evidence that, regardless of geography internet voting does not attract younger voters.

Security, Scrutiny and Auditability

Internet voting does have risks especially in the area of software/hardware security which is one of the main reasons given by opponents of internet voting. Although there is a risk, there is no evidence that a government election utilizing the internet has ever been hacked or suffered a cyber-attack. That is not to say no internet voting system hasn't been hacked, there are several cases of such attacks taking place during a pre-election period when outside persons and groups were invited to test the security of a system.

A security attack on an internet voting system can take place in basically 2 ways: hacking into the servers and; denial of service whereby multiple computers on the internet receive instructions to attack the web site hosting the voting system, essentially overloading and shutting down the web site. Although these risks are real and attacks have taken place, with today's ever evolving security software, the risk is low that a system can be totally compromised.

Another cyber-attack method which could be more detrimental to the voting process and integrity of a voting system is one that does not attack the municipality's servers but rather, attacks the voter's computer. Spyware or another type of intrusive software can be inadvertently downloaded onto a private PC or one that is used by the public such as those available in libraries or cyber-cafes. Once downloaded the hacker could introduce software to change how the voter casts their votes. The important issue here is the fact that no matter how well the servers are protected, there is no way to ensure that the voter's choice has been received correctly. Once again, the risk of this method of attack is considered extremely low especially when it's a municipal election but, it can raise some concerns adding to the public perception that the system is not fool-proof.

The largest impact on an election stemming from security issues is not necessarily the integrity of the system but the cost involved to ensure the system is secure and to satisfy the public and candidates as to any concerns they may have. It is extremely important that the public has complete confidence in any voting system; a lack of confidence may result in lower voter turnout and/or post-election challenges.

In order to mitigate these issues, a Request for Proposal to provide an internet voting system will have to include proof that the system is secure and is certified to certain standards. However; without a Canadian standard, the City would have to decide on an appropriate standard either from another jurisdiction (i.e. Europe) or in consultation with a third-party digital security company. It is assumed that the costs incurred by companies offering internet voting systems to undergo such a security assessment will be passed along to municipalities. In

addition, once a system is chosen and put into place, the municipality must have a security consultant test and verify the integrity of the entire system including hardware. It may also be prudent to have a post-election security audit to ensure and provide proof that the system was not compromised (i.e. no programming code was added during the election).

There is one indisputable fact regarding internet or other Direct-Recording Electronic (DRE) voting system that cannot be ignored; it is the lack of auditability and the inability to re-create the vote. A paper ballot based system regardless how the ballots are tabulated maintains a means of recreating the vote should a recount be ordered. Since a DRE system does not produce a paper copy of any vote, a recount would rely solely on an audit of the system (so many votes received and so many votes counted). This inability to recount votes could be a real issue should an election be challenged and end up in the courts. It is also one of the main reasons that several European countries decided to decommission their DRE systems and not move forward with internet voting. Scrutiny of the election process was another reason.

One of the tenets of a democratic and free election is the ability for the public to scrutinize the process ensuring full transparency. This is even more important for candidates who may appoint scrutineers to observe and ensure the voting process is properly carried out. When voters can cast their vote away from the public eye, it raises questions on whether or not that part of the process is taking place properly and without coercion and/or fraud.

Cost

Holding elections is the basis for our democratic society and therefore costs should not be a factor, however; like everything undertaken by the City, costs must be taken into consideration. The operation of an election should balance cost with convenience to the elector therefore cost to add internet voting as an option should be weighed against the added value it may bring.

In 2010 the cost of holding the elections in Kitchener was approximately $360K made up of: hiring workers, leasing equipment/software, postage and supplies. In 2010 the cost of holding elections in Markham, a municipality with about 25% more electors, was approximately $1.2M.

The current estimated budget for 2014 is $390-$400K without adding internet voting as a voting option. Should internet voting be introduced in 2014 the following chart shows the estimated additional costs to be added to the current budget:

Internet Software	$1.50 - $2.00/elector with estimated 158,000 electors in 2014	$237K - $316K
Postage	Additional postage required; each notification will now be mailed individually rather than grouped by address	$25K
Security Audit	3rd party audit of entire internet system	$10-20K
Promotion	To ensure success, extensive promotion will be required (Markham costs in 2010, $216K)	$50-75K
Total Internet Voting	Total estimated costs using lowest costs in a range	$322K

Current Budget w/o internet voting	Current budget lowest costs to run an election similar to 2010.	$390K
Total 2014 Budget with Internet voting	Total estimated lowest cost with internet option	$712K

Elections are paid out of a reserve that is built up with annual contributions over the 4 years between elections. If internet voting is to be offered in 2014, the current annual contribution to the election reserve will have to be increased by $175-200K in budget years 2013 and 2014 to ensure the additional $300-$400K is available. This will increase the total contribution for the 2 years from $90K to $265-$290K. Should internet voting continue past 2014, then the annual contribution would be reduced so that each year equals 25% of the projected election costs for 2018. The estimate for the contributions between 2014 and 2018 is $200/annum. It is noted that the election reserve also receives interest revenue during the 4 years.

CONCLUSION:

Internet voting has been offered as a voting option since the late 1990's in various jurisdictions around the world, however; the number of countries/jurisdictions that continue to offer internet voting as an option is relatively small. Ontario is one jurisdiction that has seen a steady increase in the number of municipalities offering internet voting albeit; the majority of municipalities are considered to be small with populations less than 30,000.

Where internet voting has been offered, data suggest it has been well accepted by the public as an alternative voting method, however; there is no clear indication that it increases voter turnout. There is data that shows internet voting does not increase voter turnout amongst younger voters.

Security issues are a real threat but most studies conclude that the risk is small to medium. Notwithstanding the risk level, security standards should be in place to ensure public confidence in the election process. It is anticipated, but not guaranteed that the federal government will develop such standards by 2015-16.

Internet voting is very convenient allowing voters the opportunity to vote anywhere at any time during the voting period. Data compiled as part of several post-election studies where internet voting was being piloted showed that the majority of internet users would have voted regardless if internet voting was available or not. Internet voting also offers some voters with a disability the ability to access and participate in the voting process without assistance. This is not the only method to allow accessible voting, there are other methods using paper ballots or touchscreens.

Prior to introducing an internet voting option, consideration must be made with respect to this voting method and how it meets or doesn't meet the democratic principles of an election. There is a lack of transparency and scrutiny when voters are allowed to vote without public oversight that ensures the vote has been cast fairly and without coercion or fraudulently. This is particularly significant for Kitchener in light of the 2010 Ward 9 race that resulted in a 1 vote difference and subsequent recount.

The cost to offer internet voting as one option for electors is significant and cannot be ignored. The estimated cost will double the election budget for 2014 yet, data from other jurisdictions indicate it may not increase voter turnout enough to justify the cost.

In light of the issues raised with respect to internet voting as an additional voting option, it is staff's opinion that it should not be introduced in the City of Kitchener for the 2014 municipal

elections. The earliest election that internet voting should be considered is 2018 by which time it is anticipated security standards will be in place. One event that has not taken place in Canada as of yet that may assist in answering questions regarding security and election principles, is a court challenge. It was a court challenge in Germany that resulted in that country abandoning any further internet voting and the use of DRE voting systems. A challenge in Canada may set the legal parameters for offering internet voting and answer the question with respect to the importance of election principles in context of voting convenience.

ALIGNMENT WITH CITY OF KITCHENER STRATEGIC PLAN:

Efficient and Effective Government: Exploring technological changes to ascertain its appropriateness in enhancing community access to the election process. Positioning the City as a leader in public sector processes; ensuring accountability and transparency.

FINANCIAL IMPLICATIONS:

Financial implications are dependent on whether or not internet voting is going to be offered in 2014. It is estimated that the addition of internet voting as a voting option will add between $325K and $400k to the current budget of $390K.

COMMUNITY ENGAGEMENT:

A draft of this report is to be presented to Compass Kitchener on December 5th for questions and feedback. Compass Kitchener has been looking into voter engagement and turnout including internet voting as an option. The outcome of that meeting will be reported on verbally at the December 10th Finance & Corporate Services Committee meeting.

ACKNOWLEDGED BY:	D. Chapman, DCAO – Finance & Corporate Services Department

Chris Cates
111 Royal Terrace
Edmonton, Alberta T6J 4R2
Canada

February 1, 2013

Honourable Doug Griffiths
Minister of Municipal Affairs
18th Floor, Commerce Place
10155 – 102 Street
Edmonton, Alberta T5J 4L4
Canada

Mr. Paul Whittaker
Deputy Minister of Municipal Affairs
18th Floor, Commerce Place
10155 – 102 Street
Edmonton, Alberta T5J 4L4
Canada

Dear Honourable Mr. Griffiths and Mr. Whittaker,

My name is Chris Cates and I am a Canadian citizen residing in Edmonton, Alberta. As you are already aware, the City of Edmonton held a mock election in October/November of last year. This mock election was to test the concept and readiness of Edmonton and other municipalities using internet voting as an option for voters to cast ballots in the upcoming 2013 municipal election.

I am writing you today to express my concerns with local municipalities and the provincial government of Alberta exploring the idea of using internet voting for their elections. As a computer programmer and former network administrator with over 20 years of experience in the Information Technology (IT) industry, I am well versed in the various methods organizations can employ in attempts to keep their network as secure as possible. However, this experience has also shown that, despite our best efforts, no network can be completely secure from intrusion.

In the letter written by Mr. Whittaker, dated October 19, 2012, to Mr. Simon Farbrother, City Manager for the City of Edmonton, Mr. Patrick Draper, City Manager for the City of St. Albert, and Mr. Kevin Glebe, Intrim Chief Commissioner for Strathcona County, support for the use of internet voting in the next municipal election will only be provided as long as the following principles are met:

- Maintain or enhance accessibility of voting opportunities;
- Ensure only eligible electors can vote;
- Ensure eligible electors can vote only once;
- Ensure that voters will have the opportunity to vote in private;
- Ensure that each voter's choices cannot be associated with the individual voter;
- Ensure that reasonable measures are in place to protect the security of votes and the voting system;
- Ensure that the process is subject to adequate audit and verification; and
- Identify measures to be taken to promote transparency and reliability, including the use of communication or education programs to make voters familiar with the process and safeguards, or through the use of audit procedures and the publication of audit results.

I would like to take a moment of your time to explain how many of the listed principles are not met and cannot be met using internet voting or electronic voting as an option in an election. I will detail this information by using the points listed above.

Maintain or enhance accessibility of voting opportunities

Internet voting enhances accessibility of voting by providing people who are elderly, infirm, disabled, or abroad at the time of an election a means of voting without needing to visit a local polling station. By making use of the internet people can access the proposed online election system from almost anywhere in the world by using a web browser on an internet enabled device (i.e personal computer, laptop, smart phone, etc.).

However, this statement does not take into consideration the very real possibility of an online election being disrupted by a Denial of Service attack or other cyber attack. During the NDP leadership race in March 2012, Scytl's election system was disrupted by a Distributed Denial of Service (DDoS) attack which prevented many voters from casting ballots. During the attack legitimate voters both at the NDP convention hall and others across Canada could not log in to the election system. At one point, Scytl had to lock out remote voters so only those at the convention hall were allowed to vote.[1] One couple, John & Sandra Wilson spent the entire day trying to vote and were unsuccessful. After they entered their PIN code a message would appear on their screen saying their time had expired or that they had already voted. [2]

In the likely event of an internet voting system becoming a target of a Distributed Denial of Service attack, how many voters will be unable to cast their ballots? How many voters will it take before the election is called and a new election will need to be held? How much of taxpayer money will be spent investigating this type of attack? In the case of the NDP attack, neither Scytl nor the NDP were ever able to prove who attacked the system and to this day no one has ever been prosecuted.

[1] Huffington Post, March 24, 2012 – Vote Fail: NDP Online Ballot Issues Tied To Attempted Cyber-Attack (http://www.huffingtonpost.ca/2012/03/24/vote-fail-ndp_n_1377134.html)

[2] Toronto Star, Saturday March 24, 2012 – NDP Leadership: Voting Delays Caused By 'Outside Interference' (http://www.thestar.com/news/canada/2012/03/24/ndp_leadership_voting_delays_caused_by_outside_interference.html)

Ensure only eligible electors can vote

In order for any municipality to ensure only eligible voters can cast a ballot in an election, a database of registered voters must be created, maintained, and secured. Currently, Edmonton and other municipalities do not have a database of registered voters as this database becomes outdated the moment it is created due to the number of people moving in and out of the city or province. The only option left is for voters to register at the start of an election, leaving the possibility of a person or a group to create a number of false identities to gain the ability to cast multiple ballots.

In a paper ballot election, voters must register and provide government issued photo identification to cast their ballot. In an online election the same is also true. Voters must register by providing their name, address, e-mail address, etc. and a scanned copy of government issued photo identification.[3] Where the two systems differ is when it comes time to cast a ballot. If a malicious person wanted to create numerous fake identities to cast multiple ballots there is a good chance this person would be detected at the polling stations, and spend most of his/her time travelling or waiting in line to vote. The possibility of a single person being able to cast hundreds of paper ballots without being detected is not very likely. However, during an online election a single person could use an image editing program (i.e. Photoshop) to create multiple false identities and cast hundreds of ballots. By casting those ballots at publicly shared computers (i.e. library, internet cafes, etc.) the possibility of being detected is quite slim, and the results of the election could easily be affected.

Ensure eligible electors can vote only once

As I am sure you are already aware it is completely possible for someone to cast more than one ballot during a paper ballot election. However, paper ballot elections provide a means of identifying this type of voter fraud as a paper trail exists for investigators to follow and catch the perpetrator.

As it was pointed out in the previous section it is not a complicated task for a single person to cast multiple ballots during an online election. However, this is not the only method which could be employed to allow a person or group to influence the outcome of an online election.

In October 2010, Peter Byvelds, of Brinston, Ontario, was able to cast five ballots during an online election. [4] Byvelds was able to do this by stealing the PIN codes of four family members and casting their ballots in addition to his own. [5] During the 2012 mock Jellybean election here in Edmonton, Alberta, I was able to use a different method to cast more than one ballot as well. This information was reported to the Centre for Public Involvement, who was tasked with reporting public readiness of internet voting, during one of their roundtable meetings but was not reported to Edmonton City Council by either the Centre for Public Involvement or the city clerk. I therefore brought the matter before Edmonton City Council during an Executive Committee meeting on January 28, 2013.

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[3] City of Edmonton, No Date – Internet Voting FAQ (http://www.edmonton.ca/city_government/municipal_elections/internet-voting-frequently-asked-questions.aspx)

[4] CBC News, March 8, 2011 – Ont. Man Cast More Than One Vote In Election: OPP (http://www.cbc.ca/news/canada/ottawa/story/2011/03/08/ottawa-voting-charges.html)

[5] Standard-Freeholder, April 19, 2011 – Man Fined $1,500 For Casting Five Votes (http://www.standard-freeholder.com/2011/04/19/man-fined-1500-for-casting-five-votes)

Furthermore, internet voting creates a means for proxy voting to take place. As I am sure you are already aware this is when someone can cast a ballot on someone else's behalf, and is not legal in our current elections. An online election also introduces the possibility for an underground movement to be established which would facilitate a means for votes to be bought or sold. In a paper ballot system this may be possible but it is unlikely to happen as there is little means for the voter's ballot to be recorded.

Ensure that voters will have the opportunity to vote in private

While internet voting does provide a means for a voters to be able to cast ballots from their home, work, smart phone, etc. it does not necessarily mean their vote is cast in private. The very nature of sitting at a computer or using a smart phone to cast a ballot means the voter can easily be removed from the public eye. As you know, a polling station only allows one person to be at a polling booth at one time unless special circumstances require voter assistance. When a voter is at home or at work casting their ballot a very real possibility exists that other people (i.e. spouse, family member, employer, etc.) could be standing behind them coercing the voter to cast a ballot for a specific candidate.

Ensure that each voter's choices cannot be associated with the individual voter

As mentioned previously, in an online election the voter must register with the election system by submitting their name, address, e-mail address, etc. and scanned copy of their government issued photo identification. Once the voter has been approved by the election system, an e-mail message is sent to the voter which contains the PIN code the voter must use to cast their ballot. Each PIN code must be unique in an attempt to maintain one person, one vote.

This is where the fundamental flaw related to electronic voting resides. The PIN code provided by the election system is the code which connects the voter to their ballot. Unlike in a paper ballot system, electronic ballots are marked by a unique code. Internet voting companies will be very adamant at stating the PIN code does not make this connection. The only way to verify this is to inspect the internet voting company's software (source code) and fully review their databases used in an election, which is something they will not allow. Instead, they ask the public to blindly trust this link does not exist.

In 2008, the Finnish government piloted an electronic election to test Scytl's e-voting system. After the pilot was over Electronic Frontier Finland (Effi), a non-profit organization, released a report based on the audit of the election system. In their report they made the following statement:

> *"It is possible to find out how an individual voter voted, as votes are processed in an unencrypted form during the counting process, with voter-identifying information attached to each vote. It seems that ballot secrecy could be compromised by system programmers or a group of insiders having access to all decryption keys"* [6]

[6] Electronic Frontier Finland (Effi), November 28, 2009 – A Report on the Finnish E-Voting Pilot (http://www.effi.org/system/files?file=FinnishEVotingCoEComparison_Effi_20080801.pdf)

It was also reported:

> *"The auditors said that a group of insiders could in theory create a second ballot box and count the votes from that ballot box instead of the real one."*

During an election, officials responsible for overseeing the election would have been provided decryption keys used to unlock the virtual ballot box, but the electronic voting company would also have access to those same keys. Not only does this constitute a real threat to voter secrecy it also shows that elections can be rigged to favor a specific candidate.

At the end of the election it is the responsibility of the election company to destroy all data associated with the election once it has been certified by election officials. Again, we are asked to blindly trust that this data has been permanently destroyed and is not being kept on a back-up tape, hard drive, or any other media which could be used to retrieve and review the election data at a later date.

Ensure that reasonable measures are in place to protect the security of the votes and the voting system

Once the ballot is cast in an online election any number of circumstances could take place to change the digital ballot including but not limited to:

- The ballot could be changed by a virus or other malicious malware residing on the voter's personal computer prior to it being transmitted to the election server
- The ballot could be lost during transmission and never received by the election system
- The ballot could be captured during transmission to the election system and altered
- Similar to Robo-calls, where voters were directed to alternate polling stations, voters could be mislead or tricked into voting on a fake election server where their PIN codes and passwords are gathered and then used to cast ballots for a specific candidate
- A programmer working for, or previously worked for, the election company could have implemented code or left a backdoor into the election system to allow them remote access to the election system so ballots can be changed
- Systems administrators of the election company could have logged in to the system during or at the end of an election and changed or removed ballots, or, as stated previously, set up an entirely separate ballot box
- A computer hacker or 'hactivist' group could have penetrated the security of the election system and altered ballots to change the results

Makers of online voting solutions claim to have the Holy Grail of internet security and say their system cannot be penetrated. It is a very bold statement for any company to make considering corporate web sites, which hold confidential personal information, like Google[7], LinkedIn[8], and Facebook[9] have been hacked along with secure networks like the Pentagon[10], CIA[11], and the Canadian government[12] to name a few.

[7] Wired, January 14, 2010 – Google Hack Attack Was Ultra Sophisticated, New Details Show (http://www.wired.com/threatlevel/2010/01/operation-aurora/)

[8] CBC News, June 6, 2012 – LinkedIn Confirms Some Users' Passwords Hacked (http://www.cbc.ca/news/technology/story/2012/06/06/tech-linkedin-hacked-passwords.html)

How is it possible for internet voting companies to claim their systems can't be compromised when the most secure networks in the world continue to be penetrated by hackers? Statements like these only serve to fuel hackers into proving them wrong. It is not a question of if an internet voting system will get hacked; it is only a question of when. Can the public really trust a private for-profit company to openly admit they have been hacked during an actual election? Given the financial repercussions of confirming such a penetration, it is highly unlikely any internet or electronic voting company would ever do this.

Whenever pilots are being conducted, internet voting companies do not allow the public to openly hack their systems and make any security companies sign non-disclosure agreements prior to performing any security tests on their systems. This essentially gags security companies from reporting publicly about any intrusions or vulnerabilities they detect. If internet voting systems are really the most secure then it should be mandated they allow a public open attack on their election system to prove it to the citizens.

Computer science experts around the world are speaking out against the use of online voting and in some cases have proven how vulnerable electronic voting can be. Alex Halderman, associate professor for the University of Michigan, is well versed on the dangers related to electronic voting systems and internet voting. He has demonstrated numerous times how electronic voting machines can be hacked and gained notoriety when he and his team successfully hacked the proposed Washington D.C. internet voting system in less than 36 hours. [13] While he was able to employ a number of known exploits to compromise the security of the system, in the end it came down to a single pair of quotation marks, erroneously coded into the program, which gave him full control over the system.

The FBI[14], CSIS[15], and other global intelligence agencies around the world are continuously reporting about the growing trend of cyber threats. Viruses like Red October, Flame[16], Stuxnet[17], Conflicker[18], Zues[19], and DNSChanger[20] are being detected in the wild and growing in their sophistication. In the case of Red October,

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[9] National Post, December 7, 2011 – Facebook Fixes Photo Privacy Bug After Founder Mark Zuckerberg Has Account Hacked (http://news.nationalpost.com/2011/12/07/facebook-fixes-photo-privacy-bug-after-founder-mark-zuckerberg-has-account-hacked/)

[10] Business Insider, July 14, 2011 – Pentagon Admits 24,000 Files Were Hacked, Declares Cyberspace A Theater Of War (http://www.businessinsider.com/pentagon-admits-24000-files-were-hacked-declares-cyberspace-a-theater-of-war-2011-7)

[11] The Telegraph, February 11, 2012 – CIA Website Hacked In Attack 'Claimed' By Shadowy Cyber Group Anonymous (http://www.telegraph.co.uk/news/worldnews/northamerica/usa/9076314/CIA-website-hacked-in-attack-claimed-by-shadowy-cyber-group-Anonymous.html)

[12] CBC News, February 16, 2011 – Foreign Hackers Attack Canadian Government (http://www.cbc.ca/news/politics/story/2011/02/16/pol-weston-hacking.html)

[13] Scott Wolchock, Eric Wustrow, Dawn Isabel, J. Alex Halderman, February 2012 – Attacking The Washington D.C. Internet Voting System (https://jhalderm.com/pub/papers/dcvoting-fc12.pdf)

[14] CBS News, February 2, 2012 – FBI: Cyber Threat Might Surpass Terror Threat (http://www.cbsnews.com/8301-3460_162-57370682/fbi-cyber-threat-might-surpass-terror-threat/)

[15] CSIS, February 9, 2012 – Information Security Threats (http://www.csis-scrs.gc.ca/prrts/nfrmtn/index-eng.asp)

[16] Wikipedia, No Date – Flame (malware) (http://en.wikipedia.org/wiki/Flame_(malware))

[17] Wikipedia, No Date – Stuxnet (http://en.wikipedia.org/wiki/Stuxnet)

[18] Wikipedia, No Date – Conflicker (http://en.wikipedia.org/wiki/Conflicker)

[19] Wikipedia, No Date – Zues (Trojan Horse) (http://en.wikipedia.org/wiki/Zeus_(Trojan_horse))

[20] Wikipedia, No Date – DNSChanger (http://en.wikipedia.org/wiki/DNSChanger)

another intelligence gathering virus, expert estimate the virus has been operating without being detected for over 5 years.[21]

Ensure that the process is subject to adequate audit verification

Auditing the results of an election is impossible when using any online or electronic voting system. When a digital ballot is cast there is no paper trail left behind to verify the vote, so auditors can only verify the numbers produced by the internet voting system. Scytl's online election software can only produce a spreadsheet which details the candidate choice for each ballot received. There is no evidence to prove the voting system received the ballot exactly as it was cast, or didn't make a mistake during tabulation. Such was the case in Penang, Malaysia during a recent election using an internet voting system where the results were erroneously tabulated and reported.[22]

Furthermore, no recount is possible because there is no other means of recounting the ballots. The data produced by the election system is the only information generated so once again blind trust must be placed with a private for-profit company. Should any candidate choose to challenge the results of the election they will have a difficult road ahead as they do not have any means to independently verify the results. The only means to verify the election will be for each registered voter to keep a paper copy of their ballot and compare results of the digital election to the paper records. This process completely negates the purpose of using an electronic voting system.

Identify measures to be taken to promote transparency and reliability, including the use of communication or education programs to make voters familiar with the process and safeguards, or through the use of audit procedures and publication of audit results

As you can see by the previous points, electronic voting does not promote transparency or reliability. In a paper ballot election, ballots are cast and then counted in front of election officials and witnesses. Should it be necessary, an independent organization can verify the results of the election by recounting the paper ballots.

Holding elections online also opens up the possibility for the virtual ballot box to be stuffed with virtual ballots. Since the number of registered voters rarely equals the number of actual voters, internet voting provides a way for the ballot box to be stuffed with ballots from registered voters who did not participate in the election.

At no time during an electronic election does the voter have any proof that their ballot was received exactly as it was cast. The very nature of computers means votes can easily be switched for a specific candidate by either a software glitch or malicious intent. Such was the case with one electronic voting machine in Pennsylvania in

[21] Securelist, January 14, 2013 – The "Red October" Campaign - An Advanced Cyber Espionage Network Targeting Diplomatic And Government Agencies (http://www.securelist.com/en/blog/785/The_Red_October_Campaign_An_Advanced_Cyber_Espionage_Network_Targeting_Diplomatic_and_Government_Agencies)

[22] Free Malaysia Today, January 5, 2013 – DAP: Election Fiasco An Embarrassment (http://www.freemalaysiatoday.com/category/nation/2013/01/05/dap-election-fiasco-an-embarrassment/)

the U.S. Presidential Election where a voting machine was filmed switching a vote.[23] This is not an isolated occurrence as Alex Halderman has proven numerous security vulnerabilities in a number of electronic voting machines such as the Diebold AccuVote-TS[24] and the Electronic Voting Machines (EVMs) used in India.[25]

Closing Remarks

As more evidence comes out showing the growing number of security risks associated with electronic voting, internet voting, and electronic tabulation, municipalities and governments around the world are moving away from using this technology.

- In December 2012, Kitchener, Ontario rejected using online voting due to security issues and the additional costs associated with building, maintaining, and securing a database of registered voters[26]
- In May of 2011, the B.C. government rejected a proposal to allow internet voting for Vancouver's municipal election citing "a number of serious risks" related to security[27]
- In 2004, the Pentagon rejected the use of internet voting for overseas military personnel due to "fundamental security problems that leave it vulnerable to a variety of well-known cyberattacks"[28]
- and the U.S. federal government does not allow internet voting because they are concerned about the risks related to malware and fraud[29]
- The Netherlands[30], Germany[31], Ireland[32] and many other countries have also not only disallowed internet voting, but removed electronic voting and tabulation machines due to security and constitutional concerns.

Many proponents of internet voting will try to argue that internet voting dramatically increases voter participation, but as the statistics in the Staff Report from the City of Kitchner detail this is simply not the

[23] Huffington Post, November 6, 2012 – Pennsylvania Voting Machine Switches Vote From Barack Obama To Mitt Romney (http://www.huffingtonpost.com/2012/11/06/pennsylvania-voting-machine-switches-vote-obama-romney_n_2083015.html)

[24] Ariel J. Feldman, J. Alex Halderman, and Edward W. Felten, August 2007 – Security Analysis Of The Deibold AccuVote-TS Voting Machine (https://jhalderm.com/pub/papers/ts-evt07.pdf)

[25] Scott Wolchok, Eric Wustrow, J. Alex Halderman, Hari K. Prasad, Arun Kankipati, Sai Krishna Sakhumuri, Vasavya Yagati, and Rop Gonggrijp, October 2010 – Security Analysis Of India's Electronic Voting Machines (https://jhalderm.com/pub/papers/evm-ccs10.pdf)

[26] The Record, December 10, 2012 – Kitchner Rejects Internet Voting (http://www.therecord.com/news/local/article/851707--kitchener-rejects-internet-voting)

[27] Straight.com, May 27, 2011 – B.C. Government Rejects Online Voting In Vancouver Fall Election (http://www.straight.com/news/bc-government-rejects-online-voting-vancouver-fall-election)

[28] The New York Times, February 6, 2004 – Online Voting Canceled For Americans Overseas (http://www.nytimes.com/2004/02/06/politics/campaign/06VOTE.html)

[29] USA.gov, November 5, 2012 – Can You Vote Online? (blog post) (http://blog.usa.gov/post/35067724772/can-you-vote-online)

[30] ComputerWorld, May 19, 2008 – Dutch Government Bans Electronic Voting (http://news.idg.no/cw/art.cfm?id=003AE63C-17A4-0F78-31DDDC0DCFA62609)

[31] Deutche Welle, March 3, 2009 – German Court Rules E-Voting Unconstitutional (http://www.dw.de/german-court-rules-e-voting-unconstitutional/a-4069101-1)

[32] Irish Times, June 29, 2012 – E-Voting Machines To Be Scrapped (http://www.irishtimes.com/newspaper/breaking/2012/0629/breaking2.html)

case.[33] Proponents and supporters argue that internet voting is secure because people bank, shop, and file taxes online. However, these are not factual arguments proving the safety of electronic elections and numerous papers have been written to show how the two online systems are entirely different.[34] Online transactions such as these require both parties to be fully aware of the other's identity, while a voter's identity must remain completely secret from their vote. Would any of these supporters still want to do any of these activities if their identity needed to remain secret? It seems doubtful as trust would become the paramount concern.

I would like to thank you for taking this matter into consideration and I do realize that I have provided you with a wealth of information. I implore you to thoroughly research the information so you may make an informed decision. I am confident if you review all of the articles and reports listed in the footnotes you will have all the evidence necessary to put a stop to internet and electronic voting in Alberta.

Democracy demands transparency not trust, and we need to be able to trust the vote.

Respectfully,



Chris Cates

[33] R. Gosse, Director of Legislated Service/City Clerk, November 2, 2012 – Staff Report "Alternative Voting – Internet Voting" (http://katemdaley.ca/wp-content/uploads/2013/01/FCS-12-191-2.pdf)

[34] David Jefferson, Verified Voting, No Date – If I Can Shop And Bank Online, Why Can't I Vote Online? (https://www.verifiedvoting.org/resources/internet-voting/vote-online/)

From: David Fishback
Sent: July 9, 2013 9:20 PM
To: Clerks
Subject: Internet voting

Internet voting, if done correctly, is a good thing. It is another choice for the voters to use. I do not see any real issues with it. People use Internet for banking and now you can only use the Internet to sent your tax returns. In my professional opinion, the Internet is a great medium.

This will be an eventuality in the near future, just like processing your tax return. Guelph should be on the leading edge of this so that we can have a say in how Internet voting goes forward.

David Fishback

Subject: Municipal Election Process in Guelph

I'm sure that this is not the only reason for declining voter turnout during our city elections but I like to think that one big reason for the decline is the 'beeping ballots fiasco' of the past few elections. The use of 'beeping ballots' is simply another example of how the people who run this city have fallen victim to a slick sales pitch without putting a lot of thought into their decision.

I know what the pro-sayers of 'beeping ballots' would probably say. Technically in legal blah blah blah terms such a ballot is still 'secret' since the choice of the voter is not revealed. Is unintentionally making an error or intentionally spoiling a ballot not a choice? Why should this be revealed to the public? Even if people can prove in court that technically the voter's right to a secret ballot is still protected, 'beeping ballots' are still an arrogant infringement on that right. Would you accept condolences at a funeral from someone who was snotty and had a smirk on their face? If you want people to vote it's not only about what is legally correct. It's more about how people perceive the process.

Of course pro-sayers would also say that 'beeping ballots' eliminate the mild civil disobedience of intentionally 'spoiling a ballot'. It makes the tabulation process more efficient since we no longer need to deal with 'spoiled ballots'. Let's look a little bit at the notion of 'spoiling a ballot'. I don't mind revealing that during an election many years ago I intentionally spoiled my ballot. I placed a large X over the entire paper ballot with my pencil and placed it in the box. I wanted to send the message that yes I am very much interested in the voting process but I felt that all of the possible candidates sucked and none deserved my vote. If I revealed this during some kind of election poll I'm sure the polster would be very interested in this information. Its another piece of valuable data that helps to reveal what is truly on the mind of voters. We live in a bare-bones minamalist democracy as it is. Once every four years thereabouts we get to cast one paltry stinking vote for each of three elections for three levels of government. And if we're really lucky we may get to vote in a referendum once every other blue moon. I would think that when the opportunity does present itself we should be interested in collecting as much useful data from the process as possible.

Now the pro-sayers may also say 'Oh but spoiled paper ballots can be nasty'. People can write nasty words during the process of 'spoiling their ballot'. OMG a vote counter has just been assaulted by annonymous words on paper. Who cares??? We've all seen writing on bathroom walls, grafitti on walls and the like. I'm sure we're all stronger people because of it. Let people have their say!

But after all is said and done I'm not actually against eliminating the 'spoiling of ballots'. I think its a really stupid idea but if the powers that be really have their heart set on it so be it. However it needs to be done properly. Any warning of error needs to be done in secret during the voting process. Or using technology you can physically prevent someone from spoiling their ballot. I've been an IT programmer for 25 years so I know all about forcing data integrity in computer apps using radio button, comboboxes and so on. There could also be a 'None of the above' option on all ballots. Oh, but the pro-

sayers might say that this would discourage voting for a candidate. But really if someone doesn't like any of the candidates do you really think you are going to get a legitimate vote from that person anyway? I don't think so.

I want a voting process that I can see is fair and honourable and respects all of my rights as a voter. To me that is the Canadian way. Personally if I see one more public beeping ballot during any election I will promptly turn around, leave and never vote in another election ever again.

I implore you, NO MORE BEEPING BALLOTS!!!!

Sincerely,
Sonny A. Sorensen

Dear Members of the Governance Committee,

I hope this finds you well. I am writing regarding the proposal for Internet Voting for the Guelph 2014 municipal election.

In everything that I have had read, this is not being implemented as a cost saving initiative but rather to increase voter turn out. I was happy to know that the report has included the many concerns such as security, transparency and cost associated with internet voting. I personally believe that having both voting options are important to increase voter turnout. However, I also believe that are there are a few important things that internet voting does not address or manifest.

I have worked a variety of positions in every municipal, provincial and federal election for the past 35years. Thus, I have gained a great insight into electors and election day.

One thing that stands out is that there is are several generations who not only believes that it is their right but their duty to vote. Those in their 70's and up tend not to miss a vote. While many of these generations are very competent with technology, there are just as many who are not. Therefore, in my opinion, it very important that Guelph must provide physical voting stations, with accessible parking, including in our many adult lifestyle and retirement homes.

At the same time there are many new and young voters for whom computer technology is an integral part of their lives. So on line voting would be an logical extension of their lifestyle.

The other group of voters that many people do not realize make up a large portion of our voters are those who are lesser advantaged and those with physical disabilities. Therefore, it is imperative that we have physical voting stations and computer access available for these populations. Also that on-line voting options in public places have appropriate technology applications available for those with sight or other physical challenges (ie: a stroke survivor).

There is a wonderful "buzz" and community created when people go out to physical polling stations on Election day. We are long past meeting one another and chatting about politics while looking for our names on the registration list posted on a telephone poll. Many still enjoy getting out to vote and being a part of the day. I am always as excited as someone who announces they have been waiting for this day, their first vote.

We build community when setting up physical polling stations in locations such as Fire Halls, libraries Spiritual sites and schools. Teachers bring children in to watch the elector system at work first hand. We increase our understanding of accessibility when we ensure that a site can be entered and navigated easily by

someone using a mobility scooter. Polling signs throughout the city remind busy people that it is voting day. We get to know our neighbours.

Thus, I believe that if the goal is to increase voter turn out. We must provide a suitable combination of options to cast our vote. I hope to see some of you at the polls.

Take Care
Barbara Mann

STAFF REPORT

TO	Governance Committee
SERVICE AREA	Corporate and Human Resources
DATE	July 16, 2013
SUBJECT	**CAO Performance Appraisal Committee Terms of Reference and Process Protocol**
REPORT NUMBER	CHR – 2013 - 21

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To formalize the CAO Performance Appraisal through a Terms of Reference and Process Protocol.

KEY FINDINGS
Council approved in July 2008 a CAO Employment Policy that includes a number of sections related to the recruitment, selection, compensation and performance appraisal process for the CAO for the City.

As part of Council's ongoing commitment to transparency to the public, and to provide further clarity regarding the process of the CAO's performance appraisal, a Terms of Reference and Process Protocol have been developed.

FINANCIAL IMPLICATIONS
None

ACTION REQUIRED
Recommend to Council approval of the CAO Performance Appraisal Terms of Reference and Process Protocol.

RECOMMENDATION
1) That the CAO Performance Appraisal Process Terms of Reference and Process Protocol be approved.
2) That the Performance Appraisal Committee be struck as an Ad Hoc Committee of Council to meet in accordance with the Terms of Reference provided as part of the July 16, 2013 report entitled "CAO Performance Appraisal Committee Terms of Reference and Process Protocol."

BACKGROUND

In 2008, Council approved a CAO Employment policy that established criteria for the recruitment, selection/offer of employment, terms and conditions of employment, performance development/appraisal, compensation and termination of employment.

Formalizing a Terms of Reference for the CAO Performance Appraisal Committee and Performance Appraisal Process Protocol (Appendix 1) documents the process employed by City Council as part of their responsibilities in assessing the performance of the CAO, which is the singular position that Council is responsible for hiring etc.

Establishing and making these documents available publicly reinforces Council's ongoing commitment to transparency and open government through proactive disclosure.

REPORT

As outlined in the Terms of Reference for the CAO Performance Appraisal Process, "a primary function of Council is to ensure the effective management of the affairs of the Corporation of the City of Guelph for the purpose of ensuring the efficient and effective operation of the municipality."

The Chief Administrative Officer as per the Municipal Act is the head of the administrative arm of city government and is responsible to Council for the administration of policies and plans established by Council.

The Terms of Reference also state that "accomplishment and measurement are two fundamental principles of the Governance Framework adopted by Council (and) performance measurement is an important human resource practice."

The CAO Performance Appraisal Committee Terms of Reference and Process Protocol formally establish the practice for the annual performance evaluation of the CAO.

The Terms of Reference document outlines Guiding Principles, Mandate of the Appraisal Committee, Composition and Term, Resources, Operating Procedures, Resources and Roles of Stakeholders with respect to Committee Meetings.

The Process Protocol outlines specific tasks during the term of Council regarding jog description review, review of the CAO by-law, development of performance objectives, the performance evaluation process including the determination of an overall performance rating, recommendations for compensation, and a professional development plan inclusive of a 360 degree assessment used for development purposes.

CORPORATE STRATEGIC PLAN
Organizational Excellence - 1.3 Build robust systems, structures and frameworks aligned to strategy

DEPARTMENTAL CONSULTATION
N/A

COMMUNICATIONS
The CAO Performance Appraisal Committee Terms of Reference and Process Protocol, once approved will be posted on the City's website, City Government tab, Accountability and Transparency/Governance Manual link (need to confirm).

ATTACHMENTS
Appendix 1 – CAO Performance Appraisal Terms of Reference and Process Protocol

"original signed by Mark Amorosi"

Prepared and Recommended
Mark Amorosi
Executive Director, Corporate and Human Resources
Email: mamorosi@quelph.ca
Phone: 519-822-1260 X2281

Schedule 1 - Chief Administrative Officer Performance Appraisal Process Protocol

Review of the Job Description

- The review of the job description will occur once during the term of Council and should be completed by the end for the first quarter of the first year of the Council term unless the recruitment of a new CAO is anticipated early in the term. The job description is reviewed as the first step in recruiting a new CAO.
- The review would be initiated by the Chief Administrative Officer (CAO) and would include all members of Council. Council would review the key result areas and the major responsibilities set out in the existing job description
- The purpose of the review is to ensure there is agreement on the Key Result Areas and Position Responsibilities.

Review of the CAO By-law

- The review of the CAO By-law will occur once during the term of Council.
- The review may follow the review of the job description.
- The CAO By-law might also be reviewed early in the tenure of a newly-appointed CAO.
- The review of the CAO By-law would be initiated by the Chief Administrative Officer and would be considered by the Governance Committee for recommendation to Council.

Development of Performance Objectives

- On an annual basis, Performance Objectives will be set for the CAO that are aligned to the Council-approved Corporate Strategic Plan.
- The CAO's Key Result Areas are taken from the CAO's job description
    - Leadership
    - Management
    - Communications
    - Technical Functions
- Using the Performance Appraisal Planning and Review Form, specific Performance Objectives and proposed Actions are to be developed for the Key Results Areas and Position Responsibilities.
- The CAO will prepare Performance Objectives in consultation with the CAO Performance Appraisal Committee. Upon final approval by this committee, the Performance Objectives will be presented to Council for approval.
- Performance Objectives will be established for the calendar year.
- Performance Objectives will be approved within the first quarter of each year.
- Partial-year Performance Objectives will be established by a new CAO appointed before the last quarter.
- Performance Objectives will be presented to Council at a Closed Meeting. The CAO will be delegated the duties of the City Clerk for this matter.

- The CAO may also present their objectives at an Open Meeting of Council.

Performance Appraisal

- The measurement of performance will be completed on a formal basis in the first quarter of the second, third and fourth years of the term of Council.
- The Performance Appraisal period will commence in January of each year and end no later than March (i.e. a three month process). Timing may vary with a newly-appointed CAO.
- Areas of evaluation will include but are not limited to: leadership, management, communication, and technical functions.
- The Performance Appraisal shall be inclusive and evaluative of work results expected versus achieved as well as an evaluation of how the CAO has modelled and lived the Corporate Values (i.e. what and how work has been accomplished).
- The CAO will provide quarterly updates on progress towards the completion of the Objectives and proposed Actions. The quarterly update will be provided to all members of Council at a Closed Meeting. The CAO will be delegated the duties of the City Clerk for this matter.
- A summary of the results achieved is to be prepared by the CAO and included in the Actual Performance section of the Performance Appraisal Planning and Review Form. The CAO will present this information to Council at a Closed Meeting. The CAO will be delegated the duties of the City Clerk for this matter.
- The services of an external Human Resources Consultant will be engaged by the CAO Performance Appraisal Committee to conduct the survey of Council.
- Council will be provided with an orientation program on how to complete the Performance Appraisal Planning and Review Form.
- Council will then assess the actual performance for each Key Result Area. First the actual performance for each Objective is assessed as Not Achieved (for acceptable reason), Not Achieved (for unacceptable reasons), Achieved, or Exceeded. Secondly a numerical rating is then given for each key result area. The numbers used in this rating are just a way to identify the level of achievement for each Key Result Area.
- The Form is to be completed individually by all members of Council. The Form will be circulated to members of Council by an external Human Resources Consultant (Consultant). All members of Council are expected to complete and submit the Form. The Consultant will work to ensure 100% participation of Council members.
- The definitions used for rating the Achievement Level are as follows:
    - 4 = Exceptional
    - 3 = Fully Successful
    - 2= Developing
    - 1 = Unsuccessful
- The individual ratings of individual Council members are then combined to provide one rating.
- Individual ratings and comments provided by members of Council will be reviewed and summarized by the Consultant.

- The Consultant will provide the Performance Appraisal Committee with a summary that includes the overall performance rating, recommendation for salary, common themes from Council comments and possible issues for professional development. The summary will advise if any members of Council have not completed the Form. The Consultant will be delegated the role of the City Clerk for this matter.
- The Consultant may edit inappropriate comments from the summary; the consultant will advise if this was required.
- The summary will be presented at a Closed Meeting of Council. The Consultant will attend and support the recommendation of the Performance Appraisal Committee. The Consultant will be delegated the role of the City Clerk for this matter.

Overall Performance Rating

- An overall performance rating will be determined by the consultant based on the performance ratings provided by individual members of Council and included as part of their report to the Performance Appraisal Committee and its report to Council.

Recommendations for Salary

- Based on the Overall Performance Rating, the Performance Appraisal Committee would establish a recommended salary, also to occur in the second, third and fourth years of the term of Council.
- The guidelines for establishing the salary are as follows:
    - Level 4 – Move to the next step in the salary grid or maintain at job rate
    - Level 3 – Move to the next step in the salary grid or maintain at job rate
    - Level 2 – No increase other than cost of living (i.e. market adjustment)
    - Level 1 – No salary increase
- Note – should NUME compensation practices change over time, recommendations for the CAO salary, subject to satisfactory performance may be aligned to the NUME practice, provided that provisions exist in the CAO contract for the change, or subject to sufficient notice to the incumbent CAO of the change.
- The salary level corresponding to the levels indicated above would be based on NUME salary grid.
- The overall performance rating and the recommended salary would be presented to Council for approval as part of the Performance Appraisal Committee's report to Council. The Executive Director of Corporate and Human Services will be delegated the duties of the City Clerk for this matter.
- After Council has approved the rating and salary, the Performance Appraisal Committee would meet with the CAO to complete the Performance Appraisal Summary Form for that year. The CAO will be delegated the duties of the City Clerk for this matter.
- Economic increases are approved during the budget process for all NUME not through the CAO Performance Appraisal process.

- A market-based job evaluation is completed annually and recommendations brought forward independently and not through the CAO Performance Appraisal process.

360 Degree Assessment

- The 360-degree assessment will be completed in the fall of the first year of Council's four year-term. The 360-degree feedback would be gathered from the CAO, his/her direct reports and members of Council.
- The information collected in the 360-degree assessment would be used in developing the Professional Development Plan.
- The timing of the 360-degree assessment may be adjusted when a CAO is appointed mid-term.
- Participants in the 360-degree assessment will receive appropriate training on the process.
- The 360-degree process shall be a separate process from the performance review (i.e. to commence after the performance review period). It should be structured in such a way as to provide feedback for personal, professional and leadership development to augment development that had been identified through the performance review period.
- Results of the 360-degree assessment shall be shared only with the CAO. The CAO shall provide a summary of the feedback to the Mayor. Results may alter the development plan established during the performance appraisal, and will be confirmed by the Performance Appraisal Committee.
- The 360-degree assessment will be managed through an external Human Resources Consultant with expertise in this area.

Professional Development Plan

- In the spring of the second and third years of the Council term, the CAO will prepare a professional development plan. This plan will be reviewed by the Performance Appraisal Committee. The plan may be related to issues identified during the Performance Appraisal or the 360-Degree Assessment.
- The Professional Development Plan referenced above should include areas for development, including but not limited to – strategic planning, relationship management, team leadership, and communication.
- The timing of the Professional Development Plan may be adjusted when a CAO is appointed mid-term.

CAO Performance Appraisal Committee Terms of Reference

Introduction

Ad Hoc Committees of Council are created to enable Council's work. Ad Hoc Committees work on behalf of Council to provide advice and make recommendations to Council.

A primary function of Council is to ensure the effective management of the affairs of the Corporation of the City of Guelph for the purpose of ensuring the efficient and effective operation of the municipality.

Guelph's model of administration follows the Municipal Act in the establishment of a Chief Administrative Officer (CAO) position as the head of the administrative arm of city government. The CAO is responsible to Council to administer the business affairs of the City in accordance with the policies and plans established and approved by Council.

The hiring of the CAO is one of the key responsibilities of Council. The CAO is the only position that Council is directly responsible for hiring.

Accomplishment and measurement are two fundamental principles of the Governance Framework adopted by Council. Performance measurement is an important human resources management practice.

Council is responsible for the evaluation of the performance of the CAO. The CAO Performance Appraisal Committee is delegated the responsibility of overseeing the process on behalf of Council.

Guiding Principles

1. All Ad Hoc Committee work will be carried out in accordance with provisions of the Municipal Act and other governing legislation.
2. The Council's Code of Conduct, transparency and accountability will guide Committee efforts, promoting the highest ethical standards and professionalism while ensuring that the best interests of the community are met.
3. The Council endorsed corporate values of wellness, integrity and excellence will also be observed.
4. The Council endorsed Principle Based Governance model is reflected in the Responsibilities and Duties defined below.

Mandate

The Committee's mandate defines its core areas of management and responsibility. It is the mandate of the Committee to ensure that appropriate policies, principles, procedures and roles are established for the functional areas that comprise the scope of the Committee's responsibility.

Scope of the CAO Performance Appraisal Committee Responsibilities:

The responsibilities for the Committee are:

Accomplishment and Measurement

- Oversee the process for the establishment of annual objectives for the CAO.
- Oversee the process for the annual appraisal of performance of the CAO.
- Recommend to Council any changes to CAO compensation as an outcome of the performance appraisal process.

Continuous Learning & Growth

- Ensure the development for the CAO through the establishment of an annual Professional Development Plan by the CAO.
- Ensure members of Council are oriented on their participation in the CAO performance appraisal process.
- Recommend changes to the CAO Performance Approval Process to the Governance Committee based on feedback from the CAO and members of Council.

Composition and Term

- The CAO Performance Appraisal Committee consists of the Mayor and the Chairs of PBEE, OTES, CAFE and CSS.
- The Chairs of PBEE, OTES, CAFE and CSS may delegate their responsibilities to the Deputy Chair of their Standing Committee (or a member of the Committee in the absence of a Deputy Chair).
- The term of committee members coincides with their appointment as Chair of PBEE, OTES, CAFÉ or CSS.

Resources

- The Committee will retain the services of an external Human Resources consultant to assist in the execution of the CAO Performance Appraisal process.
- The Chief Administrative Officer (CAO), the Executive Director responsible for the service area and other specialists may be called upon to conduct research, communications or any other Committee identified requirements. Because Council has delegated responsibility to the CAO for the administration of the affairs of the City in accordance with decisions adopted by Council, under the direction of the CAO staff have the responsibility and the authority to provide consultation, advice and direction to Council, and by inference to Council Ad Hoc Committees.

Operating Procedures

1. **Chair** - The Mayor chairs the Committee. The annual Performance Appraisal process is initiated by the Chair. The Chair shall vote on all motions.
2. **Meetings** – The frequency and calling of meetings is at the discretion of the Chair.
3. **Meeting Agenda** - Committee meeting agendas shall be the responsibility of the Chair of the Committee.
4. **Notice of Meetings** - Public notice of all committee meetings will be provided on the City's electronic general calendar at least 72 hours prior to a meeting; by posting a notice in City Hall at least 72 hours prior to the meeting; and by publication in a local paper at least 72 hours prior to the meeting. It is recognized that some items consistent with Section 239 in the Municipal Act may permit a meeting to be closed to the public. The holding of any closed meetings and the general nature of the matter to be considered will be made public to ensure full transparency.
5. **Meeting Minutes** - Meeting minutes will be recorded and distributed to Committee members with each meeting agenda. Minutes will capture a summary of discussions and debate without attribution
6. **Committee Working Process** - All decisions that lead to the formulation of recommendations for Council consideration will take place at the Committee meetings only and not through electronic or other outside exchanges. All pertinent information will be shared with all Committee members in advance of meetings. This can include but not be limited to meeting minutes and any supplemental information.
7. **Quorum** - A quorum shall be a majority of the whole committee (3).
8. **Attendance at Meetings** - Members of Council who are not committee members shall not attend meetings unless invited by the Mayor or at the request of the Committee.
9. **Reporting to Council -** The Committee will report to Council with recommendations for approval.
10. **Procedural Rules -** Any rule not stated herein is deemed to be provided in the current Procedural By-law, as amended from time to time.
11. **Performance Appraisal Committee Protocol** – A protocol guides the Committee's work (Schedule 1).

Roles of Stakeholders With Respect to Committee Meetings/Business

The following key stakeholders are recognized:

1. Committee Chair
2. Committee Members

3. Chief Administrative Officer
4. Executive Director of Corporate and Human Resources
5. External Human Resources Consultant
6. City Clerk

1. Committee Chair Role

Specific roles and responsibilities for the Committee Chair include:

Preparation

1. Calling the meetings.
2. Consulting the CAO on the development of the agenda.
3. Ensuring the alignment of the Committee with the Council-approved protocol.
4. Developing an annual work plan.
5. Ensuring the confidentiality of material distributed to Committee and Council.
6. Working with Human Resources to engage the services of an external Human Resources Consultant (Consultant).
7. Meeting with the Consultant to ensure the coordination of the Performance Appraisal Process.

In Committee Meetings

8. Ensuring the Committee works within its assigned mandate.
9. Collaborating with the CAO and City Clerk to encourage efficient and effective conduct of Committee business and accomplishing the work of each meeting agenda.
10. Modeling the behavior expected of all Committee members.

    Specific to decision making*:*

11. Maintaining order and decorum during meetings, deciding questions of procedure, and generally ensuring that the Committee work proceeds smoothly according to the Committee's work plan.
12. Engaging all Committee members in the decision making process.
13. Ensuring the Committee has sufficient information to make a decision.
14. Ensuring that the CAO has been provided with the opportunity to clarify any matters of fact or professional advice.
15. Building consensus where possible.
16. Ensuring the will of the Committee prevails.

After Committee Meetings

17. Speaking on behalf of the Committee at the Council level.
18. Acting as the primary spokesperson for any Committee-related inquiries working closely with the CAO, as required.
19. Maintaining strong communications with committee members between meetings.

2. Committee Member Role

Specific roles and responsibilities for the Committee Members include:

Preparation

1. Reading all agenda material and seeking clarification from the Chair of on any matters prior to meetings in order to make the most effective use of the Committee's time.

In Committee Meetings

2. Attending meetings and participating fully in all Committee work.
3. Debating the issues in an open, honest and informed manner to assist the decision-making process.
4. Actively contributing to reaching Committee recommendations and directions.
5. Respecting the role of Committee Chair.
6. Respecting the role of the CAO.

3. Executive Director of Corporate and Human Resources

Specific roles and responsibilities for the Executive Director include:

1. Assisting with the engagement of the external Human Resources Consultant.
2. Providing advice to the committee as required.
3. Attending committee meetings at the request of the Chair.
4. Serving in the capacity of the City Clerk when the Committee makes recommendations to Council regarding compensation.

4. Chief Administrative Officer (CAO)

Specific roles and responsibilities for the CAO include:

1. Preparing a summary of accomplishments based on the approved performance objectives for the appraisal period.
2. Preparing objectives for the approval of Council for the coming appraisal period.
3. Attending meetings at the request of the Chair.

5. External Human Resources Consultant (Consultant)

Specific roles and responsibilities for the CAO include:

1. Attending committee and Council meetings at the request of the Chair
2. Serving in the capacity of the City Clerk when the Committees present the results of the appraisal to Council.
3. Conducting the survey of Council.
4. Providing advice to the committee as required.

6. City Clerk's Role

Specific roles and responsibilities for the City Clerk include:

Preparation

1. In consultation with Committee Chair and CAO develop the Committee mandate and charter and reviewing once a term or as required.
2. Managing the legislative agenda and process for the Committee, ensuring that meetings are held in accordance with Council approved protocol and applicable legislation.
3. Calling meetings at the request of the Committee Chair.

In Committee Meetings

4. Attending, or designating staff to attend, all meetings of Council Committees.
5. Providing advice on legislative protocol and meeting procedures as requested by the Chair
6. Supervising the issuance of notices, recording of minutes and resolutions and other meeting and documentary processes

After Committee Meetings

7. Evaluating effectiveness of Committee meetings and offering suggestion for improvement to the Chair and CAO.

STAFF REPORT

TO	Governance Committee
SERVICE AREA	Operations, Transit & Emergency Services
DATE	July 16, 2013
SUBJECT	**Delegation of Authority for Operational Applications, Contracts and Agreements**
REPORT NUMBER	OTES071330

EXECUTIVE SUMMARY

PURPOSE OF REPORT
The purpose of this report is to recommend delegation of certain routine, administrative powers of Council to staff for applications, contracts and agreements that are ordinary to the business of the City and within current Council approved capital and operating budgets and the limits set forth in the purchasing by-law, through an amendment to the Delegation of Authority By-law (2013)-19529

KEY FINDINGS
Annually there are a number of agreements, administrative in nature, brought before Council that are ordinary to the business of the City and fall within current Council approved policies.

Delegation of authority for these agreements would allow for timely response and efficient management of City business.

FINANCIAL IMPLICATIONS
There is no financial impact associated with this report

ACTION REQUIRED
To receive staff's report and to recommend the proposed amendment to the Delegation of Authority By-law be passed by Council.

RECOMMENDATION

1. THAT the Report Delegation of Authority for Contract and Agreements dated, July 19, 2013 be received;

2. That Council approve an amendment to the Delegated Authority By-law for approving applications, contracts and agreements under the jurisdiction of the City of Guelph to Chief Administrative Officer and to the positions of Executive Directors of Operations, Transit & Emergency Services, Community and Social Services, Corporate and Human Resources, Finance and Enterprise and Planning, Building, Engineering and Environment.

BACKGROUND

The efficient management of the City and the need to respond to issues in a timely manner are enhanced if Council entrusts certain routine legislative and administrative powers and duties to staff. This empowerment is encouraged providing appropriate systems of accountability to Council are in place.

REPORT

Each year there are a number of agreements brought before Council for approval. These agreements are administrative in nature and are ordinary to the business of the City. They also fall within approved operating and capitals budgets as well as all other Council approved policies and by-laws.

These applications, contract and agreements include, but are not limited to;

- Guelph Storm Mutual Services Transit Agreement
- Guelph Storm Agreement for Paramedic Services
- U-Pass agreement with the University of Guelph
- Hamilton Ti-Cats Mutual Services Transit Agreement (potentially forthcoming)
- Parking Agreements
- Animal Control
- Fare Integration
- MTO Billing Agreement for motor vehicle collision response fund recovery
- Service Agreement for the use of correctional lands for Emergency Services purposes
- Skate Park Services
- Security Camera and License Plate Recognition Maintenance Agreements
- Community Benefit and Innovation Fund agreements as part of the Community Investment Strategy
- Grant Funding Agreements with other levels of government
- Service agreements that support Council approved strategies and plans
- Recreation and Culture Facility advertising agreements
- Annual software or service agreements
- Long distance telephone contracts
- Public Art acquisition and de-accessioning

- Soft-drink supply agreements
- Museum collection accessioning and de-accessioning

To ensure more efficient and timely processing of future requests, staff are recommending Council delegate their authority to approve these applications, contracts and agreements to the Chief Administrative Officer and Executive Directors of the organization. It is recommended this delegated authority would be subject to the following conditions and limitations;

- The application, contract or agreement is funded through the current year's Council approved operating or capital budget and;
- The application, contract or agreement is within the limits set forth in the purchasing by-law (2009)-18777 and;
- The application, contract or agreement's term is less than five (5) years in length and;
- The application, contract or agreement has been reviewed by Legal Services.
- An Information Report identifying all agreements executed during the year, pursuant to this delegation of authority, be provided to Council annually.

This delegated authority is set out in attachment 1, the Schedule to be appended to the Delegation Authority Bylaw. Any agreement that may exceed the conditions and limitations set out in City policies would be brought to Council for consideration and approval.

During the consultation process it was identified that in the interest of on-going transparency, it may be preferable to list all contracts and agreements (where this delegated authority would be exercised) within the by-law schedule. There is concern the on-going addition of agreements to the Delegation of Authority by-law represents, in staffs' opinion, an unnecessary bureaucratic and administrative process, particularly given the conditions and limitation associated with the delegation of this authority.

If this amendment to the Delegation of Authority by-law is approved, Council authority would be delegated within the context set out in the *Municipal Act*, and will respect the applicable restrictions outlined in the Act.

CORPORATE STRATEGIC PLAN

1.3 Build robust systems, structures and frameworks aligned to strategy

2.1 Create an environment for government innovation to ensure fiscal and service sustainability.

DEPARTMENTAL CONSULTATION

Operations, Transit & Emergency Services Service Area
Community and Social Services Service Area
Planning & Building, Engineering & Environment Service Area
Corporate & Human Resources Service Area
Legal Services
Clerks
Direct Report Leadership Team

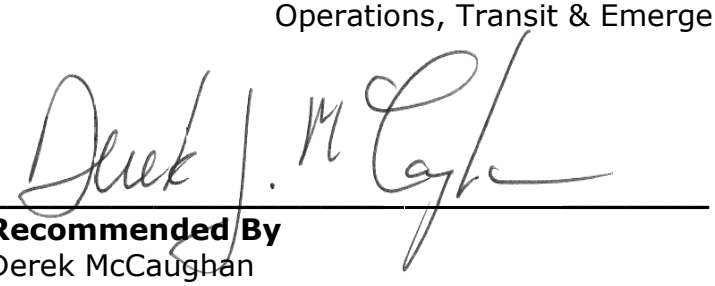
COMMUNICATIONS

N/A

ATTACHMENTS

ATT-1 Schedule Z Delegation to Approve Contracts and Agreements

Report Author: **Katherine Gray**
Supervisor, Service Performance & Development
Operations, Transit & Emergency Services



Recommended By
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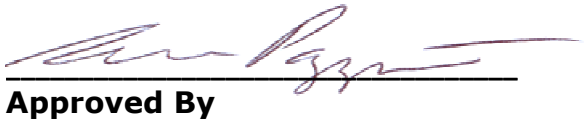


Approved By
Ann Pappert
Chief Administrative Officer

By-law Number (2013)-19529
Schedule "Z"

DELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS AND AGREEMENTS

Power to be Delegated	Authority to enter into applications, contracts and agreements with third parties, that in effect bind the City, for the provision or acquisition of goods and services or other City activities, works or services that are ordinary to the business of all City's service areas, but subject to any limitations as set out in City policies established by Council. The delegation also applies equally to any amendment or termination of such applications, contracts and agreements.
Reasons in Support of Delegation	o Contributes to the efficient management of the City of Guelph o Meets the need to respond to issues in a timely manner o Maintains accountability through conditions, limitations and reporting requirements o Minor in nature o Supports the Corporate Strategic Plan
Delegates	The following staff or their successors thereof: o Chief Administrative Officer (CAO) o Executive Director, Operations, Transit & Emergency Services o Executive Director, Community & Social Services o Executive Director, Corporate & Human Resources o Executive Director, Planning, Building, Engineering & Environment o Executive Director, Finance & Enterprise o A person who is appointed by the CAO or selected from time to time by one of the above delegates to act in their stead.
Council to Retain Power	Yes at the discretion of the delegate
Conditions and Limitations	o The application, contract and agreement is funded through a current year's operating or capital budget which has been approved by Council and; o The application, contract and agreement is within the limits set forth in the Purchasing By-law (2009)-18777 and; o Applications, contracts and agreements are less than five (5) years in length and; o Agreements are to be reviewed by Legal Services
Review or Appeal	Not applicable
Reporting Requirements	Annual information report on contracts and agreements executed during any given year pursuant to this delegation of authority.

CONSENT REPORT OF THE
OPERATIONS, TRANSIT & EMERGENCY SERVICES COMMITTEE

July 29, 2013

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

Your Operations, Transit & Emergency Services Committee beg leave to present their FOURTH CONSENT REPORT as recommended at its meeting of July 9, 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-2013.13 Land Ambulance Response Time Performance Plan for 2014

1. That OTES Report #OTES071327 "Land Ambulance Response Time Performance Plan for 2014, dated July 9, 2013, be received.

2. That the Response Time Performance Plan (RTTP) for 2014 be set as recommended in report #OTES071327.

3. That staff provide the Operations Transit and Emergency Services Committee with data analysis demonstrating the pattern of calls for service and patient transfers for Land Ambulance Service in Guelph including mapping of the distribution of calls in Guelph and the overlap of deployment with Police and Fire.

4. That staff report back with a strategy to reduce Land Ambulance Service calls for service as an integrated part of their approach to addressing response times.

OTES-2013.14 Ambulance Base in Drayton

1. That the Operations, Transit & Emergency Services Committee Report OTES071321 regarding Ambulance Base in Drayton be received.

2. That the Mayor and Clerk be authorized to execute an agreement as outlined in the Operations, Transit & Emergency Services Report OTES071321 between the City of Guelph and the Township of Mapleton for an ambulance base facility in the Village of Drayton, subject to the form and content of the agreement being satisfactory to the City Solicitor and the Executive Director of Operations, Transit and Emergency Services.

OTES-2013.15 Open Air Burning – Residential/Commercial Fire Pits and Related Fuel Burning Applicances

1. That the Operations, Transit & Emergency Services Committee Report #OTES071325 regarding open air burning dated July 9, 2013, Bylaw be received.

2. That no action be taken to relax current open air regulations.

3. **That Chief Armstrong direct his staff to develop and deliver to the public, guidelines and direction associated with "fire safety" in backyards.**

OTES-2013.18 Restorative Alternatives Program Pilot

1. That the Operations, Transit & Emergency Services Staff Report OTES071324 Restorative Alternatives Program Pilot dated July 9, 2013, be received.

2. That, staff of the Bylaw Compliance, Security and Licensing Department be directed to participate in the Restorative Alternatives Program Pilot as described in the Operations, Transit & Emergency Services Staff Report OTES071324 dated July 9, 2013.

OTES-2013.19 Business Licence By-law Amendment - Driving Instructor Licensing

1. That the Operations, Transit & Emergency Services Report OTES071323 Business Licence By-law Amendment – Driver Instructor Licensing dated July 9, 2013 be received.

2. That the amendments to Business Licence By-law (2009)-18855 with respect to Driving Instructors as contained in Operations, Transit & Emergency Services Committee Report OTES071323 dated July 9, 2013 be approved.

3. That after one year of implementation of the amendments to the Business Licence By-law (2009)-18855 with respect to Driving Instructors as contained in Operations, Transit & Emergency Services Committee Report OTES071323 dated July 9, 2013 has lapsed, staff be directed to engage the public, representatives of the driving instructor industry and examiners from the local Drive Test Centre and identify the effectiveness of the licensing regime.

OTES-2013.20 Costco Wholesale Corporation – Noise Exemption Request

1. That the Operations, Transit & Emergency Services Committee Report OTES071326 dated, July 9, 2013, regarding Costco Wholesale Corporation be received.

2. That as described in the Operations, Transit & Emergency Services Committee Report OTES071326 dated, July 9, 2013, an exemption be granted from Schedule "A" of the Noise Control Bylaw (2000)-16366, as amended, to permit construction equipment and vehicle noise associated with the Costco Wholesale Corporation construction project located at 19 Elmira Road South within the City of Guelph between August 1, 2013 and October 20, 2013 from 7:00 p.m. to 9:00 p.m. Mondays to Friday.

OTES-2013.21 Hamilton Tiger Cats 2013 Mutual Service Agreement

1. THAT the Operations, Transit & Emergency Services Committee Report #OTES071328 2013 Hamilton Tiger-Cats Mutual Services Agreement be received.

2. THAT the Mayor and City Clerk be authorized to sign the Mutual Services Agreement with the Hamilton Tiger-Cats satisfactory to the Executive Director of Operations, Transit & Emergency Services or his or her designate and the City Solicitor or his or her designate.

OTES-2013.22 Guelph Storm 2013/2014 Mutual Service Agreement

1. THAT the Operations & Transit Committee Report #OTES071329 Guelph Storm Mutual Services Agreement 2013/2014 be received.

2. THAT the Mayor and City Clerk be authorized to sign the Mutual Services Agreement with the Guelph Storm satisfactory to the Executive Director of Operations, Transit & Emergency Services or his or her designate and the City Solicitor or his or her designate.

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 JULY 9, 2013 MEETING.

Response Time Performance Plan

DM1

Purpose of Report

- To inform Committee on the performance of the paramedic service to date in 2013,
- To propose a Response Time Performance Plan for 2014.

Slide 2

DM1

Info in the report:

- 2013 approved RTTP
- performance to date of service
- recommended RTTP for 2014

Derek McCaughan, 2013/07/04

Background:

- Regulation 267/08 came into effect for 2013, which requires Council to approve of the Response Time Standard for Land Ambulance Service each year.

- The Standard consists of **Response Time Targets** and **Performance Levels** to each Target

CTAS Category	Response Time Target	Compliance Rate as approved by Council (Oct, 2012)
CTAS Level 1	8 minutes (set by MOHLTC)	**65%**
Compliance Rate to Date		**63% (-2%)**

CTAS Category	Response Time Target	Compliance Rate as approved by Council (Oct, 2012)
CTAS Level 2	**10 minutes**	**75%**
Compliance Rate to Date		**76% (+1%)**

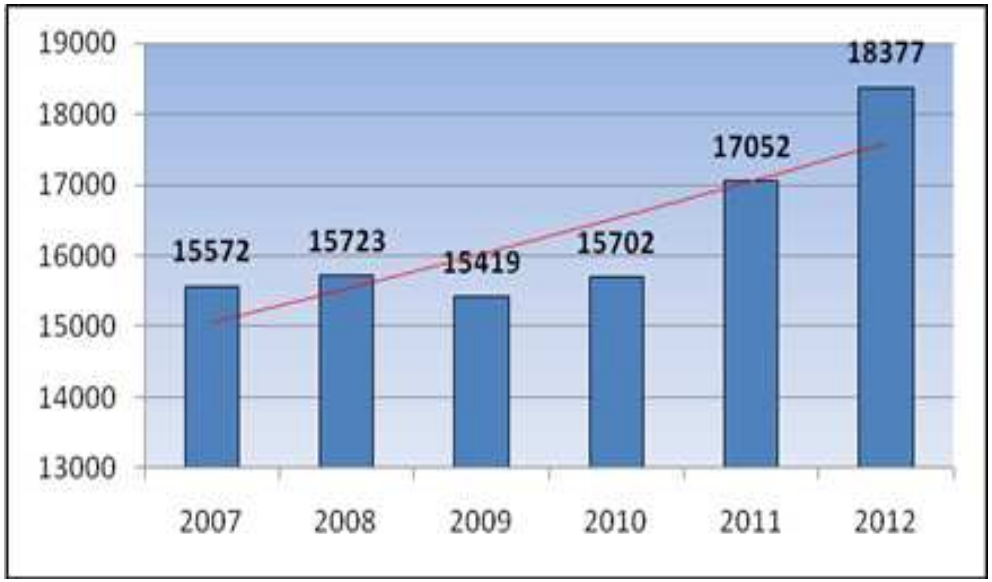
CTAS Category	Response Time Target	Compliance Rate as approved by Council (Oct, 2012)
CTAS Level 3	**15 minutes**	**90%**
Compliance Rate to Date		**81% (-9%)**

CTAS Category	Response Time Target	Compliance Rate as approved by Council (Oct, 2012)
CTAS Level 4	**15 minutes**	**90%**
Compliance Rate to Date		**79% (-11%)**
CTAS Level 5	**20 minutes**	**90%**
Compliance Rate to Date		**86% (-4%)**

CTAS Category	Response Time Target	Compliance Rate as approved by Council (Oct, 2012)
Sudden Cardiac Arrest	**6 minutes** (set by MOHLTC)	**65%**
Compliance Rate to Date		**Estimated 60%**

Factors affecting response times

- increasing call volume (7% per year)
  - Population growth
  - Aging population



Factors affecting response times

- increasingly complex EMS calls.
  - Earlier hospital discharges
  - More care at home.
  - Increases time required to assess and treat patients

- The trends in call volumes and call complexity are expected to continue.

- The paramedic service will continue to be challenged to meet the targets established for 2013

- Best efforts are being made to meet the standards set by Council utilizing our current resources, but unfortunately we are falling short.

- Staff would recommend maintaining or improving on the current standard for paramedic response
- The RTPP needs to be established before the budget process is completed.
- Incremental enhancements, necessary to achieve a higher standard, would need to be approved before a higher standard can be recommended.

Staff Recommendations

(Consistent with 2013)

New Standard Components	Response Time Target	Projected Compliance Level
CTAS 1 (Most Critical Patients)	8 Minutes* Set by MOHLTC	65%
CTAS 2	10 Minutes	75%
CTAS 3	15 Minutes	90%
CTAS 4	15 Minutes	90%
CTAS 5 (Most Stable Patients)	20 Minutes	90%
Sudden Cardiac Arrest	6 Minutes* Set by MOHLTC	65%

- **Ultimately, staff believe that it is appropriate to reach patients with potentially life threatening emergencies in 10 minutes or less, 90% of the time.**
- The required improvement to response time targets or compliance levels would require additional resources.
- Costs associated with performance enhancement will be presented to this committee in September.



STAFF REPORT

TO	Operations Transit and Emergency Services
SERVICE AREA	Emergency Services – Guelph Wellington Emergency Medical Service
DATE	July 9, 2013
SUBJECT	**Land Ambulance Response Time Performance Plan for 2014**
REPORT NUMBER	OTES071327

EXECUTIVE SUMMARY

PURPOSE OF REPORT
As a Land Ambulance Service provider, there is a legislative requirement to report annually on a Response Time Performance Plan (RTPP) for the coverage area. Council approved the plan for 2013 in October of 2012. This report provides a recommended plan to set the RTPP for 2014, and review the performance to date of the EMS division against the 2013 targets.

KEY FINDINGS
That response time performance is not meeting current Response Time Targets set for 2013.

Service demand due to increased call volume is impacting the ability of the EMS service to reach existing targets.

Patient outcomes are impacted by Response Time performance.

Patient care standards and response time performance will improve beyond current performance targets with additional resources.

FINANCIAL IMPLICATIONS
There may be possible financial implications to the 2014 Operating Budget if current performance is not corrected through the remainder of 2013.

ACTION REQUIRED
To receive report.

STAFF REPORT

RECOMMENDATIONS

1. That OTES Report #OTES071327 Land Ambulance Response Time Performance Plan for 2014, dated July 9, 2013, be received.

2. AND that the Response Time Performance Plan (RTPP) for 2014 be set as recommended in OTES report # OTES071327.

BACKGROUND

Guelph Wellington EMS, (GWEMS) provides land ambulance service to the City of Guelph and Wellington County, known as the primary coverage area. Provision of service is the overall responsibility of the City of Guelph. One hundred percent (100%) of required funding to deliver the service is shared between the City of Guelph (30%), County of Wellington (20%) and the Province of Ontario (50%).
The Response Time Performance Plan utilizes the Canadian Triage Acuity Scale (CTAS). CTAS includes 5 levels of acuity:

Level 1 – requires resuscitation, i.e. cardiac arrest
Level 2 – requires emergent care, i.e. major trauma
Level 3 – requires urgent care, i.e. mild shortness of breath
Level 4 – requires less urgent care, i.e. minor trauma
Level 5 – requires non-urgent care, i.e. sore throat

The sixth target is the measurement of response times to a call for a patient suffering a sudden cardiac arrest and is different than CTAS level 1 as it includes non Paramedic responders using defibrillators. The target of 6 minutes has been set by the MOHLTC but the compliance rates to that standard can be set by Council.
The Response Time Performance Plan for 2013 as set by Council in October, 2012 establishes set targets for land ambulance response time performance. Further, a RTPP outlines a reasonable service standard for a range of conditions for an ambulance to arrive. The plan is accessible to the public to view and adds a level of accountability and transparency around the provision of the Land Ambulance service.

REPORT

The service is not projecting to meet the CTAS 1 performance level as set by Council in 2012.

The plan included the following targets and compliance levels:

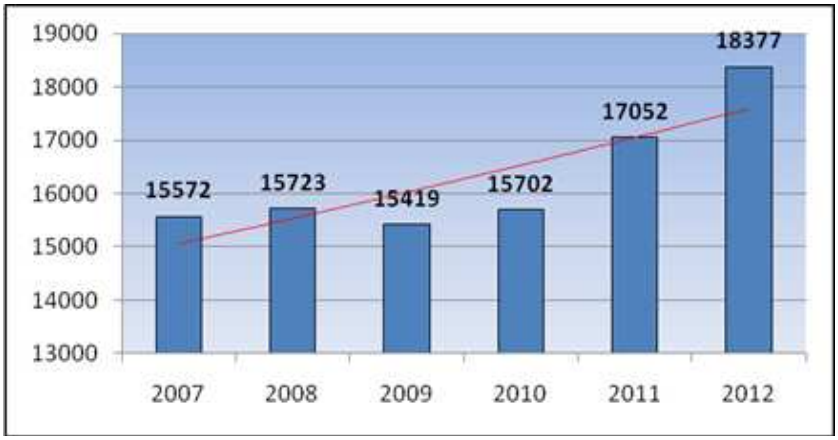
CTAS Category	Response Time Target	Compliance Rate as approved by Council (Oct, 2012)	Compliance Rate to Date
CTAS Level 1	8 minutes (set by MOHLTC)	**65%**	**63% (-2%)**
CTAS Level 2	**10 minutes**	**75%**	**76% (+1%)**
CTAS Level 3	**15 minutes**	**90%**	**81% (-9%)***
CTAS Level 4	**15 minutes**	**90%**	CTAS Level 4**79% (-11%)***
CTAS Level 5	**20 minutes**	**90%**	**86% (-4%)***
Sudden Cardiac Arrest	**6 minutes** (set by MOHLTC)	**65%**	Sudden Cardiac Arrest **Estimated 60%**

* CTAS 3, 4 and 5 patients are not critically ill or injured and response time will not affect patient outcome. Response Time Targets at these levels effect patient satisfaction only.

The RTPP is a good retrospective measurement of performance, but is less useful as a planning tool. The service needs to attempt to arrive at all calls in 8 minutes or less (CTAS 1 standard) or at least 10 minutes (CTAS 2 standard) because the severity of the patient's condition cannot be verified before a paramedic arrives.

Factors affecting response times include an increasing call volume and increasingly complex condition of patients being treated.. The increasing call volume is related to population growth, an aging population and a trend to earlier discharges and more care at home. Increased complexity of calls is related to hospital discharge of patients with significant illnesses and the provision of care to these patients at home. Complexity of calls increases time required to assess and treat patients, leading to longer call times and less availability for the next call.

Call volumes over the past 6 years is shown on the following chart:



Review of CTAS 1 and 2 performances to date:

The following charts indicate the number of CTAS 1 and 2 calls and the performance in responding to each:

	CTAS 1 # of calls	Response Time	%
	201	*Up to 8min*	63%
	20	*8 - 9 min*	6%
	20	*9 - 10min*	6%
	56	10 - 15 min	18%
	13	15 - 20 min	4%
	7	20 -25 min	2%
	1	25 - 30 min	0.3%
TOTAL	317		100%

	CTAS 2 # of calls	Response Time	%
	1,495	Up to 8min	57%
	270	8 - 9 min	10%
	234	9-10 min	9%
	463	10-15 min	18%
	121	15-20 min	5%
	33	20-15 min	1%
	5	25-30 min	<1%
	3	30-35 min	<1%
	2	35 – 60 min	<1%
Total	2,626		100%

With increasing service demands utilizing current resources, staff are projecting Response Time Performance will continue to deteriorate. It is staff opinion this degradation of service is unacceptable.

The current Provincial mandate requiring Council to set the RTPP for the following year is out of synchronization with our budget process. It is undesirable to establish an enhancement of the RTPP without first putting in place the funding necessary to achieve it. Consequently, funding to achieve improvements in service must be provided in advance of establishing an enhanced RTPP. Staff will submit a more detailed report to position a possible enhancement of service for 2015 at the Committee meeting in September.

Staff are not prepared to recommend a reduction of the RTPP targets for 2014 to reflect current performance and therefore recommend the RTPP targets approved for 2013 be maintained. Staff will continue to monitor our performance making a more concerted effort to manage current resources to better achieve our targets. Depending on our success, it may be necessary to consider an adjustment to the

2014 Base Operating Budget to staff an idle ambulance unit for one additional shift to close any performance gap that remains.

Staff recommend the following RTPP for 2014:

2014 RTPP	Response Time Target	Compliance Rate as approved by Council
CTAS Level 1	8 minutes (set by MOHLTC)	65%
CTAS Level 2	10 minutes	75%
CTAS Level 3	15 minutes	90%
CTAS Level 4	15 minutes	90%
CTAS Level 5	20 minutes	90%
Sudden Cardiac Arrest	6 minutes (set by MOHLTC)	65%

CORPORATE STRATEGIC PLAN

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

DEPARTMENTAL CONSULTATION

The County of Wellington has been provided a copy of this report prior to today's meeting. Staff will attend a meeting of their Social Services Committee to explain the RTPP Standards at their request.

The Finance Department has reviewed the financial aspects of this report.

STAFF REPORT

COMMUNICATIONS

The Response Time Performance Plan will be posted on the City's website Guelph.ca under the Guelph Wellington EMS link.

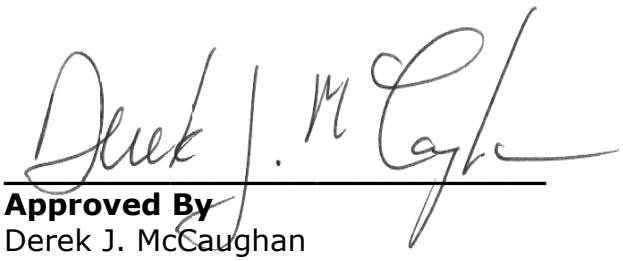
ATTACHMENTS

None

Report Author: Stephen Dewar
EMS Chief – Guelph Wellington Emergency Medical Service



Recommended By
Shawn Armstrong
General Manager
Emergency Services
519-822-1260 ext 2125
shawn.armstrong@guelph.ca



Approved By
Derek J. McCaughan
Executive Director
Operations, Transit and Emergency Services
519-822-1260 ext 2018
derek.mccaughan@guelph

STAFF REPORT

TO	Operations, Transit & Emergency Services Committee
SERVICE AREA	Operations, Transit & Emergency Services, Emergency Services, Guelph Wellington EMS Corporate and Human Resources, Realty Services
DATE	July 9, 2013
SUBJECT	**Ambulance Base in Drayton**
REPORT NUMBER	OTES071321

EXECUTIVE SUMMARY

PURPOSE OF REPORT
Seeking approval for an agreement to maintain an ambulance post in Drayton in the Township of Mapleton.

KEY FINDINGS
The Township of Mapleton has purchased an additional piece of equipment necessitating an expansion to their current Fire Station if the City's EMS post is to be maintained.

EMS has been occupying space at the Mapleton Fire Station without charge since 2006. The Township has requested EMS enter into agreement to lease space at the Station.

While the Mapleton Station does not provide facilities sufficient for a permanent full time EMS station, it does meet the current needs of the service and allows EMS to maintain current response standards at current levels.

The agreement presents an affordable option by which to maintain an EMS post in the Mapleton Area.

FINANCIAL IMPLICATIONS
Rental costs of $12,000.00 are accommodated in the 2013 Operating Budget.

ACTION REQUIRED
To receive the report and consider and recommend Council's approval of an agreement.

STAFF REPORT

RECOMMENDATION

1. THAT the Operations, Transit & Emergency Services Committee Report OTES071321 regarding Ambulance Base in Drayton be received.

2. AND THAT the Mayor and Clerk be authorized to execute an agreement as outlined in the Operations, Transit & Emergency Services Report OTES071321 between the City of Guelph and the Township of Mapleton for an ambulance base facility in the Village of Drayton, subject to the form and content of the agreement being satisfactory to the City Solicitor and the Executive Director of Operations, Transit and Emergency Services.

BACKGROUND

Emergency Services has been posting a single ambulance out of the Drayton Fire Station for 8 hours per day servicing approximately 200 calls per year since May 2006, then under the City's contract with the previous service provider. This arrangement has been ongoing with no rental cost to the City and with no formal agreement in place between the City and the Township of Mapleton for the previous 7 years. It was established when an ambulance base at the Palmerston Hospital was no longer available to the former service provider known as Royal City Ambulance Service Ltd.

REPORT

Last year the Township of Mapleton purchased additional equipment necessitating the need for the existing space currently in use by GWEMS. The Township of Mapleton is now prepared to construct an addition to the Fire Station to accommodate additional fire equipment and further proposes a dedicated garage bay for use by an ambulance, subject to entering into a formal lease or license agreement.

The proposal does provide an affordable option by which to maintain an EMS post in the Mapleton area. It does not provide facilities sufficient for a permanent full time EMS station; it does maintain current needs of the service and maintains response standards at existing levels. The term of the agreement provides EMS Management adequate time to further examine the overall appropriateness of response locations across the coverage area.

Details of the proposed facility and agreement are set out below:

Location:	12 Main Street West, Drayton. See Attachment 1.
Rental Area:	Use of a single garage bay (approximately 400 square feet) and exclusive use of an EMS crew room /storage area (approximately 90 square feet). Unencumbered access to washrooms, kitchen, and meeting room located in main Fire Station. The use of the meeting room would require coordination between the two groups. See Attachment 1.
Term:	Five (5) Years
Commencement:	In 2013, once construction is complete.
Rental Rate:	$12,000.00/year or $1,000 per month, inclusive of utilities, maintenance, etc. Consistent with most current shared arrangements
Parking:	Sufficient for 2 staff vehicles. Site maintenance by Township, at its cost.

Township of Mapleton staff have advised that the estimated cost of constructing the complete addition is $60,000 and that it could be complete in four to six months from construction start.

Staff are recommending approval of the proposed agreement with the Township of Mapleton in order to maintain an ambulance post in Drayton.

CORPORATE STRATEGIC PLAN

This initiative supports the following Strategic Directions:

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

Emergency Services and Realty Services have been involved in this initiative.

COMMUNICATIONS

A press release will be issued with an overview to the renovation in the Drayton Fire Station. The County of Wellington Social Service Committee will be copied on the details of this report in advance of the press release.

ATTACHMENTS

Attachment 1a - Location Map
Attachment 1b - Sketch
Attachment 2 - Draft Agreement

Report Author: Greg Bernardi, Realty and Planning Specialist
Realty Services

Reviewed By: Stephen Dewar, Chief of Guelph-Wellington
Emergency Services

Approved By
Shawn Armstrong
General Manager of Emergency
Services / Fire Chief
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Recommended By
Derek McCaughan
Executive Director of Operations,
Transit, and Emergency Services
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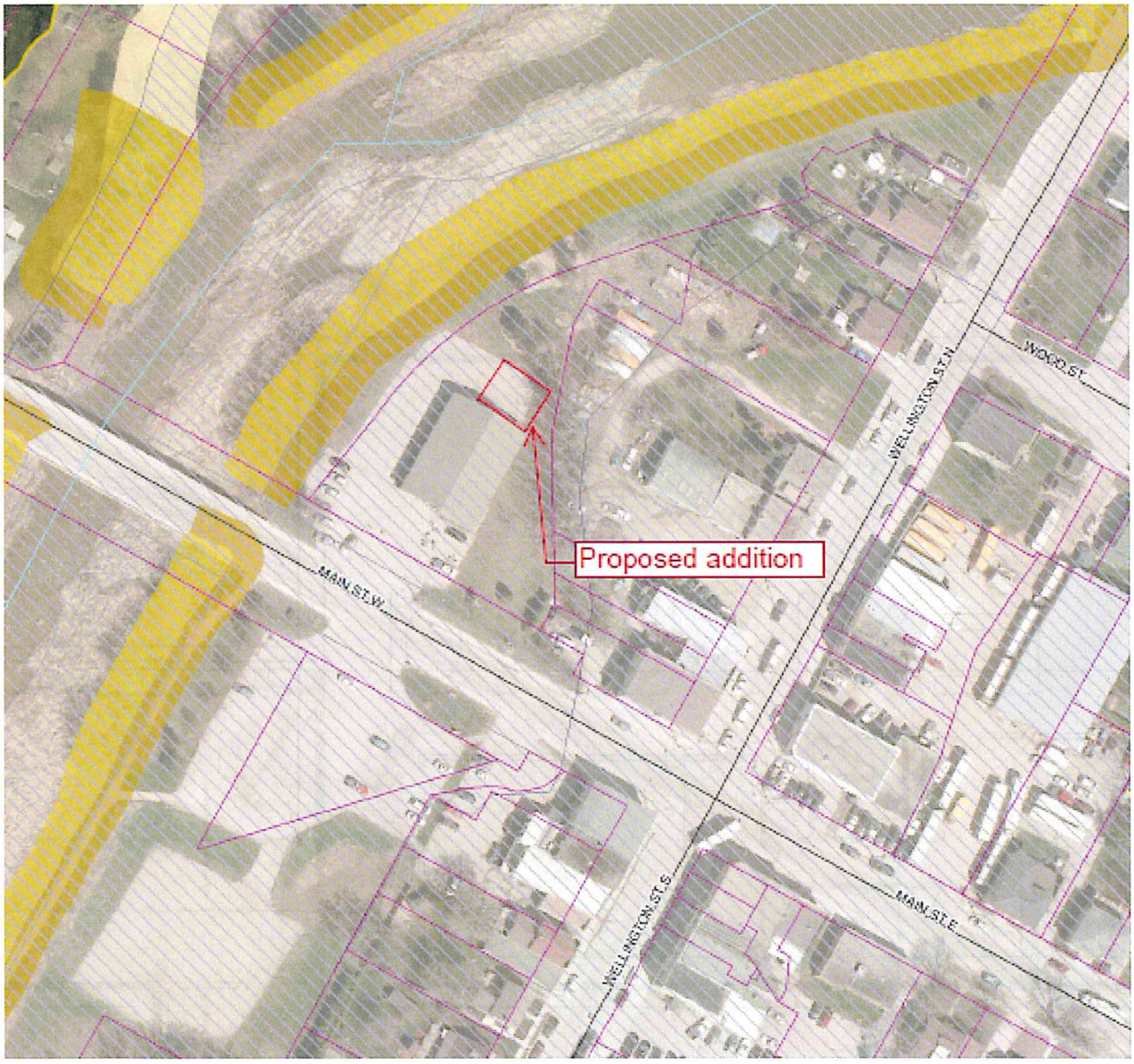
Ambulance Base in Drayton - #OTES071321

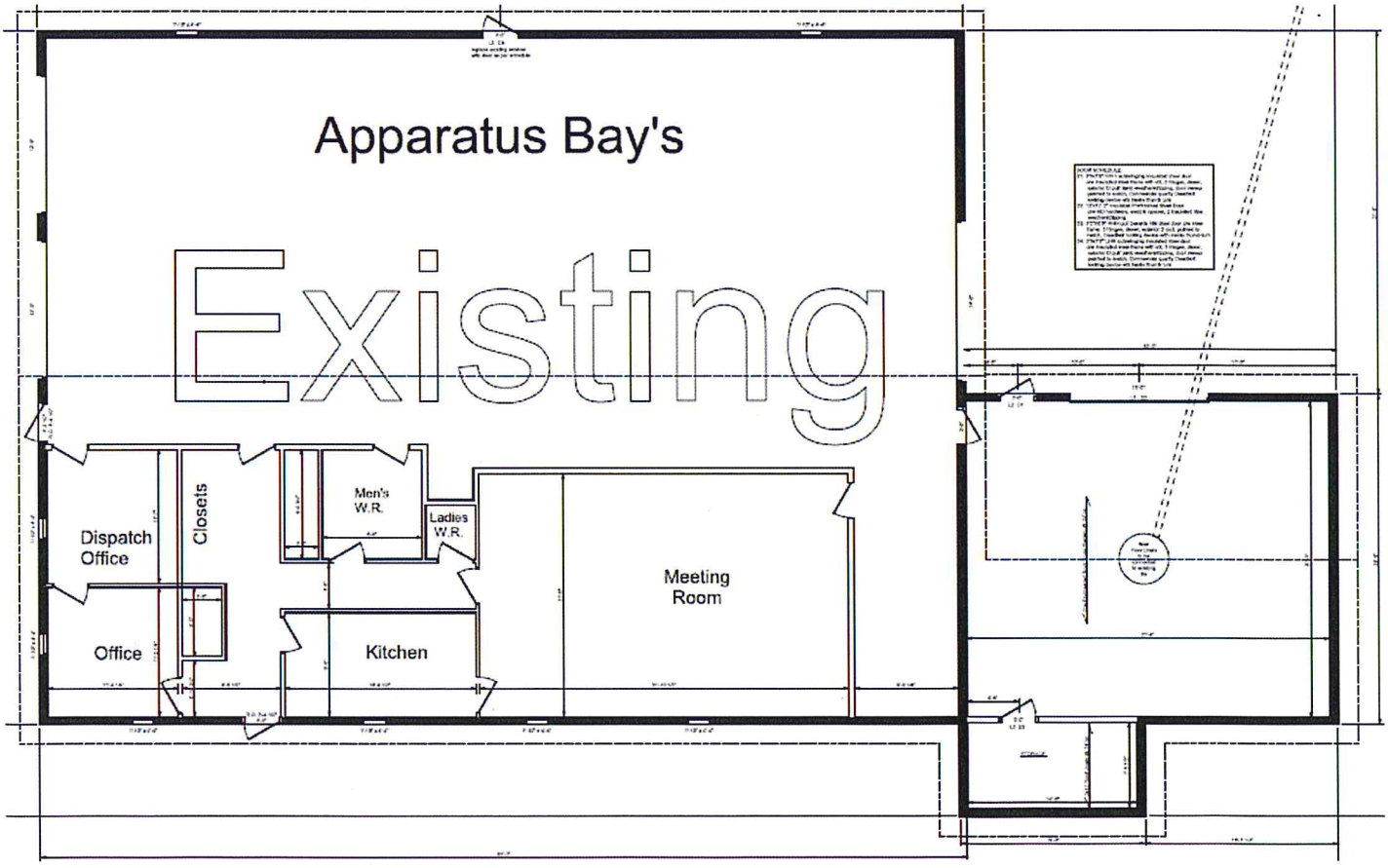
Attachment 1a

Location Map



Ambulance Base in Drayton - #OTES071321
Attachment 1b

Sketch



THIS AGREEMENT made as of the 11th day of June, 2013,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF MAPLETON
("**Mapleton**")

AND

THE CORPORATION OF THE CITY OF GUELPH
("**Guelph**")

WHEREAS:

1. Mapleton is the owner of the lands and building located at 12 Main Street West, Mapleton, Ontario (the "**Fire Station**"); and

2. Mapleton is agreeable to granting to Guelph a license to use part of the Fire Station for the purposes of operating ambulance services and ancillary office uses on the terms and conditions contained herein.

NOW THEREFORE this agreement (the "**Agreement**") witnesses that in consideration of the premises and the obligations herein expressed and for other good and valuable consideration Mapleton and Guelph hereby agree as follows:

License

1. Mapleton hereby grants to Guelph an exclusive license to occupy those parts of the Fire Station as shown highlighted on Schedule "A" (the "**Licensed Space**") which will include exclusive use of two (2) parking spaces and 90 square foot EMS crew room together with non-exclusive use of a single heated garage bay, washrooms, kitchen, meeting room and common areas of the Fire Station solely for the purpose of operating ambulance services and ancillary office uses for a term of five years from October 1st, 2013 to September 31st, 2018 (the "**Term**").

License Fee

2. Guelph covenants and agrees with Mapleton to pay a fee (the "**License Fee**") as follows:
   (a) For years 1-5 of the Term - $1,000.00 per month plus H.S.T.;

   and the License Fee shall be payable monthly in advance throughout the Term.

3. It is intended that this Agreement is a "gross" license to Guelph and that, other than the License Fee, there shall be no other fee, rent or operating costs payable by Guelph and that Mapleton is responsible, at its sole cost and expense, for all realty taxes, Fire Station operating costs, utility costs and costs of heating, ventilation and air conditioning, and all other costs in respect of the Fire Station unless expressly identified as being for Guelph in this Agreement.

Guelph's Covenants

4. Guelph covenants and agrees with Mapleton as follows:

   (a) not to use the Licensed Space for any purpose except as set out above and any ancillary use;

   (b) to be solely responsible and answerable in damages for all acts or omissions due to or caused by Guelph or its employees, volunteers, customers, guests, invitees and others for whom it is in law responsible at any time while Guelph is in occupation of the Licensed Space, and to indemnify Mapleton, its employees, agents and anyone for whom Mapleton is at law responsible, from any claims and losses arising from or in connection with such acts or omissions and to indemnify Mapleton from all claims, costs and liabilities arising from the

granting of the license herein. Notwithstanding the foregoing, Guelph shall not be responsible for any damages, claims, or losses arising from the negligence or misconduct of Mapleton or anyone for whom Mapleton is in law responsible;

(c) to maintain, during the entire Term, comprehensive public liability and property damage insurance for an amount not less than two million dollars ($2,000,000) per occurrence. All such policies shall name Mapleton as an additional insured and shall contain a provision requiring that at least thirty (30) days' written notice be given to Mapleton prior to cancellation or expiry. Guelph shall provide Mapleton, on demand, with proof of such insurance;

(d) not to assign or transfer this Agreement or in any way part with or share possession of the Licensed Space;

(e) to keep the Licensed Space clean;

(f) not to undertake any work or make alterations of any nature to the Licensed Space without the prior written approval of Mapleton. It is understood and agreed that the cost of any such work or alterations shall be for Guelph unless Mapleton agrees otherwise; and

(g) upon the expiry or earlier termination of this Agreement, Guelph shall deliver to Mapleton vacant possession of the Licensed Space in the condition in which Guelph is required to repair, maintain and keep the Licensed Space and, in any event, in the same or better condition than it was in at the beginning of the Term, subject only to reasonable wear and tear.

Mapleton's Covenants

5. Mapleton agrees that it shall:

(a) provide quiet enjoyment of the Licensed Space.

(b) provide sufficient keys or access codes to allow the City access to the Fire Station building and the Licensed Premises on a 24-7-365 basis.

Proposed Improvements

6. Prior to the commencement of the Agreement, certain work shall be completed by Mapleton as follows:
   (a) Mapleton shall construct an addition to the northeast portion of the existing facility that shall incorporate a heated 400 square foot single garage bay and 90 square foot EMS crew room.
   (b) Mapleton shall install a lockable door to the EMS crew room.
   (c) Mapleton shall install 2 electrical outlets in the EMS crew room.
   (d) Mapleton shall install baseboard heating units in the EMS crew room for the purpose of heating the licensed space.
   (e) Mapleton shall install tile flooring in the EMS crew room.
   (f) Mapleton shall construct the walls with drywall and paint the walls of the EMS crew room.
   (g) The work identified in Sections 6 (a) thru (f) (the "**Work**") shall be completed by Mapleton in a good and worker-like manner and without defect prior to the commencement of the Term.

Miscellaneous

7. This Agreement may be terminated by either party upon at least six (6) months' prior written notice to the other party. Guelph shall have the option exercisable on no less than three (3) months written notice to Mapleton prior to the expiry of the Term to extend the License for one (1) additional and separate term of five (5) years (the "Extension") on the same terms and conditions as outlined in this agreement.

8. This Agreement and any Schedules hereto contain the entire understanding between the parties relating to the subject matter hereof. No amendment to this Agreement shall be valid unless in writing and signed by each of the parties hereto or by their respective authorized designates.

9. Every provision of this Agreement is intended to be severable. If all or any part of any term or provision hereof is illegal, invalid or unenforceable for any reason, such illegality, invalidity or unenforceability shall not affect the validity or enforceability of the remainder of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

THE CORPORATION OF THE TOWNSHIP OF MAPLETON

Per: _____

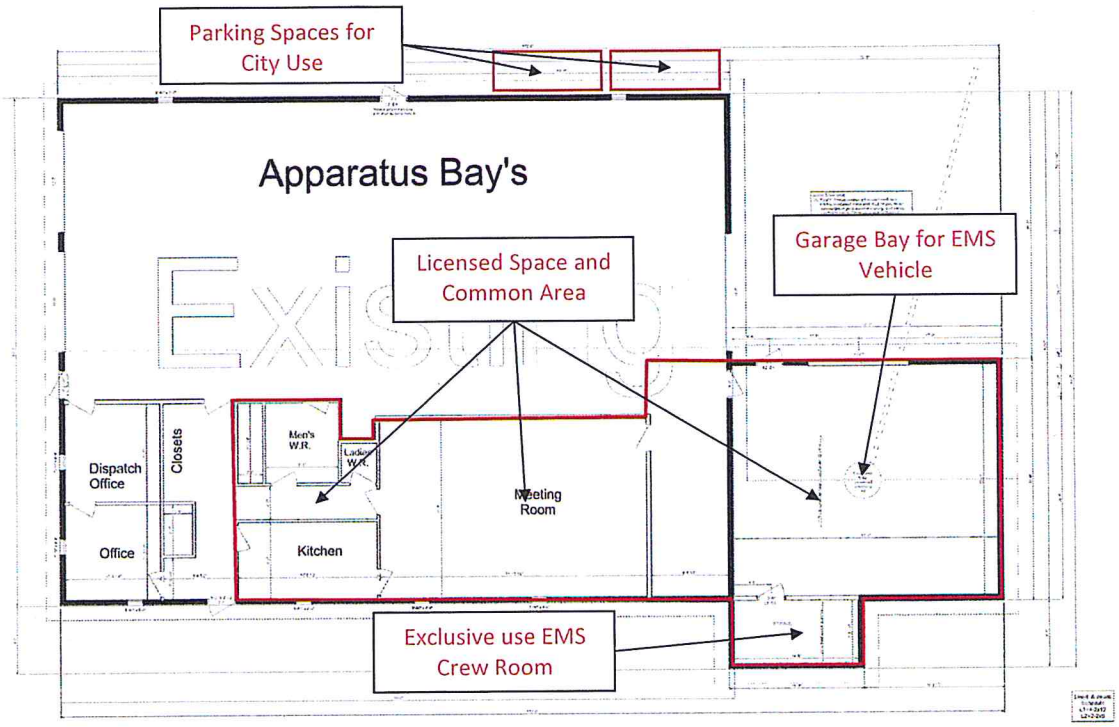
Per: _____

THE CORPORATION OF THE CITY OF GUELPH

Per: _____
Karen Farbridge – Mayor

Per: _____
Blair Labelle – City Clerk

Schedule "A"
(Site Plan showing Licensed Space, Parking Spaces, Washrooms, Kitchen, Garage Bay and Crew Room)



STAFF REPORT

TO Operations Transit and Emergency Services

SERVICE AREA Emergency Services

DATE July 9, 2013

SUBJECT **Open Air Burning – Residential/Commercial Fire Pits and Related Fuel Burning Appliances**

REPORT NUMBER OTES071325

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To consider the increased community interest and requests to relax current regulations pertaining to open air burning on residential properties within the City of Guelph.

KEY FINDINGS
Any allowed open air burning represents a risk to property and persons.

Open air fires, are significantly regulated, are currently not allowed within the City of Guelph unless approved by the Fire Chief.

The Chief Fire Official, when approving an open air fire, is required to ensure property owners or occupants understand the related risks prior to setting a fire on their property.

More than half of the municipalities researched permit some expanded form of open air burning with restrictions.

In the areas surveyed that permit open air burning, a process and/or an inspection process is in place to manage the fire related risks.

Current Fire Department resources are insufficient to support a permitting process necessary to mitigate risks associated with relaxing current open air fire regulations.

FINANCIAL IMPLICATIONS
There are no financial implications associated with this report's recommendation.

ACTION REQUIRED
That the report is received.
That no action be taken to relax current open air regulations at this time.

RECOMMENDATION

1. THAT the Operations, Transit & Emergency Services Committee Report #OTES071325 regarding open air burning dated July 9, 2013, Bylaw be received; and

2. THAT no action be taken to relax current open air regulations.

BACKGROUND

The regulation of open air burning within the municipality is of an on-going concern as residents are enticed to purchase fire appliances at many retail stores for use in their back yards. Although most retailers advise potential customers to check local regulations on possible restrictions, many don't and find out after the fact that open air burning is stringently regulated in our community.

Open air burning is currently regulated through both provincial statute and municipal bylaw. Current regulations include:

A) THE ONTARIO FIRE CODE -FIRE PROTECTION AND PREVENTION ACT, 1997

Division B, 2.6.3.4.

(1) Open-air burning shall not be permitted unless **approved**, or unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue."

(2) Sentence (1) does not apply to an **appliance** that is in conformance with the **Technical Standards and Safety Act, 2000,** is for outdoor use and is installed in accordance with the manufacturer's instructions"

B) THE CORPORATION OF THE CITY OF GUELPH - BY-LAW NUMBER (2013) – 19557 - A BY-LAW REGULATING NUISANCE PARTIES WITHIN THE CITY OF GUELPH.

UNLAWFUL OPEN BURNING OR FIREWORKS IS SUBJECT TO A PENALTY UNDER THE ABOVE BY-LAW;

REPORT

Backyard fire pits, fireplaces, chimineas, wood stoves, raised fire pits, old truck tire rims are just a few of the examples of containers used for open air burning. The proliferation of these appliances has created additional requests of the Fire Chief to permit open air burning. The sale of outdoor fire appliances is not restricted because the appliance poses no risk until material is burned within it.

Most Retailers do advise buyers to consult local authorities prior to burning fuel/wood in their area. When used safely, fire appliances for outdoor use provide a warm and inviting setting for people to enjoy. However, it is important to acknowledge that any activity where fire is introduced can create safety risks to life, property and the environment.

Open air burning creates the following issues and represents a risk to the municipality:

- Heat and flame can inadvertently transfer to other combustible materials which can cause larger uncontrolled fires;
- Smoke rising from the fire and irritating by-products of incomplete combustion create what some consider a nuisance for persons on adjacent properties;
- Inhalation of irritating by-products of incomplete combustion is a known health hazard;
- In certain meteorological conditions (wind and very dry humidex conditions) fire brand embers and smoke can travel to other areas causing an unintended impact to the natural environment, people and structures.

Currently, Fire Crews respond and investigate all complaints regarding open air burning. Staff activity is complaint driven, responding to 155 complaints in 2012. This activity generally occurs over a 4 month period from May to August Often a strong smell of smoke is reported, the origin of which is not known thus creating a concern around a potential fire occurring. Once located, unauthorized fires are extinguished and the immediate impacts are stopped. Neighbour disputes can result causing additional follow up by staff. Current legislation is followed when ensuring compliance, whether responding to complaints or providing information to residents regarding open air burning restrictions in Guelph.

In conclusion, given the inherent risks associated with open air burning, staff do not recommend relaxing currently regulations at this time.

Alternative Approach

Staff acknowledge other municipalities have more relaxed regulations on open air burning. Attachment 1 contains information on open air burning regulations, guidelines and related practices obtained from approved comparator municipalities.

In summary, all of the comparators municipalities comply with the requirements of the Ontario Fire Code. Out of the 21 municipal comparators:

10 - Permit open air burning with restrictions.

3 - Permit burning only in certain geographical areas within their municipality, and

8 - Prohibit open air burning, consistent with Guelph's current practices.

Only Council can accept risks on behalf of the City. As such, if Council wishes to relax open air burning regulations, it can direct the Fire Chief to consider how best to do so while minimizes the inherent risk associated with such activity. The following will require consideration to mitigate and reduce impacts from increased frequency and community exposure to open air burning:

- Risks to life, immediate property and the surrounding environment,
- Community Guidelines and restrictions to use for expanded open air burning, such as a permit system and approval process to follow.
- A mutual understanding of the owner/occupant responsibilities.
- Additional opportunities would be expanded to educate through social media.
- Resources required to administer, approve and, if necessary, enforce compliance,
- Additional responses of Firefighting staff to investigate open air burning complaints.
- Workload analysis on staff requirements regarding approval and permit processes, including a site inspection.
- Introduction of a permit fee to potential offset incurred costs to administer such a program.

If this is the direction Council wants to consider, then staff would recommend a public engagement process be undertaken to determine overall community interest and to obtain comment on possible regulations.

CORPORATE STRATEGIC PLAN

This initiative supports the following Strategic Directions:

2.2 Deliver Public Service better.
2.3 Ensure accountability, transparency and engagement.
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 Internal Auditor has reviewed this report from a risk assessment perspective confirming that a relaxation of current open air burning regulations will likely result in an increased exposure.

COMMUNICATIONS

There has been no public engagement pertaining to this report. Staff acknowledge an increased level of public awareness of current regulations is desired. In an attempt to achieve this, current Open Air Burning regulations will be advertised within City News and on Guelph.ca

ATTACHMENTS
ATT-1 Open Air Burning – Comparator Municipalities

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Open Air Burning - Residential/Commercial Fire Pits and Related Fuel Burning Appliances
ATT-2 Open Air Burning - Comparator Municipalities

Municipality	Permitted?	Permit Cost	Comments
Cambridge	Yes - See Rules and Regulations	$54/Month	What are the Rules: The Ontario Fire Code does not allow open burning in the City unless a Burning Permit is obtained or the fire is used exclusively for cooking purposes on a grill or barbecue and only for the time required for cooking. If you are not cooking on a grill or barbecue, you can apply for a Burning Permit. Permits are $54.00 per month and includes an on-site inspection of the proposed area of the fire. The Fire Inspector will assess the area to ensure it conforms to the permit and safety requirements, which include: -Fire MUST be 150M (492 ft.) from any building -Fire must be one cubic meter or less of burning material -Water or an approved alternative way of suppressing the fire must be maintained at the burning site -The fire MUST be supervised at all times -Burning cannot be done on foggy or rainy days -Burning cannot be done where the smoke will bother your neighbours or hamper driving visibility The use of chimineas and factory-built outdoor fireplaces or fire pits are considered to be open burning and would require a permit to be used. As an option, approved appliances such as propane or natural gas-fired outdoor log sets can be used without a permit providing the manufacturer's installation requirements are strictly followed. To obtain a burning permit or to get more information on open burning in the City, please phone (519)621-6001, Cambridge Fire Department, Fire Prevention Division.

Kitchener	**Yes - See Rules and Regulations**	**N/A**	**Small, self-contained and fully enclosed outdoor fireplaces, also commonly known as chimineas, fireplaces or fire pits may only be used in accordance with Kitchener's Municipal Code. Outdoor fireplaces may only be operated between 6 and 11 p.m.** If you wish to use an outdoor fireplace or fire pit, you must also meet the following requirements: •It must be located at a distance of not less than six metres (19.68504 feet) between the fire pit and any building, structure, property line, tree, hedge, fence, roadway, overhead wire or other combustible article. •Firepits may not be larger than 24 inches in any direction. •The fire is fully contained and controlled within the pit or fireplace and does not exceed more than 0.5 metres (20 inches) in height. •The fire is contained by a distinctive, raised, non-combustible barrier that completely surrounds the fire pit to separate it from the surrounding area. •There is no combustible ground cover within one metre (3.2 feet) of the fire pit. •No material other than brush material, including tree limbs, branches and bush trimmings or manufactured logs specifically designed for fireplaces, shall be burned in any outdoor fireplace. •The fireplace/pit does not create a nuisance. •A portable fire extinguisher or operable garden hose is available from the time of setting of the fire until the fire is totally extinguished. •The owner or occupant is eighteen years of age or older and maintains constant watch and control over the outdoor fire pit from the time of setting of the fire until the fire is totally extinguished. The burning of leaves, brush or other combustible waste material is not permitted in Kitchener without a burn permit.

Waterloo	**No - Natural Gas and Propane Only**	**N/A**	The City of Waterloo's open air fire by-law (no. 2011-124) prohibits setting or maintaining an open air fire using solid fuel at any time. This includes burning wood, paper, coal and yard waste outdoors. Natural gas and propane cooking devices are allowed. An open air fire is a fire that is outside of a building. **Enforcement** By-law and police officers may enter and inspect any property - without a warrant - to determine whether or not it conforms with the open air fire by-law. If it does not, charges or an order to extinguish the fire immediately may be issued. If the property owner or tenant does not comply with the order, we may contact Waterloo Fire Rescue to extinguish the fire at the owner's expense. Parts nine to 26 of the by-law have more information on enforcement. **Frequently asked questions** Q. What open air burning is allowed in Waterloo? A. Burning devices that use solid fuels (including wood, paper, coal and yard waste) are prohibited. Smokers, hibachis and coal barbecues are prohibited unless they are used in a safe and nuisance-free manner for outdoor cooking at home. Q. Whom should I contact if my neighbour is violating this by-law? A. If you are concerned that someone is violating the by-law, contact our enforcement team online or at 519-747-8785. Officers will assess the situation and enforce the by-law based on their observations. Q. Are fire pits and chimineas permitted? A. No, we do not allow fire pits, barbecue pits or chimineas.

Milton	**Yes - See Rules and Regulations**	**$30/Year**	**Town of Milton Burn Permits** **Milton, Ontario, Canada** Did you know that the rules for open air burning in Milton changed on June 1 2011? Now, with a valid permit, you can use chimineas and other outdoor fireplaces for open air burning in urban Milton. If you live in rural Milton, expect to apply for your annual open air burning permit as usual. The cost of a permit is $30.00 CDN non-refundable. Your permit is valid for one calendar year. If you provide an email address your permit information will be emailed to you, otherwise permit information will be sent by regular mail. **Apply for a Permit** 1.Read the by-law carefully to understand specific restrictions to open air burning that may disqualify you from obtaining a permit. We will not refund the cost of a declined application. ◦Open Air Burning By-Law 48-2011 ◦Note: if you don't own your property, you need to get written permission to burn from the property owner. The property owner must fill out and sign this form: **Property Owner's Permission to Burn Release & Indemnification form** **Send us the completed form:** Fax (905) 878 5914 Email: Fireservices Mail: 610 Savoline Blvd., Milton, L9T 0N3

Oakville	**Yes - See Rules and Regulations**	**N/A**	**Outdoor fires and barbeques** **Recreational burning requirements** •Burning to be between 10 a.m. and 11 p.m. •Maximum fire pit size to be two feet by two feet by 16 inches high and no more than eight inches above grade). •Only charcoal or clean, dry, seasoned wood without preservatives can be burned. •All wood being burned to be within the pit. •Burning to be at least three metres from adjacent property and also three metres from combustibles. •A charged water hose and/or 2A fire extinguisher nearby. •Burning to be supervised by an adult at all times. •Favourable weather conditions: no fog, no smog alert, winds to less than 30 km/hr. •Smoke may not obscure roads and homes. Sparks may not travel to nearby homes. •Open air burning is permitted at ground level only. **Open air burning on farms — rural burning** •The Fire department is to be notified prior to burning and also at the conclusion of the burn. Please call 905-637-8253. Burning is to be between 8 a.m. and 6 p.m. •Dry brush is the only material that can be burned. •Burning to be at least 45 metres from adjacent property, structures, roads, highway or wooded areas. •Fire must be completely extinguished prior to burn site being vacated. •Favourable weather conditions: no fog, no smog alert, winds to less than 30 km/hr. •Smoke may not obscure roads, motorists and homes. **Permits -Open air burning fire permits are required for the following types of fires:** •Special event reoccurring over an extended period of time (Call Fire Prevention 905-338-4404) •Strike/picketers •Any type of fire that is not exempt as per section 2.2, 2.3, 2.4 and Part 3 of the by-law •Application for permits must be made at least one week prior to the event by contacting the Oakville Fire department's Prevention Division at 905-338-4404.
Windsor	**No**	**N/A**	**Prohibited** As warmer weather approaches Windsor Fire & Rescue Services wishes to remind citizens that open air burning of yard waste, and having bonfires is strictly prohibited in the City of Windsor. Chimineas or portable fire pits are also prohibited. If a complaint of open air burning is received, Windsor Fire and Rescue Services will investigate and act accordingly based on the restrictions of the Ontario Fire Code. If fire is not used to cook food on a grill or barbecue, charges may be filed and individuals, if convicted may be liable to fines up to $50,000 or imprisonment for a term of not more than one year or both.

London	**Yes - See Rules and Regulations**	**N/A**	**Recreational burning, such as sitting around a campfire, is allowed between 4 PM and midnight, but only clean, dry seasoned firewood or commercially produced charcoal or briquettes can be burned.** The fires must be small and kept in non-combustible containers, outdoor brick fireplaces, chimineas, metal tubs or fire pits at least 4 metres from buildings, property lines, trees, roads and combustible articles. Open air fires are not allowed when wind speeds exceed 15 kilometers per hour, when it is rainy or foggy, or on days when a smog alert or advisory has been issued.
Woodstock	**Yes - See Rules and Regulations**	**N/A**	**The Woodstock Fire Department has implemented the Open Air Burning Policy for the use of outdoor fire pits. Prior to using a residential fire pit, residents are required to contact Lisa Woods, Public Information Coordinator (PIC), 519-537-3412 ext. 5203, to arrange an on-site inspection.** At this time it will be determined whether the property meets the requirements as set out in the Open Air Burning Policy. The PIC will discuss the policy and leave a copy with the resident. If the property meets the minimum requirements and the resident agrees to the terms of the policy, a permit can be issued. There is no fee for the on-site inspection or the permit.
Burlington	**Strict Areas with Permit**	**N/A**	Open air burning is strictly prohibited in the urban area of Burlington (South of Dundas Street / HWY 407), open air burning permits will not be issued for this area. The use of chimineas, fire pits, and outdoor fireplaces is considered open air burning. Designated rural areas of the City of Burlington does allow for open air burning. Please refer to the Open Air Burning Map for approved areas within the City. It is important to note that open air burning is governed under the jurisdiction of Article 2.6.3.4. of the Ontario Fire Code; New Request: A Fire Prevention Inspector will issue a burn permit (free of charge), following a site inspection, in approved designated rural areas of the City. Permits will only be issued for camp fires, cooking fires and open air burning of leaves, brush, wood, etc. The burning of garbage or petroleum based products such as tires, shingles or plastics is strictly prohibited. To request a permit simply click here and select New Request from the Open Air Burning Permit online form. Permit Renewal: All permits must be renewed annually (free of charge) from the date of issue. If you would like to renew an existing open air burning permit (free of charge), please click here and select Renewal from the Open Air Burning Permit online form. Prior to all approved open air burning, individuals are required to notify the Fire Dispatch Centre non-emergency number (24 hours a day) at 905-637-8253. Please Note: Open air burning is considered a fire hazard and does pose a risk to nearby combustible materials such as homes, sheds, decks, landscape material, etc.

Hamilton	**Strict Areas with Permit**	**$10/year**	**OPEN AIR BURNING BY-LAW** On October 9, 2002, Hamilton City Council passed the Open Air Burning By-law which came into force on January 1, 2003. Highlights of the By-law are as follows: · Open air burning is permitted only in areas of the City designated as rural as per the City of Hamilton Official Plan. · A permit is required for any Open Air Burning. · Open Air Burning Permits cost $10 and are valid for the calendar year. · All fires must be kept to a maximum size of 2m x 2m x 1m high (unless otherwise approved by the Chief Fire Official). · All vegetation around the burn area must be removed to a distance that is equal to twice the height of the burn pile. · Recreational campfires must be kept to maximum size of 0.6m in diameter and must be confined (steel tire rim, bricks, stone). · The use of an outdoor fireplace is deemed open air burning and requires a permit (only permitted in rural areas). · Only the burning of clean wood and brush is permitted. · The fire must be attended to and supervised at all times. · All fires must be completely extinguished at the end of each working/burning day. There are no set time frames as to when burning can occur. · Equipment capable of extinguishing the fire is to be on site at all times. · Open Air Burning must be carried out a minimum of 30m away from buildings and other combustibles. · Open Air Burning is not permitted on days declared as Smog Alert/Advisory days. The Open Air Burning By-law allows for the Chief Fire Official to approve burn piles that are larger than the standard size and may order conditions for those burns. For these exceptions, the main focus of Hamilton Emergency Services – Fire has been, and will continue to be, ensuring that the burn is done safely, both in terms of property protection and the safety of the individual conducting the burn.

Halton Hills	**Yes - See Rules and Regulations**	**$23 - Recreation or Residential $213 - Commercial**	**Open Air Burning** **Open Air Burning Status for Today Note** **When burning is permitted, only residents with a valid open air burn permit may burn.** **When a burn ban is in effect, all permits are suspended until the ban is lifted.** **For further information call 905-877-1133** **EFFECTIVE JANUARY 1ST, 2012 THERE WILL BE A CHARGE FOR BURN PERMITS AS FOLLOWS** **Permit Type Cost** **Recreation or Residential $23** **Commercial/Construction $219** **Farm No Fee** TO OBTAIN A PERMIT THE APPLICANT MUST COMPLETE AN APPLICATION AND FORWARD THE APPROPRIATE FEE TO HALTON HILLS FIRE DEPARTMENT, 14007 10 SIDEROAD, GEORGETOWN ON. L7G 4S5 . PAYMENT CAN BE MADE BY CASH, CHEQUE, VISA OR DEBIT CARD. UPON RECEIPT OF THE COMPLETED APPLICATION AND APPROPRIATE FUNDS RECEIVED THE FIRE DEPARTMENT WILL THEN CONTACT YOU TO ARRANGE FOR A SITE INSPECTION (IF REQUIRED). THE INSPECTOR WILL ISSUE YOU A PERMIT UPON A SUCCESSFUL SITE INSPECTION AND AGREEMENT TO FOLLOW THE CONDITIONS OF THE PERMIT (LISTED BELOW). THERE WILL BE NO REFUNDS FOR A FAILED INSPECTION BUT THERE WILL BE NO FEE ASSOCIATED FOR ANY REINSPECTION REQUIRED.

Richmond Hill	**Yes - See Rules and Regulations**	**$35**	Open air burning is allowed in the Town of Richmond Hill, however you must have a permit and abide by the requirements stated within the by-law. If you are having a small contained fi re on a grill (maximum 24" x 36") for cooking purposes, a permit is not needed as long as the fi re is supervised. This by-law promotes health and safety in the community while promoting the responsibilities of the citizens. At their meeting on July 11, 2005, Council approved a revision to the current Open Air Burning By-law. As per section 7.1 of the Fire Protection & Prevention Act (1997), Council established an open air burning by-law and stringent conditions for open air burning, including when open air fi res may be set. As open air fi res can present undue risk, health hazards, unfair environmental practices and inappropriate recycling measures, Fire & Emergency Services, after much deliberation, analysis and research, determined that open air burning may be permitted only if residents obtain permits and are able to meet the minimum requirements set out in the By-law. However, a small contained fi re for the purposes of supervised cooking on a grill (maximum 24" x 36") is allowed without having to obtain a permit, according to the Ontario Fire Code. The By-law also contains a provision that enables the Chief Fire Offi cial to approve open air burning in special circumstances. These revisions, however, only allow that the approved open air burning practice would be conducted in a stringent and accountable fashion while providing the most safe fi re practices as can be obtained. The revised By-law enhances the health and safety initiatives of the Town of Richmond Hill.
Oshawa	**No**	**N/A**	**Open Air Burns Prohibited in Oshawa** **Before you light your fire pit/bowl this summer, please think again. The City of Oshawa's Open Air Fire by-law prevents open air burning.** "This by-law helps to ensure the safety of our residents and can prevent possible property damage," Steve Meringer, Oshawa Fire Chief. Open air fire is any fire situated outside, whether burned in a container or on the ground not including a barbeque or personal warming device. Campfires, incinerators, fire pits, fire bowls, burn drums, chimeneas, wood-fueled barbeques and outdoor wood fireplaces are all examples of open air burning and are not permitted under the by-law. Propane and natural gas-fueled appliances such as propane/gas barbecues, fire pits and fire bowls are allowed as long as they are ULC/CSA/Warnock-Hersey approved and are used in accordance with the instructions provided. Also permitted are small ULC/CSA approved charcoal-fueled barbeques. "Open air burning can create many different problems. Unattended fires can spread to decks or brush, causing property damage and potential injury," said Chief Fire Prevention Officer Susan King. "Burning plastics, rubber or other materials that create excessive or toxic smoke conditions are also a concern." Permits are available for owners with more than 10 acres of land north of Conlin Road. Restrictions apply with the permit process, such as time of burn – dawn to dusk - and the physical size of the burn. Individuals found conducting an illegal burn could face administrative municipal penalties or be charged.

St. Catherine's	**No**	**N/A**	**Open Burning** **The Ontario Fire Code prohibits open air burning. This includes fires that take place in fire pits, outdoor fireplaces and chimenias unless the fire is small, confined, supervised at all times, and used to cook food on a grill or barbecue. The St. Catharines Fire Service uses the following guidelines for cooking fires:** The fuel area may not exceed four square feet (two by two) A continuous, non-combustible containment wall that is a maximum of one foot high must surround the fire. This wall includes area beneath ground level A 10-foot clearance from all combustible objects, such as fences, vehicles, and all structures, including overhangs, must be maintained The fire must contain a grill over the fire at the top of the containment wall Flames are not to extend above the grill level The fire must be supervised at all times by an adult A means of extinguishing the fire (garden hose, fire extinguisher, shovel with dirt) must be available within 20 feet of the fire location. The fire must be extinguished immediately after use. A reasonable cooking time is permitted. Should a call be received regarding an open air burn, fire services will respond to assess the situation and determine if a contravention of the provincial regulation has occurred. If the fire appears to not meet standards or any concern is noted, which may include smoke, the fire will be extinguished. If the fire appears to meet the above conditions, fire services will return after a reasonable time period to ensure that the fire has been extinguished. Penalty for failure to comply with the open air burning requirements of the Ontario Fire Code may result a fine of up to $100,000 upon conviction.
Barrie	**Yes - See Rules and Regulations**	**$10**	Outdoor Solid Fuel Burning Appliances There is currently NO burning / fire ban in Barrie for residents with permits for outdoor solid fuel burning appliances. This page will be updated, and a press release will be issued, should a ban come into effect. Permits will be available at Barrie Fire & Emergency Service Headquarters, 155 Dunlop Street West in Barrie at a cost of $10. Debit and credit cards are accepted. Online applications are not available at this time. *Tenants require the owner's permission in writing (email/letter) to obtain a permit. For further information call (705) 728-3199.

Kingston	**Strict Areas with Permit**	**N/A**	The Ontario Fire Code prohibits all open-air burning except for small confined cooking fires and other fires that have been "approved" by the Chief Fire Official. The information here describes the policy by which limited open-air burning may be permitted. Open-Air Burning is any fire set outside, other than on a small confined grill, while being used to cook food. Campfires, incinerators, burn drums and construction site fires are examples of open-air burning. Exemptions Certain small devices may be used outdoors in all areas of the City without prior authorization. Hibachis, chimineas and masonry barbecues, provided the fuel and chimney are covered by a protective grate; Liquid or gas fuelled appliances;
Thunder Bay	**Yes - See Rules and Regulations**	**$20/annually**	**Burning Permits** **You must obtain a permit prior to conducting any open-air burning in the City of Thunder Bay.** All new Recreational Burning Permits and all Open Burning Permits will be issued at the cost of $20 (non-refundable) which includes the site inspection. The cost to renew all Burn Permits annually is $20 (non-refundable). A permit is valid for that calendar year. Permits will only be issued to residents located in the City of Thunder Bay. You now have the option to Apply or Renew your Burn Permit Online

Chatham - Kent	**Urban - No Rural - With Permit**	**N/A**	**Rural Areas** In accordance with the Fire Prevention and Protection Act, O. REG. 213/07.c.4, the Ontario Fire Code Division B, Sentence 2.6.3.4.(1) of R.S.O. 1997 - Open-Air Burning is not permitted unless such burning consists of a small, confined fire supervised at all times, and used to cook food on a grill or barbecue. Once cooking is completed the fire must be extinguished. Most chimeneas, fire bowls, fire pits etc, do not comply with the above Fire Code Article and are only allowed with a grill for cooking purposes. **Rural Areas** In accordance with the Fire Prevention and Protection Act, O. REG. 213/07.c.4, the Ontario Fire Code Division B, Sentence 2.6.3.4.(1) of R.S.O. 1997 - Open-Air Burning is not permitted unless approved by the Station Chief of your community fire station. An application to burn must be submitted.
Brantford	**No**	**N/A**	**Chimineas & Campfires** The Office of the Fire Marshal (OFM) has received several inquiries from the fire service regarding the use of various types of outdoor fireplaces. These units vary in design from a steel firebox with a screened opening and short vent stack to a clay firepot with an opening for fuel loading and a short vent stack, similar in appearance to a large flower vase. Article 2.6.3.4 of the Ontario Fire Code states that "open air burning shall not be permitted unless approved, or unless such burning consists of a small confined fire, supervised at all times and used to cook food on a grill or a barbecue." It is the opinion of the OFM that the use of outdoor fireplaces should be classified as open air burning and treated as such under Article 2.6.3.4. The Brantford Fire Department would like to advise all citizens of the City of Brantford, that in accordance with the above noted opinion of the Ontario Fire Marshal the use of outdoor fireplaces, chimineas, etc. are classified as 'Open Air Burning' and treated as such under Article 2.6.3.4. of the Ontario Fire Code. Therefore these appliances are not permitted for use within the City of Brantford. Should Brantford Fire Department personnel respond to your home as a result of an open burning concern, the Officer in charge will make the determination whether the existing fire is permitted. If the cooking fire is small, contained, supervised at all times, and protected by means of a garden hose or a bucket of water you may be permitted to continue until the food is cooked. IF the fire does not meet these requirements, you will be asked to extinguish the fire.

Ajax	**No**	**N/A**	**Open Air Burning and Chimineas** **Open Air Burning is generally not permitted within the Town of Ajax** The Office of the Fire Marshal (OFM) has received several inquiries from the fire service regarding the use of outdoor fireplaces. These units vary in design from a steel firebox with a screened opening and short vent stack to a clay firepot with an opening for fuel loading and a short vent stack, similar in appearance to a large flower vase. Article 2.6.3.4 of the Ontario Fire Code states that "open air burning shall not be permitted unless approved, or unless such burning consists of a small confined fire, supervised at all times and used to cook food on a grill or a barbecue." It is the opinion of the OFM that the use of outdoor fireplaces should be classified as open air burning and treated as such under Article 2.6.3.4. In accordance with the above noted opinion of the Ontario Fire Marshal, the use of outdoor fireplaces, chimineas, etc. are classified as 'Open Air Burning' and treated as such under Article 2.6.3.4. of the Ontario Fire Code. Therefore these appliances are not permitted for use within the Town of Ajax.
Pickering	**No**	**N/A**	**Outdoor Fireplaces** **The use of open-air burning appliances is not permitted in Pickering and is enforceable under Ontario Fire Code Article 2.6.3.4.** This includes commonly sold outdoor style fireplaces such as: •"Back Yard Max" (a steel firebox with a screen opening and short vent stack) •"Chimnea" (a large clay fire pot with an opening for a fuel load and short vent stack) Violating the Ontario Fire Code can result in a maximum fine of $50,000, 1 year in jail, or both. **Outdoor Natural Gas and Propane Fire Pits** An alternative option for an outdoor fireplace is a natural gas/propane fire pit. These are CSA/ULC approved and come with artificial logs and produce an actual flame. The Ontario Fire Code regulates solid fuel burning appliance use and general fire safety. Gaseous fuel burning appliances are regulated by the Technical Standards & Safety Authority (TSSA). TSSA's Fuels Safety Program administers the Technical Standards & Safety Act 2000, providing fuel-related safety services associated with the safe transportation, storage, handling and use of hydrocarbon fuels (such as gasoline, diesel, propane and natural gas).

I wish to voice my concerns over the outdoor fires by-law in the city of Guelph.
We have finally almost gotten smoking under some sort of control by banning it and now there is a move to light fires and have more smoke..
Part of the smoking problem is that there are some of us who are very allergic to smoke... it causes us great distress, sore throats, red and inflamed eyes, and not just cigarette smoke but all smoke. We had to give up all forms of camping many years ago after realizing that the smoke from all the camp fires was the cause of our distress. We barely tolerate a smoking BBQ but at least when someone has burnt their dinner it soon gets turned off and we can go back outside in an hour, these chimney items are meant to be used all day and half the night... This is not enjoyable for us. It makes us ILL. We do not want an asthma attack or trip to the hospital over smoke in the back yard and we do not want to be trapped in our home to avoid it. There is also the concern as to what they are burning is this wood, is it treated green wood leftovers from a fence, or is it garbage – with plastics in it, or coloured paper with dyes.

Last summer we had neighbours with a chimney/ fire pit blazing feet up past their eaves... it was scary enough to singe the tree leaves and the firemen were called. That was a different issue than our issues with the smoke which drifts all around at the whim of the winds. The person with the fire may have almost no smoke and the neighbour may have a lot drifting into their yard. It is very hard to complain when we don't know where the fire is and with these chimneys it is hard to detect the source.

At least in the winter when neighbours start their fireplaces we can go indoors and shut the door, but in the summer it also means no open windows, and no patio/ gardening activities.

Please, please to not approve open fires in the city or we will have to give up all our back yard / patio,/ entertaining activities and be forced to hibernate indoors all year round.

And one more note – thanks for the lovely new maple sapling planted on our street this week... it's going to be a beauty.

Cheers
Lenore Fisher.

STAFF REPORT

TO	Operations, Transit & Emergency Services Committee
SERVICE AREA	Operations, Transit and Emergency Services
DATE	July 9, 2013
SUBJECT	**Restorative Alternatives Program Pilot**
REPORT NUMBER	OTES071324

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To provide information on the partnership between the Bylaw Compliance, Security and Licensing Department and the University of Guelph's Off Campus Living with respect to the University's Restorative Alternatives Program Pilot.

KEY FINDINGS
That the City and the University continue to identify ways to improve and build neighbourhood relationships especially between students and long term residents.

FINANCIAL IMPLICATIONS
There are no major financial implications, as the Enhanced Enforcement Program is currently funded through the existing operating budget of the City's Bylaw Compliance, Security and Licensing Department.

As this encourages compliance through alternative measures there may be a nominal decrease in fine revenue for noise violations received by Court Services.

ACTION REQUIRED
To receive staff's report.

RECOMMENDATION
1. That the Operations, Transit & Emergency Services Staff Report OTES071324 Restorative Alternatives Program Pilot dated July 9, 2013, be received.

2. And That, staff of the Bylaw Compliance, Security and Licensing Department be directed to participate in the Restorative Alternatives Program Pilot, as described in the Operations, Transit & Emergency Services Staff Report OTES071324 dated July 9, 2013.

BACKGROUND

Since 2010, the City's Bylaw Compliance, Security and Licensing Department has partnered with the Guelph Police Service and the University of Guelph's Off Campus Living staff to address Bylaw issues within the City. The City's Enhanced Enforcement program consists of Bylaw Compliance staff actively addressing Bylaw matters within neighbourhoods and providing information regarding student issues to University staff for follow up.

REPORT

In an attempt to further build and improve neighbourhood relationships, the University of Guelph's Off Campus Living has created a Restorative Alternatives Program (RAP).

This program will be released in 2013 as a pilot program with a small number of students being invited to participate. This program will apply the principles of restorative justice and is intended to redirect negative student behaviour off campus into constructive community building. In essence community input will be sought to determine the appropriate action to be taken when a student violates a City Bylaw (Noise) and harms the neighbourhood.

Guiding principles for the RAP process will include:

- input from affected parties or community representatives where possible
- identifying actions that are specific to the affected community
- placing an emphasis on learning for students
- connecting the repair to the harm
- focusing on the appropriate positive action

As part of the pilot, when attending minor noise calls in which education is being used by Bylaw staff to resolve the matter, Bylaw Compliance staff will have the opportunity to direct University students to the RAP pilot. Bylaw Compliance staff along with University staff will track those students entering the pilot to determine the effectiveness of the initiative in lowering repeat calls for service and will also monitor any changes to neighbourhood relations. This program is also intended to have neighbourhood concerns addressed in a timelier manner and provide more accountability to the affected neighbourhood.

Staff recommend that Council direct staff to participate in the program, as the success of the RAP program relies on referrals made by Bylaw Compliance staff.

If successful, it is envisioned that the program will expand to include a more formalized intake protocol and be able to address other offences.

The program could also be used as a starting point for a program that can be utilized by all residents to address neighbourhood concerns.

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

DEPARTMENTAL CONSULTATION

Building Services
Court Services
Guelph Police Services
University of Guelph
Town and Gown Committee

COMMUNICATIONS

During the pilot, communications will be provided to those residents involved or affected by the program. The University of Guelph will take the lead in these communications.

Report Authored and Recommended By
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STAFF REPORT

TO	Operations, Transit & Emergency Services Committee
SERVICE AREA	Operations, Transit and Emergency Services
DATE	July 9, 2013
SUBJECT	**Business Licence By-law Amendment– Driving Instructor Licensing**
REPORT NUMBER	OTES071323

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To provide information to Council regarding the licensing of Driving Instructors and to introduce amendments to City of Guelph Business Licensing By-law (2009)-18855.

KEY FINDINGS
Residents have expressed concerns that driving instructors and their students are routinely travelling through residential areas for the purpose of practice and training. This increase of traffic is causing perceived safety concerns in their neighbourhoods.

The majority of concerns are being received from residents residing on streets that are used by the Ministry of Transportation (MTO) for road tests as part of MTO's driver licensing examination program.

The driving instructor industry agrees with the residents that specific streets are being over utilized by instructors and support regulations being implemented to reduce the number of instructors operating on these streets.

Representatives from the MTO are currently working with municipalities to address driving training issues and support the City of Guelph's initiative.

FINANCIAL IMPLICATIONS
An increase in revenue is anticipated, but as business licensing fees are calculated on a full cost recovery basis, any additional revenue realized will off-set the costs of administration and compliance.

ACTION REQUIRED
To receive staff's report and to recommend an amendment to the City's Business Licence By-law to regulate Driving Instructors be passed by Council.

STAFF REPORT

RECOMMENDATION

1. That the Operations, Transit & Emergency Services Report OTES071323 Business Licence By-law Amendment - Driver Instructor Licensing dated July 9, 2013 be received.

2. That the amendments to Business Licence By-law (2009)-18855 with respect to Driving Instructors as contained in Operations, Transit & Emergency Services Committee Report OTES071323 dated July 9, 2013 be brought before Council for approval.

3. That after one year of implementation of the amendments to the Business Licence By-law (2009)-18855 with respect to Driving Instructors as contained in Operations, Transit & Emergency Services Committee Report OTES071323 dated July 9, 2013 has lapsed, staff be directed to engage the public, representatives of the driving instructor industry and examiners from the local Drive Test Centre and identify the effectiveness of the licensing regime.

BACKGROUND

On October 22, 2012, Council received Operations, Transit & Emergency Services Committee Report OT101238 and passed a resolution directing staff to consult with the public and the driving instructor industry to create an amendment to the Business Licensing By-law for the addition of a schedule to licence Driving Instructors to introduce regulations regarding the driving instructor industry within the City of Guelph.

As Council is aware, residents have and continue to express concerns to staff and to members of Council with respect to a high number of driving instructors operating within the same residential areas of the City of Guelph. This increase of traffic is causing perceived safety concerns within these neighbourhoods and these concerns have also been acknowledged by representatives of the driving instructor industry and examiners of the local Drive Test Centre to City staff.

The Drive Test Centre, an agency contracted by the Ministry of Transportation (MTO) to provide driver licensing examinations, has identified streets within these residential areas as examination routes. Examiners from the local Drive Test Centre have also expressed safety concerns for themselves and their customers as driving instructors practicing on the test routes are often encountered and conflict with their examination process.

It should be noted the test routes which are designated by the MTO are often based on their proximity to the Drive Test Centre and the time required to complete an examination. Given this information, staff have been informed by Drive Test Centre staff that it is difficult to move test routes to other areas of the City.

REPORT

Industry Consultation:

As a result of Council's resolution, City Licensing staff met multiple times with representatives of the driving instructor industry and the Drive Test Centre to discuss concerns from both the City and the industry and to create regulations for the driving instructor industry.

While City staff were concerned with the volume of training taking place on specific streets, the driving instructor industry voiced concerns with the number of instructors providing instruction without the required Provincial training, licensing and adequate vehicle insurance.

Public Engagement:

In conjunction with the industry representatives, staff created a draft by-law amendment for public review. Public comments were welcomed via mail, email, phone, fax and social media. In addition, on May 29, 2013, staff along with industry representatives held a public open house on the proposed by-law amendment. Approximately 45 residents attended this meeting and provided input.

All comments received by the public (Attachment A) are in support of the proposed by-law amendment. Following the public engagement process, staff along with industry representatives reviewed and considered each comment received. Staff have provided a position to these comments in Attachment A.

Ministry of Transportation Engagement:

In recent months, the licensing of driving instructors has been raised by media across the Province. Specifically it is being reported, some driving instructors may not being properly trained and/or licensed by the MTO to provide driving instruction. The MTO is currently working to address these issues both internally and in conjunction with municipalities.

With respect to Guelph's licensing initiative, staff did speak to representatives from the MTO. From this discussion, staff implemented a MTO suggestion to include within the proposed schedule. The suggestion was to require instructors who are permitted by the MTO to teach students with a G1 Ontario Driver's Licence to identify their associated Driving School. This regulation is consistent with the current requirement under Provincial Legislature.

Proposed Schedule – Business Licence Amendment:

Following the review of public comments and those of the MTO, staff finalized a proposed amendment to create a Driving Instructor Schedule and conditions within to the City's Business Licence By-law (2009)-18855 for Council's consideration (Attachment B).

Of note the proposed schedule if approved will:

- Require driving instructors operating within the City of Guelph to obtain a business licence
- Regulate which streets may be used for on-road instruction
- Require Driving Instructors maintain a valid Ontario Ministry of Transportation Driving Instructor Licence.
- Require that vehicles utilized by Driving Instructors are appropriately identified
- Require that Driving Instructors maintain proper and adequate insurance

Implementation:

Given the public feedback and desire to implement this schedule as soon as possible, if passed by Council, the proposed amendment will take effect as of September 1, 2013. At that time licensing administration staff will be prepared to process applications. To allow driving instructors sufficient time to obtain a licence, enforcement will not commence until October 1, 2013. It should also be noted that staff do intend to stagger the issuance of businesses licence renewals throughout the year to create efficiencies, and it is staff's intention to issue licenses for Driving Instructors for a one year period (from time of issue).

Signage:

During the public engagement process a number of residents requested signage be erected on streets or areas in which driving instruction would be prohibited to further deter the use of these streets by driving instructors. Staff reviewed this suggestion but believe the implementation of this licensing regime itself will address driving instructors operating on test routes and signage is not required and would be an unnecessary expense. Under the proposed By-law amendment any driving instructor providing training on prohibited street would be subject to a fine for operating without a Business Licence or operating on a restricted street as prohibited by their business licence.

Non Local Driving Instructors

Many comments received from the public were in relation to the number of out of town driving instructors operating on Guelph streets. It is common for instructors from other municipalities to conduct training on Guelph streets and for students from other municipalities to complete their driving examination at the local Drive Test Centre.

Staff were questioned as to whether the licensing requirements could be applied to non local driving instructors only. As indicated by City staff during the public engagement meeting and within Attachment A, municipalities do not have the authority to discriminate against businesses based on their location, including those businesses who wish to operate in other municipalities.

Staff at the Drive Test Centre were also questioned as to whether they could restrict driving examinations to local residents only. They responded during the public engagement meeting that they did not have the authority to restrict driving examinations based on a person's residence.

Compliance:

The City's Bylaw Compliance & Security Officers are the primary staff responsible for compliance of the Business Licensing By-law. There will be no requirement for additional compliance officers, as existing staff will be able to address concerns and proactively seek compliance with the proposed amendment within their daily duties.

Bylaw Compliance Officers will seek adherence to this By-law through passive compliance, i.e. Driving Instructors observed violating the By-law may be summoned or ticketed at a later time and staff will not stop instructor vehicles. This approach is practiced and has been effective with other mobile businesses such as food truck vendors.

Set Fines/Summonses:

Should Council approve the proposed schedule, staff will submit application to the Senior Regional Justice of the Ministry of the Attorney General requesting that additional set fines be established.

Members of the public and the driving instructor industry have requested steep fines for non-compliance; as such staff's application to the Senior Regional Justice will request a set fine of $750 for those operating without a valid City of Guelph

driving instructor business licence. Further, staff will make application that the set fines for all other violations under the proposed schedule be set at $500.00.

For continued violations or where circumstances warrant, as with all By-law violations, Bylaw Compliance Officers and Guelph Police Services officers have the option of summonsing the defendant before the Provincial Offence Court, where upon conviction the Justice of the Peace may impose a higher fine.

Cost for implementation:

The estimated start up cost associated to implement the new schedule will be approximately $4,500.00. This amount will include wages (estimated at $1,000) for a temporary part-time administration staff to assist with the high volume of applications, the cost of the identification card/marker (business licence) to be carried/displayed when providing driving instruction (estimated at $1,500 for 200 instructors) along with costs associated with an educational campaign (Drive Centre posters/print ad - $2,000).

Fees and Revenues:

Based on the City's licensing fee formula the cost for a Driving Instructor Business Licence would be $148.00 with the current renewal fee being $99.00.

If implemented, based on the number of instructors attending the Drive Test Centre, it is anticipated that approximately 130-200 instructors will be required to be licensed. Beyond the start up costs, it is anticipated that revenue in the amount of $14,500-$23,500 will be generated over 2013 and 2014, this revenue will off-set the costs of administration and compliance staff assigned to Business Licensing.

Follow up:

If implemented, staff recommend that engagement be conducted with affected residents, representatives of the driving instructor industry and examiners from the local Drive Test Centre after one year has lapsed to report back to Council the effectiveness of the licensing regime.

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

DEPARTMENTAL CONSULTATION

Legal and Realty Services
Public Works
Community Engagement
Corporate Communications
Information Technology
Finance
Guelph Police Services
Ministry of Transportation of Ontario

COMMUNICATIONS

To increase public comprehension and awareness, the proposed Driving Instructor licensing regulations are advertised within City News, on Guelph.ca and have been posted at the local Drive Test Centre.

Upon approval of the Business Licence By-law amendment, staff in conjunction with Public Engagement staff and Communications staff will continue their strategy to engage and educate the public on this matter.

ATTACHMENTS

Attachment A-Community Engagement comments
Attachment B–Draft By-law amendment

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Attachment A to OTES Report OTES071323

Address	Method of Contact	Feedback/Comments:	Staff Comments:
Sanderson Drive	Email	Lives on Sanderson Drive in ward 4, concerned about children on Sanderson Drive and very concerned that the increased traffic of inexperienced drivers will lead to an accident. Hoping that the licensing of driver training schools would reduce the number of out of town vehicles that come to Guelph, and is in favour of this proposed by-law. After attending the meeting, would like; the licensing fee to be higher to deter out of town schools from coming to Guelph, fine for breaking the by-law should be increased, number of streets used for testing should be increased substantially to reduce the daily load on individual streets. Suggested increasing the number of testing areas so that fewer cars would be in each area, examine traffic calming measures on Sanderson Dr. Is there any evidence to show that erecting signs works to slow traffic or impact driver behaviour? How will this by-law be enforced?	Licensing fees are based on cost recovery. Staff will seek set fines appropriate to deter violations. Staff will monitor for violations and issue charges to businesses (driving instructors) that do not comply with the by-law. Matters with respect to traffic calming, forwarded to Public Works for their consideration. Ministry of Transportation regulates testing routes and has been noted by Drive Test Centre staff.
	Email	In favour of proposed by-law. Driving instructors from other cities should not be using our streets as their classroom at all. Needlessly increasing the traffic on our streets which impacts the residents who do live and pay taxes here. Concerned about young drivers getting into accidents.	Comments noted
Glenburnie Drive	Email	"Out of town" instructors should be time period regulated for driver test appointments. This would then control part of the road training issue and NOT excessively delay learners from Guelph and surrounding areas getting tested. The test area should likely be made flexible, namely making the specific test areas to be used unknown. Based on driver training and test requirements it should dictate what areas are suitable to practice on in readiness for driver tests. My street is Glenburnie Drive and surrounding streets are used a fair amount, are ideal for learning on and I personally do not see any problems, even when vehicles are parked on both sides of the two lane streets. One real issue is, I have been told by the student driver they couldn't understand the instructor because of their accent. Also, what they are told can be different between instructors. The teaching exercise was a complete waste of time which then also raises safety concerns. Do the instructors in order to qualify have to pass Provincial driver training and teaching tests, with also ongoing re-testing intervals and background checks?	Comments noted - To ensure that those providing instruction have the skills to do so, the proposed schedule will require Driving Instructors maintain a valid Driving Instructor Licence issued by the Province.
	Email	Wanted to know about licensing and fee requirements to operate a driving school here in Guelph, keep informed of process.	Comment noted
	Email	Many driver trainers on our street mostly from out of town. Concerned about safety around June Ave school with so much trainer activity when school lets out, therefore, endangering the students.	Comment noted
Applewood Cres	Email	Safety concern for the children, up to 20 vehicles a day, out of town vehicles, businesses that are operating, in support of licensing.	Comment noted

Attachment A to OTES Report OTES071323

Address	Method of Contact	Feedback/Comments:	Staff Comments:
Meadow Cres.	Email	Fully support proposed by-law, having many issues with driving instructors on Meadow Cres., concerned about safety of children. Marksam is also a very busy street and very high risk of accident/injury on this street as well.	Comment noted
Lonsdale Dr.	Comment card	In favour of this proposed by-law.	Comment noted
Meadow Cres.	Comment card	In favour of this proposed by-law. This issue has been going on for years.	Comment noted
Sanderson Dr.	Comment card	In favour of schedule 14	Comment noted
Sanderson Dr.	Comment card	In favour of this proposed by-law.	Comment noted
Lister Ave.	Comment card and follow up email	"In class only" instructors should be exempted from this proposed by-law, as they will not be instructing on the roads. It would serve no purpose to include these "in class only" instructors in the proposed licensing. If a solution is anticipated, it should be directed at the source of the problem, out of town driving schools, not the local driving schools who pay taxes to carry on their business in the city in the first place. If we eliminate the "out of towners" 80 to 90 percent of the problem would disappear. The out of town drivers should obtain a business licence and make the fee such so that it will discourage out of towners from wanting to come in for driving practice/instruction.	Draft By-law amendment was modified to exempt in class only instructors. Legally we can not differentiate between local and non local instructors but licensing regime may reduce the number of instructors wishing to operate in Guelph. For those that do wish to instruct within the City of Guelph restrictions will be placed on some roads prohibiting instruction.
Applewood Cres	Comment card	Concerned about children's safety, in support of this by-law.	Comment noted
Applewood Cres	Comment card	In support of this proposed by-law, and the prohibition of driving instructors on the streets used for examination routes. Enumerate the specific conditions under which a business licence holder may apply for an exemption as per 11(a).	Comment noted. Exemptions would be to provide instruction to residents living within these areas or for other unforeseen circumstances (construction). Currently the exemption is broad, but if passed, will be reviewed in a years time.
Sanderson Dr.	Comment card	In favour of this proposed by-law.	Comment noted
Elmhurst	Comment card	In favour of this proposed by-law, would like to eliminate Elmhurst as one of the approved streets.	Comment noted. Elmhurst is listed.
Meadow Cres.	Comment card	Supports this by-law, would like Marksman to be one of the banned streets, and signage about children on both sides of Meadow Cres.	Comment noted. Marksam added to regulated streets. Traffic calming sign concern forwarded to Traffic staff.
Greengate Rd.	Comment card	Keep informed about this project.	Comment noted
Lonsdale Dr.	Comment card	In favour of this proposed by-law.	Comment noted
Marksam Rd.	Comment card	In favour of the proposed by-law, and the use of signs restricting training.	Comment noted. Licensing regime will restrict instructors on specific streets, signage is not required.
Meadow Cres.	Comment card	Thinks by-law is long overdue, need for enforcement, in favour of signage on streets restricting training, and would like Marksam Rd. included as a restricted street.	Comment noted. Marksam added. Licensing regime will restrict instructors on specific streets, signage is not required.
Strathmere Pl.	Comment card	In favour of signage in subdivisions, "out of town" driving schools should get their licence in their own city to stop the problems in Guelph.	Legally we are unable to prohibit non local businesses from operating within the City of Guelph. Licensing regime will restrict instructors on specific streets, signage is not required.

Attachment A to OTES Report OTES071323

Address	Method of Contact	Feedback/Comments:	Staff Comments:
Rhonda Rd.	Comment card	In favour of this proposed by-law.	Comment noted
Sleeman Ave.	Comment card	Marked and unmarked training vehicles should be restricted from early to late hours, add Sleeman Ave. and Kenwood Crescent to restricted streets except for actual testing.	Comment noted. Kenwood Ave and Sleeman Ave are not normally utilized as a drive test route it has not been added, but staff will monitor if a future amendment is required.
Applewood Cres	Comment card	In favour of this proposed by-law.	Comment noted
Lonsdale Dr.	Comment card	In favour of this proposed by-law.	Comment noted
Sanderson Dr.	Email	Concerned about nuisance and safety. A magnetic sign that states "Driver Examination" or "Driver Examination in Progress" be placed on both sides of the car to be identified as being permitted to be on the street (can be removed and put on other car as well). A yellow flashing light to be placed on top of the examiners car while the test is being performed; public will know that a student is performing their driver exam, and visibly identify which vehicles are legitimately permitted to be on our streets. A special sign for student drivers that can be seen either inside or outside of the vehicle. A removable magnetic sign which states "Resident in Training" or "Neighbourhood Resident in Training" is a suggestion and to regulate this, a Guelph resident is required to show identification proving they are a Guelph resident and pay a deposit fee of $50.00 for the "magnetic training sign" which are then to be applied to the vehicle that they are training in - driver instructor or family member. This sign can be obtained and purchased at either the Driver Examination Office or City Hall (one location to keep track of the ones issued out). Upon successful training and the student passes their Driver Examination, the magnetic signs are to be returned and the fees reimbursed, minus a $5.00 processing fee. Licensing fee for driver instructor should be a minimum of $200.00 not $148.00 as proposed. The proposed set fine for operating without a business licence should be a minimum of $1000.00 plus a victim surcharge of $150.00 and a court administration fee of $25.00.	Identification comments noted and will be reviewed as process moves forward. There will be identification to note instructor is licensed. Licensing fee is based on the City's current licensing regime (cost recovery). Set fine will be set to deter violations. Officers also have the option to summons persons violating the By-law to Court.
Sanderson Dr.	Email	Concerned about the numerous driver training vehicles on Sanderson Drive. Does not appreciate out of town drivers, very unsafe for children and resident. In favour of this proposed by-law.	Comment noted.
Sanderson Dr.	Facebook	Concerned about parallel parking on personal car, would suggest using orange pylon cones instead of other people's cars. In favour of by-law.	Comment noted. Industry representatives and Drive Test Centre staff advised of traffic cone comment.
N/A	Facebook	Concerned about "just anyone can claim to be competent enough to teach kids to drive" and in favour of proposed by-law.	To ensure that those providing instruction have the skills to do so, the proposed schedule will require Driving Instructors maintain a valid Driving Instructor Licence issued by the Province.

ATTACHMENT B TO OTES REPORT OTES071323

SCHEDULE 14
to City of Guelph By-law Number (2009)-18855 as amended

DRIVING INSTRUCTOR

The provisions of this Schedule shall apply in respect of Driving Instructors.

INTERPRETATION

1. In addition to the terms defined in Section 1 of this By-law, the following terms shall have the corresponding meanings:

   (a) "Driving Instructor" means an individual who accepts remuneration to provide instruction in the operation of motor vehicles but does not include an individual who provides in-class instruction only;

   (b) "Driving Instructor Business Licence" means a Business Licence issued to a Driving Instructor by the City pursuant to this By-law;

   (c) "Driving School" means a driving school which holds a driving school licence issued by the Ontario Ministry of Transportation;

   (d) "Ministry of Transportation Driving Instructor's Licence" means a licence issued to a Driving Instructor by the Ontario Ministry of Transportation; and

   (e) "Retainer Contract" means a written contract between a Driving Instructor and a Driving School for the employment or services of the Driving Instructor to provide instruction in the operation of motor vehicles.

CONDITIONS

2. No person shall engage in or carry on the business of a Driving Instructor within the City without a Driving Instructor Business Licence to do so.

3. No person shall engage in or carry on the business of a Driving Instructor within the City without a valid Retainer Contract, even if the Driving School and the Driving Instructor are the same person.

4. No person except an individual may hold a Driving Instructor Business Licence.

5. No individual's Driving Instructor Business Licence is valid unless he/she holds a valid Ministry of Transportation Driving Instructor's Licence.

6. An individual's Driving Instructor Business Licence ceases to be valid at any time that the individual's Ministry of Transportation Driving Instructor's Licence ceases to be valid.

APPLICATION REQUIREMENTS

7. Every individual applying for a Driving Instructor Business Licence or renewal thereof shall submit an application signed by the individual himself/herself.

8. Every individual applying for a Driving Instructor Business Licence or renewal thereof shall submit the application by appearing in person at the office of the Issuer of Licences.

9. Every individual applying for a Driving Instructor Business Licence or renewal thereof shall submit one (1) valid piece of Identification when he/she appears at the office of the Issuer of Licences to submit the application.

10. Every individual applying for a Driving Instructor Business Licence or renewal thereof shall submit as part of the application:

    (a) Without restricting the generality of the provisions in this By-law related to insurance, proof, satisfactory to the City, that the individual has the following automobile liability insurance coverage, taken out with an insurer licensed to transact insurance business in Ontario and satisfactory to the City's Procurement and Risk Manager:

        i. In respect of licensed vehicles used in the Business in respect of which the Business Licence is applied for;
        ii. Endorsed to include Ontario Policy Change Form (OPCF) 6D for "Driver Training" operations;
        iii. To a limit of not less than two million dollars ($2,000,000) inclusive per occurrence;
        iv. Including bodily injury, death, damage to property and accident benefits; and
        v. In the following forms: standard owner's form automobile policy providing third party liability and accident benefits insurance and covering licensed vehicles owned or operated by the Driving Instructor, and standard non-

owned automobile form policy including standard contractual liability endorsement; and

(b) Proof that the individual has a valid Ministry of Transportation Driving Instructor's Licence.

(c) For those individuals permitted by the Ministry of Transportation to provide G1 instruction, a copy of their contract with a Driving School approved by the Ministry of Transportation.

OPERATIONAL REQUIREMENTS

11. While in a motor vehicle and engaged in providing instruction in the operation of a motor vehicle, no holder of a Driving Instructor Business Licence shall:

(a) Provide such instruction on any Highway listed in Appendix "A" to this Schedule, unless authorized in writing by the Issuer of Licences;

(b) Fail to carry his/her valid Ministry of Transportation Driving Instructor's Licence;

(c) Fail to carry his/her valid Driving Instructor Business Licence;

(d) Fail to carry his/her valid Retainer Contract;

(e) Fail to produce his/her valid Ministry of Transportation Driving Instructor's Licence upon request of an Officer;

(f) Fail to produce his/her valid Driving Instructor Business Licence upon request of an Officer;

(g) Fail to produce his/her valid Retainer Contract upon request of an Officer;

(h) Make use of a motor vehicle that does not display signs, clearly visible to other motorists from all angles, identifying the motor vehicle as a driver training vehicle;

(i) Make use of a motor vehicle that does not display signs, clearly visible to other motorists from all angles, identifying the name and telephone number of the holder of the Driving Instructor Business Licence and/or the Driving School which is a party to the Retainer Contract under which the instruction is provided;

DRAFT

(j) Make use of a motor vehicle that displays any sign identifying any holder of a Driving Instructor Business Licence other than the holder of the Driving Instructor Business Licence himself/herself; or

(k) Make use of a motor vehicle that displays any sign identifying any Driving School other than the Driving School which is a party to the Retainer Contact under which the instruction is provided.

DRAFT

APPENDIX "A"
to Schedule 14 – Driving Instructor,
of City of Guelph By-law Number (2009)-18855, as amended

Applewood Crescent
Brentwood Drive
Chad Place
Drew Street
Edgehill Drive
Elmhurst Crescent
Glenda Court
Grandridge Crescent
Greengate Road
Highview Place
Julia Drive
June Avenue
Lonsdale Drive
Marksam Road
Matthew Drive
Meadow Crescent
Nicklin Crescent
Pauline Place
Sanderson Drive
Stephen Drive
Strathmere Place
Sunset Road
Thistle Road

DRAFT

From: Susan and Mark
Sent: June 20, 2013 1:28 PM
To: Doug Godfrey
Subject: Driving instructors and driver examinations

Hello Mr. Godfrey,
I live on Sleeman Ave. here in the city of Guelph. My neighbors and I are all very concerned with the high volumes of traffic that use our street as a testing ground for new drivers. Mondays can bring as many as 6 cars in the morning alone. We can see these people every weekday in volumes of anywhere from 2 to 7 cars during business hours. If you average this to 4 cars, times 5 days, times 52 weeks, you get, and we do see, a minimum of 1040 cars annually. All of these cars are being used on our residential street for practicing parallel parking behind our vehicles if left out at the curb.

If you look at the approximate figures, there are around 80% of these 'practicing beginners' from the GTA. Our fear is the fact that, if we are not out there continually watching these drivers, our vehicles will get damaged by some untraceable, unknown, out-of-town person. This leaves us holding the repair bill. Is this fair?

Did you know some of the statistics behind why these people come to Guelph for their road exams? It is documented that up to 80% of drivers tested in areas of the GTA fail the exam. Put this together with the very long waiting period for booking as a resident here and you get Guelph's situation.

I know that Guelph is not the only town in Ontario suffering from this issue. New GTA drivers are sent by the busload, no exaggeration, to places like Clinton for examining. Where is the fairness for the residents who wish to or need to use these services? GTA bookings are ongoing, set up in advance and for a Guelph resident to get a booking takes months. The problem, we realize, is a provincial one but we feel we can start the resolve right here with your office.

You have been working on a partial plan to reduce this problem and we are all grateful. Trouble is, we are worried it will just be a bandage fix. We like the idea that you want to make Guelph licensing a must for these out-of-town instruction companies. That is a start but you need to insist that these people have an established office within the city of Guelph and with personnel present full time, not just a P.O. box or rented space in the corner of another business. They need to prove they are an asset to our city, not a liability.

You have also proposed a ban of *some* streets being used by these companies. We suggest you try to ban the use of the streets for the examiners also. The instructors use the same routes as the examiners. The ban would be for ALL *residential* streets. Furthermore, main thoroughfares should also be off limits during peak traffic hours.

In conclusion, a good resolve to the problem would be for the provincial government to make it law that a person must be examined within a 15 km. radius of their permanent residence. It is a totally different world in the GTA where a driver must be better equipped to handle the higher volumes of traffic and more complicated roadways than what we see here in Guelph. The ministry is licensing people to go out into situations ill-equipped to properly handle them.

Since this is not a solution for the city alone, we hope that your office will succeed in placing the new restrictions and new licenses into effect and the City of Guelph will, at the very least, make a ruling to ban the use of certain streets by both instructors and examiners.

Thank you,
Mark Margetts

PAT HOLLOWAY

From: "PAT HOLLOWAY"
To: <JoyceSweny@guelph.ca>
Sent: July 4, 2013 7:01 PM
Subject: Driving Schools on Strathmere Place

Joyce Sweny:

Re: Driving Schools on Strathmere Place

Copy to Jennifer Jacobi, Licensing Coordinator, Operators, Transit & Emergency Services, By Law Compliance, Security & Licensing Dept.

With reference to the problems of Driving Schools on Strathmere Place, I would like to list the following problems and recommendations to correct the situation which has been forced on our neighbourhood by the driving schools and the licensing office.

We have lived on this street for 47 years and the escalation of the traffic in our neighbour has grown completely out of control. In the past when it was Driving Schools from Guelph and surrounding area, there have been some problems but nothing like it is today since the 905 and 416 areas have taken to our streets. We have listed some of the problems we have encountered and seen and also what our neighbours are complaining about.

The driving schools are bringing students to practice on the examination course. Quite often there are 4 people in a car at a time and this happens at all times during the day and evening. We have been told by the Driving - Examiner Centre that they are prohibited to train on the exam route.

Driving schools are continually blocking the street with their "3 point" turn and there are even several cars at the same time doing this manoeuvre. This can be dangerous as some of the cars do not have a break for the instructor. With children going to school and residents walking with small children, this could lead to a serious accident. Apparently, some of the schools do not have insurance and this is totally unacceptable.

Driving schools are using residents cars to practice on and blocking driveways.

Recommending that if the by-law passes, there should be signs are the ends of our streets stating "Driving Schools Prohibited on this Street" as in other centres such as Oakville.

There should be some means of identifying cars that are doing the Driving Tests such as temporary signs in the windows or magnetic signs on the doors or a temporary light on the roof of the car. This will avoid confusion as to who is who.

Is it not possible to have the testing site have markers set up to test the drivers instead of using our city streets as a practice course.

This has caused a lot of upset to the people effected by the Driving Schools and a remedy is required for the good of the taxpayers.

Ray Holloway and Pat Holloway,

See over →

Names signed

04/07/2013

Lisa Wakeford Myers

Michael [illegible]

Martin Garbot

[illegible]

[illegible]

[illegible]

Liz Kovacs

Bill Curry

Deborah Johnson

Joanne French

Susan Dunkley

Linda deVries

Linda deVries

Sam deVries

Corey Kaune

Dorothy W. McNamee

[illegible]

Bryan Dummer

KEN TROWBRIDGE

BETH + JONATHAN KERR

BRAD + KATHY FAGAN

Rita and Lou Burley

Pat + Ray Holloway

Due to vacations and people being out, more names would have been attained

As requested, I am submitting this email hoping to influence the city in banning or limiting car driver training from Meadow Cres.

I am a home owner at 19 Meadow Cres. and this constant use of Meadow Crescent to practise driving skills is both annoying and potentially unsafe.

This morning, by 10:20, (July 5) eight driver training cars with out of town addresses on the vehicle were giving lessons to driver students. This situation is DAILY and

CONSTANT. I am afraid to leave my car on the street for any length of time since 3 point turns and parallel parking are a regular occurrence. In addition there are

several families on the street with young carefree children who often forget to check for traffic before venturing on the street with their bicycles. It is only a matter of

time before an accident occurs. I realize that these young students need to learn and practise their skills but always on Meadow Crescent?

Thank you,

Jim Bruder

From: Dan Pharoah [mailto:danpharoah@rogers.com]
Sent: July-05-13 2:12 AM
To: Doug Godfrey
Subject: Driving school ristrictions

Hello Mr. Godfrey. I am writing you to suggest that Burns Drive be added to your list of streets that are to be restricted from Driving Schools. I have lived on Burns drive for about 11 years and have witnessed sometimes three cars a day pulling up to our vehicle parked on the road, parallel parking then driving away. I understand that people need to learn how to drive but if my insurance company ever found out about that my rates would surely go up. I have not witnessed any dings but have seen some pretty close calls. This street has been a driving school favourite since I got my licence back 24 years ago.

Thank you for your consideration,

Dan Pharoah

Doug Godfrey

From: Randy Berg
Sent: July 3, 2013 9:17 AM
To: Doug Godfrey
Subject: Costco Noise Exemption

Hi Doug

Don't know if you are doing community outreach with this but I received a comment from a resident wanting to be recorded as opposed to the exemption.

Dan Folkerson, 365 Stephanie, 519-827-9421, against the exemption

Randy Berg | Supervisor
Operations, Transit & Emergency Services |Bylaw Compliance, Security and Licensing Department

City of Guelph
T 519-822-1260 x 2878 | F 519-822-1751
E randy.berg@guelph.ca

STAFF REPORT

TO	Operations, Transit & Emergency Services Committee
SERVICE AREA	Operations, Transit and Emergency Services
DATE	July 9, 2013
SUBJECT	**Costco Wholesale Corporation – Noise Exemption Request**
REPORT NUMBER	OTES071326

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To seek a Council resolution to permit construction activity to occur outside of times in which construction is permitted in the City's Noise Bylaw.

KEY FINDINGS
Costco Wholesale Corporation is fast tracking construction and is planning on having the entire store constructed within 4 months.

Without a noise exemption, this retailer may miss the Christmas shopping season, a significant retailing period.

Approximately 460 residences are within 500 metres of the construction site.

FINANCIAL IMPLICATIONS
There are no financial implications with this report.

ACTION REQUIRED
To receive staff's report and to pass a resolution to provide Costco Wholesale an exemption from the noise bylaw so they may operate construction equipment and vehicles from August 1, 2013 to October 20, 2013 from 7:00 p.m. to 9:00 p.m. Mondays to Fridays.

RECOMMENDATION

1. That the Operations, Transit & Emergency Services Committee Report OTES071326 dated, July 9, 2013, regarding Costco Wholesale Corporation be received.

2. That as described in the Operations, Transit & Emergency Services Committee Report OTES071326 dated, July 9, 2013, an exemption be granted from Schedule "A" of the Noise Control Bylaw (2000)-16366, as amended, to permit

construction equipment and vehicle noise associated with the Costco Wholesale Corporation construction project located at 19 Elmira Road South within the City of Guelph between August 1, 2013 and October 20, 2013 from 7:00 p.m. to 9:00 p.m. Mondays to Friday.

BACKGROUND

Costco Wholesale Corporation is working on a fast track construction schedule with the goal of having their entire Elmira Road store built in four months. It is anticipated that approximately 100 new employment positions will be created as the result of construction and 250 new employment positions upon completion of this project.

Currently, the City's Noise Bylaw permits noise associated with construction equipment between the hours of 7:00 a.m. to 7:00 p.m. Monday to Friday and 9:00a.m. to 7:00p.m. on Saturdays. Construction noise associated with equipment (not including handheld tools) is not permitted on Sundays or Holidays. Adhering to the City's Noise bylaw may delay construction resulting in the project not being completed on schedule.

The structure is scheduled to be completed by October 20, 2013 at which time all work will be performed inside.

REPORT

Ledcor Construction Company ('Ledcor'), on behalf of Costco Wholesale Corporation, has requested an exemption from the Noise Control Bylaw to allow them to work outside of specified times when construction noise is permitted according to the City's Noise Bylaw. The request was that noise associated with their construction activity be permitted from August 1 to December 1, 2013 during the following times, 7:00 a.m. to 9:00 p.m. Monday to Saturday and 9:00 a.m. to 6:00 p.m. on Sundays. Noise will be generated by equipment involved in the evacuation, pouring of concrete and erection of the structure. They are not proposing to undertake any pile driving during the exemption period. There will also be noise generated from handheld tools such as nail guns, sanders and drills.

Historically, exemptions to the noise bylaw to accommodate construction activity have been granted for unique and short-term requirements.

The Ledcor request spans the entire duration of the project and, as such, staff were of the opinion it was inconsistent with the intent of the Noise Bylaw to regulate construction noise within the City.

As a result of further discussion with Ledcor, their request has been revised to only seek an exemption on Mondays through Fridays during 7:00p.m. and 9:00p.m. and only between August 1 to October 20, 2013. Staff acknowledge Ledcor's desire to have the construction complete in time for the Christmas season, a significant retail period. For this reason, staff are recommending this request for a noise exemption be approved. The noise exemption, if granted, will have impact on 460 residents that live within a 500m radius of the construction site.

Public notice of this exemption request was advertised in the local newspaper on June 27, 2013 (ATT-1).

ALTERNATIVES

Require Costco Wholesale Corporation to comply with the City's Noise Control Bylaw or modify the hours of the noise exemption. Further limiting the hours of construction may jeopardize the anticipated date of opening of the retail store.

CORPORATE STRATEGIC PLAN

This report supports the following goals in the strategic plan:

3.2 Be economically viable, resilient, diverse and attractive for business

DEPARTMENTAL CONSULTATION

Planning and Building Department staff support a fast track construction schedule.

COMMUNICATIONS

Costco Wholesale Corporation and residential properties located within 500 metres of the construction site have been advised that this report will be presented to the Operations, Transit and Emergency Services Committee on July 9, 2013.

ATTACHMENTS

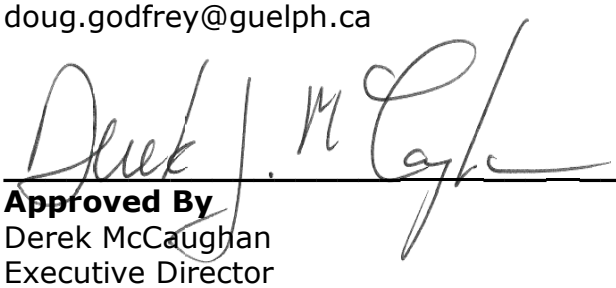
ATT-1 Public Notice

ATT-2 Letter sent to residential properties located within 500m of the construction site



Report Authored and Recommended By

Doug Godfrey
Manager, Bylaw Compliance, Licensing and Security
519 822-1260 x2520
doug.godfrey@guelph.ca



Approved By

Derek McCaughan
Executive Director
Operations, Transit and Emergency Services
519 822-1260 x2018
derek.mccaughan@guelph.ca

NOTICE



Noise Control Bylaw Exemption

Ledcore Construction has applied for an exemption from the City's Noise Control Bylaw for construction at 19 Elmira Road South.

The requested exemption would allow for noise associated with construction activities scheduled to start August 1 through October 20 from 7 to 9 p.m., Monday through Friday.

This exemption application will be considered at the Operations, Transit and Emergency Services (OTES) Committee on July 9 at 5 p.m.

If you may be impacted by this exemption, you can provide written comments or speak to the OTES Committee as a delegation by contacting the City Clerk's Office at clerks@guelph.ca or 519-822-1260 x 5603, **no later than July 5 at 9 a.m.**

For more information

Doug Godfrey, Manager
By-law Compliance and Security
T **519-822-1260 x 2520**
E **doug.godfrey@guelph.ca**

June 17, 2013

Dear Sir or Madame:

RE: Noise Control By-law Exemption

Please note that Ledcor Construction working at 19 Elmira Road South on behalf of Costco Wholesale Corporation has applied for an exemption to City of Guelph Noise Control By-law (2000)-16366. This Bylaw prohibits noise associated with the construction process from 9:00 p.m. to 7:00 a.m. Monday thru Friday and from 9:00 p.m. to 9:00 a.m. on Saturdays and at all times on Sundays and Holidays.

In order to complete a construction project within 4 months, the applicant is requesting an exemption from the Noise Bylaw. Staff will be presenting to Committee an exemption request to permit noise associated with construction at this location from 7:00 p.m. to 9:00 p.m. Monday to Friday from August 1 to October 20, 2013.

The noise generated would from handheld tools such as nail guns, sanders and drills and noise from equipment and vehicles involved in excavating, pouring of concrete and erection of the building. There will be no noise associated with pile driving.

The application will be presented to the City of Guelph's Operations, Transit and Emergency Services Committee in a public meeting on July 9, 2013 at 5:00 p.m. in City Hall Council Chambers, 1 Carden Street, Guelph, ON.

If you wish to speak to the Committee about this application, please contact the Clerk Office at 519-822-1260 x 2269 no later than July 9, 2013 at 9:00 a.m.

If you are unable to attend this Committee meeting and wish to make comment, send your written comments to the attention of The Clerks Office, 1 Carden Street, N1H 3A1 no later than July 9, 2013 at 9:00 a.m.

Yours truly,

Doug Godfrey, Manager
Bylaw Compliance, Security and Licensing Department

DG:cm

STAFF REPORT

TO	Operations, Transit & Emergency Services Committee
SERVICE AREA	Operations, Transit & Emergency Services
DATE	July 9, 2013
SUBJECT	The Hamilton Tiger Cats 2013 Mutual Service Agreement
REPORT NUMBER	OTES071328

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To summarize the 2013 mutual services agreement between Guelph Transit and the Hamilton Tiger-Cats for the exchange of services.

KEY FINDINGS
Guelph Transit has received positive feedback on a similar program with the Guelph Storm. Providing transit service to local attendees may lead to a reduction in traffic congestion in the University Area before and after the games, and may also introduce non-transit users to Guelph Transit.

FINANCIAL IMPLICATIONS
Based on the activities undertaken and services provided and received by each party, Guelph Transit and the HTC receive approximately the same financial value from this agreement. Funding expended by Guelph Transit to fulfill their obligations under this contract are funding from the approved 2013 Operating Budget.

ACTION REQUIRED
Make a recommendation to Council to approve the Mutual Services Agreement between Guelph Transit and HTC.

RECOMMENDATION

1. THAT the Operations, Transit & Emergency Services Committee Report #OTES071328 2013 Hamilton Tiger-Cats Mutual Services Agreement be received;

2. THAT the Mayor and City Clerk be authorized to sign the Mutual Services Agreement with the Hamilton Tiger-Cats satisfactory to the Executive Director of Operations, Transit & Emergency Services or his or her designate and the City Solicitor or his or her designate.

STAFF REPORT

BACKGROUND

The Hamilton Tiger-Cats (HTC) will be hosting a portion of their 2013 season at the University of Guelph Alumni Stadium. Staff have been in preparation of the season for some time, addressing several logistical issues in order to minimize the impact hosting the professional football team will have on the community.

REPORT

In 2013, Guelph will host the Hamilton Tiger-Cats (HTC) at the University of Guelph's Alumni Stadium. The HTC have been actively marketing their Guelph games within the city with the intent of attracting local residents to the games.

To enhance the game day experience and to reduce anticipated traffic congestion, Guelph Transit has come to terms with the HTC to provide free transit service to all HTC ticket holders on home game dates only, from three hours prior to the start of the game until the end of service that day. In return for this service, Guelph Transit will be provided with significant promotional and advertising opportunities that it would normally not have the opportunity to take advantage of due to budget limitations.

Guelph Transit and the HTC will promote the program extensively on their social media and websites pages, leveraging an already existing fan and passenger following. A complete summary of the partnership services received and provided is included as an attachment to this report (ATT-1 The Hamilton Tiger Cats 2013 Mutual Services Agreement); however the following list highlights the key items included:

Guelph Transit will provide the following:

- Free transit for all HTC ticket holders on game day, from three hours prior to the start of the game until the end of service that day, pending service schedule.
- "Go Cats Go" displayed on all conventional transit vehicle destination signs on game day.
- Advertising space on one Guelph Transit vehicle, from June 9 – October 31.

Hamilton Tiger-Cats will provide the following:

- Video board advertisement space dedicated for Guelph Transit promotion, one 15-second pre-game advertisement.
- Video advertisement created by the Hamilton Tiger-Cats, and will include a Guelph Transit Bus, HTC mascot and cheerleaders.
- Full page advertisement in HTC Passport Guide – subscriber booklet
- Best effort to include occasional print support if/when newspaper advertisements are purchased in the Guelph market.

Guelph Transit also gains significant profile in the community as transit will be positioned as the preferred way to get to and from the games at Alumni Stadium.

Guelph Transit has the opportunity to reach a new market of non-transit users who may consider a transportation-choice behaviour shift, from non-transit user to occasional user. In addition to increasing ridership on Guelph Transit, providing transit service to local attendees may lead to a reduction in traffic congestion in the University Area before and after the games.

Guelph Transit has an approved promotional budget to undertake activities and programs that are focused on increasing transit ridership.

The agreement with the Tiger Cats is based on regular service hours. There are two home games (July 7 and October 14) where the conclusion of the game will occur outside the normal service window. This means that the patrons could ride transit to the game but would be required to find alternative transportation to get home.

In order to support the Tiger Cat initiative and maximize the use of transit on game days by both existing and new users, Guelph Transit will be providing limited outside the normal Sunday service window on the above dates. The service will consist of 3 loop routes operating for 2 hours after the conclusion of the game. The routes are designed to provide maximum coverage across the City.

It is normal in the transit industry to implement short-term service initiatives to support and promote the use of transit. Guelph Transit has implemented similar programs in the past to support specific initiatives and objectives. The cost of the additional service on the two days will be approximately $2,000 per day and can be accommodated within the approved 2013 Guelph Transit promotions budget.

CORPORATE 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 Be economically viable, resilient, diverse and attractive for business.

DEPARTMENTAL CONSULTATION

Corporate Communications
Legal Services
Guelph Police Service

COMMUNICATIONS

Joint efforts will be made to promote this initiative within the community for the duration of the Tiger-Cat season in Guelph. The following is a list of communication channels that will be utilized:

- Press Release
- Social Media & Website

- Posters on buses and Guelph Central Station
- 15-second video board advertisement – Alumni Stadium
- HTC Passport Guide – subscriber booklet

ATTACHMENTS

ATT-1 The Hamilton Tiger Cats 2013 Mutual Services Agreement
ATT-2 The Hamilton Tiger-Cat Subscriber booklet advertisement
ATT-3 The Hamilton Tiger-Cat game schedule, 2013

Report Author: Heather Mathewson Jelsma
Coordinator, Sales & Market Development



Approved & Recommended By
Derek J. McCaughan
Executive Director
Operations, Transit & Emergency Services
519-822-1260 x 2018
derek.mccaughan@guelph.ca

Mutual Services Agreement

Between:

The Hamilton Tiger-Cats Football Club (2007) Corp.

(Hereinafter called "HTC")

-and-

The Corporation of the City of Guelph

(Hereinafter called the "Client")

HTC operates the Tiger-Cats and the Client operates Guelph Transit.

This document provides the arrangement under which HTC and the Client will operate a Free Ride program during the 2013 Tiger-Cats season.

The services provided in this agreement between HTC and the Client are equal in value and the Client is not providing HTC with direct or indirect assistance through the granting of bonuses.

The term of this agreement is June 20, 2013 through November 30, 2013.

HTC will provide the Client with:

- Promotion of home games and the Free Ride program using social media sites (Facebook & Twitter), with two posts per game: one two days before the game and the other on game day.
- Dedicated website page, with link from HTC home page, describing the Free Ride program in detail, with link to Guelph Transit website.
- Inclusion in HTC gameday E-Blasts for all home games.
- Videoboard advertisement space dedicated for Guelph Transit promotion: one 15-second pre-game advertisement. HTC will provide production services. Videoboard advertisement will include a Guelph Transit bus, HTC mascot and cheerleaders.
- One page in Guelph Passport Guide sent to all HTC season seat holders. Client responsible for creative.
- Best effort to include occasional TBD print support if/when newspaper advertisements are purchased in the Guelph market.

The Client will provide HTC with:

- Free transit for all Tiger-Cat ticket holders on game day, from three hours prior to the start of the game until the end of service that day, pending service schedule.
- Promotion of home games and the Free Ride program using social media sites (Facebook & Twitter), with two posts per game: one two days before the game, and the other on game day.

- Dedicated website page, with link from Guelph Transit home page, describing the Free Ride program in detail, with link to HTC website.
- "Go Cats Go" displayed on all conventional transit vehicle destination signs on game day.
- Posters placed on all Guelph Transit vehicles promoting the Free Ride program, when space is available.
- Advertising space (Kong) on one Guelph Transit vehicle, production from June 9 to November 30, with production, installation and removal cost ($3,500) will be absorbed by HTC, and advertising fee (approximately $3,500) will be waived by Client.
- Signage at Guelph Central Station with Tiger-Cats logo denoting the platform locations for routes travelling towards Guelph Alumni Stadium. Client will coordinate design and production.

Any playoff games to be played at Guelph Alumni Stadium will remain the property of The Canadian Football League. The extension of this agreement, or the creation of a new agreement, to include any playoff games, must be negotiated with the League or its designate.

Each party (the "Indemnitor") shall indemnify and save harmless the other party, its officers, directors, employees, contractors and agents (collectively the "Indemnitees") from and against all actions, causes of action, claims, demands, costs, damages, expenses or losses which the Indemnitees or any of them may bear, suffer, incur, become liable for or be put to by reason of any loss, damage to property, injury or death by reason of non-performance by the Indemnitor of any provision of this Agreement or arising in connection with this Agreement or arising out of any act, omission, neglect or default by the Indemnitor or any of its officers, directors, employees, contractors or agents, related in any way to this Agreement, including any matters related to inventions, copyrights, trademarks, patents or similar or related rights.

This agreement consists of three (3) pages and outlines points of responsibility by both parties in accordance with the arrangement between The Hamilton Tiger-Cats Football Club (2007) Corp. and The Corporation of the City of Guelph. Both parties are clear and understand the commitments made in the body of this agreement, and by signing, their acceptance is understood. Both parties then also agree to work to fulfil their obligations within this agreement.

This Agreement shall bind and enure to the benefit of the parties hereto and their respective successors and permitted assigns.

[Signature page follows]

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

The Hamilton Tiger-Cats Football Club (2007) Corp.

_____
Matt Afinec
Senior Vice President
New Stadium Development –
Partnerships, Ticketing & Premium Seating

I am authorized to bind the corporation.

Date: _____

The Corporation of the City of Guelph

_____
Mayor – Karen Farbridge

_____
City Clerk – Blair Labelle

Date: _____

Guelph Transit
On Your Way

GET ON YOUR WAY WITH GUELPH TRANSIT AND THE HAMILTON TIGER-CATS!

Get to the game on Guelph Transit. Show your Tiger-Cat ticket on game day and you ride for free from anywhere in Guelph to Alumni Stadium, from three hours prior to the start of the game until the end of service that day!

Visit **guelphtransit.ca** for route and schedule information.

Free ride program valid on home game dates only.



2013 HAMILTON TIGER-CATS SCHEDULE

DAY	DATE	AWAY	HOME	TIME (Eastern)
THUR	JUNE 13	HAMILTON	MONTREAL	7:00 p.m.
THUR	JUNE 20	WINNIPEG	HAMILTON	7:00 p.m.
FRI	JUNE 28	HAMILTON	TORONTO	7:00 p.m.
SUN	JULY 7	EDMONTON	HAMILTON	5:00 p.m.
SAT	JULY 13	WINNIPEG	HAMILTON	6:30 p.m.
SUN	JULY 21	HAMILTON	SASKATCHEWAN	7:00 p.m.
SAT	JULY 27	SASKATCHEWAN	HAMILTON	7:30 p.m.
FRI	AUGUST 2	HAMILTON	EDMONTON	9:00 p.m.
FRI	AUGUST 16	HAMILTON	WINNIPEG	8:00 p.m.
SAT	AUGUST 24	WINNIPEG	HAMILTON	1:00 p.m.
FRI	AUGUST 30	HAMILTON	B.C.	10:00 p.m.
SAT	SEPTEMBER 7	B.C.	HAMILTON	4:00 p.m.
FRI	SEPTEMBER 13	HAMILTON	CALGARY	9:00 p.m.
SAT	SEPTEMBER 21	MONTREAL	HAMILTON (in Moncton)	4:00 p.m.
SAT	SEPTEMBER 28	CALGARY	HAMILTON	6:00 p.m.
FRI	OCTOBER 4	HAMILTON	TORONTO	7:00 p.m.
MON	OCTOBER 14	TORONTO	HAMILTON	4:30 p.m.
SUN	OCTOBER 20	HAMILTON	MONTREAL	1:00 p.m.
SAT	OCTOBER 26	MONTREAL	HAMILTON	1:00 p.m.
SAT	NOVEMBER 2	HAMILTON	WINNIPEG	2:00 p.m.

STAFF REPORT

TO	Operations, Transit & Emergency Services Committee
SERVICE AREA	Operations, Transit & Emergency Services
DATE	July 9, 2013
SUBJECT	The Guelph Storm 2013/2014 Mutual Service Agreement
REPORT NUMBER	OTES071329

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To summarize the 2013/2014 mutual services agreement between Guelph Transit and the Guelph Storm for the exchange of services.

KEY FINDINGS
Guelph Transit has received positive feedback on the Free Ride Friday's program over the past number of years. In the 2012/2013 season, Guelph Transit provided service to approximately 3,100 passengers, reducing the number of cars on the road and the potential traffic congestion in the downtown area.

FINANCIAL IMPLICATIONS
Based on the activities undertaken and services provided and received by each party, Guelph Transit and the Guelph Storm receive approximately the same financial value from this agreement.

ACTION REQUIRED
Make a recommendation to Council to approve the Mutual Services Agreement between Guelph Transit and the Guelph Storm.

RECOMMENDATION

1. THAT the Operations & Transit Committee Report #OTES071329 Guelph Storm Mutual Services Agreement 2013/2014 be received;

2. THAT the Mayor and City Clerk be authorized to sign the Mutual Services Agreement with the Guelph Storm satisfactory to the Executive Director of Operations, Transit & Emergency Services or his or her designate and the City Solicitor or his or her designate.

BACKGROUND

Since 2006, Guelph Transit and the Guelph Storm exchanged services whereby Guelph Transit provided free transit service to passengers who were travelling to downtown Guelph for the Guelph Storm games on Friday nights, in return for a variety of print and electronic media placements in Guelph Storm advertisements at no cost to Guelph Transit. There was no exchange of funds associated with past arrangements.

The arrangement was formalized for the 2011/2012 and 2012/2013 hockey seasons through the signing of a mutual services agreement. The agreements were each signed for a one-year period.

REPORT

As in previous years, Guelph Transit will provide free transit service to all Guelph Storm ticket holders on Friday night home games dates only, after 5 p.m. until the end of service that day. In return for the service provided to the Guelph Storm ticket holders, Guelph Transit will be provided with significant promotional and advertising opportunities.

Guelph Transit and the Guelph Storm will continue to promote the program extensively on their social media and websites pages, leveraging an already existing fan and passenger following. A complete summary of the partnership services received and provided is included as an attachment to this report (The Guelph Storm 2013/2014 Mutual Services Agreement); however the following list highlights the key items included:

Guelph Transit will provide the following:

- Free transit for all Guelph Storm ticket holders after 5 p.m. on Friday night home games, until the end of service that day, pending service schedule.
- "Go Storm Go" displayed on all conventional transit vehicle destination signs on Friday game days.
- Advertising space on one Guelph Transit vehicle and interior advertising rack cards in 20 Guelph Transit vehicles to promote the Guelph Storm, from September 1, 2013 to May 31, 2014.

Guelph Storm will provide the following:

- Video advertisement promoting the Free Ride Friday's program during the games, created by the Guelph Storm. The advertisement will include a Guelph Transit Bus, Guelph Storm mascot and players.
- Mention of the Free Ride Fridays program in each Guelph Storm radio advertisements, on each radio station used by the Storm for advertising.
- Full page advertisement in two of three Guelph Storm Program Guides.

Guelph Transit also gains significant profile in the community as transit will be positioned as the preferred way to get to and from the Friday night home games at the Sleeman Centre. As in previous years, Guelph Transit will attempt to reach a new market of non-transit users who may consider a transportation-choice behaviour shift, from non-transit user to occasional user.

Finally, a report to recommend delegating authority to staff to execute such contracts is being tabled at Governance in July.

CORPORATE 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 Be economically viable, resilient, diverse and attractive for business.

DEPARTMENTAL CONSULTATION

Corporate Communications
Legal Services

COMMUNICATIONS

The following is a list of communication channels that will be utilized:

- Press Release
- Social Media & Website
- Posters on buses and Guelph Central Station
- Video Board advertisement
- Radio advertisements on local stations
- Full page print advertisement in Guelph Storm Program Guides

Additional tactics may be added to the communications program on an 'as-needed' basis once the season commences.

ATTACHMENTS

ATT-1 The Guelph Storm 2013/2014 Mutual Services Agreement

Report Author: Heather Mathewson Jelsma
Coordinator, Sales & Market Development



Approved & Recommended By
Derek J. McCaughan
Executive Director
Operations, Transit & Emergency Services
519-822-1260 x 2018
derek.mccaughan@guelph.ca

Mutual Services Agreement made the day of June, 2013 between:

The Corporation of the City of Guelph

(the "City")

Of the first part

and

Guelph Storm Limited

(the "Storm")

Of the second part

WHEREAS the City owns and operates a municipal arena ("Sleeman Centre"), bus transit system ("Guelph Transit"), Guelph Transit website and Guelph Transit electronic social media sites;

AND WHEREAS the Storm operates a hockey team and provides or has access to several advertising media;

AND WHEREAS the City wishes to obtain advertising of Guelph Transit;

AND WHEREAS the Storm can provide such advertising;

AND WHEREAS the City can provide services to the Storm, equal in value to the services provided by the Storm to the City;

AND WHEREAS the provision of services by the City to the Storm pursuant to this Agreement does not constitute direct or indirect assistance through the granting of bonuses;

NOW THEREFORE, in consideration of the mutual agreements contained herein, the parties hereto hereby agree as follows:

1. The parties hereto shall cooperate in the reasonable pursuance of this Agreement for their mutual benefit.
2. This Agreement shall be in force for and apply to the period from September 1, 2013 to May 31, 2014 (the "Exchange Period"). However, either party may terminate this Agreement upon at least seven days written notice to the other party, whereupon the parties shall adjust the values of services provided up to the date of termination.
3. During the Exchange Period the City shall provide the following to the Storm at no expense to the Storm, except as provided:

(a) After 5:00 p.m. on each Friday when the Storm has a home game at the Sleeman Centre, the City shall provide a free ride on Guelph Transit, from anywhere on Guelph Transit's routes to the vicinity of the Sleeman Centre and from the vicinity of the Sleeman Centre to anywhere on Guelph Transit's routes, for each person producing a ticket or ticket stub for that Friday night Storm home game (the "Free Ride Fridays" program);

(b) During the Exchange Period, the City shall permit the Storm to display a Bus Kong (large exterior advertisement space) on one Guelph Transit vehicle, and interior advertising rack cards (11 inches x 35 inches) in 20 Guelph Transit vehicles to advertise the Storm using advertisements prepared and supplied by the Storm (production and installation at the Storm's sole expense); advertisements must be in compliance with the City's advertising policies as detailed in Appendix A;

(c) On each Friday when the Storm has a home game at the Sleeman Centre, the City shall include the mention "Go Storm Go" on the electronic display boards (destination signs) on all Guelph Transit conventional vehicles;

(d) The City shall include mention of the Storm (satisfactory to the Storm) on the Guelph Transit website (guelphtransit.ca); and

(e) The City shall include mention of the Storm (satisfactory to the Storm) on Guelph Transit's electronic social media sites.

4. During the Exchange Period the Storm shall provide the following to the City at no expense to the City, except as provided:

(a) The Storm shall publish a full page, colour advertisement (design prepared and supplied at the City's sole expense) promoting Guelph Transit, to be placed in two of the three program guides produced and published by the Storm;

(b) The Storm shall make a minimum of two mentions (satisfactory to the City) of Guelph Transit's Free Ride Fridays program on the public address system at the Sleeman Centre during each Friday night home game of the Storm;

(c) The Storm shall include a mention (satisfactory to the City) of Guelph Transit's Free Ride Fridays program in each radio advertisement promoting the Storm, on each radio station used by the Storm for advertising;

(d) The Storm shall include a mention (satisfactory to the City) of Guelph Transit in the scrolling, continuous advertising loops on both the upper and lower advertising bands in the Sleeman Centre (design prepared and supplied at the City's sole expense); the mentions of Guelph Transit shall be on display for at least 10 minutes per Friday night home game;

(e) The Storm shall include, concurrently with each mention in the above-described scrolling continuous advertising loops, an advertisement (designed in coordination with the City, at the Storm's sole expense) promoting Guelph Transit on the full screen of the video score clock in the Sleeman Centre; the advertisement shall be on display for at least two minutes per Friday night home game; the advertisement shall include a Guelph Transit vehicle, Guelph Storm Mascot and Guelph Storm players; the advertisement shall be the joint property of the City and the Storm, and may be used to

promote the Free Ride Fridays program in mutually agreed-upon promotional media (e.g. social media sites, television);

(f) The Storm shall include mention of Guelph Transit (satisfactory to the City) on the Storm's electronic social media sites.; and

(g) During the Exchange Period, the Storm shall permit the City to display a static sign on the interior display boards in the Sleeman Centre to advertise Guelph Transit using advertisements prepared and supplied electronically by the City, but produced and installed at the Storm's sole expense.

5. Each party (the "Indemnitor") shall indemnify and save harmless the other party, its officers, directors, employees, contractors and agents (collectively the "Indemnitees") from and against all actions, causes of action, claims, demands, costs, damages, expenses or losses which the Indemnittees or any of them may bear, suffer, incur, become liable for or be put to by reason of any loss, damage to property, injury or death by reason of non-performance by the Indemnitor of any provision of this Agreement or arising in connection with this Agreement or arising out of any act, omission, neglect or default by the Indemnitor or any of its officers, directors, employees, contractors or agents, related in any way to this Agreement, including any matters related to inventions, copyrights, trademarks, patents or similar or related rights.
6. The respective contacts regarding this Agreement shall be:

(a) For the City:
Heather Mathewson Jelsma
Guelph Transit
519-822-1260 ext 2794
heather.mathewson@guelph.ca

(b) For the Storm:
Matt Newby
Guelph Storm
519-837-9690
mnewby@guelphstorm.com

7. This Agreement shall bind and enure to the benefit of the parties hereto and their respective successors and permitted assigns.

[Signature page follows]

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

The Corporation of the City of Guelph

Date: _____ _____

Mayor – Karen Farbridge

_____

City Clerk – Blair Labelle

Guelph Storm Limited

Date: June 18/2013 _____

Director of Business Operations - Matt Newby

I am/we are authorized to bind the corporation

CONSENT REPORT OF THE
PLANNING & BUILDING, ENGINEERING AND ENVIRONMENT COMMITTEE

July 29, 2013

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

Your Planning & Building, Engineering and Environment Committee beg leave to present their SIXTH CONSENT REPORT as recommended at its meeting of July 15, 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-2013.25 Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 – Implementation Plan & Performance Measurement Framework

1. That report number 13-33, titled "Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 – Implementation Plan & Performance Measurement Framework" be received for information.

2. That the Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 – Implementation Plan 2014 – 2016 budget estimate as presented in report number 13-33 Attachment 4 be referred to the annual Operating and Capital Budget Process.

PBEE-2013.26 Rental Housing Licensing Cost-Benefit Analysis

1. That Report 13-32 from Planning, Building, Engineering and Environment regarding the Rental Housing Licensing Cost-Benefit Analysis report dated July 15, 2013 be received.

2. That staff be authorized to proceed with public consultation on the proposed licensing directions and cost-benefit analysis to guide the development of a rental housing licensing program.

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 JULY 15, 2013 MEETING.

Integrated Operational Review of Planning, Building, Engineering & Enterprise Services Phase 3 - Implementation Plan & Performance Measurement Framework

Presentation to

Planning & Building, Engineering and Environment Committee

July 15, 2013

Summary Background

Chronology of Events

2010	2011	2012
Prosperity 2020	**IOR Phase 1 Issues Report**	**IOR Phase 2 Best Practice Review & Recommendations**
Recommendations 1. City needs to be investment ready 2. City needs to be Businesslike	**Issues** 1. Clarity & Expectations 2. Attitudes, Practices & Behaviours 3. City Processes & Client Services 4. Proponent Practices	**23 Recommended Improvements** 1. Adaptive Learning 2. Management Direction 3. Development Review Process 4. Communications

IOR – Phase 3 – The Process

- **Whole Systems Approach**
  - Biggest initiative of this type taken by the City
- **Substantial Staff Engagement**
  - 60 + represent the four key service areas;
  - Additional staff representing five other service areas
- **Eight Inter-department teams**
  - Project Charters & Implementation Frameworks created for each of the 23 recommendations.

Relationship to the Corporate Strategic Plan

Critical Issues & Business Imperatives	Critical Issues & Business Imperatives	Critical Issues & Business Imperatives
1. Organizational Excellence	**2. Innovation in Local Government**	**3. City Building**
1.1 Engage employees through excellence in leadership ✓	2.1 Build an adaptive environment for government innovation to ensure fiscal and service sustainability ✓	3.1 Ensure a well designed, safe, inclusive, appealing and sustainable City ✓
1.2 Develop collaborative work team and apply whole systems thinking to deliver creative solutions ✓	2.2 Deliver Public Service better ✓	3.2 Be economically viable, resilient, diverse and attractive for business ✓
1.3 Build robust systems, structures and frameworks aligned to strategy ✓	2.3 Ensure accountability, transparency and engagement ✓	3.3 Strengthen citizen and stakeholder engagement and communications ✓

IOR – Phase 3 – The Approach to Implementation

Steering Committee

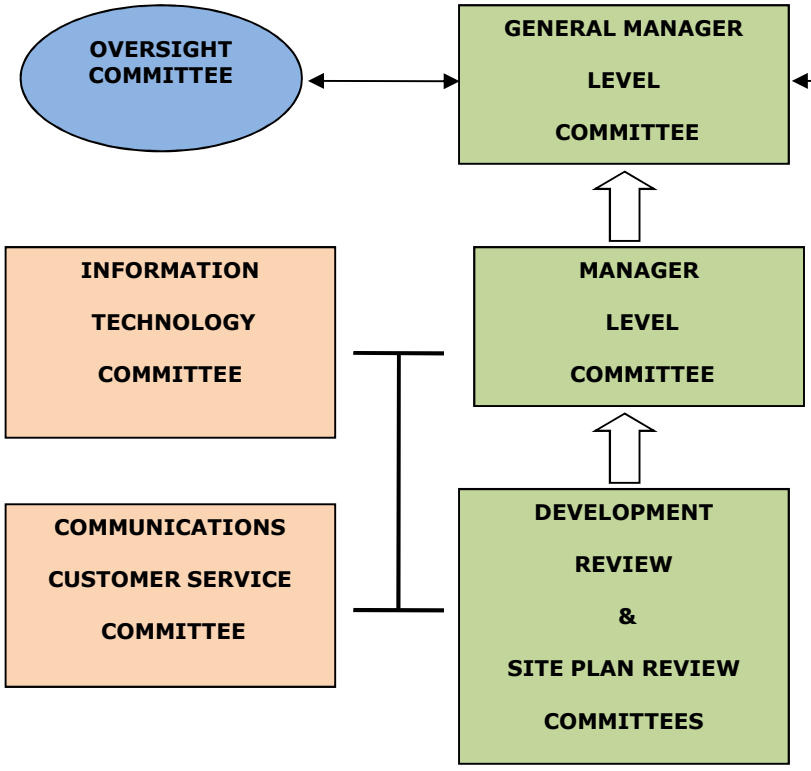
- **Reviewed Project Charters & Implementation Frameworks.**
- **Consolidated into an overall Implementation Plan which:**
  - Prioritizes tasks;
  - Identifies expected outcome of each task;
  - Identifies Project Sponsors and Leads;
  - Considers and identifies interdependencies between tasks; and
  - Provides the implementation Scoping and Schedule.

		2013	2014	2015 2016
Project Manager Function	Establish	√		
	Resource	√		
	Operational	√	√	√
Implementation Committee Functions	Establish	√		
	Operational	√	√	√
Best Practice Reviews	Commence	√		
	On-going	√	√	√
Document Management System, Data Bases, Monitoring Programs	Commence	√		
	On-going		√	√
Mandatory Development Application Pre-consultation Process	Implement	√	√	√
	Review	√	√	√
Development Approval Process Mapping	Mapping	√	√	√
	KPI's est'd	√	√	√
	Monitoring		√	√
Performance Measurement Systems, Targets, Indicators	Developed	√	√	
	Implemented	√	√	√
Re-establish Planner II Positions	Initiate	√		
	Resourced		√	√
Human Resource Staffing & Succession Planning	Initiate	√	√	√
Initiate Staff Cultural Changes (Staff empowerment/Staff engagement)	Implement	√	√	√
Clarifying the roles & responsibilities (All Manager positions)	Implement	√	√	√
Application Monitoring – Collaborative Problem Solving	Conduct Review	√	√	√
	Track Projects	√	√	√
Property Enforcement Bylaws Consolidation	Initiate Review	√		
Capital Projects (Improved coordination/review of Capital Projects)	Initiate	√		
	On-going		√	√
Feasibility Assessments (Initiate Business Cases for Central Business Centre and Business Facilitation Process and Position)	Develop Assessments		√	
	Finalize and Present			√
Staff Resource Programs	Resource orientation		√	√
	Planning		√	√
	Mentoring	√	√	√
	Training		√	√
IOR Staff Performance Objectives	Establish	√	√	√
	Monitor		√	√
Interdepartmental Coordination (Large development applications)	Teams Established	√		
	Teams Operational		√	√
	Monitor		√	√
Capacity/Resource Assessment	Initiate	√		
	Assessment Completed		√	
	Work Plans Completed		√	√
Gold Star Program	Feasibility Assessment			√
	Pilot			√
	Full Business Case			√

IOR – Phase 3 – Implementation Highlights

- Multi Year Plan (2013 – 2016).
- Initial period – Foundational Building Blocks.
- Substantial Corporate and Staff Commitment Required.
- New Operating and Capital Resources will be required over time.
  - 2013 Activities will be addressed through current resources and budgets
  - 2014 – 2016 activities will be addressed through the City's annual budget process
- Communications Plan (Focus):
  - Internal & External (Community) Stakeholders;
  - Enterprise Services Marketing

IOR – Phase 3 – Governance Model/Project Management Function



PROJECT MANAGER FUNCTION

- **Coordination of the Plan;**
- **Conduct Research – Best Practice Reviews;**
- **Monitor resource requirements;**
- **IOR Budget;**
- **Develop detailed implementation plans;**
- **Performance monitoring;**
- **Project administration/management;**
- **Conflict resolution;**
- **Monitor and where appropriate revise IOR scope.**

IOR – Phase 3 – Performance Measurement Framework

Strategic approach to performance measurement and monitoring systems

- Building the performance metrics and monitoring framework
  - *address staff training needs, resources, as well as establishing baseline data;*
- Developing initial metrics, targets and benchmarks
  - *will be further refined through the implementation of the plan;*
- Benchmarking performance against Guelph's own baseline data

IOR – Phase 3 – Performance Measurement - Dashboard

Proposed Development Review Process Dashboard

Internal Staff Impacts

- Effective Work Processes
- Capacity to Achieve Results
- Learning and Development

Development Industry Impacts

- Timely DRP Execution
- Efficient and Affordable DRP Execution
- Predictable and Consistent DRP Execution

Community Based Impacts

- City Built form in Conformity with Official Plan Vision
- Financially and Economically Sustainable City
- Strengthened Citizen and Stakeholder Engagement and Communications

IOR – Phase 3 – Questions/Comments

STAFF REPORT

TO	Planning & Building, Engineering and Environment Committee
SERVICE AREA	Planning, Building, Engineering and Environment Enterprise Services
DATE	July 15, 2013
SUBJECT	**Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 - Implementation Plan & Performance Measurement Framework**
REPORT NUMBER	13-33

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To provide summary information about the Integrated Operational Review (IOR) of Planning, Building, Engineering and Enterprise Services – Phase 3 – Implementation Plan, including a draft Performance Measurement Framework.

KEY FINDINGS

The Integrated Operational Review was initially named the 'Joint Operational Review Project'. Soon after the work started, however, staff realized that the term 'joint operational review' was simply not sufficient to capture the spirit, scope and intended results of the effort.

To ensure overall success, representatives from a number of areas across the corporation participated on the numerous work teams. New relationships were forged as well as an understanding of the duties and responsibilities of the many points of service responsible for this important cross functional process. Success was dependent on this level of interaction and in many ways the overall approach to this project came to exemplify and embody the very behaviours and skills required to implement the new corporate strategic plan – hence the new name 'Integrated Operational Review'. Systems thinking, innovation and collaboration highlighted in the Corporate Strategic Plan were instrumental to project success and will now function as core elements of this improved service solution.

The creation of the Integrated Operational Review – Phase 3 - Implementation Plan and Performance Framework addresses recommendations provided by Prosperity 2020 relating to the need for the City of Guelph to become more "businesslike" in attracting and retaining private business investment.

"Businesslike" is defined as the City improving its ability to respond to the needs of business sector in a clear, concise and timely fashion, while at the same time maintaining the rights of the public to engage on planning and development matters.

In addition to aligning with all of the 2012 – 2016 Corporate Strategic Plan's (CSP) Critical Issues and Business Imperatives, the initiative aligns with, addresses and implements, elements of a number of other corporate wide initiatives, including:

- The 2012 Employee Engagement Survey;
- Departmental Employee Engagement Action Plans;
- The 2012 Corporate Business Planning Framework; and
- The Corporate Technology Strategic Plan.

The resulting Implementation Work Plan was achieved through a whole systems approach, which engaged 60+ staff representing each of the City's six service areas in a series of working committees over the course of late 2012 and the first quarter of 2013.

Staff were organized into eight project teams to critically analyze and develop detailed action plans to implement the Phase 2 recommendations.

The teams were assisted in their tasks by consultants that have expertise in management systems and performance measurement.

An internal advisory group, comprised of the City's Internal Auditor, Corporate Manager of Strategic Planning and Corporate Initiatives, Senior Organizational Development Specialist, as well as Coordinator of Service Performance & Development was also established to assist these teams.

An IOR Steering Committee comprised of the General Managers of Planning, Building, Engineering and Economic Development, the Manager of Development Planning, as well as the Executive Directors of Finance and Enterprise Services and Planning, Building, Engineering and Environment Services, coordinated the planning process.

Assisting the IOR Committee was an Oversight Committee comprised of representatives from the Guelph Wellington Developers Association, the Chamber of Commerce, local Industrial, Commercial and Institutional Real Estate Brokers, the Guelph District Homebuilders Association, and the local planning and engineering consulting sector.

The resulting IOR Implementation Work Plan reflects:

- A multi-year, Corporate wide approach to improving Guelph's ability to better process and address a wide range of activities relating to Planning, Building, Engineering and Enterprise Services;

- A positive initiative which will support the City's Enterprise based marketing programs that will promote the City as investment ready;
- Clarity around the roles and responsibilities of staff and the private sector, which in turn should reduce timelines to process planning and development applications, as well as to provide clearer, more concise information for the public to review and provide comments;
- An improved, positive framework for City staff, departments, business and the public to collaborate on development and investment opportunities;
- A strategic, multi-year approach to addressing the issues raised in the Phase 1 and Phase 2 reports; and
- Focused key performance indicators that can be further expanded or refined as appropriate throughout the plan period.

The complete copy of the IOR Implementation Work Plan & Performance Measurement Framework can also be viewed at:

http://guelph.ca/business/economic-development-office/integrated-operational-review/.

FINANCIAL IMPLICATIONS

Full implementation of the IOR Implementation Work Plan will require:

- A significant commitment of existing staff resources; and
- The funding of additional new staff and capital resources;

Attachment #4 provides a preliminary budget estimate, and itemizes $270,000 in Operating costs and $720,000 in Capital costs over the plan period. This includes the creation of two new staff positions and capital projects that are required to implement specific enhancements.

This funding represents critical investment necessary to fully implement the sweeping business service enhancements embodied in the IOR Implementation Plan.

ACTION REQUIRED

This report is being presented as information, and is to be received by the Planning, Building, Engineering & Environment Committee.

RECOMMENDATION

1. That report number 13-33, titled "Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 – Implementation Plan & Performance Measurement Framework" be received for information;

2. That the Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 – Implementation Plan 2014 – 2016 budget estimate as presented in report number 13 – 33 Attachment 4 be referred to the annual Operating and Capital Budget Process.

BACKGROUND

In 2010 Guelph City Council adopted Prosperity 2020, the City of Guelph's Economic Development and Tourism Strategy. The strategy notes communities that are successful in retaining and attracting private business investment are those that respond in a clear, concise and timely fashion. The strategy recommended that Guelph needs improvement in this area.

In response, Enterprise, Planning, Building, and Engineering Services have conducted a three phased joint operational review of their respective programs. This work has been done with the assistance of an Oversight Committee which includes representatives from the Chamber of Commerce, Guelph-Wellington Developer's Association, Guelph District Homebuilders Association, the local development consulting sector, and the Industrial, Commercial and Institutional real estate broker sector.

Phase 1, conducted in 2011 identified issues through interviews with staff and external stakeholders. The firm GLPi was retained to conduct this work. A copy of GLPi's report can be found at:

http://guelph.ca/wp-content/uploads/Operational_Review_Issues_Scoping_Report.pdf

Phase 2 built on the Phase 1 findings and was carried out in three stages:

- Stage 1 - Review of Services, Functions & Operational Issues:
- Stage 2 - Assessment & Development of Service Delivery Opportunities and Related Recommendations
- Stage 3 - Preparation of Integrated Operational Review Report and Recommendations.

The Phase 2 report, prepared by GGA Management Consultants provided 23 recommendations within the following four main areas:

1. Build a More Adaptive Learning Organization;
2. Improve Management Direction & Communications
3. Improve Development Review Process; and
4. Improve Communications Interdepartmental & with Stakeholders.

The results of Phase 2 were presented to the Planning, Building, Engineering and Environment Committee and Guelph Council in September 2012. A copy of both the staff and the consultant's report can be reviewed at:

http://guelph.ca/wp-content/uploads/Operational_Review_Phase2_Report.pdf

At its meeting of September 17, 2012, the Planning, Building, Engineering & Environment Committee adopted the following resolution:

"THAT the staff report regarding the final report of GGA Management Consultants: Integrated Operational Review of Planning, Building, Engineering and Enterprise Services and the Development Review Process, dated September 17, 2012 be received;

AND THAT staff report back with key performance and implementation indicators, comparator benchmarks and scorecard targets to monitor the success of implementation of the recommendations of the final report of GGA Management Consultants."

REPORT

The intent of this staff report is to provide Council with an overview of the plan's development, its elements and planned implementation. Further details can be viewed at:

http://guelph.ca/business/economic-development-office/integrated-operational-review/.

The Process to Create the Plan

A whole systems approach to scoping, prioritizing and coordinating actions was taken throughout the development of this plan.

Approximately 60 staff representing each of the four key service areas were involved in the creation of the Implementation Plan. In addition, staff from the following service areas was also involved in the creation of this plan:

- Corporate and Human Resources
- Office of the Chief Administrative Officer
- Finance Services
- Community and Social Services
- Operations and Transit.

Staff were organized into eight inter-departmental project teams for the purpose of assessing and scoping the 23 Phase 2 recommendations that are clustered into the following categories:

- Adaptive Learning
- Management Improvements
- Development Process Review
- Communications

Attachment 1 provides further details about the Staff and Stakeholder Engagement Framework that was used to develop the Implementation Work Plan.

Each team then developed project charters and implementation frameworks which scoped each of the Phase 2 recommendations, identified implementation tasks and interdependencies, proposed resource requirements, considered priority actions, and suggested performance metrics.

Attachment 2 (available via weblink) provides a sample Project Charter and Implementation Framework document.

The resulting material was then thoroughly vetted by the Steering Committee and consolidated into an overall IOR Implementation Work Plan which:

- Prioritizes tasks;
- Identifies expected outcome of each task;
- Identifies Project Sponsors and Leads;

- Considers and identifies interdependencies between tasks; and
- Provides the implementation Scoping and Schedule.

The Approach to Implement the Plan

The implementation of the plan will be phased over three and a half years, starting in 2013. The plan's implementation will require the commitment of numerous service areas that will either be directly responsible for, or provide support to the implementation of the plan. Figure 1 provides a summary of the proposed implementation activities and their respective timing. A detailed copy of the 2012 – 2016 Work Plan, which provides information on priorities, dependencies, and schedule, can be found in Attachment 3 (available via weblink).

Figure # 1

Activity		2013	2014	2015 2016
Project Manager Function	Establish	√		
	Resource	√		
	Operational	√	√	√
Implementation Committee Functions	Establish	√		
	Operational	√	√	√
Best Practice Reviews	Commence	√		
	On-going	√	√	√
Document Management System, Data Bases, Monitoring Programs	Commence	√		
	On-going		√	√
Mandatory Development Application Pre-consultation Process	Implement	√	√	√
	Review	√	√	√
Development Approval Process Mapping	Mapping	√	√	√
	KPI's est'd	√	√	√
	Monitoring		√	√
Performance Measurement Systems, Targets, Indicators	Developed	√	√	
	Implemented	√	√	√
Re-establish Planner II Positions	Initiate	√		
	Resourced		√	√
Human Resource Staffing & Succession Planning	Initiate	√	√	√
Initiate Staff Cultural Changes (Staff empowerment/Staff engagement)	Implement	√	√	√
Clarifying the roles & responsibilities (All Manager positions)	Implement	√	√	√
Application Monitoring – Collaborative Problem Solving	Conduct Review	√	√	√
	Track Projects	√	√	√
Property Enforcement Bylaws Consolidation	Initiate Review	√		
Capital Projects (Improved coordination/review of Capital Projects)	Initiate	√		
	On-going		√	√
Feasibility Assessments (Initiate Business Cases for Central Business Centre and Business Facilitation Process and Position)	Develop Assessments		√	
	Finalize and Present			√
Staff Resource Programs	Resource orientation		√	√
	Planning		√	√
	Mentoring	√	√	√
	Training		√	√
IOR Staff Performance Objectives	Establish	√	√	√
	Monitor		√	√
Interdepartmental Coordination (Large development applications)	Teams Established	√		
	Teams Operational		√	√
	Monitor		√	√
Capacity/Resource Assessment	Initiate	√		
	Assessment Completed		√	
	Work Plans Completed		√	√
Gold Star Program	Feasibility Assessment			√
	Pilot			√
	Full Business Case			√

The implementation of the Work Plan first addresses those activities that are deemed by the Steering Committee as essential in establishing the foundational building blocks that will be required for the full and successful implementation of the plan.

It is important to also note that during the development of this Implementation Plan, staff have been able to identify and provide immediate improvements within the following areas:

- Preparation of standardized mapping templates for Corporate Reports;
- Implementation of a New Standardized Site Plan Agreement to ensure delivery of project and protection of liability for City;
- Creation of an internal condominium process protocol to ensure consistency;
- Development of a site plan inspection protocol;
- Commenced a review of all open development application files and update Amanda appropriately;
- Developed standard inquiry templates, with disclaimers and ensure Amanda is updated accordingly;
- Initiated triage of economic development investment opportunities (Hitachi expansion is an example);
- Business Expansion after-care meetings commenced (Hitachi, Accu-flex, McNeil Pharmaceuticals);
- Enhanced interdepartmental and stakeholder communication; and
- Established interdepartmental teams to enhance collaboration and management of major applications and initiatives

The Implementation Governance Model

Given the complex, multi-disciplined, multi stakeholder nature of the Implementation Plan, the Steering Committee recognized the need for the creation of a governance model that will continue to effectively engage staff through the management, implementation, review, monitoring and assessment of the plan.

The resulting model continues the whole systems approach to this initiative, through the creation of committees that are intended to improve the engagement of staff at all levels, the coordination and collaboration of the service areas involved in the development process, as well as communications with all stakeholders.

Figure 3 provides an illustration of the functional relationship between the Committees that will be established to implement and oversee the performance of this initiative. Decision-making and problem solving will normally be achieved through a collaborative and integrated approach.

Figure# 3

INTEGRATED OPERATIONAL REVIEW

IMPLEMENTATION PLAN

GOVERNANCE MODEL

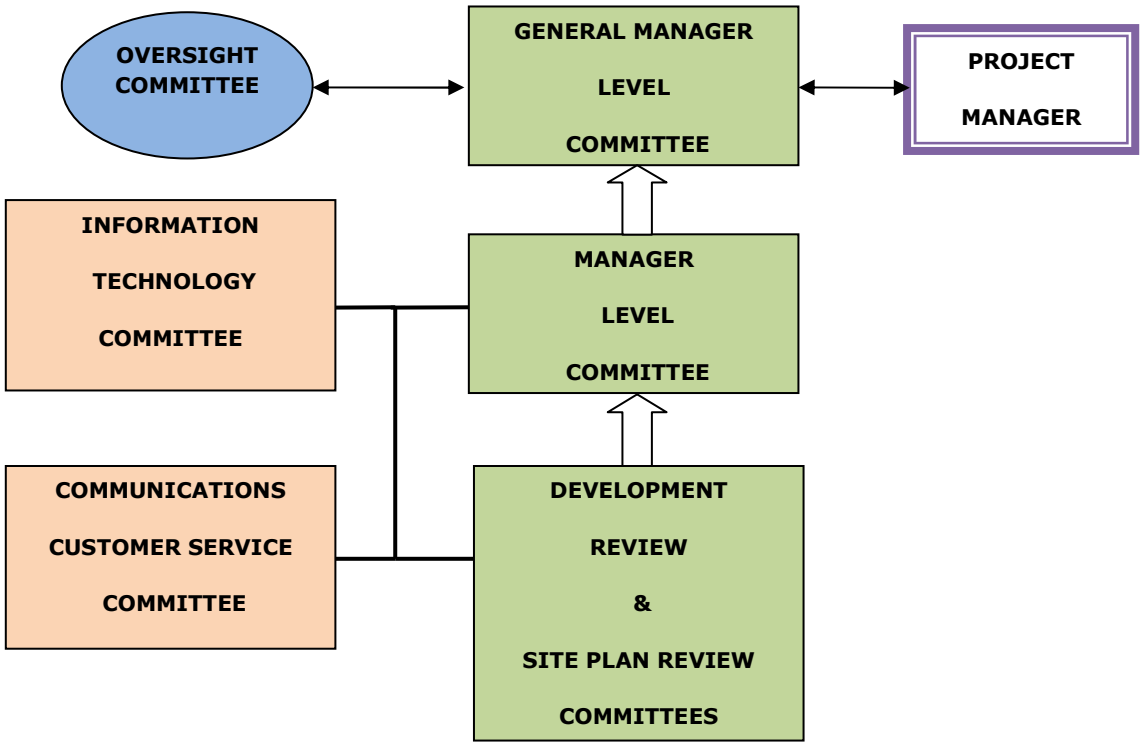


Figure 4 provides a functional description of these Committees.

Figure 4

Committee	Description
• **Integrated Operational Review (IOR) General Manager (GM) Committee Members:** ▪ Building Services ▪ Planning ▪ Engineering ▪ Economic Development	• **Functions:** o Overall Leadership and Direction; o On-going Management; o On-going Monitoring; o Program Updates and Revisions
• **External Oversight Committee Members:** ▪ IOR GM Committee Members ▪ Development Sector; ▪ Real Estate Sector; ▪ Business Sector; ▪ Consulting Services Sector; ▪ Others as Identified	• **Functions:** o Provides two way communication and input on development matters; o Will serve as a sounding board for the IOR GM Committee.
• **Manager Level Committee Members:** ▪ Corporate Managers; ▪ Managers; ▪ Others as Identified	• **Functions:** o Provide overall oversight and direction to the Development Review and Site Plan Review Committees o Identify and recommend improvements to: ▪ Managing the Development Approval Processes; ▪ Reviewing, tracking and monitoring application processing, project issues and timelines; ▪ Providing customer service; ▪ Clarifying staff's roles and responsibilities through the development process; ▪ Expanded use of AMANDA or other potential data base software; o Engage in collaborative problem solving; o Establish conflict resolution protocols and procedures; o Coordinate capital works projects.
• **Development Review Committee (DRC) and Site Plan Review Committee (SPRC) Members:** ▪ Staff involved in the Development Review Process	• **Functions:** o Both committees will be directly responsible for: ▪ The efficient processing of all development approval applications, and ▪ The identification of service enhancement opportunities.
• **Information Technology Committee Members:** ▪ **Staff from:** • Economic Development • Planning Services • Building Services • Engineering Services • Information Technology Services • Finance	• **Functions:** o This committee will be responsible for: ▪ The identification of service enhancement opportunities. ▪ Improvements and expanded in the use of Management Information Tools

• **Communications/Customer Service Committee Members:** ▪ **Staff from:** • Economic Development • Planning Services • Building Services • Engineering Services • Information Technology Services • Corporate Communications • Finance	• **Functions:** o This committee focus its activities on: ▪ Improved stakeholder communication ▪ Improved customer service

While collaboration and this integrated approach to governance is seen as the most democratic style of management, it is also, perhaps, the most difficult to maintain, requiring among other things, a shared sense of purpose, an exceptional level of commitment by all group members, a willingness to accept personal responsibility for the work of others, and an ability to compromise. When working well, the organization benefits from the direct involvement of front-line workers in decision-making and the synergy created by the interaction staff. With this in mind, the Executive Directors and the General Managers of Economic Development, Planning, Building and Engineering Services have agreed to make this initiative a priority and ensure that each Department will support its ongoing implementation.

Attachment 5 provides the Departmental Statement of Commitment to this initiative.

The Project Management Function

To date staff have contributed significant time, over and above their regular duties, to this initiative and it is anticipated that a significant staff level commitment will continue to be required over the coming years to support plan implementation. In order for this initiative to be successful it is staff's opinion that a full time project manager will be required to oversee the plan's implementation, undertake research, coordinate resources, monitor results, and where necessary provide recommendations to improve the plan's performance. Through best practice review it is noted that the City of Kingston and the City of Hamilton both have full time project management positions for their comparable initiatives. In summary, the project manager will:

- Lead the overall project management and coordination of the plan's actions and schedules;
- Conduct research and analysis and prepare information required to support the activities of the various IOR implementation committees;
- Assess and recommend required resources to support implementation of IOR recommendations on an annual basis (linked to budget cycle);
- Track and report on the IOR's budget;

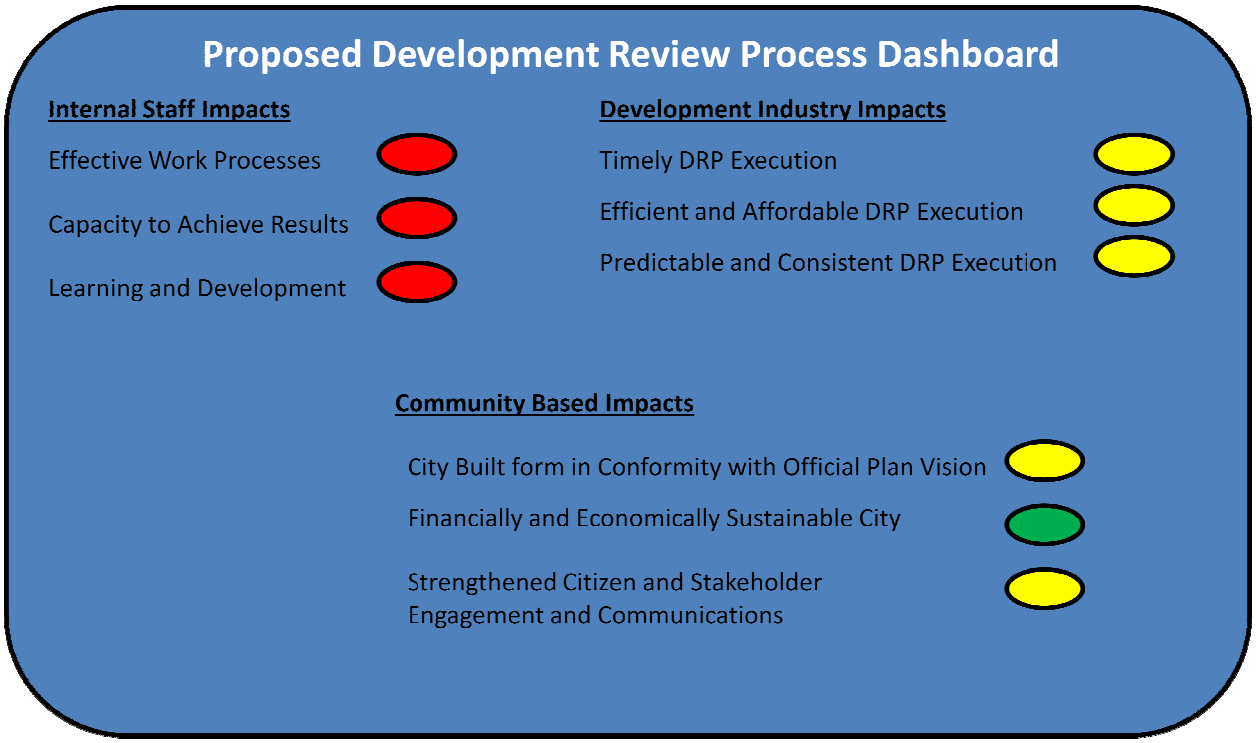
- Lead the development of more detailed implementation plans/business cases;
- Undertake performance monitoring and reporting;
- Design and implement stakeholder communication strategies;
- Monitor and report on the progress of each project and prepare summary reports to the Steering Committee;
- Oversee the selection and performance of required consultants;
- Establish a process for dealing with any changes in scope or deliverables or timeframe on individual projects;
- Accountable for the over-all performance of the implementation plan, and where appropriate recommend refinements;
- Resolve conflicts in direction or deliverables between teams and if these cannot be resolved bring these to the attention of the General Manager Committee; and
- Bring to the attention of the General Manager Committee any issues affecting resource availability on projects.

Performance Measurement Framework and Draft IOR Dashboard

All staff engaged in the development of the Implementation Plan generated ideas regarding potential KPI's. Staff was assisted by an internal advisory group as well as Performance Concepts Consulting (a firm which has extensive experience in developing performance metrics for the public sector), to develop an approach to establish and monitor performance metrics. The resulting Performance Measurement Framework contained in Attachment 6 reflects a strategic approach to performance measurement and monitoring systems in relationship to the development approvals process, which includes:

- Building the performance metrics and monitoring framework, which will include addressing staff training needs, resources, as well as establishing baseline data;
- Developing initial metrics, targets and benchmarks which can be further built on through the implementation of the plan; and
- Benchmarking performance against Guelph's own baseline data (to be determined) and performance targets over time (this was strongly recommended by the consultant to avoid measuring Guelph against other communities due to the large number of variables).

The following is an initial dashboard identifying the proposed Key Performance Indicators.



The dashboard clearly highlights areas of concern which the DRP initiatives and actions will address. It is important to note that this is a potential framework which will be refined and finalized in accordance with the IOR Implementation Plan. Attachment 6 – Draft Performance Measurement Framework provides further detailed descriptions of these potential KPI's, related potential measurements and targets, and a dashboard trend projection identifying the anticipated benefits of full implementation in accordance with the Implementation Plan.

Financial Implications

Full implementation of the plan will require a significant, multi-year commitment of existing staff and resources from all involved departments and additional new staff and budget resources will be required. The recommended contract Project Manager position will be funded from existing budget resources and two new staff and specific capital funding will be included in the annual budget approval process. Attachment 4 provides a preliminary budget estimate for the 2014-2016 IOR implementation period. This estimate identifies potential operating and capital budget investments of $270,000 and $720,000* respectively that may be required to support the full implementation of the IOR improvements. These estimates will be further refined as the scope of specific initiatives is finalized.

* Figure does not include potential additional operating (staff) and capital (facility renovations) investments associated with several long term recommendations ("One-Stop" Business Centre; Business Facilitator(s); and Gold Star Protocol) that are subject to future feasibility assessments and full business case evaluation before proceeding

CORPORATE STRATEGIC PLAN

This initiative touches in whole, or in part on all of the CSP's objectives.

1. **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

2. **Innovation in Local Government**
    - 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

3. **City Building**
    - 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

- Planning Services
- Engineering Services
- Building Services
- Economic Development
- Office of the CAO
- Human Resources
- Information Technology
- Communications
- Clerks
- Finance Services
- Community and Social Services
- Operations and Transit

COMMUNICATIONS

The Steering Committee is working with Corporate Communications staff to develop a Communications Plan to support the launch of the IOR Implementation Plan and ensure effective, ongoing communications with internal and external stakeholders as implementation activities commence.

ATTACHMENTS

Attachment 1 Building the IOR Implementation Plan: Staff and Stakeholder Engagement Framework.

Attachment 2 – Building the IOR Implementation Plan: Sample Project Charter and Implementation Framework *(This attachment is available on the City of Guelph website at: http://guelph.ca/business/economic-development-office/integrated-operational-review/. Click on the link for the Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 - Implementation Plan & Performance Measurement Framework Report)*

Attachment 3 – IOR Implementation Plan: 2013 to 2016 Work Plan *(This attachment is available on the City of Guelph website at: http://guelph.ca/business/economic-development-office/integrated-operational-review/. Click on the link for the Integrated Operational Review of Planning, Building, Engineering and Enterprise Services – Phase 3 - Implementation Plan & Performance Measurement Framework Report)*

Attachment 4 – IOR Implementation Plan: 2014 – 2016 Preliminary Budget Estimate

Attachment 5 – IOR Implementation Plan: Departmental Statement of Commitment

Attachment 6 - Draft Performance Measurement Framework

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ATTACHMENT 1

BUILDING THE IOR IMPLEMENTATION PLAN: STAFF AND STAKEHOLDER ENGAGEMENT FRAMEWORK

INTERNAL ADVISORS

STEERING COMMITTEE

Executive Directors of PBEE and F & E

General Managers of Planning, Engineering, Building and Economic Development

EXTERNAL OVERSIGHT COMMITTEE

Adaptive Learning

Subcommittee #1

Build a More Adaptive Learning Organization

STAFF RESOURCES: Human Resources (1), Planning (3), Engineering (1), Building (1), Enterprise Services (1)

- **1.1 Re-establish Planner II positions over time and implement a team organization within Planning and initiate organization development process**
- **1.2 Establish a Human Resources Staffing and Succession Plan to address management and skills requirements now and in the future**
- **1.3 Integrate and orient new employees and provide mentorship and training opportunities for existing and new staff in all departments**

Management Improvement

Subcommittee #2

Improve Management Direction and Communications

STAFF RESOURCES: Engineering (2), Planning (3), Enterprise Services (1), Building (1), Clerks (2)

- **2.1 Clarify roles and responsibilities of all Manager positions in Planning, Engineering, Building and Enterprise Departments relative to their direction and involvement in the Development Review Process**
- **2.2 Establish a Manager-level interdepartmental Management Committee for Development to better manage development review processes**
- **2.3 Planning and Engineering General Managers should review, track and monitor application processing, project issues and timelines on a weekly basis**

Development Process Review

Subcommittee #3

Improve Development Review Processes with Better Coordination, Information Management and Communications with Stakeholders

STAFF RESOURCES: Planning (2), Enterprise Services (2), Engineering (2), Building (1), Park Planning (1)

Communication

Subcommittee #4

Improve Communications Interdepartmentally and with Stakeholders

STAFF RESOURCES: Communications (1), Enterprise Services (1), Planning (4), Engineering (2), IT (1), Building (3), Clerks (2), CCS (1)

- **4.1 Develop an overall Communications Strategy to support the Development Review Process**
- **4.2 Establish a Customer Service Mission Statement in consultation with staff and provide customer service training**
- **4.3 Revise City website to better support development**
- **4.4 Encourage better interdepartmental communication and coordination amongst PBEE and Enterprise Staff**

TEAM 1

STAFF RESOURCES: Enterprise Services (3), Finance (2), Engineering (1), CCS (1), Planning (4), Building (1)

- **3.1 Develop a Business Services Centre in conjunction with the Information Services Area on the main floor of City Hall**
- **3.2 Establish a new position of "Business Facilitator" to assist City businesses, including the development industry to access City services and the assistance they need**
- **3.3 Establish Gold Star protocol for new development proposals which would have major benefits to the City - Gold Star Program**
- **3.12 Enterprise Departments should review new major economic development opportunities with employment and tax benefits and coordinate action to be taken relative to the Development Review Process**
- **3.13 Enterprise Departments should become more proactive in investment attraction and business retention**

TEAM 2

STAFF RESOURCES: Planning (8), Engineering (3), Enterprise Services (1), Building (3), Clerks (2), Park Planning (1)

- **3.4 Implement a Mandatory Pre-consultation process for all development applications**
- **3.5 Establish a Development Review Committee with regularly scheduled meetings**
- **3.6 Implement a Revised Site Plan Review Process with updated Urban Design Guidelines**
- **3.7 Reinstate one step Engineering Review & Comments Process**
- **3.11 Improve the management, co-ordination and review of the City's capital projects**

TEAM 3

STAFF RESOURCES: IT (1), Planning (8), Building (3), Clerks (2), Engineering (1)

- **3.8 Expand the use of and improve Management Information Systems and Performance Measurement to support Development application processing and to improve customer service with the assistance of City's Information Technology Department**

TEAM 4

STAFF RESOURCES: Building (2), Planning (5), Engineering (2), Enterprise Services (1)

- **3.9 Review the City's Comprehensive Zoning By-law relative to allowable uses**
- **3.10 Consolidate enforcement of all property related by-laws within one department**

ATTACHMENT 4

IOR PRELIMINARY BUDGET ESTIMATE

	2014		2015		2016	
Implementation Plan Item		**Notes**		**Notes**		**Notes**
IOR Project Manager						
	$40,000.00 (O)	Incremental cost for IOR Project Manager position hired in 2013		Ongoing baseline operating budget need		Ongoing baseline operating budget need
1. Ensure Adaptive Learning						
1.1 a) Establish new Planner II - Development position	$105,000.00 (O)	To support IOR implementation and development approvals process enhancements		Ongoing baseline operating budget need		Ongoing baseline operating budget need
1.1 b) Conduct Capacity Assessment of Planning Services	$10,000.00 (C)	Consultant to assist with Planning Services Capacity/Resource Assessment and Departmental Work Planning/Prioritization				
1.1. e) Implement Planning Services Departmental Development Plan			$105,000.00 (O)	Assume the establishment of additional Planner II position. Subject to Departmental Development Plan		2016 budget needs to be determined through Departmental Development Plan
1.3 a) Create a Culture of Continuous Learning						

	2014		2015		2016	
Implementation Plan Item		**Notes**		**Notes**		**Notes**
1.3 a) i) Annual IOR "Year in Review" Forum	$10,000.00 (O)	Annual budget needed to support IOR Year in Review Forum (e.g. venue, food, guest speakers, facilitator, forum materials, etc.)		Ongoing baseline operating budget need		Ongoing baseline operating budget need
1.3 a) ii) Establish IOR Shared Learning Committee	$5,000.00 (O)	Annual budget to support Shared Learning Committee and ongoing learning activities		Ongoing baseline operating budget need		Ongoing baseline operating budget need
1.3 a) iii) Support new Continuous Professional Learning requirements for planners	$5,000.00 (O)	Increase to Planning Services staff professional development budget to support new mandatory CPL requirements to maintain professional accreditation (as of 2013)		Ongoing baseline operating budget need		Ongoing baseline operating budget need
3. Improve Development Review Process						
3.1 a) Centralized "One-Stop-Shop" Business Centre 3.2 a) Establish "Business Facilitator" model	$30,000.00 (C)	To hire consultant to conduct feasibility assessment				
3.1 b) Centralized "One-Stop-Shop" Business Centre 3.2 b) Establish "Business Facilitator" model			$50,000.00 (C)	To hire consultant to conduct detailed Business Case, if justified through feasibility assessment		

	2014		2015		2016	
Implementation Plan Item		**Notes**		**Notes**		**Notes**
3.1 c) Centralized "One-Stop-Shop" Business Centre 3.2 c) Establish "Business Facilitator" model					*	* Potential Capital and Operating costs to be confirmed by Business Case
3.3 a) Establish "Triage Protocol" for new development proposals that would major benefits to City	$30,000.00 (C)	To hire consultant to work with staff to develop and implement protocol (to be coordinated with Step 3.14 a)				
3.3 d) Implement Gold Star Protocol					$30,000.00 (C)	To support roll out of new Gold Star Protocol, if supported by feasibility assessment and results of pilot project (Steps 3.3 b) and c))
3.8 d) Conduct IOR Technology Gap Analysis and develop IOR Technology Implementation Plan, including performance measurement systems, KPI's and targets	$60,000.00 (C)	To hire a consultant to carry out this work. Needs to be coordinated with and supplement ongoing Corporate Technology Strategic Plan implementation activities				
3.8 f) Implement and monitor results of IOR Technology Plan			$100,000.00 (C)	Specific scope to be confirmed through Step 3.8 d). Needs to be coordinated with and supplement ongoing Corporate Technology Strategic Plan implementation activities	$100,000.00 (C)	Specific scope to be confirmed through Step 3.8 d). Needs to be coordinated with and supplement ongoing Corporate Technology Strategic Plan implementation activities

	2014		2015		2016	
Implementation Plan Item		**Notes**		**Notes**		**Notes**
3.14 a) i) - iii) Comprehensive mapping of development approvals processes, establish performance measurement systems, KPI's and targets, and develop related manuals and communications materials	$70,000.00 (C)	To hire a consultant and carry out this work.				
4. Improve Communications						
4.1, 4.2, 4.3, 4.4 - develop and implement a Communications and Customer Service Strategy, including performance measurement systems, KPI's and targets	$80,000.00 (C)	To hire consultant to develop Communications and Customer Service Strategy	$80,000.00 (C)	Implementation of Communications and Customer Service Strategy (scope to be confirmed)	$80,000.00 (C)	Implementation of Communications and Customer Service Strategy (scope to be confirmed)
Total Operating *	**$165,000.00**		**$105,000.00**			
Total Capital **	**$280,000.00**		**$230,000.00**		**$210,000.00**	

***** Reflects only incremental impacts over previous year's baseline operating budget.

****** All external consulting work shown as capital budget items for purpose of this forecast. Could be shifted to operating budget if appropriate.

Attachment 5

Integrated Operational Review – Implementation Plan

Department Statement of Commitment

The City of Guelph's Integrated Operational Review of Planning, Building, Engineering and Enterprise Services practices, policies, processes and resources represents a whole systems approach to improving the City's business investment and development processes. The intent of this initiative is to improve these processes for the benefit of staff, business as well as the general public.

Staff from each service area were engaged in a collaborative process which resulted in the creation of the 2013 – 2016 Integrated Operational Review – Implementation Plan. The intent of the plan is to provide:

- A Corporate wide approach to improving Guelph's ability to better process and address a wide range of activities relating to Planning, Building, Engineering and Enterprise Services;
- Support in marketing and promoting the City's Enterprise activities to potential investors;
- Clarity with respect to roles and responsibilities of staff and the private sector, which is intended to reduce timelines to process planning and development applications;
- Clearer, more concise information for the public to review and provide comments; and
- An improved, positive framework for City staff, departments, business and the public to collaborate on development and investment opportunities;

In order to achieve these objectives, the signatories to this Statement of Commitment consent and agree to the following:

1. The Plan's successful implementation will continue to be achieved through an integrated approach to ensure staff ownership and stakeholder buy-in.
2. The Plan's on-going management, implementation, and monitoring of its performance will be a high priority within Departmental Work Plans and individual staff Personal Development Plans.
3. Bi-yearly reviews will be conducted to assess the implementation of the Plan, and will be reported to Council and the Public.

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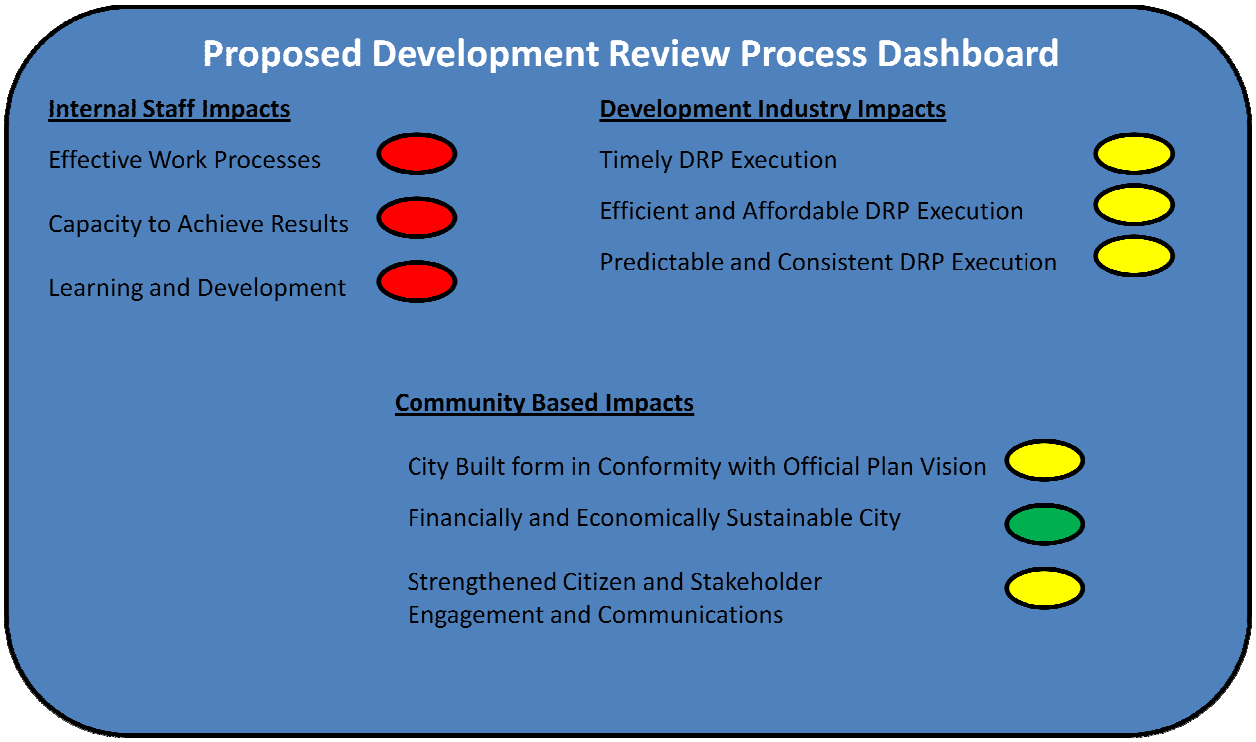
Draft Performance Measurement Framework

As stated earlier in the report, the consulting firm Performance Concepts Consulting, a firm specializing in municipal performance metrics, was retained to assist with the creation of key performance indicators. Based on ideas generated by the IOR Staff Subcommittees, Teams and on the advice of this firm, the plan's indicators focus on three core areas: "Internal Staff Impacts", "Development Industry Impacts" and "Community Based Impacts".



The dashboard clearly highlights areas of concern which the DRP initiatives and actions will address. It is important to note that this is a potential framework which will be refined and finalized in accordance with the IOR Implementation Plan. If implemented well, the ratings on the dashboard are expected to change as demonstrated in the following table:

Development Review Process Dashboard KPIs	2013	2014	2015	2016
Internal Staff Impacts				
Effective Work Processes				
Capacity to Achieve Results				
Learning and Development				
Development Industry Impacts				
Timely DRP Execution				
Efficient and Affordable DRP Execution				
Predictable and Consistent DRP Execution				
Community Based Impacts				
City Built Form in Conformity with Official Plan Vision				
Financially and Economically Sustainable City				
Strengthened Citizen and Stakeholder Engagement and Communications				

These improvements will be accomplished through the separate projects highlighted in the project work plan over the next 3.5 years.

Internal Staff Impacts

The internal staff impact "lead" indicators will measure engagement levels of the City staff from the Planning, Building, Engineering and Economic Development business units that execute Development Review Process (DRP). It is important to note that these indicators are based on the results of the Employee Engagement Survey and were identified as areas with very low engagement scores but with significant opportunities for increased engagement if IOR enhancements are implemented.

The internal staff impact indicators will act as the "canary in the coal mine" measuring the risk of possible performance erosion for the DRP application processing process. Conversely, improvements in the DRP engagement performance data will correlate with improved DRP process performance.

Internal Staff Impacts

KPI	Measurement	Target
Effective Work Processes	•Rating of the ability of processes in place to allow staff to be as productive as possible	*2% increase per year suggested by Aon Hewitt assuming focused attention* Planning –32% by 2014 Building – 57% by 2014 Engineering –61% by 2014 Economic Development TBD
Capacity to Achieve Results	•Rating regarding tools and resources provided by the city and how effectively they enable staff to be as productive as possible.	*2% increase per year suggested by Aon Hewitt assuming focused attention* Planning –16% Building – 66% Engineering – 57% Economic Development TBD
Learning and Development	•Rating with respect to how strongly employee learning and development is supported in the organization.	*2% increase per year suggested by Aon Hewitt assuming focused attention* Planning – 32% Building – 59% Engineering – 50% Economic Development TBD

Development Industry Impacts

The DRP process that underpins development applications is the core component of the performance measurement framework. These performance indicators are organized around the following three desired results statements:

- Timely DRP execution
- Efficient & Affordable DRP execution
- Predictable & Consistent DRP execution

The following figure sets out the proposed portfolio of measures associated with each key performance indicator. The indicators differentiate between the Planning Act, Engineering, and Building Code Act process components of DRP.

Development Industry Impacts

KPI	Measurement	Target
Timely DRP Execution	*(Planning and Engineering)* •Average # City controlled business days per complete DAP file (standard/complex) •% complete DAP files where City controlled business days fall within target range (standard/complex) *(Building)* •Average # City controlled business days per complete OBCA permit application files (by OBCA or fee schedule defined categories)	TBD
Efficient and Affordable DRP Execution	*(Planning and Engineering)* •Average # DAP service hours expended per application (standard, complex) •% DAP files completed where # actual expended service hours fall within targeted range of budgeted service hours standard (standard, complex) •% DAP service hour costs recovered by fee schedule (standard, complex) *(Building)* *•Average # OBCA service hours expended per application (standard, complex)* *•% OBCA files completed where # actual expended service hours fall within targeted range of budgeted service hours standard (standard, complex)* *•% OBCA service hour costs recovered by fee schedule (standard, complex)* *•Fee competitiveness in relation to comparator municipalities*	TBD
Predictable and Consistent DRP Execution	*(Planning)* •% DAP applications featuring pre-consultation meeting providing a comprehensive technical requirements checklist for applicant to secure complete application status (standard, complex) *•% DAP applications featuring a City consolidated memorandum to applicant listing all technical refinements required for approval following initial circulation/commenting process (standard/complex)* *(Engineering)* • % DAP applications featuring a City consolidated memorandum to applicant listing all technical refinements required for approval following initial engineering drawing review process (standard, complex) (*Building)* *• % OBCA applications accepted over counter that are deemed completed according to Building By-law complete application checklist and applicable law criteria* *• % OBCA applications featuring a City consolidated memorandum to applicant listing all technical refinements required for approval following 1) Plans Examination process and 2) Occupancy Permit process*	TBD

<u>Timely DRP Execution</u>

The key concept underlying timely execution of DRP is *controllable processing duration* – measured in the number of controllable business days of application file processing. Process mapping will determine the DRP processing steps within control of the City – versus processing steps under the control of the applicant. Applicant controlled file processing days can be subtracted from total file processing days in order to yield City controlled processing days. Once targets have been determined for key DRP application categories (Site Plan, Subdivision, Rezoning, Condominium), the variance in actual versus target City controlled processing days can be tracked.

<u>Efficient and Affordable DRP Execution</u>

The key concept underlying DRP efficiency and affordability is the ability to track *DRP processing intensity* – measured in the number of DRP processing hours expended by City staff. The processing hours will be tracked against key DRP application categories – Site Plans, Subdivisions, Rezonings and Condominiums. Within each of the key DRP application categories, performance targets of budgeted file processing hours will be established for i) Standard and ii) Complex

applications. The level of cost recovery of DRP file processing hours expended by staff (via the fee/permit schedule) could also be tracked but the City also needs to be mindful of its development review fees in relation to relevant comparator municipalities.

Predictable and Consistent DRP Execution

The key to consistent and predictable DRP execution is to zero-in on critical process steps. Once these critical process steps have been identified, performance indicators can be identified to track consistency of step execution against the total number of applications and service level targets can be communicated to stakeholders to increase certainty.

Community Based Impacts

Community impact is the final component in the DRP performance measurement framework. The achievement of these results is not within the exclusive control of the City nor directly tied to the objectives of the IOR, however, the DRP does exist to contribute to these kinds of desired community impacts. Measurement is therefore recommended.

The following figures set out proposed Community Based Impact measures:

Community Based Impacts

KPI	Measurement	Target
City Built Form in Conformity with Official Plan Vision	•% increase in OP population densities in planned intensification areas and Greenfield areas. •% residential development on Greenfields and Built up area	•Minimum of 50 persons and jobs per hectare or Greenfield area •Minimum 150 persons and jobs per Urban Growth Centre. •Minimum of 40% intensification from 2015 onwards
Financially and Economically Sustainable City	•Jobs/person ratios	•Maintain or increase over current rate (57%)
Strengthened Citizen and Stakeholder Engagement and Communications	To be determined	To be determined

Built form conformity with the Official Plan vision will focus on the gap between actual annual population densities and target population densities endorsed by Council.

Financial and economic sustainability will focus jobs per person ratios and the goal will be to see those maintained and improved over time. Potential targets could also address differences in existing land absorption rates versus a Council approved range that could be developed over time.

Strengthened Citizen and Stakeholder Engagement and Communications will work towards tracking and monitoring improvement in citizen and stakeholder engagement as well as tangible improvements in two-way communications.

Implementation

Selection of key performance indicators is only the first step in using results based management to improve DRP performance. Targets will need to be derived from meaningful performance data collected over time. Then the DRP culture can be focused on achieving measurable results in a compelling "scorecard". Scorecard design and rollout via an online dashboard tool will follow.

Measuring DRP duration – controllable file processing days – is perhaps the most significant DRP implementation challenge. The AMANDA tracking system can be used to measure tracking of controllable file processing days. City DRP process steps will need to mapped and re-engineered – to establish which steps are City-controllable and which are under applicant control. This mapping will allow AMANDA to turn "off and on" as a file moves forward and controllable file days are calculated.

Process mapping to properly track file processing duration is critical. It will take time. AMANDA revisions to measure controllable file processing days will also take time. Actual tracking of "live" applications will be required to set meaningful targets for each controllable process step. City staff that has never tracked processing effort in AMANDA (e.g. Engineering) will need training. This will also take time. City expectations for rolling out the supporting systems and data tracking need to be realistic. A one-year implementation critical path is realistic. A dashboard based DRP scorecard tool can be integrated into the critical path at the end of the year-long implementation period.

Rental Housing
Licensing Cost-Benefits Analysis



PBEE Committee Meeting: July 15, 2013

Purpose

Present a Rental Housing Licensing Cost-Benefits Analysis to Committee

- Response to Council resolution following receipt of rental housing licensing directions report in February 2013
  - "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."

    February 25, 2013 Council meeting

Principles

Fit Issues with the Right Tool

- Look at the issues and tools comprehensively to develop an appropriate approach

Be Cost Effective and Fair

- Ensure equitable and fiscally responsible approach

Consider Costs and Directions Together

- Provide a high level assessment of costs and benefits of a rental housing licensing program with various stakeholders in mind

Being Better and Current

- Building on what we do, do it better, and consider new tools that fit

Community Issues

- Tenant health, safety and well-being
- Neighbourhood destabilization and deterioration
- Disruptive behaviour
- Lack of information about rental housing stock
- Inequality among rental housing providers
- Enforcement challenges
- Funding implications

Existing Tools and Limitations

Existing Tools

- Employ a suite of tools to address housing issues
  - Building and Fire Codes
  - Zoning By-law, Yard Maintenance, Property Standards, Parking, Noise and Nuisance Party By-laws
- Enhanced enforcement and potential changes to tools investigated
  - Some success but still challenging under current regulations
- No current tool deals specifically with rental housing

Existing Tools and Limitations

Limitations

- Cannot differentiate tenant occupancy and /or owner occupancy of property
- Regular inspections not available
- Access and enforcement challenges for suspected illegal properties
- Reactive to issue after violation
- Lack flexibility in funding source

Licensing Advantages & Benefits

- Regulate any activities, matters or things that a municipal council considers necessary or desirable for the public including the rental of a residential unit
- New tool to address business of rental housing
- Funding could be sourced by rental housing operators rather than general tax base
- Works well with current tools and can require compliance with land use control by-laws and other by-laws as a condition of the license

Licensing Advantages & Benefits

Licensing can:

- Apply specifically to rental housing
- Apply equally to existing and new rental housing
- Require regular inspections
- Require proof of insurance
- Be funded by rental housing provider and/or general property tax base

Key Purpose - Issues and Tools

- Regulate the business of operating rental housing accommodation to ensure health and safety protected and maintained
- Licensing helps address all of the issues but is essential to tenant safety
  - Regular inspections
  - Floor plans, proper exits
  - Property insurance
  - Electrical Safety Authority inspection
  - Substandard units identified and improved
  - Stop rental of units if not in compliance

Licensing Options & Fees

Option	Service Level	New Staffing*	Proposed Fee
One	• One(1) year program, annual renewal • Inspect every unit	• 1 program administrator • 4 administrative supports • 1 fire prevention officer • 9 inspectors	• $132 per bedroom per year • $11.00 per month
Two	• Two(2) year program, two (2) year renewal • Inspection of every unit every two (2) years	• 2 administrative supports • 1 fire prevention officer • 5 inspectors	• $90 per bedroom per year • $7.50 per month
Three	• One(1) year program, annual renewal • Self certification, risk-based inspection	• 3 administrative supports • 3 inspectors	• $62 per bedroom per year • $5.17 per month

Cost-Benefits Analysis

Stakeholder	Cost	Benefits
Landlords in compliance	Yes (minimal)	Yes
Landlords in non-compliance	Yes	Yes
Tenants	Potentially	Yes
Taxpayers & Neighbouring Owners	None (after 5 years)	Yes

Cost-Benefits Analysis

Given that a licensing program could, among other things:

- Increase the safety and well-being for tenants of low rise residential units with minimal financial impact
- Prevent neighbourhood destabilization and deterioration
- Assist in creating equality amongst rental housing providers
- Based on a cost recovery model

At this time staff believe that the benefits of a licensing program outweigh the costs.

STAFF REPORT

TO	Planning & Building, Engineering and Environment Committee
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	July 15, 2013
SUBJECT	Rental Housing Licensing Cost-Benefit Analysis
REPORT NUMBER	13-32

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To present a cost-benefit analysis for a rental housing licensing program based on the rental housing licensing directions report presented to PBEE Committee on February 19, 2013 in report 13-04 and to request Council's authorization to proceed with public consultation on the directions, and cost-benefit analysis to further the development of a rental housing licensing program.

KEY FINDINGS

The City is committed to working with property owners, landlords, tenants and other community members to create and maintain vibrant neighbourhoods for all residents to enjoy.

The City is working to determine if, in addition to increased enforcement of existing tools and community education, a rental housing licensing program would help address rental housing issues including:

- health, safety, and well-being;
- neighbourhood destabilization and deterioration;
- disruptive behaviour;
- lack of information about rental housing stock and inequality among rental housing providers;
- enforcement challenges; and
- funding implications (to various stakeholders, including the City tax base, landlords of rental properties and tenants).

The cost-benefit analysis outlined in this report demonstrates that a licensing program would not only help address these rental housing issues, but would also address the many limitations of current tools. Further, a licensing program also provides an opportunity to utilize a number of unique benefits that are not available through other tools available to the City.

The intent is to develop a licensing program that works in concert with existing tools to address identified issues, the limitations of current tools and build on the advantages of licensing, all while ensuring that the supply of affordable

housing is not unduly impacted for groups protected by the *Human Rights Code* and the community at large.

The cost-benefit analysis indicates that the benefits of the proposed program outweigh the costs taking into consideration potential impacts on taxpayers, neighbours to qualifying properties, landlords and tenants.

FINANCIAL IMPLICATIONS

This report presents the potential costs of a rental housing licensing program based on the principle of full cost recovery over a five year period and a review at the end of that time. The potential impact on affordable housing has also been taken into consideration and as summarized on Table 1, this impact is expected to be minimal. Final program costs will be considered as part of the annual budgeting process if Council approves a licensing program. Three alternative licensing options have been provided in this report. All three options have an initial negative impact on the Operating Budgeting in year one, but a positive impact in year two, and with full cost recovery by the end of year five. Currently the City does not have reserve funds to cover the first year incremental costs; however, staff will develop a funding model for inclusion in the 2014 Budget recommendations that will ensure the cost will be net zero thereby having no impact on the tax rate.

	OPTION 1		OPTION 2		OPTION 3	
YEAR	Incremental change	Operating Budget Impact	Incremental change	Operating Budget Impact	Incremental change	Operating Budget Impact
1	($920,000)	0.48%	($532,000)	0.28%	($332,000)	0.17%
2	$268,000	-0.14%	$330,000	-0.17%	$329,000	-0.17%
3	$822,000	-0.41%	$456,000	-0.22%	$599,000	-0.30%
4	$742,000	-0.36%	$648,000	-0.31%	$572,000	-0.27%
5	$659,000	-0.31%	$825,000	-0.38%	$544,000	-0.25%

ACTION REQUIRED

To receive the Rental Housing Licensing Cost-Benefit Analysis report and authorize staff to proceed with public consultation on a rental housing licensing program based on the Rental Housing Licensing Directions report and cost-benefit analysis.

RECOMMENDATION

1. That Report 13-32 from Planning, Building, Engineering and Environment regarding the Rental Housing Licensing Cost-Benefit Analysis report dated July 15, 2013 be received.
2. That staff be authorized to proceed with public consultation on the proposed licensing directions and cost-benefit analysis to guide the development of a rental housing licensing program.

BACKGROUND

On February 19, 2013 Committee Report 13-04 – Rental Housing Licensing Directions was received by Planning & Building, Engineering and Environment (PBEE) Committee. At that time, the Committee requested a cost-benefit analysis on the proposed directions prior to proceeding with public consultation on a rental housing licensing program. The directions report was in response to a licensing workplan report received by PBEE Committee on May 22, 2012 in addition to a Council resolution made on January 30, 2012 directing staff to proceed with the development of a rental housing licensing program for Council's consideration.

The development of a rental housing licensing program is part of a comprehensive rental housing licensing work plan presented to PBEE Committee on May 17, 2010 (CDES Report 10-53). The work plan recognized the need for a multipronged approach to address rental housing issues that have surfaced over the years. Looking at the issues raised by various stakeholders comprehensively, along with existing tools and a new licensing program, helps ensure tools are used appropriately in an integrated and effective manner.

Attachment 1: Rental Housing Issues and Tools, outlines:

- issues related to rental housing raised by various stakeholders, including community groups, landlords, tenants and City departments;
- limitations of existing tools for addressing those issues; and
- advantages of a licensing program in addressing rental housing issues and overcoming the limitations of existing tools.

(a) Issues

The issues have surfaced as a result of various public meetings, including delegations at PBEE Committee and/or Council, as well as the experience of City staff utilizing the existing suite of tools. The key issues are the following:

- health, safety, and well-being of tenants;
- neighbourhood destabilization and deterioration;
- disruptive behaviour;
- lack of information about rental housing stock and inequality among rental housing providers since compliant business owners are currently competing with noncompliant business owners;
- enforcement challenges; and
- funding implications (to various stakeholders, including the City tax base, landlords of rental properties and tenants).

(b) Existing Tools and Limitations

The City's current approach is to employ a suite of tools to address rental housing issues, including the City's Zoning By-law, the *Building Code*, the *Fire Code*, and yard maintenance, property standards, parking, noise and nuisance party by-laws. The enforcement of these tools, and potential changes to those within the City's control, have been investigated over the years, leading to better coordinated enforcement efforts. Additional details regarding enforcement efforts, penalties for

non-compliance, and compliance/enforcement procedures can be found in Council Information Report on Shared Rental Housing Enforcement dated February 24, 2011.

Despite enhanced enforcement efforts, existing tools present the following limitations:

- cannot differentiate the tenant-occupancy and the owner-occupancy of property;
- regular inspections are not available;
- access and enforcement challenges for suspected illegal properties;
- typically only able to respond to issues after violation; and
- no flexibility related to funding source, i.e. funded by all taxpayers vs. user pay.

(c) Advantages of Licensing

Changes made to the *Municipal Act* in 2007 permit a municipality to use licensing to regulate any activities, matters or things that a municipal council considers necessary or desirable for the public, including the rental of residential units. Prior to 2007, the licensing of rental housing was not allowed. A number of municipalities across the Province have either implemented or are considering licensing programs for rental housing and/or lodging houses. A licensing program would introduce a new tool to the City that would specifically address the business of rental housing (not addressed by existing tools) that could be funded by rental housing operators rather than the general tax base.

A rental housing licensing program would support a number of tools the City is currently using to deal with rental housing issues. Section 153(2) of the *Municipal Act, 2001* allows a licensing by-law to require, as a condition of obtaining, renewing and/or continuing to hold a licence, that the business comply with land use control by-laws or requirements under the *Planning Act* or any other Act. This authority provides a municipality with additional support to enforce current tools being used to deal with housing issues. The potential for a landlord to lose a rental housing license may also serve as an incentive to comply with existing by-laws. This in turn may limit the need to pursue legal action. In addition, should legal action be required, the application and enforcement of a rental housing licensing program could provide for streamlined methods which would be less resource intensive while being more effective (e.g. staff would only need to prove that a residential unit is being rented without a license, also see Attachment 1). Finally, gaining regular access to a property to ensure its safety is easier to obtain through a requirement for an inspection in order to acquire, renew or keep a license than gaining entry in order to determine compliance with requirements such as those in the *Building Code* and/or *Fire Code* and the City's Zoning and Property Standards By-laws.

More importantly, a rental housing licensing program presents a number of unique benefits that are not available through other tools available to the City and would

help address the limitations of existing tools. Specifically, a rental housing licensing program can:

- apply specifically to rental (as opposed to solely owner-occupied) housing;
- apply equally to existing and new rental housing;
- require regular inspections of units to ensure safety is maintained;
- require proof of appropriate property and liability insurance; and
- be funded by the rental housing provider and not reliant on the general property tax base.

The proposed purpose for licensing rental housing recognizes the City's authority to pass by-laws respecting the health, safety and well-being of persons and the protection of persons and property. Where planning controls such as the City's Zoning By-law regulate the use of land, including location, density and intensity of use, a licensing program would regulate the business of operating rental housing accommodation ensuring residential health and safety is protected and maintained through various requirements.

This single purpose aligns with the recognition by the Ontario Human Rights Commission (OHRC) that rental housing licensing can be a valuable tool provided it does not discriminate. In their latest publication released on May 10, 2013 "Room for everyone: Human rights and rental housing licensing" the OHRC looks at rental housing licensing bylaws from a services and housing perspective. In the report the Commission states that "Municipalities provide a service to their residents through residential rental licensing bylaws. For example, a rental housing licensing by-law may provide renters (and other residents in the area) with the comfort of knowing that the landlord has established a maintenance and snow removal plan, or has met health and safety standards, for his or her house."

The health and safety of tenants residing in rental living accommodation could be maintained by the requirement for regular inspections and the need for proof of insurance. Mechanisms such as the *Building Code* help ensure buildings are initially constructed and/or altered safely. However current tools limit the city's ability to ensure the safety of residential buildings are maintained after initial approval. Tenants of properties are generally not responsible and/or may not be able to affect repairs to their plumbing, heating and electrical systems; fire separations, closures, smoke alarms, egress doors and windows and required maintenance to the building structure they are living in as these are the responsibilities of the owner of the building as per the Property Standards By-law, *Building Code* and *Fire Code*. All of these systems and components of a building may affect the health, safety and well being of a tenant in the event of a breakdown in equipment and systems, a fire or substandard living conditions.

Many business operators within the City, including but not limited to bed and breakfast and hotel establishments, are subject to a business license which includes a number of safety regulations such as proof of appropriate property and liability insurance. In effect the proposed licensing program would be levelling requirements

and safety mechanisms for various forms of rental residential housing with other business operations.

Looking at the issues, existing tools and licensing advantages comprehensively helps ensure that the appropriate tool is used in an integrated and effective manner. The intent is to develop a licensing program that works in concert with existing tools to address identified issues, the limitations of current tools and build on the advantages of licensing.

REPORT

1. Costs

The costs of a rental housing licensing program, from the perspective of various stakeholders, are presented in Attachment 3: Cost-Benefit Analysis. Taxpayers and neighbours of qualifying properties would have no financial costs. The main cost impact to landlords in compliance with existing tools would be the proposed licensing fee and associated costs related to meeting the requirements of the licence, e.g. cost of an Electrical Safety Authority (E.S.A) inspection if required. Landlords not in compliance with existing tools would likely experience greater costs and risks, including the potential loss of rental income and/or prosecution. Costs for non-compliant property owners would be reduced after compliance issues are addressed. Tenants may experience an increase in housing costs assuming landlords transfer a portion or all of their costs onto rental rates.

1.1 Licensing Fees

Licensing fees comprise a key element of the monetary costs of a licensing program. The anticipated fees for the proposed licensing program are summarized in Table One with further detail provided in Attachment 2: Fee Options.

Licensing fees would be based on the level of service (including phase-in period and license renewal timeframe) and anticipated staffing levels. Given the preliminary nature of the rental housing licensing directions and the absence of a comprehensive community engagement process on those directions at this time, three alternative fee options are provided: one based on the Licensing Directions Report and two based on lower service levels that would nevertheless enhance existing tools and build on many of the advantages of a rental housing licensing program.

Table One: Summary of Licensing Option Fees

Option	Service Level	New Staffing*	Proposed Fee
One	• One(1) year program, annual renewal • Inspection of every unit every year	• 1 program administrator • 4 administrative supports • 1 fire prevention officer • 9 inspectors	• $132 per bedroom per year • $11.00 per month
Two	• Two(2) year program, two (2) year renewal • Inspection of every unit every two (2) years	• 2 administrative supports • 1 fire prevention officer • 5 inspectors	• $90 per bedroom per year • $7.50 per month
Three	• One(1) year program, annual renewal • Self certification, risk-based inspection	• 3 administrative supports • 3 inspectors	• $62 per bedroom per year • $5.17 per month

*This does not include the reallocation of two (2) FTE's

Option One presents the fee for implementing a rental housing licensing program based on the February 19, 2013 PBEE Committee Report 13-04 – Rental Housing Licensing Directions as directed by Council in February 2013. The fee assumes the potential licensing of approximately 8,700 rental units, each for a one (1) year period, with a one (1) year renewal period, and the intent to inspect every unit. The fee is based on the number of bedrooms/lodging units rented. The fee assumes a five year (5) cost recovery model funded by rental housing providers with a commitment to review the model in five (5) years.

A conservative approach is being taken, by assuming 50% compliance by the end of year two, so that 4,350 estimated rental units are licensed, with 66% compliance in the remaining years. Staffing requirements for the program would be hired in the fourth quarter of the first year with the collection of licensing fees starting in the first quarter of the second year. Costing includes staff compensation, goods and services (office space and supplies), program education, appeal process, non-capital start-up (application forms and resource materials) and initial capital expenses (vehicles, etc.). Staffing levels would include: one (1) program administrator, four (4) administrative supports, one (1) fire prevention officer and nine (9) inspectors for a total of fifteen (15) new staff. The projected annual cost of a license would be $132 per bedroom, $11.00 per month.

Option Two differs from Option One by presenting a two (2) year program, with a two (2) year renewal period. Option Two would include an initial phase in period whereby half of the city would be required to licensed one year and the other half would be phased in the following year. A variance in revenue would be reflected by

the number of eligible units to be licensed in each half of the city. Once the phase in period is complete, it is anticipated that 4,350 estimated rental units would be licensed (50% compliance) by the end of year three, with 66% compliance in the remaining years. The intent is that each rental dwelling unit would still be inspected under this option. Staffing for this option would require hiring two (2) administrative supports, one (1) fire prevention officer and five (5) inspectors for a total of eight (8) new staff. The projected annual cost of a licence is $90 per bedroom, $7.50 per month.

Option Three presents a one (1) year program based on a self certification model, similar to the approach taken in the City of Waterloo and the City of London. This option is a risk-based approach, since not all units are inspected. Staffing for this option would require hiring three (3) administrative supports and three (3) inspectors for a total of six (6) staff. The projected annual cost of a licence is $62 per bedroom, $5.17 per month.

Each option would also include the reallocation of one (1) existing fire prevention officer and one (1) existing zoning inspector position (both approved in the 2011 budget for shared rental housing) to the licensing program.

Determining a fair licensing fee is key, not only from the perspective of being fiscally responsible as a public corporation, but also from the perspective of the OHRC, so that the supply of affordable housing is not unduly impacted for groups protected by the *Human Rights Code* and the community at large.

2. Benefits

The anticipated benefits of a rental housing licensing program, from the perspective of various stakeholders, are presented in Attachment 3. Taxpayers, neighbours of qualifying properties and tenants would experience a number of benefits especially in regards to safer and more legally compliant properties. Reactive enforcement costs may actually be reduced allowing the City to provide better service at a lower cost to the general tax base. Landlords in compliance with existing tools would also benefit by being aware of City requirements upfront and experiencing less competition from non-compliant properties, since licensing would help level the playing field by having greater success in making rental properties compliant with existing regulations. Non-compliant properties may not offer rental units in compliance with requirements such as the *Building Code* and *Fire Code*, rendering them potentially unsafe. Essentially property owners complying with current regulations are competing with property owners who are saving and/or generating increased revenues through their non-compliance. Landlords not in compliance with existing tools may feel they would experience no benefit. However a licensing program would have the benefit of eliminating unsafe and non-compliant conditions.

3. Analysis

As detailed in Attachment 1, a licensing program would work in concert with existing tools to address identified issues, assist in overcoming the limitations of existing tools and provide unique benefits that are not currently available to the City.

An analysis in Attachment 2 which connects to fee options as outlined in Table One, identifies three sustainable cost recovery licensing program options which yield fair and reasonable licensing fees. These options not only demonstrate fiscal responsibility, but they also take into consideration affordability issues and the potential impact for groups protected by the *Human Rights Code* and the community at large.

Attachment 3 provides greater detail with respect to the anticipated benefits and costs of the three licensing options from the perspective of the various stakeholders. Projected benefits include increased safety and well-being for tenants and equality amongst rental housing providers; while the costs of a licensing program would include the cost of obtaining a permit and if necessary the cost of bringing a property into compliance.

After careful analysis and consideration of all benefits, advantages, costs, and impacts to various groups, it is staff's opinion that the benefits of a licensing program outweigh the costs. Should Council authorize staff to proceed with further stakeholder and public consultation, the results of that consultation will help further inform and refine the cost benefit analysis and development of a preferred licensing option.

4. Next Steps

This PBEE Rental Housing Licensing Cost-Benefit report along with the Licensing Directions report are posted on the City's website and all known stakeholders (over 200 groups and individuals) have been advised of the report and PBEE Committee meeting. Should Council authorize staff to proceed with the development of a rental housing licensing program, a Community Engagement Plan would be developed in coordination with Community Engagement and Corporate Communications staff to ensure there is an appropriate level of community feedback for staff to draft the Licensing By-Law. In the interim, Attachment 4: Rental Housing Questions, Answers and Key Decisions has been developed to assist with stakeholders' awareness and understanding of rental housing issues, in particular those regarding a proposed rental housing licensing program.

Financial Implications

As outlined in the Executive Summary and detailed further in Attachment 3, this report presents the potential costs of a rental housing licensing program based on the principle of full cost recovery over a five year period and a review at the end of that time. The potential impact on affordable housing has also been taken into consideration and as summarized on Table 1, this impact is expected to be minimal.

Final program costs will be considered as part of the annual budgeting process if Council approves a licensing program. All three options have an initial negative impact on the Operating Budgeting in year one, but a positive impact in year two, and with full cost recovery by the end of year five. Currently the City does not have reserve funds to cover the first year incremental costs; however, staff will develop a funding model for inclusion in the 2014 Budget recommendations that will ensure the cost will be net zero thereby having no impact on the tax rate.

As outlined under Licensing Fees and detailed further in Attachment 3, each licensing option would also include the reallocation of one (1) existing fire prevention officer and one (1) existing zoning inspector position (both approved in the 2011 budget for shared rental housing) to the licensing program. The reallocation of these positions, as well as recovery of support staff time to the cost recovery model of the licensing program, would represent a positive impact to the Operating Budget. Under the umbrella of a cost recovery program, these positions would assist in recovering their own costs, which would amount to approximately $1.5 million over the initial five year period. This would in effect shift some of the existing rental housing costs from all tax payers to property owners who are operating rental housing businesses. It is estimated that without a licensing program, the current costs of shared rental housing initiatives to the tax base will exceed $2.2 million over the next five years. Therefore the potential off-setting of $1.5 million by a cost recovery licensing program is considered to be significant.

CORPORATE STRATEGIC PLAN

1.2 Organizational Excellence - Develop collaborative work teams and apply whole systems thinking to deliver creative solutions.

2.1 Innovation in Local Government - Build an adaptive environment for government innovation to ensure fiscal and service sustainability.

2.2 Innovation in Local Government - Deliver public services better.

2.3 Innovation in Local Government - Ensure accountability, transparency and engagement.

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

3.2 City Building - Be economically viable, resilient, diverse and attractive for business.

DEPARTMENTAL CONSULTATION

Planning, Building, Zoning, By-Law, Licensing, Fire, Corporate Communications, Community Engagement, Finance and Legal Services staff have been part of the staff working group that have contributed to the contents of this report.

COMMUNICATIONS

Public notice requirements under the *Municipal Act* would be followed during the development of a licensing program. In addition, a Community Engagement Plan will be developed in coordination with Community Engagement and Corporate Communications staff. Human rights concerns would be considered as part of the public consultation strategy.

The public would be consulted throughout the process to determine how they may be affected by the proposed licensing directions, costs and benefits. Public comments gathered through this process, including the circulation of this report, would be taken into account as staff develop the Rental Licensing By-Law. Staff would also provide feedback to the community on how their comments influenced the by-law. OHRC comments would be specifically solicited.

The City's website includes relevant information regarding current City requirements and activities regarding rental housing.

ATTACHMENTS

Attachment 1 – Rental Housing Issues and Tools
Attachment 2 – Fee Options
Attachment 3 - Cost-benefit Analysis
Attachment 4 – Rental Housing Questions, Answers and Key Decisions

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Attachment 1

Rental Housing Issues and Tools

Rental Housing Issue	Limitations of Existing Tools*	Licensing Advantages
1. Tenant health, safety and well-being • Rental units may pose a health and safety hazard to the occupants • Safety issues commonly found include, but are not limited to, construction without permit; basements containing bedrooms that have either no windows or windows not large enough to provide a means of escape; smoke alarms not provided or not working; required fire separations missing etc.	• Access challenges for properties suspected of non-compliance with current requirements • Evidentiary issues (see Rental Housing Issue 5 – Enforcement Challenges) • Regular inspections not available • Tenants of properties are generally not responsible for and/or may not be able to make repairs to their plumbing, heating & electrical systems, fire separations, closures, smoke alarms, egress doors & windows and required maintenance to the building structure they are living in as these are the responsibilities of the owner of the building. All of these systems and components of a building may affect the health, safety & well-being of a tenant in the event of a breakdown in equipment or systems, a fire or substandard living conditions.	• Safety of tenants would be enhanced through regular inspections of building safety systems, fire safety systems, and mechanical systems • Floor plans could be required to identify where bedrooms are located (ie. in basements or attics without proper exits) which could assist in identifying safety concerns • Substandard units would be identified for improvement, resulting in increased health, safety and well-being for tenants • Could require an Electrical Safety Authority (E.S.A) inspection to ensure safety of electrical systems • Could require property and liability insurance for the rental business which would recognize the use as a rental property and would be of assistance in an emergency (ie. Providing shelter if tenants are displaced, etc.) • Property owners who fail to meet the safety standards could be prevented from renting their units.

Rental Housing Issue	Limitations of Existing Tools*	Licensing Advantages
2. Neighbourhood Destabilization and Deterioration • Concentration and intensity of non-owner occupied rental housing • Residential neighbourhoods losing diversity and in some instances becoming exclusive investment areas, which may create affordability issues for people trying to purchase a home as a principal residence • Short-term tenants or absentee landlords without vested interest in the neighbourhood or community • Lack of property maintenance • Parking issues	• Often difficult to contact or locate absentee rental business owners • Current tools do not differentiate between tenant-occupancy and owner-occupancy of property • Requirements cannot be grandfathered to apply to existing uses if requirements are modified • Resource intensive - staff typically address issues AFTER violation has occurred	• Require contact information for property manager and rental business owner • Ability to be in direct contact with property manager or rental business owner to proactively and/or reactively inform him/her of issues and request assistance • Could regulate the business of renting housing • Owners could be held responsible for the operation of their business, like other business owners including bed and breakfast establishments, and hotels • Zoning could be reviewed and confirmed • Parking plan could be required to identify appropriate parking locations (to prevent parking issues) • Property maintenance plan could be required to encourage proper care of the property • Opportunity to build rapport amongst tenants, owners and property managers through increased contact

Rental Housing Issue	Limitations of Existing Tools*	Licensing Advantages
3. Disruptive behaviour • Repeat or ongoing behavioural issues such as furniture on roofs, noise, parties, litter, etc.	• Often difficult to contact business owners or property managers to assist with addressing issue(s) when tenants are not responsive (could also include proactive contact to prevent further occurrence or at time of incident or complaint) • Typically address issues AFTER behaviour has occurred	• Ability to contact property manager or business owner directly to proactively and/or reactively inform him/her of issues and request assistance • Opportunity to build rapport amongst tenants, owners and property managers through increased contact
4. Lack of information about rental housing stock/inequality among rental housing providers • Renters may not be able to verify that a unit meets codes, by-laws and other legislation designed to ensure the unit is safe • Compliant business owners competing with non-compliant business owners	• No cost effective way to verify safety/compliance of specific rental properties • Business owners who invest in and provide safe and suitable rental accommodations may be competing with non-compliant business owners who may be offering units at lower rates	• A registry of licensed rental properties could allow tenants to easily find and verify legal and safe living accommodations • A registry would also help increase fairness in the rental housing market, by requiring licensees to maintain the same standard of housing
5. Enforcement Challenges • Staff have experienced difficulty locating many landlords to serve them a summons to attend court – if the owner is not served, a trial cannot proceed • Many tenants are unwilling to commit to	• Current methods do not require updated detailed ownership information be provided by landlords (presently the city has to use tax records or a third party database to obtain contact information – this information is not always accurate or complete) • Current enforcement tools often require that a business owner be served with an offence document in person or that the document be left	• More proactive and preventative approach- licensees would need to conform with existing requirements to obtain licence and would be made aware of requirements before infraction occurs • Could require complete contact information for the owner and a contact

Rental Housing Issue	Limitations of Existing Tools*	Licensing Advantages
attending a trial in the future • Current methods are resource intensive (staff), with results that often appear to be viewed by some landlords as merely the cost of doing business	at the owner's last known address with a person who appears to be over the age of 16 • To obtain a conviction, some violations require testimony from tenants, many of whom are unwilling to commit to attending a trial in the future	• Could simplify service requirements and eliminate the cost of out of town service • In most cases, testimony from tenants would not be required • Streamlined enforcement methods available could be much more effective while being less resource intensive • Business Owner/Licensee would have more at stake than just an individual prosecution – e.g. possible loss of licence; therefore would be more motivated to ensure violations are avoided
6. Funding Implications • Sustainable financing for programs to address rental housing issues	• Rental housing enforcement costs directly related to the business of rental housing are currently entirely paid for by all taxpayers	• Could use a cost recovery model with the cost of regulating the rental businesses being paid for by the business owner- not all taxpayers • Could reduce the current cost of proactive/ enhanced enforcement related to the business of residential renting from all taxpayers to business owners

*Summary of Existing Municipal Tools Available for Addressing Rental Housing Issues

Zoning, Property Standards and Building Controls
Rules governing rental housing are set out in various pieces of legislation. A municipality can govern the location, density and intensity of rental housing through its Zoning By-law, under the *Planning Act*. In 2006, changes were made to the City's Zoning By-law, increasing the number of lodging units permitted in a lodging house from four (4) or more lodging units to five (5) to twelve (12) lodging units, bringing it into better alignment with the *Building Code* and *Fire Code*. In the City of Guelph, a list of lodging houses is maintained through the practice of certification. Accessory apartments are required to be registered via the Two-Unit Registration By-law No. (1997)-15392, under the authority of the *Municipal Act*. All structures are subject to the provisions of the *Building Code* and the City's Property Standards By-law.

Yard Maintenance By-law
The Yard Maintenance By-law was enacted by Council in May of 2008 to allow the City to better respond to complaints regarding the maintenance of private property related to long grass, weeds, garbage, other waste materials, inoperable machinery and vehicles and lack of maintenance of vegetation, parking lots and walkways.

The adoption of that by-law has allowed staff to resolve these types of by-law violations more quickly, thereby lessening the negative impact on adjacent property owners and the surrounding neighbourhood. This by-law has also provided by-law enforcement staff with additional tools to be more effective and efficient. It provides the City with the authority to have remedial work carried out and any expenses incurred to be added to the City tax rolls and collected in the same manner as property taxes. This has proven much more efficient than having the owners prosecuted through the court system.

Fire Code
All structures are subject to the provisions of the *Fire Code*. Owners are responsible for carrying out the provisions of the *Fire Code*. The Fire Department undertakes inspections of structures, subject to access being granted by the occupant(s).

Noise, Nuisance Party, Parking By-law Requirements/Enforcement
Under the authority of the *Municipal Act*, the City of Guelph enforces a Noise By-law (2000)-16366, Nuisance Party By-law (2013)-19557 and various parking by-laws. By-law Compliance Officers also enforce the prohibition of front lawn parking and other parking regulations included in the City's Zoning By-law. A Nuisance Party By-law was passed by Council on April 29, 2013 providing staff with additional enforcement tools to deal with nuisances from parties such as intoxication, refuse, vandalism, traffic interference, unreasonable noise, open burning, fouling and public disturbances. The by-law allows for the recovery of costs from a participating owner through the tax roll.

Enhanced By-law Enforcement Program
The enhanced by-law enforcement program was created in 2010 as a way to address areas with a high number of by-law infraction complaints at peak times. Based on previous complaints data, streets with high numbers of by-law infraction complaints are monitored by By-law Compliance staff. At that time, responsibility for noise complaints was transferred from Police Services to By-law Compliance staff, who have proven to have a much quicker response time. By-law Compliance staff are available 24 hours a day, 7 days a week to

respond to noise complaints and enforce parking related by-laws. The enhanced enforcement program has resulted in better coordination and communication between staff in By-law Compliance, Fire, Zoning, Property Standards and Solid Waste, resulting in problem properties being dealt with quickly. In 2011 additional staff was approved to support an on-going proactive model that is not solely complaint driven. The addition of a Zoning Inspector, a Fire Prevention Officer, and additional By-law Compliance positions to address enforcement of matters relating to rental housing are intended to provide for enhanced responsiveness in the identification of illegal lodging houses and other forms of rental housing; address life safety issues associated with these housing forms; enhance enforcement of issues associated with rental housing such as noise concerns; and enhance enforcement of by-law infractions occurring including noise and parking infractions.

On April 30, 2012 Information Report OTES Report OT051213 was provided to Council reporting on the results of the 2011 enhanced enforcement program.

Solid Waste – Move In/Move Out Madness and Proactive Education
Representatives from the City, Guelph Transit, University of Guelph, Campus Police and Guelph Police Services deliver welcome packages for students living in neighbourhoods near the University. The packages include information about Guelph Transit, the City's waste sorting system, parking and Guelph's noise by-law. The City also sets up information booths on the City's waste sorting system at the University and at community events. Meetings are also held with property managers and tenants to explain the sorting system and calendar at properties with a history of waste related issues.

Solid Waste Services staff works with University of Guelph staff and volunteers to run Move-In and Move-Out Madness for university students in September and April as they are moving in and out of off-campus housing. This program provides students with help at the end of the school year with unwanted large items like furniture. Good quality items are picked up and taken to Habitat for Humanity or stored at the University for reuse in the next year. Poor quality items are picked up by Solid Waste staff, eliminating piles of unwanted items left curbside after a move out.

The City has used social media tools such as Facebook and Twitter to connect with students before and after they move to Guelph for the school year. Students who post about being accepted to the University of Guelph receive a welcome message, and tips to help them get to know the neighbourhood. While it is difficult to know if social media messages are affecting student behaviour, the idea is to make students feel more welcome, and less like visitors, so they treat Guelph more like their own home.

University of Guelph's Role
City staff communicates regularly with staff from the University of Guelph on issues related to student housing in the City. City staff is aware that the University has a number of programs underway to mitigate issues related to student tenant behaviours. Through the University's Off-Campus Living Office, programs including Move-Out Madness, Off-Campus Living Fairs and Neighbourhood Conflict Resolution are available for students, landlords and neighbourhoods. The University is considering additional future programs and policies. These positive steps further address student tenant issues. City staff continues to pursue opportunities to partner with the University, share information on this topic and further the development of excellent University/neighbourhood relations.

Attachment 2

Fee Options

Option 1 - Inspection each year, Fee $132/bedroom/year	Year 1*	Year 2	Year 3	Year 4	Year 5	Cumulative Total (at end of 5 years)
A. Program Costs	$920,000	$1,618,000	$1,693,000	$1,773,000	$1,856,000	$7,860,000
B. Program Revenue	$0	$1,886,000	$2,515,000	$2,515,000	$2,515,000	$9,431,000
C. Incremental Surplus (Deficit) of Licensing Program C=(B-A)	($920,000)	$268,000	$822,000	$742,000	$659,000	$1,571,000
% Impact on Operating Budget	0.48%	-0.14%	-0.41%	-0.36%	-0.31%	
FTE Impact (New)	15	15	15	15	15	
D. Total Existing Costs Transferred to Program **	$284,000	$297,000	$311,000	$327,000	$342,000	$1,561,000
E. Total Surplus (Deficit) of Licensing Program E=C-D	($1,204,000)	**($29,000)**	**$511,000**	**$415,000**	**$317,000**	**$10,000**

Option 2 - Inspection every two years, Fee $90/bedroom/year	Year 1*	Year 2	Year 3	Year 4	Year 5	Cumulative Total (at end of 5 years)
A. Program Costs	$532,000	$873,000	$913,000	$956,000	$1,000,000	$4,274,000
B. Program Revenue	$0	$1,203,000	$1,369,000	$1,604,000	$1,825,000	$6,001,000
C. Incremental Surplus (Deficit) of Licensing Program C=(B-A)	($532,000)	$330,000	$456,000	$648,000	$825,000	$1,727,000
% Impact on Operating Budget	0.28%	-0.17%	-0.22%	-0.31%	-0.38%	
FTE Impact (New)	8	8	8	8	8	
D. Total Existing Costs Transferred to Program **	$307,000	$321,000	$336,000	$353,000	$369,000	$1,686,000
E. Total Surplus (Deficit) of Licensing Program E=C-D	(839,000)	**$9,000**	**$120,000**	**$295,000**	**$456,000**	**$41,000**

Option 3 - Risk based inspections, Fee $62/bedroom/year	Year 1*	Year 2	Year 3	Year 4	Year 5	Cumulative Total (at end of 5 years)
A. Program Costs	$332,000	$557,000	$582,000	$609,000	$637,000	$2,717,000
B. Program Revenue	$0	$886,000	$1,181,000	$1,181,000	$1,181,000	$4,429,000
C. Incremental Surplus (Deficit) of Licensing Program C=(B-A)	($332,000)	$329,000	$599,000	$572,000	$544,000	$1,712,000
% Impact on Operating Budget	0.17%	-0.17%	-0.30%	-0.27%	-0.25%	
FTE Impact (New)	6	6	6	6	6	
D. Total Existing Costs Transferred to Program **	$307,000	$321,000	$336,000	$353,000	$369,000	$1,686,000
E. Total Surplus (Deficit) of Licensing Program E=C-D	($639,000)	**$8,000**	**$263,000**	**$219,000**	**$175,000**	**$26,000**

*Staff will be hired in the 4th quarter. No revenue will be received during this time period. **Existing costs transferred represents the reallocation of 2 FTE positions (1 Fire Prevention Officer, 1 Zoning Inspector) to the program and recovery of support staff time. NOTE: Numbers have been rounded to the nearest thousand. Each model is based on assumptions which, if not realized will render the model invalid. These assumptions include timing and the number of new licenses and renewals issued.

Attachment 3

Cost-Benefit Analysis

	Costs of Proposed Licensing Directions	Benefits of Proposed Licensing Directions
1.	To taxpayers:	
	• None	• safer, more legally-compliant properties in the City (safety and compliance hazards detected through licence applications and regular inspections; safety and compliance hazards reduced through enforcement provisions; cooperation and proactive prevention of hazards supported by direct and frequent City contact with property managers/landlords; comfort of independent, external (City) inspection; comfort that unsafe, non-compliant properties are targeted for compliance) • reactive enforcement costs may be reduced (reduction of unsafe, non-compliant properties from the rental market; accessible, property managers; decreased requirement for tenant testimony in prosecutions; increased landlord motivation to avoid prosecutions due to potential loss of licences)
2.	To neighbours of qualifying properties:	
	• none	• safer, more legally-compliant properties in the City (safety and compliance hazards detected through licence applications and regular inspections; safety and compliance hazards reduced through enforcement provisions; cooperation and proactive prevention of hazards supported by direct and frequent City contact with property managers/landlords; comfort of independent, external (City)

		inspection; comfort that the number of unsafe, non-compliant properties have been reduced)
3.	To landlords which comply with existing regulations and would comply with potential licensing regulations:	
	• potential cost for an Electrical Safety Authority report • cost to obtain appropriate insurance for their business (if not already in place) • time to potentially prepare floor, parking and maintenance plans • time to complete an application • licence fee to cover the cost of administering the program	• competition from unsafe, non-legally-compliant qualifying properties reduced • would become aware of City requirements very early, allowing proactive, cooperative, compliance efforts if required in the future, rather than strictly reactive enforcement
4.	To landlords who do not comply with existing regulations:	
	If they decide to comply with licensing regulations: • cost of bringing the property into compliance with existing regulations • potential cost for an Electrical Safety Authority report • time to potentially prepare floor, parking and maintenance plans • time to complete an application • licence fee to cover the cost of administering the program If they decide not to comply with licensing regulations: • potential loss of rental income due to enforcement and/or tenants new found ability to determine which rental units are safe and legally	• elimination of unsafe, non-compliant conditions

	compliant • prosecution if they try to rent without licences	
5.	To tenants of qualifying properties:	
	• possibly some or all of the landlord's costs of bringing the properties into compliance and possibly some or all of the licence fee to cover the cost of administering the program (as noted in Table 1, approximately $5.00 to $11.00 per bedroom, per month)	• safer, more legally-compliant properties in the City (safety and compliance hazards detected through licence applications and regular inspections; safety and compliance hazards reduced through enforcement provisions; cooperation and proactive prevention of hazards supported by direct and frequent City contact with property managers; comfort of independent, external (City) inspection; comfort that the number of unsafe, non-compliant properties have been reduced)

Attachment 4

Rental Housing
Questions, Answers and Key Decisions

The City is committed to working with property owners, landlords, tenants and other community members to create and maintain vibrant neighbourhoods for all residents to enjoy.

Currently, the City is working to determine if, in addition to increased enforcement of existing tools and community education, a rental housing licensing program would help address concerns about repeated by-law offences, disruptive behaviour, excessive noise, parties, litter, vandalism etc. in neighbourhoods with high concentrations of rental housing.

Questions and Answers

Q. How might a licensing program help address community concerns about repeated by-law offences including disruptive behaviour, excessive noise, parties, vandalism etc.?

A. Licensing rental housing would not directly influence people's disruptive behaviour, but a licensing program could enhance the City's ability to enforce zoning, parking, noise and property standards by-laws by requiring owners to provide contact information for a local landlord or property manager.

Q. Has the City shifted away from addressing concerns about excessive noise, parties, litter, and vandalism to focus on protecting health and safety of tenants?

A. No. The City's enhanced enforcement efforts continue to have a positive impact on neighbourhoods with high concentrations of rental housing. The City is also exploring ways to improve health and safety in rental housing to create and maintain vibrant neighbourhoods for all residents to enjoy.

Q. How would a licensing program impact property owners/landlords?

A. Home owners intending to rent a unit on their property would require a license, must comply with its requirements, and pay any associated fees. Compliance may require making renovations and permitting ongoing inspections to ensure properties meet all required codes and standards. For detailed information about potential licensing fees and staffing levels, please refer to the July 15,2013 Cost/Benefit Analysis Report to the (PBEE) Committee (Report #13-32)

Q. What new or additional requirements would owners/landlords have to meet?

A. A licensing program could require owners/landlords to meet specific conditions for providing and maintaining safe housing. For example:

- Licence application would include: number of bedrooms, floor plan, property maintenance plan, contact information for local landlord/property manager
- Rental unit must pass required inspections (Fire and Building Code etc.)
- Owner must have and provide proof of adequate property insurance
- Owner may be required to meet specific conditions in order to be licensed
- Licensing fee (and penalties)

Q. Would a licensing program require more enforcement?

A. The City could reassign existing staff resources to enforce new requirements included in a rental licensing program. For detailed information about potential licensing fees and staffing levels, please refer to the July 15, 2013Cost/Benefit Analysis Report to the Planning, Building Engineering and Environment (PBEE) Committee (Report#13-32).

Q. Does the City plan to limit the number of bedrooms that can be rented?

A. The number of bedrooms being rented in two unit dwellings and lodging houses must comply with the City's existing Zoning By-law. Plans for a licensing program do not include further limitations.

Q. How well are existing rental housing regulations being enforced in Guelph?

A. Before 2007, Zoning, Property Standards, Yard Maintenance by-laws were enforced only if the City received a complaint. Since then, Guelph has increased enforcement efforts in areas with high concentrations of rental housing. The City hired a Zoning Inspector who has proactively inspected approximately 800 properties. Proactive Property Standards reviews are also performed annually, and the City continues to enforce provincial Building and Fire codes. The City has received community feedback stating that enhanced enforcement is having a positive effect, and staff feel a licensing program could further enhance the City's ability to enforce existing housing requirements.

Q. Why would a rental housing licensing program exclude multi-residential properties?

A. Low-rise residential dwellings are not built or regulated the same way as apartment buildings, nursing homes, rest homes, palliative care, group homes, emergency shelters, student residences operated by universities or colleges, and social housing.

These multi-residential buildings are purpose-built with inherent fire safety measures and are already subject to various inspections protecting health and safety (eg. Owners are required to have fire safety systems tested and inspected at intervals to comply with the Ontario Fire Code).

The City's proposed rental housing licensing program is intended to apply to properties not already governed by existing licensing regulations and/or legislation administered by the City or other levels of government.

Q. Is licensing fair to landlords? Would lawful property owners be paying more fees so the City can find non-compliant owners?

A. A licensing program could increase fair competition among owners/landlords; all owners/landlords would be required to maintain the same standard of safety and quality of rental housing, and would be subject to the same licensing fees.

Q. How did the City determine tenants are less able to protect their health and safety than property owners?

A. The Guelph Fire Department responds to many complaints each year from tenants of rental properties which do not meet safety standards or legislation. Tenants don't own the property in which they live, therefore they are generally not responsible for and/or may be unable to make repairs to plumbing, heating and electrical systems, fire separations, closures, smoke alarms, doors and windows or perform other required building maintenance. The safe and reliable operation of these systems is essential to tenant health, safety and well-being.

Q. How might licensing affect people who need affordable housing?

A. The City is committed to ensuring safe and affordable rental housing options. If a licensing program is implemented, the City will recommend fair and reasonable licensing fees to mitigate potential rent increases.

Q. How much would a licensing program cost?

A. The City has prepared a cost benefit analysis for the Planning, Building, Engineering and Environment Committee's consideration on July 15, 2013. The report includes options for possible licensing fees, potential cost to tax payers, and impacts on home owners, landlords and tenants. Please refer to the July 15, 2013Cost/Benefit Analysis Report to the Planning, Building Engineering and Environment (PBEE) Committee (Report#13-32)

Q. When might a licence program be in place?

A. If approved by City Council, a rental housing licensing program could begin in year 2015 at the earliest.

Q. What is the difference between zoning and licensing?

A. Zoning provisions address the location, density and intensity of residential buildings and uses. Licensing could regulate the business of renting residential buildings and, unlike zoning, licensing can be applied to existing operations regardless of when they were established.

Q. What feedback has the City received from the Ontario Human Rights Commission regarding the proposed rental housing licensing directions?

A. The City continues to work with the Commission to ensure any proposed licensing program does not inadvertently or directly discriminate against any individual or group

based on disability, age, sex, or family status. The Commission also offered the following advice:

- Consider the Ontario Human Rights Code while drafting the licensing by-law, and integrate references to the code.
- Regulate the units, not the renter
- Avoid "per occupant" references
- Implement the by-law city wide and do not target a particular area
- Mitigate impact on tenants
- Avoid minimum separation distance requirements; and
- Commit to monitoring and evaluation reviews at least every five (5) years.

Key decisions regarding rental housing

In 2009, the City began discussing options to address community concerns about repeated by-law and criminal offences including disruptive behaviour, excessive noise, parties, litter, vandalism etc. in neighbourhoods with high concentrations of rental housing.

In 2010, Council approved a comprehensive work plan to find ways to address concerns raised by residents and landlords including Zoning By-law changes and enhanced enforcement (zoning, property standards, parking and noise).

In June 2010, Council passed an interim control by-law prohibiting the establishment of any new accessory apartment units and/or lodging house units in a portion of the City while staff developed a Zoning By-law amendment to prevent further concentrations of rental housing in these neighbourhoods. That Zoning By-law amendment was passed later in 2010. (see below for information about the appeal of this by-law)

In 2011, additional zoning enforcement, by-law compliance and fire prevention officers were employed to enhance enforcement and address community concerns.

In 2012, after property-owners/landlords appealed the City's Zoning By-law amendment to the Ontario Municipal Board and the Ontario Human Rights Commission obtained party status on the matter, Council repealed the Zoning By-law amendment and the interim control by-law, and directed staff to develop a rental licensing program for Council's consideration.

In May 2102, Planning, Building Engineering and Environment (PBEE) Committee received a report (12-60, May 22, 2012) outlining the work plan for developing a proposed licensing program and, in February 2013, proposed directions for a licensing program were received by the committee (13-04, February 19, 2013). The Committee directed staff to present a cost-benefit analysis to show: potential costs/investment in licensing program, and how it would benefit neighbourhoods with high concentration of rental housing.

In July 2013, the City presented a cost benefit analysis report to the PBEE Committee (13-32, July 15, 2013), and asked City Council for approval to proceed with community consultation regarding a proposed licensing program.

Dear City of Guelph

I would like to strongly oppose the new Rental Housing Licensing Program for the following reasons that refer to the City of Guelph Staff report No 13-32:

1) Page 3: BACKGROUND – (a) Issues:

6 key issues or problems are listed which all can be dealt with under the existing by-laws an expensive rental licensing program would be duplication.

2) Page 3: BACKGROUND – (b) Existing Tools and Limitations:
The Report states that current applications of existing by-laws are not effective, cumbersome and expensive. But does not give specific reasons why.

The Report states that increased by-law enforcement should be paid for by the type of rental property being licensed and not by the general taxpayer population. However there are many other by-law enforcement actions taken which the general public pays for. Why should a small segment of rental properties be singled out to pay a fee to have existing by-laws enforced. A license fee would be just another of property tax ... or double taxation to Landlords.

The Report ignore that prior to 2012 by-law enforcement was only done on a complaint basis, not proactively. Recent Mercury reports show behavioural complaint issues have decreased after enhanced enforcement has been implemented during 2012 in the University neighbourhoods.

3) Page 4: BACKGROUND – (c) Advantages of Licensing:
a) Report states licensing would give the City "a new tool" not addressed by the current by-law "tools" that would be paid for by Landlords. Yet the Report does not specifically state how the new "licensing tool" would be used. We all want the new tool from the Hardware Store. But do we really need that tool? However if that tool was free then of course we would "buy it" if some-one else had to pay for it?

b) Report states licensing would promote health & safely of Tenants.The Report provides no evidence to support that Tenants need help to protect them. The report attempts portray tenants as helpless when in reality the license fee is a new municipal charge which, ironically, will be paid by tenants!Only Municipalities in Ontario that have Universities & Colleges adjacent to residential neighbourhoods have ever implemented licensing programs. Other Municipalities can support Tenant safety without licensing. Why? Is it because Municipalities, like Guelph, want to impose restrictive provisions on Landlords to encourage less student housing in neighbourhoods close to the University? Tenants are protected by City zoning, property standards and other existing municipal by-laws,and are further protected under the Building Code, Fire Code and Residential

Tenancies Act. City Staff simply asking for another "tool" (licensing) to enforce existing regulations. Tenants are also protected by Provincial law such as the Residential Tenancies Act.The City is only interested in the health and safety of Tenants who occupy one & two unit houses and basement apartments, that would be subject to licensing, that are predominately rented by students. Why would the City not be interested in the health & safety of tenants renting larger properties such as 3 & 4 unit non-conforming units or single bedrooms in owner occupied houses?

c) The report incorrectly compares residential renting operations to other business operations that are required to be licensed and therefore should be licensed for "leveling" reasons. If so, then all types of rental operations from single rented bedrooms in owner occupied houses to the largest multi-unit rental should be licensed for consistency.

4) Page 6: REPORT – Costs:
a) The cost model with the three (3) Fee Options on page 18 is based on 8,700 dwelling units with 50% compliance in year one & two and 66% compliance in the subsequent three years.
No back-up information has been provided to show how 8,700 dwelling units where determined & if that number is reasonable?
No back-up was provided to support how the number of bedrooms where determined for each Option. Are those numbers reasonable?
No mention is made on how the City will locate rental properties that do not license voluntary.

b) The cost model on page 18 show that "program costs" increase each year a minimum of 4.6% well in excess of expected inflation. Why the high annual cost increase? That means annual license fees will consistently increase since City Staff have no incentive to control costs since they are passed on to
Landlords & our Tenants.

c) We must insist the City provide immediately a detailed cost summary for all the cost items listed on pages 7 & 8 for each staffing level and overhead cost category in order to assess the reasonableness of the Cost Model. After all we live in a City who's Administration and Council prides itself on transparency
to its Taxpayers.

d) The projected license costs are nothing more than additional taxation for services that should be included in a property owner's property tax bill. It is double taxation for no additional services provided.

5) Page 8: Report – Benefits:
a) All the benefits noted can be achieved by enforcement of existing by-laws.

6) IMPACT ON AFFORDABLE HOUSING – Page 9 under "financial Implications":

The Report flippantly notes the impact to affordable housing will be “minimal” without offering any rationale why. The referenced Table 1 is not included with the Report. License fee costs will firstly be passed on to Tenants or secondly then absorbed by Landlords. Some Landlords may cease operations & reduce rental supply. Either way Tenants will be affected negatively.

7) BEHAVIOURAL ISSUES:
The February 19 domain” issues such as property standards; intensity use of a property. By extension, licensing will not resolve behavioural issues that were the focus of previous unsuccessful licensing efforts made during 2010.

It is behavioural issues, mostly caused by a small number of Tenants that cause the vast majority of complaints from residential neighbourhoods. Behavioural issues cannot be controlled by any Landlord.
Application of existing by-laws, charging the people responsible, is the only way to control such instances.The enhanced enforcement program that commenced in 2011/2012 has materially reduced behavioural issues. This program should be given additional time to work.

Thanks

Imad Ali syed

I am a landlord in Guelph and I have read the intent of the City of Guelph to pursue rental housing licencing in order to 'level the playing field" among landlords and improve the quality of the of some properties and neighbourhoods. Admirable goals.

However,

-The report does not provide any calculations on how their budget tables were arrived at.
-Lacks an open communication plan to students and parents explaining why their rents will be going up. Utility companies banks provide an excellent example of how they 'massage' changes to fees to their clients prior to instituting them.
-Does not include and exit strategy should the program not prove itself effective in reaching its goals or staying 'in the black'. In fact, their is no review process mentioned.
- Does not provide motiviation to complying landlords. Just a penalty. No 'on the ground' verification to students and parents as to which houses are compliant. Both of these could be solved by the granting of City of Guelph inspection stickers to compliant, registered housing. They would be displayed in the front windows of houses and would be a quick check for parents and students and a bonus to conforming landlords. It might even go a ways to explaining why rent is higher in some of the houses than others.....

I would like to speak to these points at the July 15th meeting. Please put me on the list to present.

Thank you,

Pierre Sandor

To: Planning & Building, Engineering and Environmental Committee:

I have read the above report & would like to offer some comments.
First of all I have attached a copy of a letter that I had sent to city staff way back on March 19th of which up to the present date have had no response (111 days)... In that letter (addressed to J. Jylanne & T. Salter) I had mentioned the questions that I have personally heard amongst my office real estate colleagues. The purpose of my letter was to seek answers--the main one being why is this new proposed licensing program only addressing a very small segment of the renting population & not every Guelph tenant? Surely under the Ontario Human Rights Commission EVERY tenant should deserve to be protected for health & safety & if this is such a great way to do it--then why not everyone?
In my letter, I had asked for city statistics to prove to me that the small segment being identified as needing extra protection is really correct. If its so terribly important there must be lots of stats to back it up. As mentioned above there has been no response---not even a letter back acknowledging that they had received mine. I suspect the reason for no response is the statistics actually suggest the opposite--that tenants in old, very dated high rise buildings (almost 100% of Guelph's high rise buildings fit this category) & non-conforming 3 & 4 unit buildings are the ones statistically most vulnerable & they are the ones that should be protected.
It seems this new proposed licensing requirement is seeking to duplicate the same thing as the present city of Guelph bylaws are already doing successfully. That being said I'm wondering why this is needed--especially when the number of bylaw complaints are decreasing each year. It seems to me this is nothing more than yet another tax burden for no additional services provided..
Thank you for your time.

Yours truly:
Bill Green

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ROYAL CITY REALTY
INDEPENDENTLY OWNED AND OPERATED BROKERAGE

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SHOWCASE OF HOMES
STONE ROAD MALL
Stone Road W., Guelph, ON

Demand the Best

Ms Joan Jylanne, Senior Policy Planner,

City of Guelph, Guelph, Ont.

March 19, 2013.

Cc. Mr Todd Salter, General Manager Planning Services.

Dear Ms Jylanne:

Re: Rental Housing Licensing Directions

I attended the meeting at Guelph city hall on February 19th in order to better understand the city's new proposed licensing bylaw & also wanted to keep our agents here at Royal Lepage up to date on what might take place.

The various discussions that I have had amongst my colleagues at both our Lepage offices have resulted in a number of questions of which I tried to note & promised I would pass on to the city for clarification.

One question that did come up over & over was why is the city restricting this new proposed bylaw to only certain segments of the renting population? At the February 19th meeting it was stressed that this bylaw was being created with a close working relationship with the Ontario Human Rights Commission. If licensing is meant to protect tenants, then why not all tenants? It almost seems like the bylaw is attempting to control the "behavior" of a certain small segment of the renting population (ie more of a zoning bylaw issue addressing students near the university) rather than to "protect"—which I would argue would not be in agreement with what the Ontario Human Rights Commission is trying to accomplish. From what I gathered from the meeting, apartment buildings, nursing homes, rest homes, palliative care homes, group homes, emergency shelters, student residences operated by a university, and social housing were examples that were to be excluded from the city's "extra" tenant protection proposal. The city felt there was no need for "extra" protection for the social type housing examples listed above since those operators were responsible to other levels of government (even though--with the exception of apartment buildings-- they are excluded from the province of Ontario's Tenant Protection Act). Unlike these social housing examples, we do find it difficult to understand why the city feels that privately owned apartment buildings with 3+ units should be exempt from this "extra" protection. Thanks to rent controls with no new buildings being built over the last 30 years or so, Guelph's apartment buildings are now quite old and certainly would not meet today's newly built multi-unit building codes. In addition there are a lot of old smaller apartment buildings (with 3,4,5, or 6 units) classified as "legal non-conforming" which we gather

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25 Waterloo Ave.
Guelph, Ontario N1H 3H4
Bus: 519 824-9050
Fax: 519 824-5183
waterloo@rlproyalcity.com

214 Speedvale Ave., W.
Guelph, Ontario N1H 1C4
Bus: 519 821-6191
Fax: 519 821-6764
speedvale@rlproyalcity.com

295 Alma St., Unit 1,
P.O. Box 10
Rockwood, Ontario N0B 2K0
Bus: 519 856-9922
Fax: 519 856-9909
rockwood@rlproyalcity.com

SHOWCASE OF HOMES
STONE ROAD MALL
Stone Road W., Guelph, ON

Demand the Best

would also be on the city's exemption list. It seems that what the city is proposing to exclude are the very tenants that need this "extra" protection. Numerous examples of this appear in Ontario newspapers almost on a daily basis. For example, two of the most recent ones here in Guelph (this month alone) are: March 2nd Guelph Mercury-a person was charged who lived at a Carden Street apartment of attempted arson which read, "charge of attempted arson with disregard to human life"; and another, Guelph Mercury March 7th- "Woolwich Street apartment fire considered suspicious". It would seem then, if anyone needs "extra" protection as tenants, it's some of the very ones the city has chosen to exclude. Surely this would be going against the Ontario Human Rights Code since their code states—and I quote from the city of Guelph's staff report, "The Human Rights Code R.S.O. 1990 provides for equal treatment and freedom from discrimination & harassment in a number of areas including housing accommodation. Landlords and tenants are bound by the Code as are government actors, e.g. municipalities. The Code provides protection from both direct discrimination and the adverse effect of discrimination. There are a number of Code grounds for discrimination including disability, age, sex, and family status".

So getting back to our question, why did the city decide that they wanted to provide this "extra" protection to only certain tenants but not to the most vulnerable tenants?? We are assuming the city must have compiled many years of statistics in coming up with such a decision as to why only a certain segment was chosen. Please provide a copy of the city's statistics as to why the 8700 dwelling units the city selected were in need of this "extra" protection, compared to those other types of accommodation mentioned above (with a poorer safety record) the city decided did not need this "extra and equal" protection.

We certainly agree with mayor Farbridge's comment at the February 19th meeting that this new proposed licensing will be an extremely contentious issue. She is correct when she said it certainly requires a lot more study and at the very least requires a very detailed cost benefit analysis.

I have also included a copy of a letter that I had previously forwarded to the Guelph Mercury (that appeared on March 7th) for your files.

We would very much appreciate a response.

Thankyou:

Bill Green

Dear Editor:

I had the opportunity to sit in on the meeting at City Hall on Feb 19th re The City of Guelph's new proposed "Rental Housing Licensing Bylaw". What I learned is as follows: This new bylaw would deal with all rentals on a "bedroom" basis. So now what is proposed is every single bedroom that is (or is to be) rented will need to be licensed, of which a license fee will need to be paid to the City. The City's sole justification to implement a licensing by-law is they feel people renting "may be less able than persons who reside in living accommodation as owners, to manage their own health, safety, & well being with respect to their living accommodation". However the City would only license 1 or 2 unit houses, basement apartments &home owners renting out a bedroom. Tenants renting larger types of private & public housing would be excluded from the City's intent for tenant protection. It seems the City feels such renters don't need any more protection than what they are already getting—but renters of a home, an apartment in a home & even a single bedroom in a home needs the City's extra protection. It would appear there is a double standard here.

So what it comes down to is anyone planning on renting even a single bedroom in their own home to a friend, a student, a sponsored church new immigrant, or even their own son or daughter will need a license. To obtain a license will be an onerous process. An application will require a detailed description of the home-including number & location of bedrooms to be rented, detailed floor plan drawings, written proof that the home owner has the appropriate property & liability insurance, the name of a person living in Guelph that the City can contact, a detailed City of Guelph building inspection to check that their home is up to the latest building codes & a visit from the fire hall.

Apparently according to the City, under the Ontario Human Rights Commission, the new bylaw can only cover the details of the bedroom to be rented but cannot state the number of people that can occupy that bedroom. So technically if a bedroom is licensed there is no maximum number of people that can occupy it. So I question what is the advantage of a licensing by-law if the number of renters within a building cannot be controlled??

I would bet that 80 to 90% of Guelph home owners have at one time or another rented a room to a friend, a relative or a student---or been a tenant in someone's home themselves. I would further suggest that I wouldn't be surprised that every one of our Councillors & even our Mayor has at one time or another either rented out a room in their own home--or been a tenant themselves in someone's home.

The City estimates that there are 8700 private homes that have a bedroom or bedrooms that would fall under licensing requirements. My guess would be far more—even as high as 50% of all the homes in Guelph that would require licensing since there is no difference between long term rentals & short term (like a week or two). The Mayor & Councillors will certainly have their job cut out for them to try to explain to the single Mom why she needs to pay the City a yet to be determined license fee & go through a massive paperwork maze just to rent a couple of rooms to help pay her high property taxes or the Grandmother charging a small room & board fee to her Grandson that just landed a job, that they must comply or face a fine of up to $10,000.

What I do see happening from this proposed licensing by-law would be the creation of a much larger City bureaucracy that will need to be paid for by taxpayers & in fact will lead to higher rents to the very renters the City is allegedly attempting to help.

The good thing about this proposal is that Council (at the insistence of our Mayor) has requested City staff to take some extra time & prepare a report to determine if the huge costs associated with introducing & managing a license by-law would provide sufficient benefits to warrant this effort. Properly done, it is difficult to envision how such a cost/benefit study could justify a rental licensing by-law in Guelph—for only certain tenants.

Bill Green, Guelph

Dear PBEE Committee

I am writing to express my opposition to the proposed rental license by-law. As a resident and landlord I believe this to be a bad idea all around. It creates unnecessary work for the city to manage, does not accomplish any goals, and creates an extra expense that ultimately gets passed on the tenants who are primarily students and cannot afford higher rents.

Licensing will only act to deter future investors from investing in real estate in Guelph, weakening our real estate market. Studies have also shown rental licensing fee's to be ineffective at eliminating problem rental properties, and because of the extra works in creates for city workers it is an ineffective way to increase tax revenue. As both a landlord and a residence I an strongly opposed to any rental licensing!

Sincerely,

--
Marc Paterson

The proposed rental licensing will discourage people from being involved in renting which will reduce the availability and increase the cost. Most people don't like dealing with licensing and inspections and fees. With the bylaws and regulations that exist there is more than adequate protection for all concerned. This seems like it is mostly intended to discourage ownership of rental properties. It seems to discriminate against students in particular. I live in a neighbourhood with many students. The city benefits greatly economically and culturally from them. With more student complexes being built perhaps the "problem" will be lessened anyway. The main result will be of no benefit to anyone but the ones who want to get rid of renters as neighbours. This is a very intolerant attitude in a time when we need to encourage tolerance more than ever.

Tony Darmon

Subject: Licensing fees for student housing

To whom it may concern:

My wife and I own a legal student house as we are all for abiding by city by-laws and providing a safe environment for our student tenants. However, we have grave concerns over the proposed licensing fees being implemented before all student housing is legalized. We have invested many dollars conforming to all building codes and safety issues, and we don't mind paying a modest licensing fee if the proposals come through (the proposed fees per room seem very high). BUT, the main and immediate concern for the city should be identifying the illegal student housing which is now by far the majority as you know...it's pretty obvious who they are. They should be forced to either comply or stop renting to students...this is what the city's human resources should concentrate on now. However, by proposing license fees now, the illegal houses will be further discouraged to come forward on their own to legalize their premises due to costs. In the meantime, they can offer lower rental rates than landlords paying to first legalize then, in addition, pay license fees. Thus they will fill their premises easier and faster, which doesn't put us law-abiding landlords on the same playing field! Licensing fees only work if all landlords are playing under the same rules.

Please feel free to include these comments in Council's agenda package so the Councillors will be aware of our concerns.

Sincerely,
Brian and Suzanne Beattie

One additional comment:
I don't see the need for inspecting legal units annually. We have a 2-unit accessory apartment which passed the fire department's safety inspection with flying colours. On the other hand, most illegal rental houses are extremely unsafe in many regards and don't conform to the city's building codes...these are the units that need to be corrected or shut down. Rather than spend time and extra $$ inspecting the units that are already deemed safe and legal, available resources should concentrate on bringing all units to a level playing field. Then licensing can take effect to keep up the standards.

Cheers,
Brian

Subject: Re: Proposed Guelph rental housing licensing program

Alternate no cost solution:

As you mentioned there are several by-laws in existence to deal with rental properties. I propose a no cost alternate solution.

First, use readily available tools like the internet to identify rental properties. Rental properties are listed on several websites like: www.thecannon.ca , http://studentlife.uoguelph.ca/ocl , www.kijiji.ca , http://guelph.rentershotline.ca/ , etc. They always give you contact information.

Secondly, create a database from these public websites.

Thirdly, set up inspections (use and enforce existing by-laws)

Finally, track the inspections in your database.

There is no need to spend $0.5 M per year for a licensing program, that will not be any more effective than this no cost option.

In the private sector, businesses would not waste money like this. They would look for low cost solutions, like I proposed above.

Keep in mind some seniors rent out spare rooms as a way to supplement their limited income. They can't afford a licensing fee and this would be passed on to the student tenants, who already have a lot to pay for in tuition and school expenses.

Michael Tamaki

Good Afternoon,

I wanted to voice my opposition to a Residential Rental Licensing Program for the following reasons;

1) By doing so it will decrease the number of rentals available for students and thus increase the price of living for a group that is already cash strapped

2) By doing so it will have a negative impact on the economy. The housing prices will plummet and investors will up divest from the area.

Sincerely,

Kevin O'Doherty

TO: PBEE Committee

From: Anita – Guelph Landlord

Regarding: Cost Benefit Analysis Report July 5, 2013

PBEE Committee,

I am writing to express my concern and opposition to a license by-law. After reading the Report the City has prepared, I find that licensing will not solve the key issues the City of Guelph details and is looking to solve. I strongly believe that imposing a license by-law will create an overall negative impact on the City of Guelph.

The six key findings the City is looking to solve will not be solved by a simply license by-law. For example a $62.00 to $132.00 per bedroom per year license fee is not going to improve "health, safety and well-being" of rental housing. City by-laws, provincial by-laws and the Ontario Tenant Act already takes care of this. An additional fee is not all of a sudden going to improve the health and safety of rental housing. There is no direct correlation of an imposed fee to the improved health and safety of tenants. Another example of one of the six key findings is "neighbourhood destabilization and deterioration". An imposed license by-law and an imposed fee is not going to improve neighbourhood stabilization and deterioration. There is always going to be rental housing in every community, in some neighbourhoods it will be more concentrated then others. There is always going to be deterioration of homes whether they are rented or owner occupied. A fee is not going to stop this.

I strongly believe that if the City approves a license by-law for rental housing there will be a lot of negative outcomes that the City is not considering in the long term. The supply of rental housing will be decreased due to increased costs and management of such a license by-law. Guelph will see an increase in rental rates due to increased costs and management – as a result making it difficult for tenants to find affordable housing. Guelph will no longer be known as a friendly City that welcomes University of Guelph students and helps them through their studies, rather it will be known as a City that wants to restrict and make being a student in Guelph more difficult. Students looking to go to University not only look at the University but the City as a whole. And if City takes an active role in pointing out that students are problematic then the University of Guelph may see decreased admissions which is definitely not an overall positive outcome.

I am strongly against a license by law and hope that the City can see that this solution is not truly a solution to the key issues it states.

Thank you,

Anita

Guelph Landlord

Subject: Rental Housing Licensing Program

Please let it be known that I do not support the proposed "Rental Housing Licensing Program"

It is an unwise public policy.

Dave George

Dear members of the PBEE Committee:

I am writing in response to the new Rental Property Licensing Program being considered by council of the city of Guelph. I have been a landlord for the past three years in Guelph and some of our tenants have been students from all over Canada who are attending the well-renowned University of Guelph programs.

As a landlord, I exercise due diligence in selecting tenants for our properties, whether they be students or families for very obvious reasons. I do not want to see my property demolished by disrespectful tenants who deface or damage the property inside or out; I do not want to be faced with a situation where a tenant, student or otherwise, is not paying their rent; I do not want to deal with distraught neighbours of my property due to obnoxious and disruptive behavior exhibited by the tenants. In order to avoid the above noted concerns, I pay a property management company to screen all perspective tenants prior to rental and I continue to secure and pay for the property manager to oversee my properties throughout the year to ensure that tenants are not engaging in activity that is disruptive to their neighbours or the properties. Our property manager is available to our tenants at all times if they have any concerns about issues within the residence that need addressing to maintain their comfort and safety. It has been my experience that this process has provided myself as a landlord and the tenants (and their parents, if students involved), peace of mind that we are all on the same page which is that the tenants are provided with a safe and well maintained facility to reside in and that it should be respected as such. This process works for us.

As a parent myself and in speaking with potential parents of university students, they appreciate that our properties are maintained in this manner; that we do not overcrowd our residence and that we maintain a fair and equitable rental amount for our properties. In saying this, it will be difficult to absorb another fee on the properties. As our properties are townhouses, we already pay condo fees, mortgage, city taxes, property management fees, utilities, and ongoing maintenance and incidentals. We have not increased our rent in the three years of renting our properties and hope to maintain this status quo to remain competitive within the rental market. This proposed new licensing fee will be a financial detriment to our rental properties and we encourage you not to support this new licensing program.

As a homeowner and taxpayer in the City of Guelph for the past 39 years residing in a single family dwelling, I have experienced numerous situations myself with a neighbour who has partied every weekend during the summer till all hours of the morning, has damaged our pool with broken glass from their partying guests tossing bottles anywhere; have awoken to broken glass on the sidewalks in front of and near our residence by the same neighbours yet noise bylaws did not seem to deter them from their disrespectful behavior and other neighbours and myself had to persevere. These were not students or tenants but the homeowners themselves who subjected us to this behavior. Are we going to start licensing single family residential homes as well? Where does it end? We should all feel safe and comfortable in our own home whether we are tenants or home owners.

It is my opinion that this licensing program is unnecessary and focused at a small group of irresponsible landlords that do not take responsibility in that capacity. The City of Guelph is looking to impose another tax grab from hard working, responsible individuals and it is unfair. I am not in favour of the implementation of this program.

Sincerely,

Judy Self

Subject: Opposition to a licensing program.

Dear Sirs,

I'm opposing against the program of licensing because this is not good for the City of Guelph as a University City.
As I can see, the quantity of rental units will decrease, the prices of rent will go up and the quality of rental units will decrease.
I'm sure that this will effect the good name for Guelph as a University city will be effected badley and the overal revenu what students will bring, will effect the city in many, many ways.

Kind regards,
Robert and Hilde Vrins.

Subject: Re: the Proposed City of Guelph Rental Housing Licensing Program

As a resident in Guelph, I strongly against this the Proposed City of Guelph Rental Housing Licensing Program. It is a very bad program. Just see our neighbor of Waterloo. Counselors who favor this proposal would be throw out of office in next election.

Philip Tian

To whom it may concern,

I am apposed to the idea of residential rental licensing in Guelph and hope the by-law does not pass.

Allan Rourke

Submissions in response to Cost/Benefit Analysis: Residential Rental Licensing

Submitted on behalf of Donna and Morris Haley by Joseph Hoffer, Cohen Highley LLP

1. **The Staff Report fails to accurately articulate and represent to Council the real cost to tenants if any of the three licensing options are implemented.** The proposed cost in Option 3 is a direct rent increase of at least double the annual "guideline" set by the Province for 2014 (0.8%). Option1, if implemented, will be more than a 30% increase above the Provincial rent guideline. These costs occur by default and increase exponentially with each mandatory inspection imposed by a Licensing by-law as all mandatory inspection costs constitute "municipal charges" which qualify for a cost pass-through to tenants under the *Residential Tenancies Act* (RTA). Many low income tenants will face economic eviction as a consequence of Guelph's imposition of this new municipal charge, freeing up the rental unit to move to a "market" rent, which, ironically, is most affordable for students and their guarantor parents. Evicted tenants will be forced to look to non-licensed "underground" rental units while those who do not move and pay the Guelph license fee will be forced to make cuts to their limited personal household budgets.

2. **The Staff Report is not objective because its default assumption is that Licensing is the option for Council to consider; consequently the analysis must justify that outcome and disregard any other option.** Staff's lack of objectivity results in a failure by staff to fairly set out considerations so that Council can make an informed decision on whether Licensing is warranted at all. The Report is rife with self-serving statements and omits facts that should be provided to Council. For example, in the executive summary, the writer asserts that Guelph is following the footsteps of other named municipalities in implementing a Licensing by-law but fails to identify major municipalities that have rejected Licensing (Toronto, Ottawa). The Report also suggests that the License is no different than those issued to other business activities (ie: Restaurants, retail); however, it is vastly different as the costs of most business licenses are spread over hundreds of consumers who choose to access the business, thus minimizing the cost to consumers. Tenants have no choice as the "per bedroom" license fee is in fact a "tenant tax" on bedroom occupants: a specific and limited consumer base with no choice but to pay the Guelph tax or move. City Staff have failed to objectively articulate the real consequences of the imposition of this tax on tenants and the rejection of a Licensing option by other major municipalities. These two examples illustrate material oversights and lack of objectivity in the Report which impair Council's ability to make an informed decision about whether Licensing should be implemented at all.

3. **The Staff Report fails to accurately articulate and represent to Council the compliance rate and administration costs of licensing.** As is noted in Attachment 4 to the report, the owner of a rental unit must pay all fees relative to obtaining and maintaining a license. Those fees can and will be passed on to tenants. For existing tenants, it will mean in many cases the need to move from affordable accommodation to cheaper accommodation. This frees up the rental unit to be re-rented to tenants who can afford the higher rent (students and their parents as guarantors) while the tenant who is forced to look for cheaper accommodation is more likely than not to lease from a landlord who has gone "underground". In the City of London, after four years of operation, there is less than 50% compliance among known properties subject to licensing and in Oshawa, the municipality has yet to even conduct its mandatory inspections of the known universe of properties within a limited geographic area after more than six years of implementation of landlord licensing. The compliance rate in Waterloo is 37%. The compliance numbers used by City Staff do not reflect experience in municipalities nor do Staff accurately describe the harsh consequences of passing on the Guelph Licensing charges to tenants.

4. **The Staff Report fails to accurately describe the ability of municipal staff to investigate and inspect existing rental operations and ignores the comprehensive regulation and enforcement of maintenance and housing standards under the provisions of existing municipal by-laws and provincial legislation.** The Staff Report downplays the existing investigative powers of zoning and fire officials; property standards officers; and by-law enforcement officers under existing municipal and provincial legislation. The Report suggests that an additional level of bureaucracy through a Licensing by-law will motivate municipal staff to exercise their inspection and investigation powers. In reality, after Council implemented a proactive inspection and enforcement program, municipal inspectors achieved positive results for the health and safety of tenants by exposing and correcting deficiencies in existing rental units. The success of the proactive inspection program reinforces our submission that an additional, costly layer of regulation is not needed. The Staff Report really just proposes that the City hire several additional staff to do what existing staff are already supposed to be doing proactively. If the hiring of additional staff is the answer then the problem is solved by hiring additional staff, not by imposing a costly new tax on tenants who are most vulnerable to these new municipal charges.

5. **The Staff Report fails to accurately articulate and represent to Council the enforcement measures available to tenants and the municipality under the provisions of the RTA.** The RTA imposes mandatory obligations on landlords to maintain and repair rental properties and to ensure compliance with health, safety and occupancy standards. The RTA provides free information to tenants through live consultations by telephone or with staff at Social Justice Tribunal offices and provides enforcement through the Social Justice Tribunal or through the enforcement officers of the Ministry of Municipal Affairs and Housing. If tenants are concerned about maintenance or health issues, they are referred to the municipality

for by-law or *Fire Code* enforcement inspections. There is no factual basis for the Staff contention that tenants are reluctant to appear before the Tribunal or a Court in order to assert their rights; in fact, the most reluctant witnesses may well be municipal inspectors who are often reluctant to inspect, report, and testify about a landlord's compliance with health and safety standards.

6. **The Staff Report fails to provide Council with real data about the experience of other municipalities in implementation of Licensing By-laws.** In Oshawa, Licensing has been a costly failure, with municipal costs far exceeding revenues and a high proportion of rental units still uninspected. In London, in the first 3 years of operation, the City Licensing operation had a shortfall of one million dollars and found only fifteen violations (13 for zoning and two for Fire Code): each violation cost $84,000 to uncover when they could have been uncovered by existing staff under existing zoning and Fire Code provisions. It was only after members of the public exposed the losses through a Freedom of Information request that municipal staff suddenly embarked on an inspection blitz in an effort to quell public outrage (and in their budget increase request London staff failed to inform council of the $1.1 Million dollar shortfall while asking for two additional staff for the program). The result in London has been an 800% increase in License fee charges (from $25.00 to $55.00 plus a mandatory $170.00 inspection fee). In Waterloo, of 3000 applications received for Licensing, only 2 were rejected for non-compliance with health and safety standards (1 of those was successfully appealed, so actually just one refusal). In addition, in Waterloo and London, compliance by registration is less than 50% and London, in particular, can document tenant evictions as a result of increased rents or the closure of units by Landlords unwilling or unable to demonstrate historical zoning compliance due to the cost of finding and retrieving decades-old documentation.

7. **It is submitted that if Council's primary concern is the health and safety of tenants, then the better option is to proactively encourage tenant education and enforce existing health and safety by-laws rather than impose a new "tenant tax" that will force some tenants and landlords underground or will result in the eviction of tenants who occupy registered units due to the substantial increase in rents.** City Staff characterize Licensing as another "tool" in the City's toolbox. What the Report fails to point out is what everyone with a toolbox knows: that every toolbox has expensive tools in it that are rarely, if ever, used because they provide no practical benefit.

All of the statistics used in our submission above come from information provided by the municipalities cited and we can, if requested, provide full statistics in support of the submissions above. What follows, in **bold red font**, are our submitted responses to the various questions posed in Attachment 4 of the Staff Report:

STAFF REPORT

Attachment 4

Rental Housing
Questions, Answers and Key Decisions

The City is committed to working with property owners, landlords, tenants and other community members to create and maintain vibrant neighbourhoods for all residents to enjoy.

Currently, the City is working to determine if, in addition to increased enforcement of existing tools and community education, a rental housing licensing program would help address concerns about repeated by-law offences, disruptive behaviour, excessive noise, parties, litter, vandalism etc. in neighbourhoods with high concentrations of rental housing.

Questions and Answers

Q. How might a licensing program help address community concerns about repeated by-law offences including disruptive behaviour, excessive noise, parties, vandalism etc.?

A. Licensing rental housing would not directly influence people's disruptive behaviour, but a licensing program could enhance the City's ability to enforce zoning, parking, noise and property standards by-laws by requiring owners to provide contact information for a local landlord or property manager. **Such contact information is already mandatory under the provisions of s. 12 (1) and (3) of the RTA. The inspector only needs to speak to the tenant to obtain the information and/or check the property tax documents. The Staff Report gives no statistics on how much actual additional local contact information would result from implementation of a multi-million dollar licensing program.**

Q. Has the City shifted away from addressing concerns about excessive noise, parties, litter, and vandalism to focus on protecting health and safety of tenants?

A. No. The City's enhanced enforcement efforts continue to have a positive impact on neighbourhoods with high concentrations of rental housing. The City is also exploring ways to improve health and safety in rental housing to create and maintain vibrant neighbourhoods for all residents to enjoy. **In other words, existing regulations work, provided City staff are proactive in enforcing them.**

Q. How would a licensing program impact property owners/landlords?

A. Home owners intending to rent a unit on their property would require a license, must comply with its requirements, and pay any associated fees. Compliance may require making renovations and permitting ongoing inspections to ensure properties meet all required codes and standards. For detailed information about potential licensing fees and staffing levels, please refer to the July 15,2013 Cost/Benefit Analysis Report to the

(PBEE) Committee (Report #13-32) **All properties are already required to meet "…all required codes and standards". The Guelph license program will duplicate existing powers and laws and the Guelph fee is passed directly on to tenants, thereby reducing affordable supply; increasing rental housing values for investors; triggering vacancies for more student occupancies; and forcing some vulnerable tenants to seek "underground" accommodation.**

Q. What new or additional requirements would owners/landlords have to meet?

A. A licensing program could require owners/landlords to meet specific conditions for providing and maintaining safe housing. For example:

- Licence application would include: number of bedrooms, floor plan, property maintenance plan, contact information for local landlord/property manager
- Rental unit must pass required inspections (Fire and Building Code etc.)
- Owner must have and provide proof of adequate property insurance
- Owner may be required to meet specific conditions in order to be licensed
- Licensing fee (and penalties)

All of these costs shall be passed on to a limited number of "customers": the existing or future tenants of the rental unit. The inspection requirements are a winfall for City staff and ensure job security for the future, the costs of which are borne by tenants and residential taxpayers because experience in other municipalities shows, consistently, that Licensing operates at a substantial loss.

Q. Would a licensing program require more enforcement?

A. The City could reassign existing staff resources to enforce new requirements included in a rental licensing program. For detailed information about potential licensing fees and staffing levels, please refer to the July 15, 2013Cost/Benefit Analysis Report to the Planning, Building Engineering and Environment (PBEE) Committee (Report#13-32). **All options set out in the Staff Report contemplate the hiring of new staff who will duplicate existing enforcement powers. Even if the Staff response to the question was accurate, it would then beg the question: instead of introducing and implementing a multi-million dollar licensing regime which imposes financial hardship on tenants, why not just enforce existing by-laws?**

Q. Does the City plan to limit the number of bedrooms that can be rented?

A. The number of bedrooms being rented in two unit dwellings and lodging houses must comply with the City's existing Zoning By-law. Plans for a licensing program do not include further limitations. **Then you won't need a multi-million dollar licensing program to enhance the existing by-laws to address such limitations on existing bedrooms.**

Q. How well are existing rental housing regulations being enforced in Guelph?

A. Before 2007, Zoning, Property Standards, Yard Maintenance by-laws were enforced only if the City received a complaint. Since then, Guelph has increased enforcement efforts in areas with high concentrations of rental housing. The City hired a Zoning Inspector who has proactively inspected approximately 800 properties. Proactive Property Standards reviews are also performed annually, and the City continues to enforce provincial Building and Fire codes. The City has received community feedback stating that enhanced enforcement is having a positive effect, and staff feel a licensing program could further enhance the City's ability to enforce existing housing requirements. **There is no question that any additional resources (ie: staff and money) will "further enhance" enforcement. The same holds true for hiring additional police, fire, transit, etc. employees. It is clear that existing tools are effective without having to impose a new tax on tenants just because "…'staff feel' a licensing**

program could further enhance the City's ability to enforce…". What about tenants' and taxpayers ability to pay for this?? Will any consideration be given as to how they might "feel"?

Q. Why would a rental housing licensing program exclude multi-residential properties?

A. Low-rise residential dwellings are not built or regulated the same way as apartment buildings, nursing homes, rest homes, palliative care, group homes, emergency shelters, student residences operated by universities or colleges, and social housing.

These multi-residential buildings are purpose-built with inherent fire safety measures and are already subject to various inspections protecting health and safety (eg. Owners are required to have fire safety systems tested and inspected at intervals to comply with the Ontario Fire Code).

The City's proposed rental housing licensing program is intended to apply to properties not already governed by existing licensing regulations and/or legislation administered by the City or other levels of government. **All properties proposed to be covered by Licensing are already governed by legislation administered by the City or other levels of government: Staff's response to this question is misleading and inaccurate!**

Q. Is licensing fair to landlords? Would lawful property owners be paying more fees so the City can find non-compliant owners?

A. A licensing program could increase fair competition among owners/landlords; all owners/landlords would be required to maintain the same standard of safety and quality of rental housing, and would be subject to the same licensing fees. **The short and accurate response to this question is: "No, licensing is not fair to landlords" and "yes" lawful property owners will pay more fees, although it's debatable whether the city will actually find non-compliant owners. It's more likely that the City will just pay more money to look for non-compliant owners. And what this question ignores is the impact of the increased fees on tenants: lawful property owners will have to incur unnecessary costs which will drive up rents they charge which limits their competitive position in the rental marketplace.**

Q. How did the City determine tenants are less able to protect their health and safety than property owners?

A. The Guelph Fire Department responds to many complaints each year from tenants of rental properties which do not meet safety standards or legislation. Tenants don't own the property in which they live, therefore they are generally not responsible for and/or may be unable to make repairs to plumbing, heating and electrical systems, fire separations, closures, smoke alarms, doors and windows or perform other required building maintenance. The safe and reliable operation of these systems is essential to tenant health, safety and well-being. **There is no reason why the Guelph Fire Department cannot provide tenants with a copy of deficiencies which the tenant can file with the Social Justice Tribunal in an application which will produce an order requiring landlords to comply and, at the same time, giving tenants an abatement of rent based on the landlord's non-compliance.**

Q. How might licensing affect people who need affordable housing?

A. The City is committed to ensuring safe and affordable rental housing options. If a licensing program is implemented, the City will recommend fair and reasonable licensing fees to mitigate potential rent increases. **The current options propose a minimum increase that is twice the Provinces annual guideline increase of 0.8% for 2014. City minimum increase of $15.00 per month is 1.6% (if rent for one bedroom is $1000 monthly to more than 10% if rent is $500 monthly. And these amounts are exclusive of any mandatory inspection fees. Implementation of**

Options 1 or 2 proposed by staff will increase those percentage costs to tenants exponentially. Tenants will be made aware that the "rent increase" is due to the imposition of municipal charges, all of which can lawfully be passed through in an increase to lawful rent under s. 126 of the RTA. It is unacceptable that City Staff have failed to make council aware of the real impact and potential fallout of these increases on the affordability of existing rental housing for landlords who proactively comply by applying for a license. As in Waterloo, where only 2 licenses out of 3000 applications were refused due to non-compliance, will the cost of this program be worth it???

Q. How much would a licensing program cost?

A. The City has prepared a cost benefit analysis for the Planning, Building, Engineering and Environment Committee's consideration on July 15, 2013. The report includes options for possible licensing fees, potential cost to tax payers, and impacts on home owners, landlords and tenants. Please refer to the July 15, 2013Cost/Benefit Analysis Report to the Planning, Building Engineering and Environment (PBEE) Committee (Report#13-32)
The short answer to this question is it will cost millions of dollars to administer and enforce, with virtually no practical benefit for tenants or landlords.

Q. When might a licence program be in place?

A. If approved by City Council, a rental housing licensing program could begin in year 2015 at the earliest.

Q. What is the difference between zoning and licensing?

A. Zoning provisions address the location, density and intensity of residential buildings and uses. Licensing could regulate the business of renting residential buildings and, unlike zoning, licensing can be applied to existing operations regardless of when they were established. **And unlike other business licenses, the entire cost of the license is passed on to a small number of customers who have no choice other than to pay the fee or move.**

Q. What feedback has the City received from the Ontario Human Rights Commission regarding the proposed rental housing licensing directions?

A. The City continues to work with the Commission to ensure any proposed licensing program does not inadvertently or directly discriminate against any individual or group based on disability, age, sex, or family status. The Commission also offered the following advice:

- Consider the Ontario Human Rights Code while drafting the licensing by-law, and integrate references to the code.
- Regulate the units, not the renter
- Avoid "per occupant" references
- Implement the by-law city wide and do not target a particular area
- Mitigate impact on tenants
- Avoid minimum separation distance requirements; and
- Commit to monitoring and evaluation reviews at least every five (5) years.

The city's consultation and implementation of studies and analysis are admirable. One can legitimately point out, however, that the cost of all of these studies, etc. could have been avoided if questions regarding whether Licensing should be implemented at all had first been addressed and Council and Staff. Licensing is unnecessary given the existing tools available to address health, safety and neighborhood concerns about rental housing.

Key decisions regarding rental housing

In 2009, the City began discussing options to address community concerns about repeated by-law and criminal offences including disruptive behaviour, excessive noise, parties, litter, vandalism etc. in neighbourhoods with high concentrations of rental housing.

In 2010, Council approved a comprehensive work plan to find ways to address concerns raised by residents and landlords including Zoning By-law changes and enhanced enforcement (zoning, property standards, parking and noise).

In June 2010, Council passed an interim control by-law prohibiting the establishment of any new accessory apartment units and/or lodging house units in a portion of the City while staff developed a Zoning By-law amendment to prevent further concentrations of rental housing in these neighbourhoods. That Zoning By-law amendment was passed later in 2010. (see below for information about the appeal of this by-law)

In 2011, additional zoning enforcement, by-law compliance and fire prevention officers were employed to enhance enforcement and address community concerns.

In 2012, after property-owners/landlords appealed the City's Zoning By-law amendment to the Ontario Municipal Board and the Ontario Human Rights Commission obtained party status on the matter, Council repealed the Zoning By-law amendment and the interim control by-law, and directed staff to develop a rental licensing program for Council's consideration.

In May 2102, Planning, Building Engineering and Environment (PBEE) Committee received a report (12-60, May 22, 2012) outlining the work plan for developing a proposed licensing program and, in February 2013, proposed directions for a licensing program were received by the committee (13-04, February 19, 2013). The Committee directed staff to present a cost-benefit analysis to show: potential costs/investment in licensing program, and how it would benefit neighbourhoods with high concentration of rental housing.

In July 2013, the City presented a cost benefit analysis report to the PBEE Committee (13-32, July 15, 2013), and asked City Council for approval to proceed with community consultation regarding a proposed licensing program.

A current “key decision” is whether to implement a costly program to duplicate existing programs and to impose on tenants a disproportionate expense which is more likely than not to impose hardship on tenants; cost to the municipality; and the promotion of an underground rental culture which exposes vulnerable tenants to even greater hardship.

Hi,

I wanted to write to express my concern with the recent report released encouraging the government to push through mandatory licensing for Landlords of residential properties.

I feel it is in the best interest of taxpayers that the government out-source this matter to a group that can fairly and without bias investigate this matter and provide accurate and impartial feedback about whether this is a license that should be instated or not.

Furthermore, I am concerned that the government is overlooking important issues that will be negatively affected should this licensing act come to pass. Given the current housing shortage in the City of Guelph to serve students, it seems like a simple conclusion to draw that this matter will only get worse should this licensing be forced on residential landlords. Many owners of rental properties will be forced to either sell their income properties (creating even more of a housing shortage for students) or jack up their rental fees resulting in the students being hit the hardest.

I hope that the points I have made above are seriously considered before this licensing act is pushed through and at the very least, the due diligence to have an externally-contracted company complete the report in regards to this matter.

Thank you for your time,

Sincerely,

Kara Wagland

From: Lucy Lu
Sent: July 11, 2013 11:24 AM
To: Clerks
Subject: Against the licensing rental housing of Guelph

Dear city clerk's officers,

Guelph is a safe place to live. Please just leave this way as it was. I am not agree the licensing rental housing of Guelph. Thanks.

Lucy

Ontario Human Rights Commission

Office of the Chief Commissioner

180 Dundas Street West, 9th Floor
Toronto ON M7A 2R9
Courier postal code: M5G 1Z8
Tel.: (416) 314-4537
Fax.: (416) 314-7752

Commission ontarienne des droits de la personne

Cabinet de la commissaire en chef

180, rue Dundas ouest, 9e étage
Toronto ON M7A 2R9
Code postal pour livraison : M5G 1Z8
Tél. : (416) 314-4537
Télél. : (416) 314-7752

Ontario

July 11, 2013

City of Guelph
Planning, Building, Engineering and Environment Committee
Citty Hall, 1 Carden Street
Guelph, Ontario N1H 3A1

Re: Report No. 13-32, Rental Housing Licensing Cost-Benefit Analysis

Your Worship and Members of Council,

Over the past several months, City staff have been in contact with the Ontario Human Rights Commission (OHRC) as the City considers its options for licencing rental housing in Guelph. We are pleased to see that some of this discussion is reflected in references to human rights in the Rental Housing Licensing Cost-Benefit Analysis report.

We will continue to follow your progress on licensing, and offer a few suggestions for the next stages.

The current report refers to some sections of *Room for everyone*, the OHRC's new guide to human rights and rental housing licensing. We have included hard copies of this book for all Committee members for your reference. This guide contains a number of areas to consider when designing or considering licensing. Examples include:

- Consult with groups protected under Ontario's *Human Rights Code* before drafting the bylaw
- Work to ensure any bylaw does not limit or reduce the availability of affordable housing
- Make sure that meetings about the bylaw focus on actual licensing issues, and not on the people who will live in the housing.

While the current cost-benefit analysis report offers some insight into what a licensing bylaw might include, we recommend that decisions on the length of licensing and renewal periods only be made after a final decision to proceed with licensing is made, and after bylaw details are more clearly defined.

We look forward to taking part in the consultation phase, and will continue to comment on ways to ensure the bylaw meets the City's health and safety needs while also respecting and advancing human rights – a critical connection for a healthy community.

For more information, contact Jacquelin Pegg, Inquiry Analyst, 416-326-9501, jacquelin.pegg@ohrc.on.ca

Yours truly,



Barbara Hall, B.A, LL.B, Ph.D (hon.)
Chief Commissioner

Note: Original and copies of *Room for everyone* being forwarded via courier.

CCM #: MGT2013-000065

Response to Cost Benefit Report – Proposed Rental Housing Licensing

Submitted by Robert Dion & Lynda Ducharme
Ducharme Dion Holdings Inc.
Owners of rental properties –Cole Road, Mason Court

July 11, 2013

We have read the report and wish to register our concerns and objection to the proposal. We completely endorse the Review produced by Morris Haley, Member of Guelph Community Landlord Association (GCLA) because we believe the comments are thoughtful, rational and should be given serious consideration.

We would like to suggest that a collaborative relationship between the City, the GCLA and University Off Campus Housing office, City Police and Bi-Law Officers would produce a much more effective means of addressing concerns from other property owners in the city, rather than imposing a licensing bi-law that is highly selective and punitive.

In a highly competitive rental market, we have not increased our rents in the 10 years that we have held the properties, yet we incur ongoing costs associated with maintenance due to damage by tenants, upgrades to ensure the buildings meet tenant expectations, and increased taxes.

As property owners, tax payers, Toronto-based landlords we believe that we are exceedingly accountable for the maintenance of the properties and responsible behaviour of our tenants. For example:

- Robert spends 2 -4 months each summer living during the week in Guelph to conduct upgrades and maintenance on the properties.
- We are on the premises of the houses on a consistent basis in response to the needs of our tenants.
- We have developed relationships with surrounding neighbours to monitor any issues with the tenants and properties and respond immediately to any concerns or requests.
- We fully complied with the onerous requirements of the Guelph Fire Department several years ago, incurring enormous cost and finding out after the fact that our properties were not required to comply with no recourse to recoup the costs.

We would like to add the following comments in response to the Report:

Tenant Wellbeing
Landlords are already heavily regulated – more than any other province or state in North America. The licensing proposed duplicates bi-laws that are already in place and will incur significant administrative and enforcement costs. Why should landlords pay for this?

Neighbourhood Destabilization
Contact information for each property currently exists on City records. We are notified within 24 hours, or less, of any issue regarding noise, garbage or property maintenance (e.g. grass or weeds). There currently exists a bi-law for no overnight parking on city streets during the school year.

Disruptive Behaviour
As previously noted, 24 hour notice to landlords is already in place. How will this improve with a licensing program?

Lack of Information
Not only are we registered with City tax records, most landlords of student housing are registered with University of Guelph Off Campus Housing in order to post available housing, as well as with the Guelph Community Landlords Association.

Enforcement Challenges
Ontario Landlords have no ability to charge damage deposits and therefore enforce obligations of the lease. How will licensing change this?

Funding Implications
The enormous projected costs of staffing and enforcing a licensing program that duplicates existing bi-laws will have to be passed on to the students in the form of increased rents. How is this protecting the well being of tenants?

As landlords, we own property, pay taxes and support all manner of local retail enterprise. By providing affordable housing that is in demand by the student population, we contribute to the infrastructure that encourages a vibrant student experience, which contributes to the ability of the University to increase enrolment. This is critical to the economic health of the City. We sincerely hope that the City is prepared to represents the interests of landlords as well as other groups.

Let us recognize that the impetus behind this initiative is to deal with the behaviour of unruly students. That problem can adequately be dealt with by enforcing current bi-laws and the criminal code (i.e. Bi-Law Officers and Police Officers). Landlords are not responsible for the behaviour of their tenants.

Thank you for reviewing our submission.

Robert Dion & Lynda Ducharme

To all Guelph taxpayers:

As a fellow taxpayer, I would like to state my objection to implement a $7.8 million dollar licensing program within the city of Guelph. My objective of this letter is not to make comment on how or why I disagree with many of the hypotheses produced by the report and its authors, as the resulting interpretation would be weighted by my self-interest. I would like to instead, state my objection to the issues within the report that impacts me and all city of Guelph citizens as taxpayers.

The decision to implement a certain style or system of licensing should at the very least be vetted by an independent source. The current cost benefit analysis within the report cannot be viewed with any legitimacy knowing that it has been supplied by the very structure looking to install it. The report's authors are Joan Jylanne, a senior policy planner in planning services at the city of Guelph and Bill Bond, a zoning inspector in building services at the city of Guelph. Their report states that there will be a cumulative 5 year cost of just over 7.8 million taxpayer dollars. Within the report, cost was stated with certainty and revenue was stated as an expectation. My expectation as a taxpayer is for transparency. My lowest expectation prior to making a 7.8 million dollar expenditure would be that the information provided be prepared by an independent consultant and perhaps an author with a degree in economics. If the city of Guelph wishes to convey that our municipality's brand of licensing will be the very first and only municipality to be either revenue neutral or positive, as a taxpayer I would have preferred an independent consultant declare this. If I could independently claim or provide my own version of financial credibility when applying for a mortgage I might not find this report so objectionable, unfortunately, for myself and all credit seeking applicants this is not the case. Just as unrealistic as it is to think that any business would operate their lending institution upon that same criteria, I also consider this report, and the credibility of information you are willing to accept in forming a $7.8 million decision, unrealistic and disrespectful to all Guelph taxpayers.

The current report makes no mention of the economic impact on our localized market. It took me 5 minutes to obtain information provided by CMHC that described Guelph's rental market and our 2013 projected vacancy rate of being only 1.4%. Within the cost benefit report there is no mention of how licensing will affect the economic factors that dictate available supply, demand, underground demand and price. Therefore there are still important questions to be asked.

What will be the impact of increased restriction with a higher barrier of entry and an elevated cost to operate, have on rental rates in an already competitive market with an inventory short fall? My educated guess is that the cost to the lower economic class will increase exponentially. As policy makers and guardians of our tax dollar, the very best of information should be sought before making a 7.8 million dollar decision, if even, just to dismay the conjecture of an internal report being produced solely to support what currently sounds as an already predetermined outcome.

Sincerely,

Stephen Foti

B. Comm. Management and Economics Industry Finance UofG

July 11, 2013

Planning Building Environment Engineering Committee (PBEE)

I currently own 4 rental properties in Guelph which I have managed for the past 25 years. Although I moved out of town 5 years ago, I currently have a local team that take care of repairs and maintain lawns etc. All my rental neighbours have been given my contact information as well as the tenants and all requests are answered and/or dealt with within 24 hrs. I have known many of my neighbours since I purchased the properties and any issues have been relatively small in nature and resolved quickly. I consider myself a "good landlord".

I believe that licensing single family rental units will be detrimental to tenants living in Guelph. It is already challenging and costly to manage rental properties - if additional requirements are added it is reasonable to assume that the supply of rental houses will shrink and this coupled with the increased licence costs will mean tenants will have to pay significantly more rent. I do not understand how City Staff figure that there will be no rent increase for Tenants. There has always been a shortage of affordable housing in Guelph and this will make the situation worse.

If compliance is difficult or impossible for some owners, forced sales could drive down property values in specific Guelph markets as well as significantly increasing monthly rents. The housing stock available for Tenants (especially low income Tenants) would be decreased.

If licensing is to be implemented, it should be applied to all Landlords to create a level playing field - not just to Landlords renting entire homes.

The problematic Landlords represent a small percentage of the whole. I suggest that it makes more sense to continue to focus enforcement of existing bylaws where it is needed. I suspect that these problematic Landlords will also be the last ones to adopt the licensing program which makes me wonder if the program will really achieve its desired goals or just cost the rest of us in the process.

Other municipalities have tried licensing in the past and have not achieved the results they where looking for. Waterloo is a good example.

I do not object to the cost of maintaining quality rental accommodation, but I do object to paying dearly for more city staff who provide no added value to my enterprise. I know this is a complex issue with some enforcement challenges - I am hoping a different solution will be found.

Thank you for receiving my comments. Sincerely,

Paul Martin

From: Sandro Novelli
Sent: July 11, 2013 8:13 PM
To: Clerks;
Subject: Rental Housing Licence Proposal

To Whom it may concern.

This is in response to your suggested proposal in regards to Rental Housing Licencing.

I hereby declare that this is nothing but a "CASH GRAB" for the city. My properties are well maintained and have a property manager who assists in maintaining it on a continuous basis.

This proposal is unconstitutional, and impedes on peoples/owners privacy.

There is no such thing as this ridiculous proposal in any other jurisdiction, which leads to the conclusion of a constructive way for the city to find ways to generate revenue.

I DO NOT SUPPORT YOUR RIDICULOUS PROPOSAL!

Thank You

Dear Sirs/Madam,

I wish to express that I do not agree with going foward with licensing and charging a fee to landlords.

It is a violation to tenants that city officials inspect their habitat, no matter how often.

The 7.8 million cost is tremendous. Much more work needs to be done before going forward with such a large expenditure.

Also, this study needs to be done by an Independant party, not the city due to the economic and social impact on the community.

I do not wish for licensing to go forward.

Respectfully,

Susan Haines

Christina Cuthbert

July 11, 2013

DELIVERED VIA EMAIL

The Corporation of the City of Guelph
Planning & Building, Engineering and Environment Committee
Council Chambers, City Hall
1 Carden Street
Guelph, Ontario N1H 3A1

Dear Sirs/Madames:

Re: Consideration of Staff Report - Rental Housing Licensing Cost-Benefit Analysis

Please consider this letter my submission for the Committee's consideration during its meeting on July 15, 2013 to review the above-referenced Staff Report regarding the potential implementation of a rental housing licensing program. I am personally interested in this issue as I am currently a landlord in the City of Guelph where I own two townhouses. The first townhouse is located at Roehampton Crescent that I purchased to rent to my son and a few of his friends, all students at the University of Guelph; the second being located at Katemore Drive, that I rent to other University of Guelph students. These properties are both part of registered condominium corporations so that my tenants are not only required to comply with their obligations under their rental agreements with me, but also with their obligations under the condominium corporation by-laws.

I have reviewed the Cost Benefit Report No. 13-32 dated July 15, 2013 prepared by City Staff. The Executive Summary lists six key issues that can be addressed by a rental housing licensing program. I submit that each of these issues can be dealt with under existing by-laws and provincial laws, rather than the implementation of an expensive rental licensing program which would be an unnecessary duplication, and what may viewed by some as a "cash-grab" by the City of Guelph.

Owners of rental housing, such as myself, are already heavily regulated by provincial legislation (the *Residential Tenancies Act, 2006*) and the Landlord and Tenant Board. Additional rules are contained in the Ontario Building Code, the Ontario Fire Code and the City of Guelph property standards under the Municipal Code. Upstanding landlords are doing their best to comply with the current regulatory scheme, and do not require a rental license program to ensure compliance. The establishment of a rental housing license program, I submit, will merely promote "an underground rental system".

The Report cites "health, safety and well-being" of tenants as an issue which can be improved by the implementation of a licensing program. The Report however does not deal with the realistic results of the implementation of such a program:

- Firstly, there will be landlords who do not obtain a license, yet tenants will still exist who will rent from them - I suggest these landlords are the ones the City is trying to target, those with substandard premises who take advantage of students;
- Secondly, more upstanding landlords will obtain their license, and then merely pass these costs onto their tenants, some of who may not be able to afford the increased rent and will search for the less-desirable rental premises mentioned above.
- Tenants who are concerned with their living conditions currently have protections under the *Rental Tenancies Act, 2006*, which is a very tenant-friendly piece of legislation. Complaints can be lodged with the Landlord and Tenant Board and dealt with accordingly.
- It appears from the scope of this proposed program that the City is only interested in the health and safety of tenants who occupy one & two unit houses and basement apartments, in that only these type of units would be subject to the licensing program – these are the type of units predominately rented by students. Why would the City not be interested in the health & safety of tenants renting larger properties such as 3 & 4 units or single bedrooms in owner-occupied houses?? If health & safety is truly the objective of the proposed program, then all types of rental operations from single rented bedrooms in owner-occupied houses to the largest multi-unit rental should be licensed for consistency.

The Report states that increased by-law enforcement should be paid for by the type of rental property being licensed and not by the general taxpayer population. But consider the following:

- There are many other by-law enforcement actions taken which the general public pays for.
- It is my understanding that ***only municipalities in Ontario that have Universities & Colleges adjacent to residential neighbourhoods have ever implemented licensing programs. Other municipalities can support Tenant safety without licensing. Why can't the City of Guelph? Is it because Municipalities, like Guelph, want to impose restrictive provisions on Landlords to encourage less student housing in neighbourhoods close to the University?***
- The City of Guelph and its general population benefit economically from the fact that there is a University within its borders – thousands of students support the services and business that exist in the City of Guelph, and the entire population benefits from quality private student housing that attract students to the University of Guelph.
- A license fee charged to landlords is a form of double taxation – it is just another form of property tax!

It also appears shortsighted on the Committee's part not to fully consider the implications of the *Ontario Human Rights Code* in their Report:

- While the Report on page 5 quotes the Ontario Human Rights Commission, I am confident that the passing of a rental licensing program could be challenged as being contrary to the *Ontario Human Rights Code* – that the City's real purpose is to target student housing, and that the program is discriminatory on the basis of age and family status, contrary to the provisions of the Code.

The Report also reviews concerns regarding behavioural issues of certain tenants and suggests that a rental licensing program will improve this issue. I suggest this conclusion is unfounded:

- It is my understanding that in Guelph, rental homes amount to fewer than 10% of all property standard and noise complaints ["Why Licensing Rental Housing is Wrong" by Mike Chopowick , published in Fair Exchange September/October 2010 Magazine Issue – copy attached.]
- Behavioural issues cannot be controlled by any landlord, whether in town or otherwise.
- Stringent application of existing by-laws and charging the people responsible are the best ways to control such instances and change behaviours.
- I understand that the enhanced enforcement program in Guelph that commenced in 2011/2012 has materially reduced behavioural issues. This program should be given additional time to work.
- If student behaviour off campus is truly a major issue, I suggest that the University be involved in any efforts to change behaviours , perhaps by instituting programs and/or consequences to ensure students more responsible and accountable for behavior off-campus.

A longer term result of this program which is not considered in the Report is the resultant decrease in the number of rental properties in the City, and the potential impact on the real estate market in Guelph in general:

- The Report casually notes the impact to affordable housing will be "minimal" but does not offer any rationale why.
- From my research it appears that the direct effect of licensing is to reduce the supply and availability of housing units in a city. This should not be the policy objective of any City, let alone a University city where parents take into account such things as living conditions and the availability of good quality housing when deciding where to send their children to university.
- Why would the City of Guelph want to discourage quality rental properties from being established, when such properties are key in attracting the best students to the University of Guelph??
- If this rental license fee becomes cumbersome, I will consider selling my rental properties, and I suggest, so will many other quality landlords. This "en masse"

selling could lead to reduced property values in the City of Guelph and a depression in the residential real estate market.

In closing, I ask the Council to consider a conclusion of Mike Chopowick in his attached article:

> "*Like other misguided policies, such as rent control, licensing is perceived at first glance to be a good thing for tenants. Like rent control, however, licensing actually does the opposite of tis stated intention.it reduces the supply of quality rental homes, forces tenants to pay higher costs and does not improve property standards.*"

Thank you for your consideration of my submissions.

Yours truly



Christina Cuthbert

Why Licensing Rental

AND WHY MUNICIPALITIES THAT USE LICENSING

By Mike Chopowick

In a recent issue of the *Law Times*, Editor Glenn Kauth advocated for the licensing of landlords. It is first important to point out that Mr. Kauth's primary occupation is that of a journalist and reporter...not as a lawyer or housing expert. His unawareness of basic residential tenancies law and landlord-tenant issues is abundantly clear.

The first mistake people like Glenn Kauth make is believing licensing "protects tenants". This is not true.

Licensing Does Not Protect Tenants

It may shock many to learn that the primary objective of licensing is not to "protect tenants". Its main purpose is to make residential neighbourhoods purely the domain of homeowners by using onerous regulation to purge tenants and renters from communities.

Sound unbelievable? In fact in many cases, licensing is seen as an effective tool to remove student renters from residential neighbourhoods. Increasingly, municipalities have caught on that licensing can be used to remove not just student renters, but all tenants who are seen by homeowners as *"destabilizing"* to their neighbourhoods.

If you are still in doubt, below are the reasons just some Ontario municipalities have used to justify rental housing licensing:

> *"Nothing short of getting rid of all students will appease local residents,"*
> ***John Gray, Mayor of Oshawa, January 4, 2008***

> *"Too many rental properties are concentrated in certain areas or neighbourhoods of the city"*
> ***City of Waterloo Planning Report, July 13, 2009***

> *"The concentration of shared rental housing is leading to the deterioration & destabilization of some identified neighbourhoods"*
> ***City of Guelph Staff Report, August 2010***

> *"The Residential Rental Units Licensing By-law has been put into place to protect the amenity, character and stability of residential areas."*
> ***City of London, Ontario, 2010***

Unfortunately, according to many politicians, tenants are "bad", and homeowners are "good". Thanks to changes made to the Municipal Act by the McGuinty government in 2007, local councils can now use licensing to legislate rental housing out of existence.

Of course, what city councils don't tell you is that licensing, in addition to ridding their neighbourhoods of tenants, is more about grabbing extra tax revenue. London will be charging a $25 annual fee and a $95 re-inspection fee. Oshawa will be charging a $75 application fee, and annual $250 license fee, and a $75 inspection fee. Ultimately, all these fees will be paid by tenants.

Guelph is considering licensing, and recently approved a zoning by-law to separate rental housing units by at least 100 M. It is estimated that this will reduce the number of rental units by 960.

Forced Out of the Housing Business

Many Guelph landlords just own and manage a small number of properties, provided to families, students, seniors, and single professionals. They are already heavily regulated by provincial legislation and local by-laws. They are already providing housing under the strain

Housing is Wrong

SHOULD BE ASHAMED

of strict rent controls, an ineffective landlord tenant board, and a sour housing market. The new red tape and costs of licensing will simply force many of them out of the housing business altogether.

Where will tenants live? What will happen to many of Ontario's great universities once the supply of affordable rental housing for students and faculty is reduced? What will happen to large families affected by new size and bedroom number limitations imposed by licensing?

> *"the [Oshawa rental housing licensing] bylaw being considered raises human rights concerns. Laws that keep young people out of certain neighbourhoods would be just as discriminatory as laws that keep out families or racialized people."*
> ***Barbara Hall, Chief Ontario Human Rights Commissioner February 11, 2008***

If municipalities really cared about tenants (and that fact that most cities tax tenants two to three times higher than homeowners shows that they don't), they would use their existing powers to enforce property standards on the very few landlords that don't comply. And they are few: In London in 2007, there were 617 tenant complaints related to property standards, just 1.7% of all rental units.

Licensing Provides No Benefits

Licensing, where it has been implemented, has never provided a benefit to anyone. Milwaukee, where licensing was implemented in 2003, has found that "Rental unit licensing has very uncertain benefits and can create negative effects on housing markets and the availability of affordable housing."

Toronto considered licensing, but quickly realized that it was a completely ineffective way to protect tenants. Since protecting tenants was the stated objective in Toronto, the city instead launched an intensive building inspection program, and abandoned plans for discriminatory licensing.

Landlords Siding With Tenants

According to Joe Hoffer, a member of LPMA and Chair of FRPO's Landlord Tenant Committee, one effect of licensing will be the closing

Tenants Furious About Licensing

Tenant Debra Anderson isn't convinced that a bylaw proposed by the city of Welland is meant to protect tenants of local dwellings.

"It's just a big money grab for the city of Welland. We are the poorest city in the Niagara region and we have no jobs -- the only thing we have here is Niagara College -- and these guys want to charge all of the landlords," Anderson said after a public information meeting at Welland Civic Square.

"I understand if there's bad landlords, go after them, find them," she said. "I'm a renter and I am going to end up losing my apartment. The rents are going to go up. I'm going to have to decide which curb or bridge I'm going to live under. It's going to have a major impact on this city."

Welland Tribune, June 2010 ("Landlords, Tenants Furious")

Editors note: In June, Welland Council voted overwhelmingly to squash a proposal for a *landlord* licensing by-law, with only 2 members of Welland's 12 member council voting against rescinding rental housing licensing.

Why Rental Housing Licensing is Wrong

Discrimination

Licensing only targets citizens who choose renting over homeownership. This contravenes Ontario's Human Rights Code, especially if the renters most affected by these changes belong to a visible age group, such as young adults, families or a racial group.

Ineffective in Addressing Property Concerns

Licensing does not address residents' concerns about property standards. In Guelph, for example, rental homes amount to fewer than 10% of all property standard and noise complaints. Any property standards issues that do exist can always be easily remedied through the city's existing by-law inspection and enforcement program.

Rental Housing is Already Regulated

Owners of rental housing in Ontario already face more regulation and legislation than anywhere else in North America. Owners are already heavily regulated by provincial legislation (the Residential Tenancies Act, 2006), and the Landlord Tenant Board. Additional regulation is enforced by the Ontario Building Code, the Ontario Fire Code and municipal property standard by-laws under the Municipal Code. Licensing clearly does not add anything to the regulatory regime.

Higher Cost for All Property Taxpayers

Administering licensing programs is costly. Despite the hope for "cost-neutral" programs, licensing always costs more than expected. A report prepared for the city of Milwaukee confirmed that most licensing programs in other cities are "not financially self-sufficient". All taxpayers, including homeowners, will face a higher property tax burden due to licensing costs, not to mention higher rents for tenants from licensing fees.

Increasing the Cost and Reducing the Supply of Housing

The direct effect of licensing is to reduce the supply and availability of housing units in the city. Reducing the supply of housing, especially the most affordable type of housing found in rental accommodations, should never be the policy objective of any municipal government.

Negative Impact on Cities

The added costs of licensing will discourage rental living. This will have a harmful effect on institutions such as universities, which rely on a vibrant supply of rental housing to attract the very best students and faculty to live near them. Many housing providers will simply cease to provide accommodations and sell their properties en masse, leading to reduced property values and a depression in the residential real estate market. This will have a profound negative impact on municipal property tax revenues.

of units occupied largely by students, single parents, and people on social assistance.

"They are forcing certain people to be evicted", explains Hoffer. "The bylaw contravenes Ontario's Residential Tenancies Act by allowing the city to stop the rental of a unit if a landlord does not hold a current license, or if the license is suspended." So far, no one has said what will happen to tenants when their landlords lose their license and have to stop renting.

> *"It all sounds a little self-serving given that the [landlord] association is arguing for the rights of people the bylaw it's opposing aims to protect."*
> ***Glenn Kauth, Editor, The Law Times, on LPMA's fight against licensing***

Like other misguided policies, such as rent control, licensing is perceived at first glance to be a good thing for tenants. Like rent control, however, licensing actually does the opposite of its stated intention. It reduces the supply of quality rental homes, forces tenants to pay higher costs and does not improve property standards.

Are landlord groups, such as the London Property Management Association (LPMA), as Mr. Kauth suggests, "self serving" for opposing licensing? Not when you look at how municipal governments are really using licensing to reduce the presence of tenants and discourage renting. No, this time landlords are the only ones truly defending tenants.

From: Liz Struzik
Sent: July 11, 2013 9:11 PM
To: Clerks
Subject: proposed new licensing on rental housing

To whom it may concern,

I'm responding to your proposed new licensing on rental housing and would like to express my concerns and opposition to this proposal.

I strongly believe that we pay enough property taxes to the city of Guelph therefore a new fee is only adding and double taxing someone who is a rental owner. Proposing this licensing is nothing but discriminating against a small group. In your proposal there is no reasonable explanation as to why the city is not able to enforce their by laws (which were put in place for a reason by the city) or how this new licensing will help with successful enforcement. I suggest that the city starts using our tax payers money in a responsible manner. In place of new licences (which there is no evidence that it will work) the city needs to use the tools already in place rather than coming up with new ideas on how to make more money.

This proposal strictly discriminates against a small group of people (rental owners) everyone pays the taxes so we should be treated equally.

Thank you

To all Guelph taxpayers:

As a fellow taxpayer, I would like to state my objection to implement a $7.8 million dollar licensing program within the city of Guelph. My objective of this letter is not to make comment on how or why I disagree with many of the hypotheses produced by the report and its authors, as the resulting interpretation would be weighted by my self-interest. I would like to instead, state my objection to the issues within the report that impacts me and all city of Guelph citizens as taxpayers.

The decision to implement a certain style or system of licensing should at the very least be vetted by an independent source. The current cost benefit analysis within the report cannot be viewed with any legitimacy knowing that it has been supplied by the very structure looking to install it. The report's authors are Joan Jylanne, a senior policy planner in planning services at the city of Guelph and Bill Bond, a zoning inspector in building services at the city of Guelph. Their report states that there will be a cumulative 5 year cost of just over 7.8 million taxpayer dollars. Within the report, cost was stated with certainty and revenue was stated as an expectation. My expectation as a taxpayer is for transparency. My lowest expectation prior to making a 7.8 million dollar expenditure would be that the information provided be prepared by an independent consultant and perhaps an author with a degree in economics. If the city of Guelph wishes to convey that our municipality's brand of licensing will be the very first and only municipality to be either revenue neutral or positive, as a taxpayer I would have preferred an independent consultant declare this. If I could independently claim or provide my own version of financial credibility when applying for a mortgage I might not find this report so objectionable, unfortunately, for myself and all credit seeking applicants this is not the case. Just as unrealistic as it is to think that any business would operate their lending institution upon that same criteria, I also consider this report, and the credibility of information you are willing to accept in forming a $7.8 million decision, unrealistic and disrespectful to all Guelph taxpayers.

The current report makes no mention of the economic impact on our localized market. It took me 5 minutes to obtain information provided by CMHC that described Guelph's rental market and our 2013 projected vacancy rate of being only 1.4%. Within the cost benefit report there is no mention of how licensing will affect the economic factors that dictate available supply, demand, underground demand and price. Therefore there are still important questions to be asked.

What will be the impact of increased restriction with a higher barrier of entry and an elevated cost to operate, have on rental rates in an already competitive market with an inventory short fall? My educated guess is that the cost to the lower economic class will increase exponentially. As policy makers and guardians of our tax dollar, the very best of information should be sought before making a 7.8 million dollar decision, if even, just to dismay the conjecture of an internal report being produced solely to support what currently sounds as an already predetermined outcome.

Sincerely,

Dave Schenkel,
Concerned Tax Payer

Subject: Rental Housing Licensing Program

Hi there,

We were informed that City of Guelph is going to collect $9431000 from Landlord for next few years. Is this true? As a landlord in Guelph, I would like to know why? For what reason you want this money from landlord and what would you to do to use these money? Do you use these money to pay our property tax? Please let me know. I will strongly against this idea If it use for hiring some people just sit in the office to waste money.

Thank you,

Shugang Li

Dear Sir/ Madam

We are writing as a member of the GCLA to present our strong opposition to a license by- law. This by-law will only make student housing more costly and make the lives of students more difficult. I believe that this is not in the interest of our youths. From all indications, this fee will be for no additional services.

I therefore implore you not to pass this by-law in the interest of our growing generation and their parents.

Thank you

Paulina Coker

To All Citizens,

I do respect the time and efforts of city staff and council, but I am shocked to read the results of the alleged research done Licensing of rental properties.

As a former student of U of G, current landlord, and a citizen of Guelph, I am extremely concerned about the contents of the Cost/Benefit Report. I have been discouraged by the city's treatment of the rental housing issue for many years, but this document is alarming for every tax payer.

Even those citizens who have no invested interest in the rental housing debate can easily determine the claims made in the report are not consistent with any data collected from other Ontario municipalities that have attempted to implement licensing. The entire approach and revenue forecasts are simply unattainable based on historical evidence from other cities, and set unrealistic expectations for everyone involved. The benefits outlined are all attainable through enforcement of existing by-laws and cooperation with landlords, instead of implementation of a program that will inevitably operate at a loss for everyone.

The only reality that can be derived from this document, is that the City of Guelph clearly needs an independent body to assess this issue in an unbiased, logical manner. Anything less would be disrespectful to all citizens.

Thank you for the opportunity to express my opinion.

Best Regards,

Scott W burton

To Whom It may Concern,

I would like to voice my opposition to the proposed Licensing program from both an investment and realtor point of view.

As an owner of 6 properties that will be affected by this policy change I find this as another level of over regulation and red tape that Guelph unfortunately already has a reputation for. Five of these 6 properties already have “legal accessory apartment” status, thus all have already been inspected by the fire department, the ESA, and the building department. They offer very good and clean rental accommodation.

As a realtor, I am concerned about both the message and added difficulty this adds to an investment purchase thus putting a dampening effect the investment re-sale market. This will drive investors to other communities that have less regulation and better opportunity.

This proposed policy is unwise in that it may in fact drive the cost of rent up for tenants as the price if the program is passed on. Landlord’s are already affected by rising costs with increased utility costs, taxes and more. I would suggest that should this proceed there also would be a high level of non-compliance!!

Sincerely,

Matthew LaFontaine, FRI
Broker, Vice President of Sales & Marketing
Honours B.B.A.
Planet Realty Inc.
806 Gordon Street Unit 202A
Guelph, Ontario

July 11, 2013

Planning, Building Engineering and Environment Committee
City of Guelph
1 Cardon Street
Guelph, ON N1H 3A1

REGARDING: COMMENTS ON REPORT 13-32 (JULY 15, 2013)

Dear Committee Members,

Report 13-32 (July 15, 2013) is quite comprehensive and covers a lot of issues related to rental housing licensing. However, I do find it curious when the report subject line is "Rental Housing Licensing *Cost-Benefit Analysis*" and yet a significant fraction of the report deals with non-financial matters including existing tools and limitations and advantages of licensing. I would suggest that this non-financial material should have been covered by other reports such as Report 13-04 (February 19, 2013) which was actually quite brief and provides few details.

I have divided my suggestions to improve the report and comments on the report into cost related and non-cost related sections.

Cost Related Suggestions and Comments

Actual Program Cost

Attachment 2 lists two costs; 1) "program costs" and 2) "total existing costs transferred to program". Since the licensing program will include both of the above, for presentation purposes in the executive summary, I would recommend replacing the incremental change with the sum of 1) and 2) above. The actual licensing cost would be presented and not just the change to the City's budget. The current presentation gives the impression that costs for licensing are lower than they actually are.

In addition, Attachment 2 indicates that the "Total Existing Costs Transferred to Program" includes the reallocation of 2 full time equivalent positions; 1 fire prevention officer and 1 zoning inspector. If these positions are transferred from an existing position, who will do the work they are currently performing? In addition, option three does not require a fire prevention officer (see Table 1 page 7) so it is unclear why the "Total existing costs transferred to Program" in Attachment 2 includes a fire prevention officer in Option 3.

Impact on Short Term Rental

Many owner occupied homes rent a room or rooms in a house for short periods of time. Near the university, these periods are often from September to April (8 months). Based on a typical room rate of $450 per month over the 8 month period, the Option 1 cost of $132/bedroom/year represents a significant 3.7% of the rent paid to support the licensing

program. It is suggested that the City consider these situations and provide multi-tiered cost structure.

Rates for Yearly Program Cost Increases

Based on values provided in Attachment 2 of the report, costs "program costs" and "Total Existing Costs Transferred to Program" were calculated to increase yearly by 4.6% to 5.1% for Option 1. It is assumed that these increases largely reflect annual labour cost increases and, if so, given the City's effort to control cost increases, these values are considered high. If this is not the case, it is suggested that more disclosure be provided to indicate what assumptions were made and how the values were determined.

The Guelph Rental Universe

Licensing fees were based on a number of assumptions including 8,700 rental units. It is suggested that the method to determine the Guelph rental universe for those units being affected by the licensing bylaw be provided in the report. For example, is the rental universe based on CMHC reports, City records or from some independent report? In addition, it is suggested that the rational for using 50% and 66% compliance be provided in the report. For example, are the values based on data from other cities and it is suggested to describe why near 100% compliance is not considered.

Non-Cost Related Suggestions and Comments

Insurance

On page 5 of the report, an insurance comparison was made between bed and breakfast and hotel establishments with rental accommodation. The report indicated that the former businesses are subject to business licenses which include proof of appropriate property and liability insurance. Since this report is intended to deal with financial issues, it is suggested that a discussion be provided on what specific insurance requirements will be made for rental accommodation. Attachment 1 (p.12) does provide an example of a potential insurance coverage providing shelter if tenants are displaced; however, more discussion should be provided on how insurance affects the health of safety of residents and how rental leases which require residents to provide insurance will affect the insurance requirements. In addition, it is suggested that a discussion be provided on why rental residential housing not covered by licensing does not require this additional insurance. After all, both provide residential rental accommodation.

Levelling Requirements With Other Business Operations

Page 5 of the report suggests that the proposed licensing program would level requirements between rental residential housing and other business operations. It is suggested that the report indicate why any "leveling" is required and what specifically is meant by "levelling". The current logic suggests that the reason for licensing is because there is licensing; a circular argument which I suggest should not be included in the report.

Residential rental accommodation is often considered different from other ventures and even Revenue Canada considers it as a passive income as opposed to business income. In

addition to this, consideration which makes residential rental accommodation different from businesses include:

- Increases in rent are limited by the government (businesses do not have this restriction);
- Deposits held by owners are required by law to pay interest on the amount at a prescribed rate (not required by other businesses); and
- Real estate corporations with less than 5 employees have an approximate 40% tax rate (business have an approximately 15% tax rate).

Neighbourhood Destabilization and Deterioration - Licensing Advantages

One of the licensing advantages listed for this factor includes "owners could be held responsible for the operation of their business, like other business owners including bed and breakfast establishments and hotels" (Attachment 1 p.13). This erroneously suggests that Ontario law is similar for the rights of owners of these establishments to the rights of owners of residential rental accommodation. As a simple example, it is suggested that the report review the ability of owners of businesses such as hotels to have guests removed from their premises and compare that to residential rental accommodation. Currently, Ontario law provides protection to rental residents that negates some of the advantages to licensing listed in the report. It is suggested that these advantages be reviewed.

This section of Attachment 1 (p.13) also lists as a rental housing issue "Concentration and intensity of non-owner occupied rental housing". This would imply that the City will limit the number of units issued a license in high density rental areas. It is suggested that the report include what criteria will be used to determine which units receive a license and what is an acceptable density.

If you have any questions, please feel free to contact me.

Kind regards,



Lars Sterne

To Whom It May Concern:

As a property owner and landlord at Gosling Gardens, I have reviewed the Cost Benefit Report No. 13-32 dated July 15, 2013 prepared by City Staff and present the following alternative view to the report.

Owners of rental housing, such as myself, are already heavily regulated by provincial legislation (the *Residential Tenancies Act, 2006*) and the Landlord and Tenant Board. Additional rules are contained in the Ontario Building Code, the Ontario Fire Code and the City of Guelph property standards under the Municipal Code.

The Report cites "health, safety and well-being" of tenants as an issue which can be improved by the implementation of a licensing program. The Report however does not deal with the realistic results of the implementation of such a program:

- Tenants who are concerned with their living conditions currently have protections under the *Rental Tenancies Act, 2006*, which is a very tenant-friendly piece of legislation. Complaints can be lodged with the Landlord and Tenant Board and dealt with accordingly.

The Report states that increased by-law enforcement should be paid for by the type of rental property being licensed and not by the general taxpayer population. But consider the following:

- The City of Guelph and its general population benefit economically from the fact that there is a University within its borders – thousands of students support the services and business that exist in the City of Guelph, and the entire population benefits from quality private student housing that attract students to the University of Guelph.
- A license fee charged to landlords is a double taxation and a blatant tax grab targeted at one segment of the tax paying public

It also appears shortsighted on the Committee's part not to fully consider the implications of the *Ontario Human Rights Code* in their Report:

- While the Report on page 5 quotes the Ontario Human Rights Commission, I am confident that the passing of a rental licensing program could be challenged as being contrary to the *Ontario Human Rights Code* – that the City's real purpose is to target student housing, and that the program is discriminatory on the basis of age and family status, contrary to the provisions of the Code.

The Report also reviews concerns regarding behavioural issues of certain tenants and suggests that a rental licensing program will improve this issue. I suggest this conclusion is unfounded:

- Behavioural issues cannot be controlled by any landlord, whether in town or otherwise, or by the fact that a residence is or is not licensed. This is absurd and illogical.
- Appropriate application of existing by-laws and charging the people responsible are the best ways to control such instances and change behaviours.

A longer term result of this program which is not considered in the Report is the resultant decrease in the number of rental properties in the City, and the potential impact on the real estate market in Guelph in general:

- The Report also notes the impact to affordable housing will be "minimal" but does not offer any rationale why.
- From my research it appears that the direct effect of licensing is to reduce the supply and availability of housing units in a city. This should not be the policy objective of any City, let alone a University city where parents take into account such things as living conditions and the availability of good quality housing when deciding where to send their children to university.
- Why would the City of Guelph want to discourage quality rental properties from being established, when such properties are key in attracting the best students to the University of Guelph??
- If this rental license fee becomes cumbersome, I will consider selling my rental properties, and I suggest, so will many other quality landlords. This "en masse" selling could lead to reduced property values in the City of Guelph and a depression in the residential real estate market.

Sincerely,
Brian Laundry

Hello,

I am a landlord with properties in the City of Guelph and wish to voice my opinion on Staff Report No. 13-32 “Rental Housing Licensing Cost-Benefit Analysis”, dated July 15, 2013.

The following are my comments on the report:

1. The issues/problems listed on page 3 are all issues that be handled under existing by-laws. A rental licensing program would simply be a costly duplication.
2. There is no evidence to support that tenants need the City’s assistance to protect them.
3. Other cities and municipalities support tenant safety without the need for licensing.
4. Rental supply in the city will likely decrease as a result of implementation of a licensing program such as this; not exactly something the City should be wanting to do.
5. Behavioural/noise disruptions from tenant-owned properties comprise only a small percentage of the total disruptions made in the City; why discriminate against this small group?

I think that a rental licensing program in Guelph is a bad idea and would only result in higher cost of living for those who cannot necessarily afford to buy their own and would be a large cost to the City of Guelph taxpayers who would rather see their hard-earned money being spent in other areas. The duplication of by-laws that would be in place with a program such as this is costly and unnecessary.

Thank you,

Alison Zinger

From: John Haramule
Sent: July 12, 2013 8:53 AM
To: Clerks
Subject: Apartment Licensing

City of Guelph,

I am announcing my objection to the newly proposed licensing proposal for apartment rentals, which I find extremely wasteful of tax payer dollars, unnecessary, and not to mention overly intrusive. What posible need is there to be reinspecting an already legally built and permitted apartment. I am father of three small children, trying hard to make ends meet each week, and now this city with apparently unlimitted power wants to reach deeper into my pockets. Are the high taxes we already pay not enough. We should not be further penalized for trying to make safe and legal apartments in a city where there are so many illegal units. Furthermore, there has been no proper research done from a cost benefit analysis point of view, which needs to be done by an independent source. Not the city itself. Please stop wasting our tax dollars on this intrusive and unnecessary proposal, and put our money to good use in the hospital or school systems.

Sincerely,

Hard working tax payer and father.

From: Chris Cairns
Sent: July 14, 2013 11:11 PM
To: Clerks
Subject: Opposition to Rental Housing Licensing Program

To Guelph City Council,

As a resident and ardent investor in Guelph I would like to voice my strong opposition to the proposed Licensing Bill for Rental Housing. It seems to be written for the sole intent of being nothing more than a revenue grab from the very individuals that choose to invest their hard earned money into the city of Guelph. Having a 20,000+ university student population brings many benefits to the city and yet the intent of the report seems to be to target this group of tenants and the investors that provide their accommodation. The report makes many vague statements on the merits of a licensing program, such as "health and safety of tenants??!", but provides no clear details (or proof of claim) on how this is achieved or why this cannot be achieved with the existing model. It seems like these vague lofty comments is nothing more than pandering to a city council in order to justify an unfair cash grab.

My opposition is based on the following points.

- Why is it that only student rental properties are being licensed? Only a few communities that have universities have implemented this approach which seems to prejudicely target this young adult population. It seems the city is quick to reap the benefits of having a world class university but not interested in assisting the landlords that provide their housing. Why not target other areas of the city (the Ward and some parts of North Guelph come to mind) and implement a fee service on the pretense of tenant/neighbourhood well being.
- Does not the existing enforcement deal with behavioural issues? Dealing with the minority of housing that has these reports should continue on a case by case basis. I fail to see how any licensing is going proactively deal with behavior. Are the same steps being taken on the low cost, subsidized housing that exists on other areas of the city or are we again targeting adults attending university?
- I thought I already paid substantial property taxes…..why should I have to pay the city twice?
- Finally, I am very concerned about the impact this may have on the local real estate market. Implementing discriminatory licensing will cause many landlords to leave the housing market altogether and deter further investment which could affect housing across the city. I know the intent may be to purge the city of university students but where are 20,000 students supposed to live? What will be the impact on the supply of affordable housing and how will non student residents of Guelph feel about a drop in their housing value.

Regards,
Chris Cairns

To Whom it May Concern,

I am writing this letter as a concerned CITIZEN, INVESTOR, as well as TAX PAYER of Guelph. I disagree completely with the proposed rental registration plan. Not only is this a complete waste of our tax payer money (which I certainly pay enough of). It is also a cash grab from many responsible landlords in Guelph. Landlords do provide an integral part of our cities housing! This will only prove to be a hindrance upon the many citizens who help to make Guelph the great city that it is!

-Sonny
Guelph

From: Swanny Grace
Sent: July 12, 2013 12:20 PM
To: Clerks
Subject: Unwise and unnecessary resident rental licensing

Dear Mayor and Councilors,

After I read the cost benefit report, I came with following reasons for unwise and unnecessary rental Licensing:

1. The purpose of the licensing is not clear. It means to provide a 'tool' to city stuff to handle the issues related to rental property, but sounds like the 'tool' will allow city stuff go beyond all current existing tools to dictate Guelph residents who involved renting. It's licensed to invade into both tenants home and landlords property, and licensed to stereotype people who rent and who run rent business, who rent a place to call home, and targeted them out of general protection of our law and by-laws as human being.

2. 6 key issues or problems are listed which all can be dealt with under the existing by-laws. An expensive rental licensing program would be duplication and unrelated to improve any of the 6 key issues.

3. No advantages of Licensing for tenants as the tenants are those who pay for the licensing, and disturbed regularly by all mandatory inspections, and monitored by city staff. Tenants deserve to be respected to have the place they call home to be their home, not city's inspectors interest.

4. No benefits of licensing for city. City need to

1). Prepared to have bigger budget and bigger department, to hire more staff;

2). Prepare to develop more affordable houses for people who can only afford it;

3). Prepare more jobs for landlords who lost their licensing to work to live; everybody like to live in a house with own family, does not want to rent till it's needed to support the family. Some of landlords choose to be landlords just because there only limited chance for them to make another selection.

4). Prepare to deal more big developers to build more student high risings such as the one on the Gordon and Stone Rd.; to see our prestigious neighborhood such as Monticello surrounded by student buildings. City Council should oversee and predict what the licensing and other strategy applied will result and how will it impact Guelph residents. Not mislead by city staff to focus on Guelph residents, but leave the opportunity for outside developer to get in. Within past few years city's effort, more amended by-laws, big money spent in the court, and more and more high buildings come in around university Guelph and south end. It's hard to comprehend the way city applied to protect neighborhood for Guelph residents.

I would also suggest our dear Councillors

1. Ask and review reports from city staff for what have been changed, improved, and what have been continuously a tough issue beyond current strategies after you authorized them to deal with rental issue. How big this rental issue weight among all city development tasks to deserve high attention, big spending.

2. To accept that city of Guelph is a University City. Deal with and educate young is part of the task for city of Guelph.

3. To delegate part of the task to U of G such as monitoring student Behavior issues, to educate student with Guelph's by-laws. University of Guelph should involve in the rental issue related to students.

4. To educate landlords with Guelph's by-laws, help and support them to comply Guelph by-laws, but not just simply corner, stereotype and dictate them.

Thank you very much for your attention.

Highest regards,

Swanny

REPORT OF THE INTEGRITY COMMISSIONER

July 29, 2013

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

Your Integrity Commissioner beg leave to present his REPORT.

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 Integrity Commissioner Report will be approved in one resolution.

1) Complaints Against a Councillor Received by the Integrity Commissioner

1. That Council receive the report of the Integrity Commissioner dated July 29, 2013 providing information to Council on an enquiry to be conducted under the *Code of Conduct for Council and Local Boards*.

2. That the opinion of the Integrity Commissioner that the Code should limit Councillors in using their influence with adjudicative boards be referred to the Governance Committee for consideration and report back to Council.

All of which is respectfully submitted.

Robert Swayze
Integrity Commissioner

COUNCIL REPORT

TO	**Guelph City Council**
FROM	Integrity Commissioner
DATE	July 29, 2013
SUBJECT	**Complaints against a Councillor Received by the Integrity Commissioner**

SUMMARY

Purpose of Report:
To provide to Council preliminary information on an enquiry to be conducted by the Integrity Commissioner as required by the Complaint Protocol for the *Code of Conduct for Council and Local Boards* (the "Code") attached to this report as Appendix 1.

Council Action:
To: Review and receive this report.

And To: Request the consideration and recommendation of the Governance Committee on whether the Code should be amended to limit Councillors contacting and appearing before adjudicative boards.

RECOMMENDATION

That Council receive the report of the Integrity Commissioner dated July 29, 2013 providing information to Council on an enquiry to be conducted under the *Code of Conduct for Council and Local Boards*

That the opinion of the Integrity Commissioner that the Code should limit Councillors in using their influence with adjudicative boards be referred to the Governance Committee for consideration and report back to Council.

BACKGROUND

On June 27, 2013, I received two complaints in the form required by the Complaint Protocol from two members of staff both alleging that a Councillor contravened the Code in writing E-mails and making statements to the Committee of Adjustment which amounted to abuse, bullying, intimidation and falsely injured their professional and ethical reputation. Both complaints refer to pages 5 and 6 of the Code under the headings "Conduct" and "Influence on Staff."

I have determined that the Complaints are within my jurisdiction under the *Municipal Act* and that there is no procedure under other legislation or City policy to deal with the Complaints. In accordance with the Complaint Protocol, a copy of both Complaints and an advance copy of this report were served on the Councillor on July 10, 2013 requesting a response within 10 days.

Section 4 of the Complaint Protocol on page 9 requires me to deliver a preliminary information report to an open meeting of Council and describes the information to be contained in the report.

REPORT

I am of the opinion that the enquiry is appropriate under applicable law and I do not propose conducting it under the *Public Inquiries Act*. I have decided to consider the two complaints together. My preliminary estimate is that I will need to interview the complainants, the Councillor and seven other persons who either witnessed or were involved in the actions of the Councillor. Some of these interviews will be conducted in panels and some by telephone to save cost. I will require the assistance of staff only to arrange appointments for me and provide meeting rooms. I will not require any consultants. Subject to the availability of witnesses during the summer, I expect that I will complete the enquiry and prepare a final report to Council by the end of August. To the date of writing this report, reviewing the Complaints, serving pleadings and writing the report has taken 5.3 hours of my time. I estimate my future time in conducting the enquiry and writing my final report at 15 hours which, at $235 per hour translates to $3,525 plus HST and mileage.

ADJUDICATIVE BOARDS

The alleged appearance before the Committee of Adjustment by the Councillor is not specifically contrary to the Code and my following comments will not have any impact on the enquiry to be carried out. However, I feel bound to advise Council that my opinion has been requested as Integrity Commissioner in another municipality on the appropriateness of a member of Council advocating on behalf of his or her constituents before a Committee of Adjustment.

Unlike an advisory committee of Council, a Committee of Adjustment is constituted as an independent tribunal charged with making impartial decisions on applications brought before it. If Council disagrees with a decision, its only option is to appeal it to the Ontario Municipal Board. All members of the Committee of Adjustment are appointed by Council and in my opinion, no member of Council should contact a member to discuss an application before it and should never appear as a delegation before the Committee. Such contact may be viewed as intimidation to a member of the committee who relies on councillors for reappointment. The changes adopted by the other municipality to its Council Code of Conduct in response to my recommendation, included limiting contact by councillors with the Committee of Adjustment on any application, to writing a letter or E-mail to the secretary of the Committee expressing the position of the community on the application. There were other changes to its code identifying other adjudicative boards and prohibiting councillors from taking part in most OMB hearings. It is my recommendation that

this issue be considered by the Governance Committee as a separate matter not connected with the enquiry referred to in this report.

CORPORATE STRATEGIC PLAN

This report supports strategic goal 5: "A community-focused, responsive and accountable government".

FINANCIAL IMPLICATIONS

As estimated in this report

DEPARTMENTAL CONSULTATION

N/A

ATTACHMENTS

Appendix 1 – *Guelph Code of Conduct for Council and Local Boards*

_____

Prepared and Recommended By:
Robert J. Swayze
Integrity Commissioner
519-942-0070
robert.swayze@sympatico.ca



_____

Robert Swayze
Integrity Commissioner

City of Guelph

Code of Conduct for Council and Local Boards

Tab	CITY COUNCIL
Authority	S. 223.2(1), *Municipal Act*
Subject	CODE OF CONDUCT FOR COUNCIL & LOCAL BOARDS
Related Policies	Accountability and Transparency
Approved by	COUNCIL February 25, 2013
Review Date	Annually

POLICY STATEMENT

A written Code of Conduct for Council and Local Boards (Code of Conduct) helps to ensure that the members of Council, advisory committees, and local boards of the municipality (as defined in the *Municipal Act*), share a common basis for acceptable conduct. This code is designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that Guelph's elected and appointed representatives operate from a base of integrity, justice and courtesy. The key principles that underline the Code of Conduct are as follows:

- all members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
- members should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
- members are expected to perform their duties in office in a manner that promotes public confidence and will bear close public scrutiny;
- members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.

PURPOSE

Municipal Council Members hold positions of privilege. Therefore, they must discharge their duties in a manner that recognizes a fundamental commitment to the well being of the community and regard for the integrity of the Corporation. The purpose of the Code of Conduct is to:

- Protect the public interest.

- Encourage high ethical standards among members of Guelph City Council and local boards.
- Provide a universal understanding of the fundamental rights, privileges, and obligations of members of Guelph City Council and local boards.
- Provide a means for members of Guelph City Council and local boards to obtain information on some contemplated conduct in circumstances where they are uncertain as to the ethical appropriateness of that conduct.

DEFINITIONS

Members - include the Mayor and Members of Guelph City Council and members of all Guelph local boards as defined in Section 223.1 of the *Municipal Act*.

Confidential Information – includes the following:

1. Any information in the possession of, or received in confidence by the City, that the city is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal freedom of Information and Protection of Privacy Act*, or any other law.
2. Information of a corporate, commercial, scientific or technical nature received in confidence from third parties: personal information, information that is subject to solicitor-client privilege; information that concerns any confidential matters pertaining to personnel labour relations, litigation , property acquisition, the security of the property of the municipality or a local board; any other information lawfully determined by the Council or the local board to be confidential, or required to remain or be kept confidential by legislation or order.
3. A matter, the substance of a matter, and information pertaining to a matter, that has been debated or discussed at a meeting closed to the public, unless the matter is subsequently discussed in open Council or it is authorized to be releases by Council/the local board or otherwise by law.
4. Reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the City, its officers and employees, or its effective operation.
5. Information concerning litigation, negotiation or personnel matters.
6. Information, the publication of which may infringe on the rights of any person (e.g., source of a complaint where the identity of a complaint is given in confidence).

Integrity Commissioner – The person appointed by City Council By-Law in accordance with Section 223.3 of the *Municipal Act, 2001* and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to the application of the Code of Conduct for members of Council and Local Boards.

GIFTS AND BENEFITS

No member shall accept a fee, advance, gift or personal benefit that is connected directly or indirectly with the performance of his / her duties of office, unless permitted by the exceptions listed below. For these purposes, a fee or advance paid to, or a gift or benefit provided with the member's knowledge to a member's spouse, child or parent or to a member's staff that is connected directly or indirectly to the performance of the member's duties is deemed to be a gift to that member. The following are recognized as exceptions:

a) compensation authorized by by-law;
b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;
c) a political contribution otherwise reported by law;
d) services provided without compensation by persons volunteering their time;
e) a suitable memento of a function honouring the member;
f) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political subdivisions of them, by the Federal government or by a foreign country;
g) food and beverages consumed at banquets, receptions or similar events, if:
    I. attendance is in keeping with his or her representative role;
    II. the person extending the invitation or a representative of the organization is in attendance; and,
    III. the value is reasonable and attendance at events sponsored by the same entity is infrequent.
h) communication to the offices of a member, including subscriptions to newspapers and periodicals.

In the case of categories (b) (e) (f) (g) and (h), if the value of the gift or benefit exceeds $300, or if the total value received from any one source during the course of a calendar year exceeds $300, the member shall within 30 days of receipt of the gift or reaching the annual limit, file a disclosure statement with the City Clerk.
The disclosure statement must indicate:

- the nature of the gift or benefit;
- its source and date of receipt;
- the circumstances under which it was given or received;
- its estimated value;
- what the recipient intends to do with the gift; and,
- whether any gift will at any point be left with the City.

Any disclosure statements will be a matter of public record.

Except in the case of category (f), a member may not accept a gift or benefit worth in excess of $500 or gifts or benefits from one source during a calendar year worth in excess of $500. No member shall seek or obtain by reason of his / her office any personal privilege or advantage with respect to City services not otherwise available to the general public and not consequent to his or her official duties.

CONFIDENTIALITY

No Member shall disclose, release or publish by any means to any person or to the public any Confidential Information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so. No Member shall use Confidential Information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body.

USE OF CITY PROPERTY

No member shall for personal purposes or profit, permit the use of any City property, equipment, services, or supplies other than for purposes connected with the discharge of City duties or associated community activities of which City Council has been advised, unless such use is permitted by one of the following exceptions:

- Reasonable and incidental personal use of equipment such as computers, fax machines, cell phones, blackberries, etc., where the City incurs no additional costs relating to such use, and the use is of limited duration and frequency.
- Use of City property and facilities where such use is universally known to be available to other residents upon request and on equal terms.

No member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Guelph.

No member shall use information gained in the execution of

	his or her duties that is not available to the general public for any purposes other than his or her official duties.
WORK OF A POLITICAL OR PERSONAL NATURE	Members are required to follow the provisions of the *Municipal Elections Act*, *1996*. No member shall use the facilities, equipment, supplies, services or other resources of the City (including Councillor newsletters and websites linked through the City's website) for any election campaign or campaign-related activities. No member shall undertake campaign-related activities in any City facility for the purpose of seeking the support of City employees working in that facility. No member shall use the services of persons for his or her election campaign purposes during the working hours for which those persons receive compensation from the City. No member shall use City facilities, services or property for his or her personal or business use. No member shall use the services of persons for his or her personal or personal business use during the working hours for which those persons receive compensation from the City.
CONDUCT RESPECTING CURRENT AND PROSPECTIVE EMPLOYMENT	No member shall allow the prospect of his / her future employment by a person or entity to detrimentally affect the performance of his / her duties to the City.
BUSINESS RELATIONS	No member shall act as a paid agent before Council, its committees, or an agency, board or commission of the City. A member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.
CONDUCT	As a representative of the City, every Member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. A member shall not use indecent, abusive, or insulting words or expressions toward any other Member any member of staff or any member of the public. A Member shall not speak in a manner that is discriminatory to any individual based on that person's race ancestry, place of origin, creed, gender , sexual orientation, age colour, marital status or disability.
INFLUENCE ON STAFF	Only Council as a whole has the authority to approve budget, policy, committee processes and other such matters. Members shall be respectful of the fact that staff work for the City as a body corporate and are charged with making

recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or group of members. Accordingly, no member shall maliciously or falsely injure the professional or ethical reputation, or the prospects or practice of staff, and all members shall show respect for the professional capacities of the staff of the City.

Council directs the business of the City and passes by-laws, or resolutions as appropriate, for decisions adopted by Council. Council has delegated responsibility to the Chief Administrative Officer (CAO) for the administration of the affairs of the City in accordance with decisions adopted by Council. This means that under the direction of the CAO, staff have the responsibility and the authority to provide consultation, advice and direction to Council and to implement Council approved policy. Accordingly, staff establish the appropriate administrative policies, systems, structures and internal controls to implement the goals and objectives of Council, and manage implementation within the resources at their disposal. The Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions. No member shall compel any staff member to engage in activities that are contrary to the directions of Council or the policies of the municipality.

No member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities. Nor shall any member use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person's duties, including the duty to disclose improper activity.

IMPROPER USE OF INFLUENCE

No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Examples of prohibited conduct are the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's immediate relatives, staff members, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the

prospect or promise of future advantage through a member's supposed influence within Council in return for present actions or inaction.

For the purposes of this provision:
"private advantage" does not include a matter:

- that is of general application;
- that affects a member of Council, his / her immediate relatives, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or
- that concerns the remuneration or benefits of a member of Council.

COMPLAINTS ALLEGING VIOLATION OF THIS CODE	Where a member of Council or local board, an employee of the City or a member of the public has reasonable grounds to believe that a Member has breached this code, a complaint may be submitted to the Clerks Department in prescribed form which will be forwarded to the City Integrity Commissioner who will process it in accordance with the Complaint Protocol attached hereto as Appendix "1".

Appendix "1"
Complaint Protocol for
Code of Conduct for Council and Local Boards

Application

1. This process applies to members of Guelph City Council and its local boards as defined in Section 223.1 of the *Municipal Act.* ("Members")

Integrity Commissioner

The City of Guelph Integrity Commissioner shall be responsible for the provision of services as established by Council which will include the following:

1. To provide written and oral advice to Members, City staff and members of the public concerning the interpretation of and compliance with, the Code of Conduct Council for Council and Local Boards governing the ethical behaviour of Members.(the "Code")
2. To provide Council and its local boards, with specific and general opinions and advice on the interpretation of the Code, including revisions thereto.
3. To conduct enquiries into a request made by Council, a local board, a Member, a member of City staff or a member of the public into whether a Member has contravened any applicable provision of the Code.
4. To attempt to settle any complaint between the complainant and the Member before commencing an enquiry.

Procedure for Making a Complaint

1. All complaints or requests for inquiries shall be submitted to the Clerks Department and sworn before a commissioner of oaths in the form provided in Appendix "A" and the Clerk shall forthwith forward them to the Integrity Commissioner.
2. All complaints or requests for inquiries must clearly state:
    a. the Member to whom the complaint relates;
    b. the nature of the alleged contravention;
    c. the specific provision(s) of the Code allegedly contravened;
    d. names of any witnesses to the alleged contravention; and
    e. written material in support of the alleged contravention.
3. Upon receipt of a complaint or request for enquiry, the Integrity Commissioner shall first determine if it is within his/her jurisdiction and whether there is a procedure under other legislation or City policy to deal with the complaint. If it is determined that other procedures apply, the Integrity Commissioner shall refer the complainant to the appropriate person or agency to follow that process. This would include such matters as:
    a. the grievance provisions of a collective agreement;
    b. the complaint provisions under the *Ontario Human Rights Code*;
    c. a complaint of alleged criminal activity;
    d. procedures in the *Municipal Act, the Municipal Conflict of Interest Act or the Municipal Elections Act;*
    e. the complaint provisions of the *Workplace Violence Prevention Policy;* or
    f. the complaint provisions of *the Harassment and Discrimination Policy.*

Where it has been determined that a complaint should be dealt with under one of the above processes, it will no longer be considered or dealt with by the Integrity Commissioner and the time limits within the above processes will apply accordingly.

4. Upon receipt of a complaint or request to conduct an enquiry within his/her jurisdiction, the Integrity Commissioner will deliver a preliminary information report to an open meeting of Council including the following:
    a. The opinion of the Commissioner as to whether the enquiry is appropriate and whether it can be conducted within the law applicable to such an enquiry.
    b. An indication as to whether it is the Commissioner's intention to conduct the enquiry under the *Public Inquiries Act*.
    c. A preliminary indication of the members of staff and/or consultants needed to assist the Commissioner.
    d. An estimated cost of the enquiry.
    e. The estimated time required to complete the enquiry and prepare a final report.
    f. Where appropriate, the Commissioner may recommend that the alleged infraction be reported to the police and that the enquiry be suspended until the police investigation is completed.
5. If the Integrity Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith or that there are no grounds or insufficient grounds for an enquiry, the Integrity Commissioner shall not conduct an enquiry and shall state the reasons for not doing so in the preliminary report.

Procedure for Obtaining Advice:

i. Where a member of the public is seeking to obtain advice from the Integrity Commissioner, he/she shall submit to the City Clerk the completed form provided (Appendix B).
ii. All advice of the Integrity Commissioner to Members, employees and the public shall be confirmed in writing. No Solicitor/Client relationship will exist in the giving of such advice.
iii. Where the Integrity Commissioner learns of a violation through the request for advice from any Member, he or she is required to report such a violation to Council.
iv. The Integrity Commissioner may decline to give advice if he/she determines that it will put him in conflict with his/her duty to Council as a whole.

Confidentiality

1. The Integrity Commissioner shall carry out all enquiries in a manner which will ensure that the individual to whom the complaint relates is treated fairly and all complaints shall be treated as confidential to the extent possible and in accordance with the *Municipal Act*.
2. All records of investigations shall be kept confidential and access limited to those in the City with a need to know for the purposes of conducting a full investigation.

Intake Procedures

1 Upon receipt of a complaint involving a Member other than the Mayor, the Clerk shall immediately advise the Mayor and Chief Administrative Officer ("CAO").

2 Upon receipt of a complaint involving the Mayor, the Clerk shall immediately advise the CAO and the three longest serving members of Council authorized to act in place of the Mayor.

3. The Integrity Commissioner may attempt to settle any complaint. Except where otherwise required by the *Public Inquiries Act,* the Commissioner shall provide a copy of the complaint and supporting material to the member with a request for a written response to the allegation within ten days and provide a copy of such response to the complainant with a request for a written response also within ten days.

Investigations

After the presentation of the information report to Council, the Integrity Commissioner shall take all steps necessary to promptly investigate the complaint within his or her jurisdiction, including entering any City office for such purpose and consultation with City staff with access to all information and records described in subsections 3 and 4 of Section 223.4 of the *Municipal Act* and may retain independent professional services if required.

1. The Integrity Commissioner shall make every effort to complete an investigation within 30 days.
2. If the Integrity Commissioner requires more than 30 days to complete an investigation, the following shall be notified accordingly:
    a. The complainant;
    b. the individual to whom the complaint relates; and
    c. the Mayor in the case of a complaint concerning another Member; or the three longest serving members of Council in the case of a complaint concerning the mayor.
3. A complaint involving an alleged contravention that has already been thoroughly investigated will not be re-investigated unless new evidence is presented.

Reporting the Results of an Investigation

1. The Integrity Commissioner shall report his/her findings to an open meeting of Council and where the enquiry relates to a local board the report will be submitted to both Council and the local board.
2. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
3. The Commissioner shall give a copy of the final report to the complainant and the Member whose conduct is concerned 15 days prior to the Council meeting at which it will be considered.

Actions by Council

1. In reviewing the final report, Council will determine whether it will impose any of the following penalties on a Member if the Integrity Commissioner reports that it is his/her opinion that the Member has contravened the Code:
    a. Issue a motion of reprimand
    b. Suspension of the remuneration paid to the Member in respect of his services as a Member fort a period of up to 90 days
    c. request the member involved to return any gift or benefit received in contravention of the Code of Conduct;
    d. request the member involved to repay the value of the benefit;
    e. remove the member from committee or local board appointments;
    f. request an apology; or
    g. withhold confidential materials/matters for a period of time.
2. All reports to Council by the Integrity Commissioner on the investigation of complaints are public documents.
3. The Integrity Commissioner shall be responsible for ensuring the above procedures are followed with respect to requests for enquiries and for conducting investigations. City Council shall be responsible for determining penalties where appropriate.

Protection from Retaliation

Any employee who files a complaint of a contravention of the Code of Conduct will not be subjected to any form of penalty or reprisal provided the complaint is made:

- in good faith; and
- in the reasonable belief of the complainant that a contravention of the Code of Conduct has occurred.

Limitation Period

The Integrity Commissioner shall not proceed with an enquiry in regard to a complaint more than 60 days after the date when the event or series of events which are the subject matter of the complaint were discovered by the complainant. An event, or series of events, is discovered on the earlier of the date upon which the complainant first knew,

- that the event(s) had occurred and by whom,
- that the event(s) may have constituted a contravention of
- the Code.

The onus of proof as to the date of discovery lies with the complainant.

Where the Integrity Commissioner decides not to proceed with an investigation of a complaint received more than 60 days after the date when the event(s) occurred, the Integrity Commissioner shall prepare and file a report to Council setting out that decision.

Complaints in Municipal Election Years

Despite any other provision of this process, any complaint received by the City Clerk 90 days prior to the date of a regular election pursuant to the *Municipal Elections Act,* 1996, *S.O.* 1996, shall not be referred to the Integrity Commissioner for investigation until after the election has taken place.

The 90 days referred to above, will not be included for the purposes of calculating the 60 day limitation period.

Appendix A

Complaint Form to the Integrity Commissioner

Please note that signing a false affidavit May expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46, and also to civil liability for defamation.

Affidavit

AFFIDAVIT OF _____[*full name]*

I, _____[*full name*], of the [*City, Town, etc of*]_____

_____[*municipality of residence*] in the Province of Ontario MAKE OATH AND SAY [or *AFFIRM*]:

1. I have personal knowledge of the facts as set out in this affidavit, because _____

_____

_____*[insert reasons e.g. I work for . . . I attended the meeting at which . . . etc*].

2. I have reasonable and probable grounds to believe that a member of City of Guelph Council or a local board____

_____[*specify name of member*], has contravened section(s)_____[*specify section(s)*] of the code of conduct for Members of Council and Local Boards (the "Code of Conduct"). The particulars of which are as follows:

[Set out the statements of fact in consecutively numbered paragraphs in the space below, with each paragraph being confined as far as possible to a particular statement of fact. If you require more space, please use the attached Schedule A form and check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to the exhibits as Exhibit A, B, etc .and attach them to this affidavit.]

_____

_____

_____

_____

_____

_____

Please see the attached Schedule A ( )

1. This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN [or *AFFIRMED*] before me at the

_____)
[*City, Town, etc.]*)
)
in the Province of Ontario, on)
)
_____)
[*date*])
)
_____)
[*Signature of commissioner*])
A Commissioner for taking affidavits, etc.)

_____
[*Signature*]

Integrity Commissioner Inquiry
Formal Complaint Procedure

Please note that signing a false affidavit May expose you to prosecution under Sections 131 and 132 or 134 of the Criminal Code, R.S.C. 1985, c. C-46, and also to civil liability for defamation.

Page ___ of ___.

Schedule A

To the affidavit required under subsection 1(4) of The Formal Complaint Procedure

[*If more than one page is required, please photocopy this blank page and mark each additional page as 2 of 2, 2 of 3, etc. at the top right corner.*]

This is Schedule A referred to in the affidavit of

_____[*full name*]

Sworn [*or Affirmed*] before me on this _____ day

of _____, _____.

_____

A Commissioner for taking affidavits, etc.

Integrity Commissioner
Request for Advice

APPENDIX B

Please note that should the Integrity Commissioner Determine that a member of Council or a of a local board has violated any provisions governing ethical behaviour pursuant to the Code of Conduct for Council or local boards, he/she is obligated to report such violation, with any recommendation for sanction to Council.

Request for Advice

Name of Requestor: _____[*full name]*

Address: _____

_____

Phone: _____ **Email:** _____

Advice Requested: (Provide as much detail as possible relating to the issue, attach 2nd page if required)

_____

_____

_____

_____

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_____

_____

_____

_____

_____

_____

_____
[*Signature of Requestor]*

_____
[*Date Received by Integrity Commissioner*]

_____
[*Date*]

_____
[*Date Reply Issued)*]

_____
[File no.]

CONSENT AGENDA

July 29, 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-2013.18 PROPOSED DEMOLITION OF 17 CLIVE AVENUE	Approve
1. That Report 13-40 regarding the proposed demolition of a detached dwelling at 17 Clive Avenue, legal described as Lot 27, Part Lot 26, Plan 381; City of Guelph, from Planning, Building, Engineering and Environment dated July 29, 2013, be received;	
2. That the proposed demolition of the detached dwelling at 17 Clive Avenue be approved;	
3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwellings;	
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-2013.19 1750 GORDON STREET – APPLICATION FOR SITE PLAN APPROVAL FOR PHASE 2 OF A MIXED USE COMMERCIAL DEVELOPMENT (FILE: SP13C003), WARD 6	Approve
1. That Report 13-36 regarding an application for Site Plan	

Approval submitted by GSP Group Inc. on behalf of Loblaw Properties proposing the second phase of a mixed use commercial development of the lands municipally known as 1750 Gordon Street, and legally described as Part of Block 64, Plan 61M-65, from Planning, Building, Engineering and Environment dated July 29, 2013, be received.

2. That the site plan application submitted by GSP Group Inc. on behalf of Loblaw Properties Limited proposing the second phase of a mixed use commercial development of the lands municipally known as 1750 Gordon Street, and legally described as Part of Block 64, Plan 61M-65, be conditionally approved, subject to resolving the technical and design issues set out in Attachment 2 of Planning, Building, Engineering and Environment Report 13-36, dated July 29, 2013 to the satisfaction of the General Manager of Planning Services.

attach.

STAFF REPORT

TO	City Council
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	July 29, 2013
SUBJECT	**Proposed Demolition of 17 Clive Avenue Ward 2**
REPORT NUMBER	13-40

EXECUTIVE SUMMARY

PURPOSE OF REPORT
To provide background and a staff recommendation related to a request for demolition approval of a detached dwelling.

ACTION REQUIRED
Council is being asked to approve the demolition request.

RECOMMENDATION
1. That Report 13-40 regarding the proposed demolition of a detached dwelling at 17 Clive Avenue, legal described as Lot 27, Part Lot 26, Plan 381; City of Guelph, from Planning, Building, Engineering and Environment dated July 29, 2013, be received;

2. That the proposed demolition of the detached dwelling at 17 Clive Avenue be approved;

3. That the applicant be requested to erect protective fencing at one (1) metre from the dripline of any existing trees on the property which can be preserved prior to commencement of demolition and maintain fencing during demolition and construction of the new dwellings;

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 to demolish a detached dwelling at 17 Clive Avenue was received on May 29, 2013 by Planning, Building, Engineering and Environment.

The subject property is located north of Speedvale Avenue and south of Shaftesbury Avenue. The subject property is zoned R.1B (Residential Single

Detached), which permits single detached dwellings, accessory apartments, bed and breakfast establishments, day care centres, group homes, home occupation and lodging house Type 1. The dwelling proposed to be demolished was recently damaged as a result of a fire. The applicant is proposing to construct a new dwelling to replace the fire damaged dwelling (see location map and site photos on Attachments 1 and 2).

REPORT

The City's Demolition Control By-law was passed under the authority of Section 33 of the *Planning Act*. The By-law is intended to help the City "...retain the existing stock of residential units and former residential buildings in the City of Guelph." Section 33 of the *Planning Act* allows that Council's decision may be appealed by the applicant to the Ontario Municipal Board. In addition, an applicant may appeal if there is no decision within 30 days of filing the application.

The subject property sustained significant damage during a recent house fire. Presently the house is vacant and boarded up (see site photos on Attachment 2). The property is less than 0.2 hectares and therefore is not regulated by the Private Tree Protection By-law. However, there are a number of mature trees (cedar and spruce hedges) along the rear property line and the side property line between 17 and 15 Clive Avenue in addition to two deciduous trees in the front yard; it is Staff's preference to maintain and protect the urban forest where possible. Some of the trees appear to be shared between abutting property owners. A tree protection zone will need to be established where protective tree hoarding would be installed to protect trees that are being retained. The demolition will need be to be carefully undertaken near the area of the south/east garage foundation and if the trees are to be retained, the owners may wish to consider using an approach that reduces impact to the hedge. The owner is encouraged to preserve these trees.

The subject dwelling is not listed on the City of Guelph's Municipal Registrar of Cultural Heritage Properties.

The proposed replacement dwelling is a two storey detached dwelling with an attached double car garage. The applicant has not yet finalized the design for the proposed replacement dwelling but has provided a conceptual drawing of what the new dwelling may look like (see Attachment 3).

The approval of the demolition application is recommended as the existing dwelling is not a significant cultural heritage resource, is in poor condition as a result of fire damage and the subject property is proposed to be developed with a new single detached dwelling. Therefore, there will be no overall loss of residential capacity proposed as a result of this application.

CORPORATE STRATEGIC PLAN

City Building – Strategic Directions 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.

FINANCIAL IMPLICATIONS
N/A

DEPARTMENTAL CONSULTATION
The City's Senior Heritage Planner as well as the Environmental Planner were consulted regarding the proposed demolition permit

COMMUNICATIONS
A sign was posed on the subject property advising that a demolition permit has been submitted and that interested parties can contact Building Services for additional information.

Staff received one (1) email from an area resident, who requested more information on the process of the demolition and what type of building would be replacing the existing dwelling. The resident expressed concerns to staff that since the new dwelling is proposed to be two (2) storeys, it would not fit within the existing character of the neighbourhood that is comprised predominately of bungalows. The resident also expressed concern regarding existing trees on the subject property that provide privacy for the adjacent properties. Staff outlined the City's residential demolition process, explained that the existing R.1B Zoning permits detached dwellings up to three (3) storeys in height and that what the applicant has proposed meets current Zoning By-law provisions, and that we have requested that the applicant preserve as many tress as possible and erect protective fencing around trees to be retained, however this is only a request and we cannot make it mandatory under the provisions of the enabling legislation.

ATTACHMENTS
Attachment 1 - Location Map
Attachment 2 - Site Photos
Attachment 3 - Proposed Concept

Prepared By:
Michelle Innocente
Development & Urban Design Planner

"original signed by Sylvia Kirkwood for"
_____

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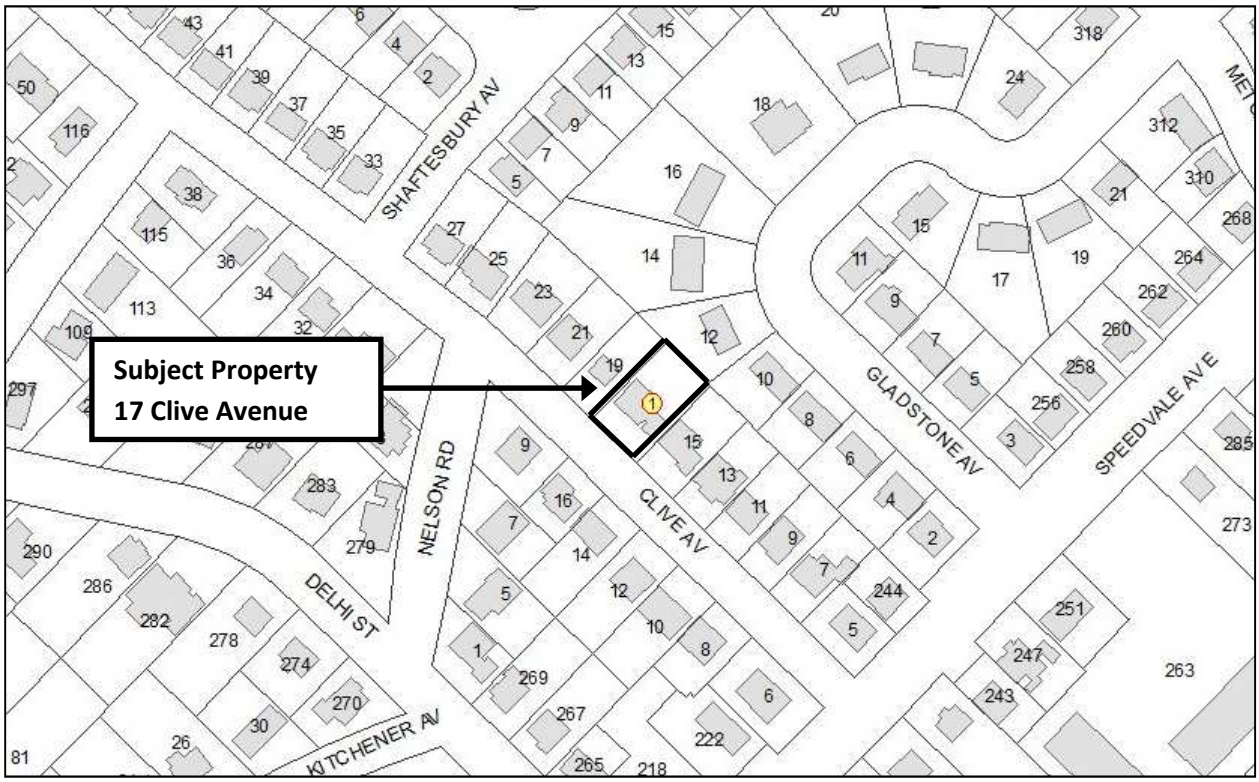
Approved By:
Sylvia Kirkwood
Manager of Development Planning

"original signed by Richard Henry for"
_____

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 – Location Map



Area Map – 17 Clive Avenue

ATTACHMENT 2 – Site Photos



Aerial Photograph



Photo of 17 Clive Avenue

ATTACHMENT 3 – Proposed Concept



Concept elevation submitted with demolition permit application

STAFF REPORT

TO	City Council
SERVICE AREA	Planning, Building, Engineering and Environment
DATE	July 29, 2013
SUBJECT	**1750 Gordon Street – Application for Site Plan Approval for Phase 2 of a Mixed Use Commercial Development (File SP13C003) Ward 6**
REPORT NUMBER	13-36

EXECUTIVE SUMMARY

PURPOSE OF REPORT

This report provides a staff recommendation to issue conditional site plan approval to permit the development of a 3,619 m^2 (38,955 sq. ft.) food store as part of the second phase of a mixed use commercial development at 1750 Gordon Street. Council directed staff in February 2006 to develop a process for receiving public input into any site plan application made on the subject property, and that Council would be the approval authority on respective site plan applications. The proposed site plan for the food store conforms to the existing specialized CC-17 Zoning on the property, and does not require a further zoning by-law amendment.

KEY FINDINGS

Planning staff support the proposed site plan shown in Attachment 3, subject to the developer satisfying a set of conditions.

FINANCIAL IMPLICATIONS

None.

ACTION REQUIRED

Council is being asked to issue conditional site plan approval for Phase 2 of a mixed use commercial development, subject to conditions.

RECOMMENDATION

1. That Report 13-36 regarding an application for Site Plan Approval submitted by GSP Group Inc. on behalf of Loblaw Properties proposing the second phase of a mixed use commercial development of the lands municipally known as 1750 Gordon Street, and legally described as Part of Block 64, Plan 61M-65, from Planning, Building, Engineering and Environment dated July 29, 2013, be received.

2. That the site plan application submitted by GSP Group Inc. on behalf of Loblaw Properties Limited proposing the second phase of a mixed use commercial development of the lands municipally known as 1750 Gordon Street, and legally described as Part of Block 64, Plan 61M-65, be conditionally approved, subject to resolving the technical and design issues set out in Attachment 2 of Planning, Building, Engineering and Environment Report 13-36, dated July 29, 2013 to the satisfaction of the General Manager of Planning Services.

BACKGROUND

In February 2006, City Council approved an Official Plan Amendment for the subject lands (see Attachment 1) to change the land use designation from General Residential to Community Commercial and also approved a Zoning By-law Amendment to change the zoning from UR (Urban Reserve) to CC-17 (Specialized Community Commercial) to permit a large mixed-use commercial development. In approving the Official Plan and Zoning By-law Amendments, City Council imposed a condition that any future Site Plan Application for the proposed mixed-use development be reviewed and approved by Council and that staff develop a process for receiving public input into the Site Plan Application(s).

The site plan for Phase 1 of Westminster Market was conditionally approved by Council on November 3, 2008 and was finally approved on October 27, 2009 to permit three (3) freestanding commercial buildings along Clair Road, each of which have been built. A large format food store was once part of the 2008 site plan application, but the property owner withdrew the large format food store building from the 2008 site plan application pending further review of market conditions and to reconsider the size of food store for the site.

GSP Group Inc., on behalf of the property owner, Loblaw Properties Limited, submitted a site plan application under Section 41 of the *Planning Act* on January 30, 2013 for Phase 2 of the mixed use commercial development at 1750 Gordon Street (known as the Westminster Market) to permit a 3,619 m^2 (38,955 sq. ft.) food store (see Attachments 3 and 4). As Council directed staff to develop a process for receiving and considering public input into any site plan application made on the subject property and for Council to be the ultimate approval authority on any site plan application, this report is recommending conditional site plan approval be granted from Council for the new food store proposal as part of Phase 2 of the Westminster Market development.

Since receiving the site plan application in January 2013, staff members of the Site Plan Review Committee (SPRC) and the applicant have met on several occasions and have together come up with a concept for Phase 2 that both are satisfied with. Staff and the applicant are now in a position to bring forward this proposed site plan to the public and Council for feedback and conditional approval. Staff have sent a letter (see Attachment 8) to residents within a 120 metre radius of the site inviting them to review the submitted site plan documents in detail and provide comments to Planning Services staff for consideration. Comments submitted to staff

will be summarized and considered as part of the site plan review process. This letter also informed residents of this Council meeting, and encouraged residents to provide the City with any comments they may have on the site plan.

If Council issues conditional site plan approval, it will allow the SPRC to continue to review and finalize any technical issues associated with the site plan application. These technical issues are outlined in Attachment 2, and have been identified by the SPRC since receiving the revised application. Further, a site plan control agreement will be registered on title, containing conditions of approval set out in Attachment 9 of this report. Final site plan approval is recommended to be signed by the General Manager of Planning Services.

Location
The subject site consists of approximately 1.6 hectares (3.9 acres) of land located between Gordon Street and Farley Drive (see Attachment 1). The subject site is part of the larger Westminster Market mixed use commercial centre located on the northeast corner of Gordon Street and Clair Road. This site is designated "Mixed Use Node" within the City's Official Plan. Surrounding land uses include:

- To the north, a vacant strip of land proposed for future office uses, an existing stormwater management facility and a cluster townhouse development and single detached dwellings along Farley Drive;
- To the east, existing single detached dwellings along Farley Drive and Eugene Drive;
- To the south, three (3) existing retail buildings approved as Phase 1 of Westminster Market including LCBO, CIBC and third building with a restaurant and financial institution; and
- To the west, an existing commercial retail plaza known as Clairfield Commons with various retail uses including a food store, restaurants, financial institutions and a drug store.

Zoning
The rezoning approved in 2006 through by-law (2006)-17974, and ultimately by the OMB created the specialized CC-17 (Community Commercial) Zone. The CC-17 (Community Commercial) Zone permits a food store as a retail establishment use together with specialized regulations for building height, maximum gross floor area and maximum and minimum front and exterior side yard setbacks. Staff have evaluated the revised food store site plan submitted in January 2013 with the applicant and have collectively made revisions to the plan to establish a site plan concept that conforms to the specialized CC-17 (Community Commercial) Zoning regulations and will also ultimately guide future build out of the Westminster Market site in subsequent and final phases.

REPORT

The Site Plan application requests approval to permit the development of Phase 2 of the Westminster Market development, which consists of a 3,619 m^2 (38,955 sq. ft.) food store on the east side of the site, north of the Farley/Goodwin driveway access. The timing of additional commercial development on the Westminster Market site is unknown at this time, and the applicant has not included any additional buildings as part of this site plan application. Other buildings as conceptually shown on Attachment 3 will be considered with future site plan applications.

Detailed Site History

On February 13, 2006, City Council considered report 06-23 from Planning and Development Services which recommended approval of an Official Plan Amendment from General Residential to Community Commercial and a Zoning By-law Amendment from UR (Urban Reserve) to CC-17 (Specialized Community Commercial) for the subject property to permit a mixed-use commercial development. In approving the Official Plan and Zoning By-law Amendments, City Council imposed a condition that any future Site Plan Application for the proposed mixed-use development be reviewed and approved by Council and that staff develop a process for public input into the Site Plan Application. The following resolution was put forward and carried at the February 13, 2006 Council meeting:

> THAT Condition #3 be amended to include that the site plan to come back to Council for approval;
>
> AND THAT if required, the Site Plan Control By-law be amended to allow for Council approval of the Site Plan;
>
> AND THAT staff develop a process for public input.

Condition #3 from Schedule 2 of report 06-23 stated:

> "The Owner commits and agrees that the details of the layout and design for development of the subject lands shall be generally in accordance with the concept plan attached to the February 13, 2006 report by Loblaw Properties Limited dated January 2006 and shall address all of the elements of good urban design as outlined by the City of Guelph Urban Design Guidelines including the City Urban Design Guidelines, the SGCP guidelines, the SGDC guidelines and the proposed CPR guidelines, to the satisfaction of the Director of Planning and Building Services and the Commissioner of Environment and Transportation Group."

Staff note that the current site plan application varies significantly from the concept plan attached to the February 13, 2006 report. However, Council is being asked to conditionally approve the new site plan shown in Attachment 3, and give the Site Plan Review Committee the authority to address technical and design issues as summarized in Attachment 2.

The approval granted by City Council for the Official Plan and Zoning By-law Amendments was appealed to the Ontario Municipal Board (OMB). The appeal was dismissed and Council's decision with respect to these applications stands.

On September 26, 2006, the City's Commercial Policy Review (CPR), OPA 29, was approved which superseded the site specific Official Plan Amendment, and the designation of the subject property changed from "Community Commercial" to "Mixed Use Node". Loblaw Properties Limited appealed specific policies of OPA 29 concerning urban design to the OMB as they relate to two properties in the City: the subject property, 1750 Gordon Street; and 115 Watson Parkway North/72 Watson Road North which is also located in a Mixed Use Node.

On February 26, 2007, a site plan application was submitted to the City for the subject lands consisting of a large format food store of 13 424 m^2 (144,500 sq. ft) and three (3) free standing buildings with a total gross floor are of approximately 2 350 m^2 (25,296 sq. ft). The applicant submitted revised plans on August 22, 2008 showing a reduced food store with a total floor area of 10 584 m^2 (113,929 sq. ft.) and three (3) smaller free standing buildings with a total gross floor area of 2 024 m^2 (21,787 sq. ft.). In October, 2008, the applicant informed staff that they would not be proceeding with the large format retail food store at that time, and requested to have it removed from the application for site plan approval.

On November 3, 2008, Phase 1 of the commercial development on the subject property was brought before Council and conditionally approved without the food store. This proposal included three (3) freestanding retail buildings along Clair Road East. On November 14, 2008, Loblaw Properties Limited withdrew their appeal of OPA 29 in its entirety. Final approval was issued on October 27, 2009 following the execution and registration of a site plan control agreement. These three (3) buildings have since been constructed along the Clair Road property line (LCBO, CIBC, restaurant/financial institution respectively).

On January 30, 2013, GSP Group Inc., on behalf of Loblaw Properties Limited, applied for approval to permit a 3,619 m^2 (38,955 sq. ft.) food store as Phase 2 of the Westminster Market development. Staff and the applicant are now in a position to bring forward a site plan application for Phase 2 to the public for feedback, then to Council for conditional approval.

Public Process: Site Plan Review

In accordance with Council direction, staff have incorporated a public process into the typical site plan review procedure. On July 2, 2013, a letter was sent to all residents within 120 m (393.7 ft.) of the subject site, informing them that the City was in receipt of an application for site plan approval. The letter described the proposal as a food store with an approximate gross floor area of 3,619 m^2 (38,955 sq. ft.) and a reduced version of the site plan and store elevations were attached to letter. The letter invited residents to view the full-size site plan and elevation drawings in Planning Services and to submit written comments for consideration (see Attachment 5 –Letter to Residents).

The new food store represents a significant reduction in gross floor area over the previously proposed 13,424 m^2 (144,500 sq. ft) food store in 2008. The current proposed food store amounts to a 9,805 m^2 (105,540 sq. ft), or 73% reduction in gross floor area over the 2008 food store. This reduction in size allows the remainder of the Westminster Market site to be developed into a mix of other uses in accordance with the specialized CC-17 (Community Commercial) Zone.

Staff Review of Site Plan Drawings
Members of the SPRC have met with the applicant on several occasions to begin a technical review since the application. Several revisions have been made, however the issues and requirements identified by the SPRC that are still outstanding include the following:

- A lighting/photometric plan must be provided demonstrating the proposed exterior lighting will have no light trespass on adjacent private property;

- A noise study and dust suppression report must be provided and the studies' recommendations incorporated into the final site plan accordingly;

- Details are to be provided (i.e. sightline diagram) of how rooftop mechanical units will be completely screened from public view at the street level;

- A traffic geometrics plan, endorsed by a Professional Engineer is required to be submitted showing internal traffic geometry for vehicles accessing the site – especially for trucks (i.e. Auto turn radii)
- The location and details of the municipal number will need to be identified, including its location on the building and/or freestanding sign;

- Proposed plants exhibiting invasive properties in landscaping (i.e. *Acer ginnala* and *Euonymus alatus*) will need to be substituted with native and non-invasive alternatives;

- The use of terraseeding methods are promoted on the lands indicated as future phases, and once seeded, the future development areas are to be maintained to the City's Property Standards (i.e. height of herbaceous plants – 8 inches);

Planning Staff Recommendation
Planning staff are supportive of the new and smaller food store as it will allow for more flexibility in future uses on the site and will integrate well with the surrounding residential community. It is also a use permitted under the CC-17 zone.

It is recommended that Council conditionally approve the site plan application, subject to resolving the technical and design issues determined by the SPRC and entering into a site plan control agreement to be registered on title. Final site plan approval is recommended to be signed by the General Manager of Planning Services.

CORPORATE STRATEGIC PLAN

Strategic Direction 3.1: Ensure a well designed, safe, inclusive, appealing and sustainable City.

DEPARTMENTAL CONSULTATION

The Site Plan application has been reviewed by Engineering Services, Planning Services and Building Services through the SPRC process.

COMMUNICATIONS

A Notice was sent on July 2, 2013 to all residents within 120 m (393.7 ft.) of the subject property advising that a revised site plan application will be considered by Council on July 29, 2013 and inviting those interested to view full-size plans at Planning Services in advance of the Council meeting. Any public comments received will be provided to Council at this meeting and form part of the Council minutes.

ATTACHMENTS

Attachment 1 – Location Map
Attachment 2 – Recommended Conditions of Approval for Phase Two
Attachment 3 – Proposed Site Plan
Attachment 4 – Proposed Food Store Elevations
Attachment 5 – Proposed Food Store Rendering
Attachment 6 – 2008 Site Plan Proposal (now superseded)
Attachment 7 – Applicable "Mixed Use Node" Official Plan Policies
Attachment 8 – 2013 Letter to Residents
Attachment 9 – Conditions of Approval for ZC 0402
Attachment 10 – Proposed CEI and Environmental Initiatives

Report Author
Michael Witmer
Planner/Site Plan Coordinator

Approved By
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Manager of Development Planning

"original signed by Sylvia Kirkwood for"

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Recommended By
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Executive Director
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519-822-1260, ext 2237
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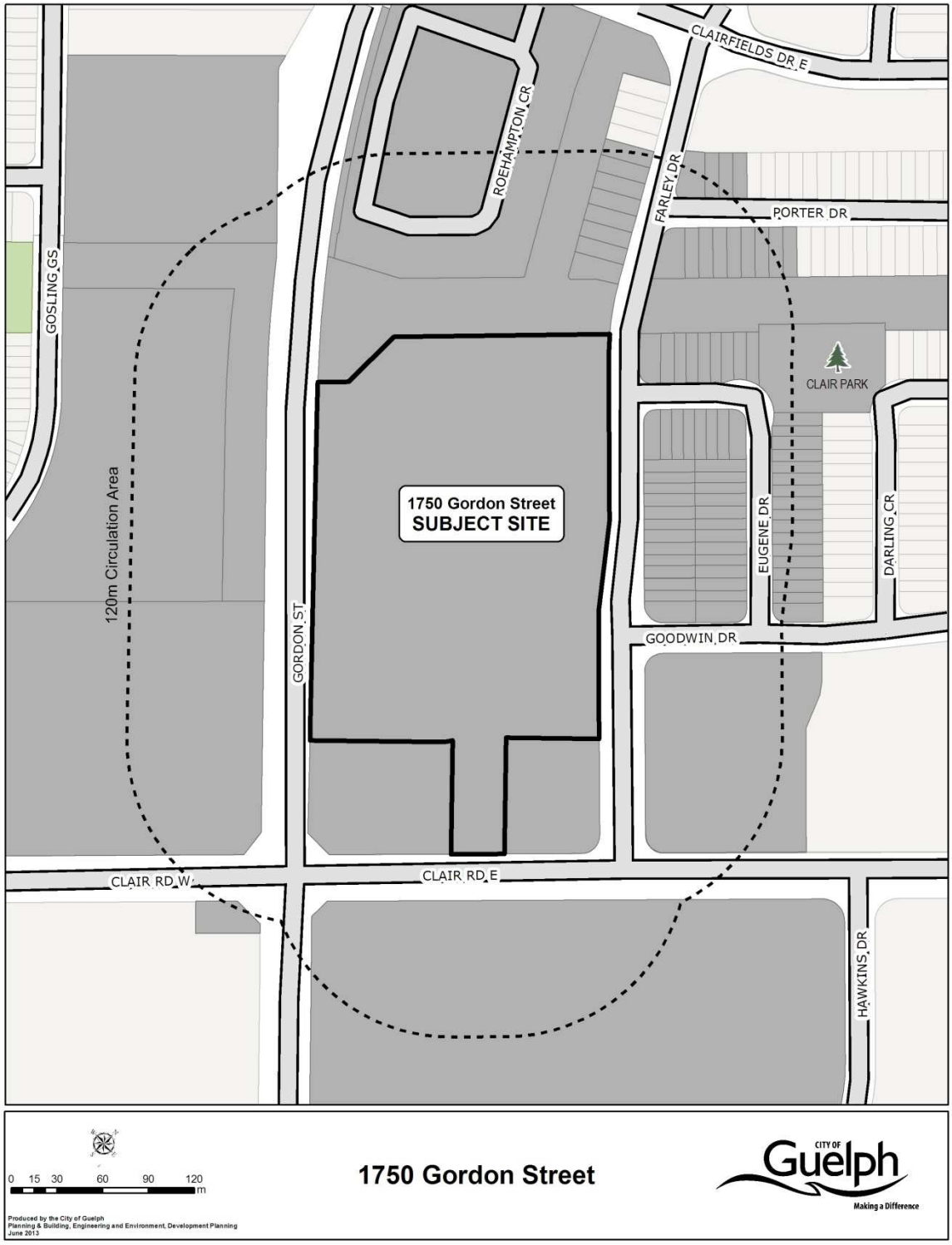
ATTACHMENT 1
Location Map



ATTACHMENT 2
Recommended Conditions of Approval for Phase Two

1. A lighting/photometric plan must be provided demonstrating all proposed exterior lighting will have no light trespass (to be measured at 0.0 footcandles) on all adjacent private property;
2. A noise study and dust suppression report must be provided and the studies' recommendations incorporated into the final site plan accordingly;
3. Design details are to be provided (i.e. sightline diagram) of how all rooftop mechanical units will be completely screened and not be visible from any street level or adjacent City property;
4. A traffic geometrics plan, endorsed by a Professional Engineer, is to be provided showing all internal traffic geometry for vehicles accessing the site (i.e. Auto turn radii);
5. The location and details of the municipal number (T.B.A.) will need to be identified including its location on the building and/or a freestanding sign;
6. Any plants proposed exhibiting invasive properties in landscaping (i.e. *Acer ginnala* and *Euonymus alatus*) will need to be substituted with native and non-invasive alternatives and where possible, drought tolerant properties;
7. The use of terraseeding methods are to be promoted on the lands indicated as future phases, and once seeded as part of this phase, the future development areas are to be maintained to the City's Property Standards (i.e. height of herbaceous plants – 8 inches);
8. Adequate snow storage area(s) for the current phase are to be indicated on the site plan;
9. All traffic control signs as deemed required by Traffic Investigations staff are to be installed and details provided on the site plan drawing;
10. The applicant shall explore all opportunities to implement environmentally responsible design options employed in other locations for the subject development in order to satisfy the goals of the City's Community Energy Initiative (see Attachment 10 – Proposed CEI and Environmental Initiatives);
11. The owner shall satisfy all conditions of approval outlined in the related zoning by-law amendment approval as they relate to phase two of the development proposal (see Attachment 9 – Conditions of Approval for ZC 0402);
12. The owner shall enter into a Site Plan Agreement with the City, registered on title, satisfactory to the City Solicitor agreeing to satisfy all required conditions of approval and to develop the site in accordance with the approved plan.

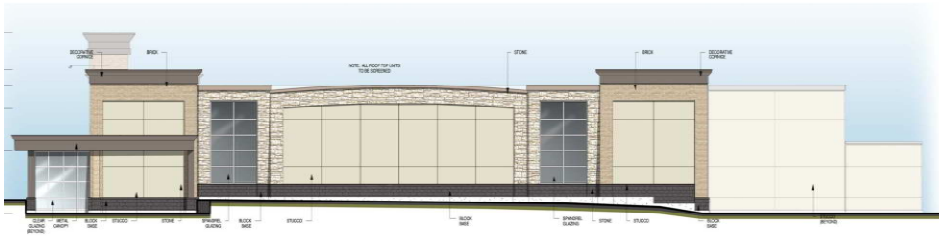
ATTACHMENT 3
Proposed Site Plan



ATTACHMENT 4
Proposed Food Store Elevations



A: South Elevation (front)



B: East Elevation (side)



C: West Elevation (side)



D: North Elevation (rear)

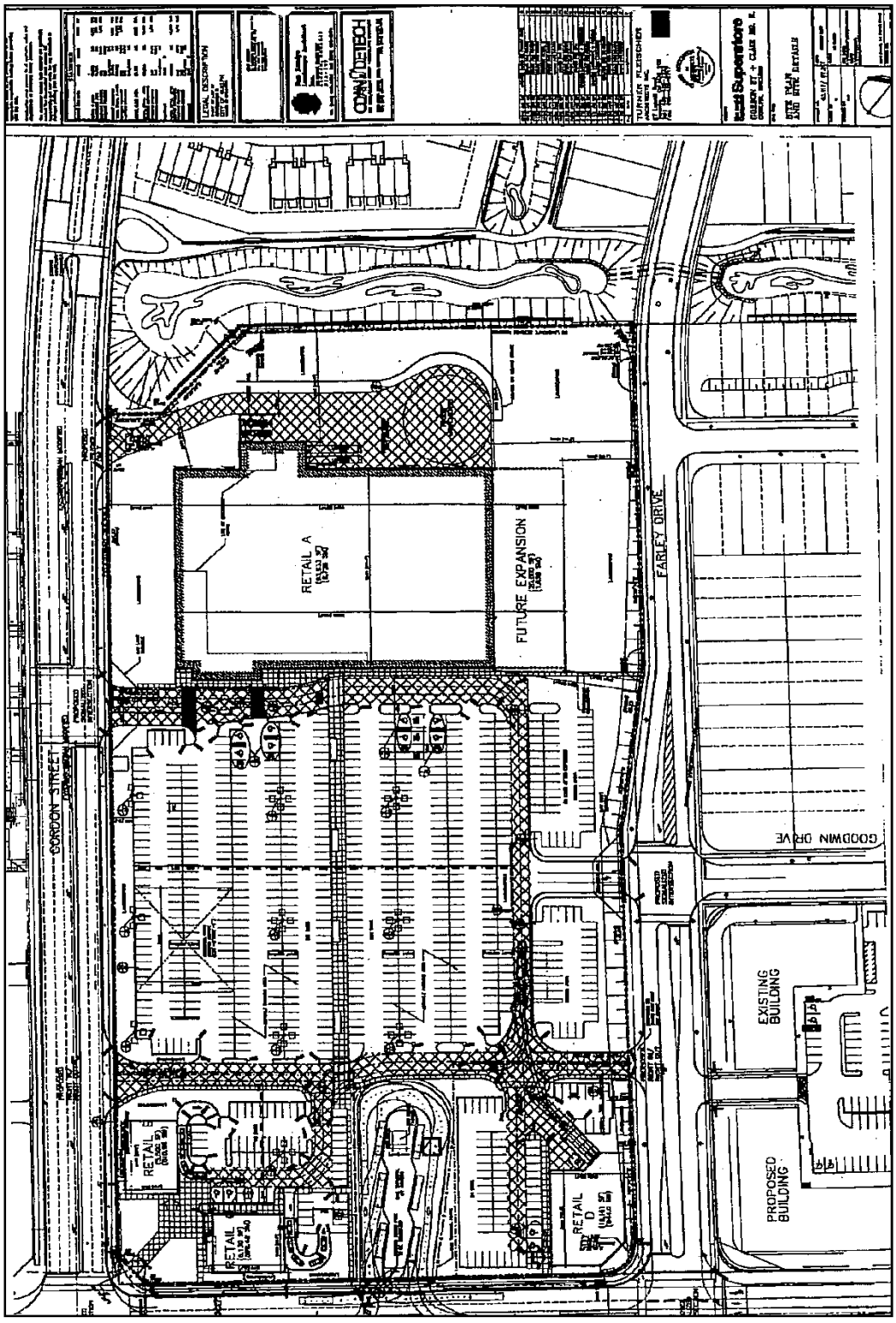
(NOTE: Elevations are not to scale; Elevations provided by Turner Fleischer Architects Inc., June 2013)

ATTACHMENT 5
Proposed Food Store Rendering



(Rendering provided by Turner Fleischer Architects Inc., June 2013).

ATTACHMENT 6
2008 Site Plan Proposal (now superseded)



ATTACHMENT 7
Applicable "Mixed Use Node" Official Plan Policies

7.4.5 The 'Mixed Use Nodes' identified on Schedule 1 in this Plan is comprised of one or several individual developments on one or more properties on both sides of an intersection of major roads within a "node". These areas are intended to serve both the needs of residents living and working in nearby neighbourhoods and employment districts and the wider City as a whole. **– CONFORMS**

7.4.6 The intent of the 'Mixed Use Node' designation is to create a well defined focal point and to efficiently use the land base by grouping complementary uses in close proximity to one another providing the opportunity to satisfy several shopping and service needs at one location. Implementing zoning by-laws may include mechanisms such as minimum density requirements and maximum parking standards to promote the efficient use of the land base. **– CONFORMS**

7.4.7 It is intended that where there are adjacent properties within the node that the lands will be integrated with one another in terms of internal access roads, entrances from public streets, access to common parking areas, grading, open space and storm water management systems. Furthermore, it is intended that individual developments within the Mixed Use Node will be designed to be integrated into the wider community by footpaths, sidewalks and bicycle systems and by the placement of smaller buildings amenable to the provision of local goods and services in close proximity to the street line near transit facilities. **– CONFORMS**

7.4.9 The 'Mixed Use Node' is intended to provide a wide range of retail, service, entertainment and recreational commercial uses as well as complementary uses including open space, institutional, cultural and educational uses, hotels, and livework studios. Medium and high density multiple unit residential development and apartments shall also be permitted in accordance with the policies of Section 7.2. Only small scale professional and medically related offices shall be permitted in this designation in order to direct major offices to the CBD, Intensification Area, Corporate Business Park and Institutional designations. **– CONFORMS**

7.4.10 The permitted uses can be mixed vertically within a building or horizontally within multiple-unit mall buildings or may be provided in free-standing individual buildings. Where an individual development incorporates a single use building in excess of 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*, the site shall also be designed to provide the opportunity for smaller buildings amenable to the provision of local goods and services to be located near intersections and immediately adjacent to the street line near transit facilities. These smaller buildings shall comprise a minimum of 10% of the total *gross leasable floor area* within the overall development. **– CONFORMS**

7.4.11 The City will require the aesthetic character of site and building design to be consistent with the City's urban design objectives and guidelines and shall incorporate measures into the approval of *Zoning By-laws* and *site plans* used to regulate *development* within the 'Mixed Use Node' designation to ensure such consistency. **– CONFORMS**

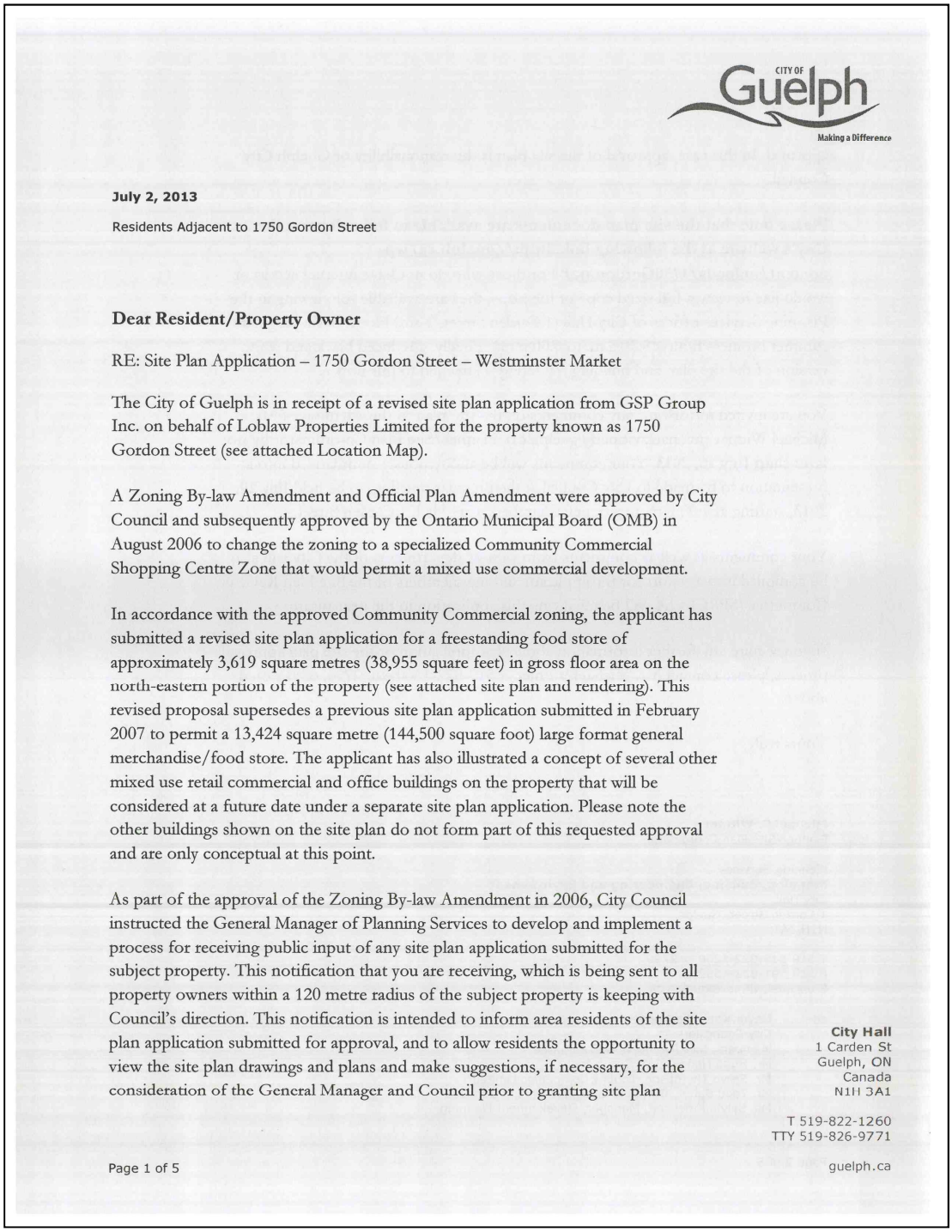
7.4.12 The 'Mixed Use Nodes' incorporate land containing existing uses as well as vacant land required to meet the identified needs of the City. In order to promote a mixture of land uses within each 'Mixed Use Node' designation it is the intent of this Plan that new *retail development* will be limited to the following floor area cumulatively of all buildings within the node*:*

- Woodlawn / Woolwich Street Node: 42,000 sq. m.
- Paisley / Imperial Node: 42,000 sq. m.
- Watson Parkway / Starwood Node 28,000 sq. m.
- Gordon / Clair Node 48,500 sq. m.
- Silver Creek Junction: 22,760 sq. m (245,000 square metres) subject to the specific restrictions set out in Section 7.18.5.1. **– CONFORMS**

7.4.13 No individual 'Mixed Use Node' shall have more than four (4) freestanding individual retail uses exceeding 5,575 square metres (60,000 sq. ft) of *gross leasable floor area*. **– CONFORMS**

ATTACHMENT 8
2013 Letter to Residents

(NOTE: Attachments to this letter are the same as Attachments 1, 3 and 5 in this report, and have been omitted from this attachment)



July 2, 2013

Residents Adjacent to 1750 Gordon Street

Dear Resident/Property Owner

RE: Site Plan Application – 1750 Gordon Street – Westminster Market

The City of Guelph is in receipt of a revised site plan application from GSP Group Inc. on behalf of Loblaw Properties Limited for the property known as 1750 Gordon Street (see attached Location Map).

A Zoning By-law Amendment and Official Plan Amendment were approved by City Council and subsequently approved by the Ontario Municipal Board (OMB) in August 2006 to change the zoning to a specialized Community Commercial Shopping Centre Zone that would permit a mixed use commercial development.

In accordance with the approved Community Commercial zoning, the applicant has submitted a revised site plan application for a freestanding food store of approximately 3,619 square metres (38,955 square feet) in gross floor area on the north-eastern portion of the property (see attached site plan and rendering). This revised proposal supersedes a previous site plan application submitted in February 2007 to permit a 13,424 square metre (144,500 square foot) large format general merchandise/food store. The applicant has also illustrated a concept of several other mixed use retail commercial and office buildings on the property that will be considered at a future date under a separate site plan application. Please note the other buildings shown on the site plan do not form part of this requested approval and are only conceptual at this point.

As part of the approval of the Zoning By-law Amendment in 2006, City Council instructed the General Manager of Planning Services to develop and implement a process for receiving public input of any site plan application submitted for the subject property. This notification that you are receiving, which is being sent to all property owners within a 120 metre radius of the subject property is keeping with Council's direction. This notification is intended to inform area residents of the site plan application submitted for approval, and to allow residents the opportunity to view the site plan drawings and plans and make suggestions, if necessary, for the consideration of the General Manager and Council prior to granting site plan

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guelph.ca

Page 1 of 5

approval. In this case, approval of the site plan is the responsibility of Guelph City Council.

Please note that the site plan documents are available in full colour on the City's website at the following link: http://guelph.ca/wp-content/uploads/1750Gordon.pdf. For those who do not have internet access or would like to view a full sized copy of the plans, they are available for viewing in the Planning Services offices of City Hall (1 Carden Street, Third Floor) during regular summer business hours (8:30 a.m. to 4:00 p.m.). Finally, a reduced black and white version of the site plan and building rendering is attached to this notice.

You are invited to forward any comments on the site plan to the attention of Mr. Michael Witmer (michael.witmer@guelph.ca), Planner/Site Plan Co-ordinator by **no later than July 16, 2013**. Your comments will be anonymously summarized into a presentation to be made to City Council at their regular meeting, to be held July 29, 2013, starting at 7:00 p.m. in Council Chambers, City Hall, 1 Carden Street.

Your comments as well as comments from various departments of the City will also be compiled into a report for the applicant and the members of the Site Plan Review Committee (SPRC) who will be reviewing this application in the near future.

If you require any further information about this application or the site plan approval process, please contact Mr. Michael Witmer at 519-822-1260 ext. 2790, or as noted above.

Yours truly,

Michael S. Witmer
Planner/Site Plan Coordinator

Planning Services
Planning, Building, Engineering and Environment
City Hall
1 Carden Street, Guelph
N1H 3A1

T 519-519-822-1260 x 2790
F 519-591-822-4632
E michael.witmer@guelph.ca

cc Mayor Karen Farbridge
City Councillors
Members, Site Plan Review Committee
Mr. Hugh Handy, GSP Group Inc.
Mr. Steve Thompson, Loblaw Companies Limited
Mr. Todd Salter, General Manager, Planning Services
Ms. Sylvia Kirkwood, Manager, Development Planning

ATTACHMENT 9
Conditions of Approval for ZC 0402

1. The owner shall submit to the City, in accordance with Section 41 of The Planning Act, a fully detailed site plan, indicating the location of buildings, landscaping, parking, circulation, access, lighting, building elevations, signage details, grading and drainage and servicing on the said lands to the satisfaction of the Director of Planning and Development Services, prior to the issuance of a building permit, such plan to meet the Urban Design conditions set out below and furthermore the Owner agrees to develop the said lands in accordance with the approved plan.

2. The developer, prior to the approval of any site plan for the subject lands, shall satisfy all goals and objectives of the following list of applicable urban design guidelines, to the satisfaction of the Director of Planning and Development Services, as follows:
   - City Urban Design Guidelines
   - SGCP guidelines
   - SGDC guidelines
   - CPR guidelines

3. The Owner commits and agrees that the details of the layout and design for development of the subject lands shall be generally in accordance with the concept plan attached to the February 13, 2006 report by Loblaw Properties Limited dated January 2006 and shall address all of the elements of good urban design as outlined by the City of Guelph Urban Design Guidelines including the City Urban Design Guidelines, the SGCP guidelines, the SGDC guidelines and the proposed CPR guidelines, to the satisfaction of City Council. Further, a Letter of Credit be taken to confirm that site works are completed in accordance with the approved site plan which shall illustrate that building facades whose appearance are in keeping with the character of the surrounding neighbourhood.

4. The owner shall pay the actual cost of constructing and installing any service laterals required to service the lands.

5. The owner shall pay the actual cost of designing, constructing and installing traffic signals including interconnections, turning lanes, utility relocations, driveway entrances and openings in existing medians all within municipal right-of-ways in accordance with City standards. This shall include signalization and traffic calming at the Goodwin Drive intersection to ensure public safety. Further, the owner shall pay the actual cost of designing, constructing and installing signage for pedestrian and pathway crossings.

6. The owner shall install signage that ensures that appropriate traffic movements are made at each access to the site.

7. That no access onto Gordon Street or Farley Drive from the lands be constructed closer than 60m to Clair Road in accordance with City of Guelph standards.

8. Prior to the granting of site plan approval by the City, the owner shall submit to the City for approval, a noise assessment report, to confirm that the proposed commercial use and activity, especially the truck loading and delivery area on site, in hand with the proposed zoning restrictions and regulations, mitigate impacts on the adjacent residential neighbourhood, to the satisfaction of the Director of Planning and Development Services.

9. Prior to any development or grading of the site, the developer shall submit to the City, a report indicating how regular dust suppression will be accomplished during the construction phase of the development.

10. The owner shall execute and have registered on title to the lands, a Site Plan Agreement containing all conditions approved by City Council.

11. If required, the Site Plan Control By-law be amended to allow for Council approval of the Site Plan.

12. Staff develop a process for public input into the required application for site plan approval.

ATTACHMENT 10
Proposed CEP and Environmental Initiatives

GSP group
SHAPING GREAT COMMUNITIES

PLANNERS
URBAN DESIGNERS
LANDSCAPE ARCHITECTS

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June 25, 2013 Project No. 1073

Planning, Building, Engineering and Environment Department
City of Guelph
City Hall
59 Carden Street
Guelph, ON N1H 3A1

Attention: Michael Witmer
Planner/Site Plan Co-ordinator

Dear Mr. Witmer:

Re: Community Energy Plan (CEP)
1750 Gordon Street
New Zehrs Store

In accordance with the City of Guelph's Community Energy Plan (CEP), development proposals in the City must be evaluated as to how they meet a set of seven (7) conditions. The following is a list of those conditions and how Loblaws intends on addressing them as part of the development of the new Zehrs food store:

1. **Does it meet site and building efficiency expectations?**

   - The store's lighting design will comply will all relevant energy codes having jurisdiction.
   - The ambient lighting will be achieved with T8 fluorescent.
   - LED lighting for the reach-in-door refrigerated cases and low mounting height task lighting.
   - High mounting height task lighting will utilize ceramic metal halide.
   - All major energy consuming items will be controlled by an internet based energy management system, including store lighting, HVAC and refrigeration.
   - Doors will be incorporated on all vertical frozen food and dairy cases.
   - All medium temperature vertical cases that do not have doors will incorporate pull down curtains.
   - HVAC will be achieved with a custom dual path unit and will leverage the heat rejected from the refrigeration plant for store heating requirements.
   - Utilizing heat reclaim from the refrigeration system.

2. **Has the applicant/owner made a voluntary commitment to display Energy Performance Labels?** (for buildings over 1,000 square metres/10,764 sq. ft)

   - Based on our knowledge, Energy Performance Labels are not currently available for the type of refrigeration and commercial equipment that Loblaws utilizes in their food stores. Should these become available in the future, Loblaws is willing to voluntarily commit to the display of this labeling.

3. **Has an Integrated Energy Master Plan for site and possible neighbourhood integration been submitted?** (for developments with a finished floor space of 10,000 square metres/107,642 sq. ft or more)

   - An Integrated Energy Master Plan is not proposed for the overall commercial development or the neighbourhood. As noted within this letter, Loblaws is committed to addressing a number of environmental and social challenges within their organization, including the commitment to reducing overall energy consumption as part of the development of the food store.

4. **Does the proposal improve City Transportation efficiency?**

   - A future City of Guelph transit transfer terminal will be located along the Clair Road frontage between the LCBO store and the CIBC Bank. Loblaws was supportive during the planning for the first phase of development in negotiating a lease with the City of Guelph to accommodate this use on the property.
   - Bicycle parking facilities have and will continue to be accommodated as the commercial site fully builds out.
   - A major pedestrian sidewalk spine has been developed down the centre of the commercial site in a north-south direction. Pedestrian sidewalks will funnel into this main spine.
   - The off-road trail network is also available immediately north of the commercial site. Perimeter sidewalks will allow for ease of connection to the broader Westminster Woods subdivision greenway trail system.

5. **Does the proposal contribute to electricity peak reduction?**

   - The Zehrs store will incorporate a fully automated demand response system that will reduce the stores peak energy consumption during high Provincial demand periods.

6. **Does the proposal employ effective storm water management techniques?**

   - Stormwater management for the overall commercial site employs effective techniques through the use of storm water quantity controls and water quality.
   - Stormwater quantity controls are implemented throughout the development by both rooftop storage, surface storage and where available underground pipe storage.

- The controls maintain levels of discharge from the site to the approved storm water management for the Westminster Woods subdivision design as originally prepared by Stantec.
- Stormwater quality is accomplished via the proposed and existing oil grit separators located on the south and easterly storm sewer systems to 80% TSS Removal.
- The existing stormwater management facility to the north (within the greenway area) will aid in providing additional water quantity and water quality control benefits for the development; however the commercial site will function independently of the greenway.

7. **Does the proposal employ effective domestic water management techniques?**
   - The irrigation plan for the development of the food store will utilize timers to reduce overall water consumption.

In addition to the above-noted items, Loblaws will be implementing the following measures related to the development of the food store:

- Drought tolerant and native species are used to ensure plants thrive while minimizing the amount of water necessary for their maintenance.
- Outdoor lighting fixtures will be designed to minimize light spillage (i.e. cut-off lighting) to address "dark sky" objectives.
- In order to reduce the amount of waste sent to landfill sites, Loblaws implements a detailed "Material Recovery and Waste Reduction Plan" for each food store. This includes the following:
  - A dedicated compactor for 'old corrugated cardboard' (OCC). Once compacted, this material is removed for recycling.
  - A second unit is used for general non-organic trash that is compacted and sent to landfill. All recyclable paper, plastic, cans and bottles are separated, stored and shipped to a recycling facility on a regular basis.
- Contractor to comply with Ontario Regulation 102/94 to the Environmental Protection Act "Waste Audits and Waste Reduction Work Plans" and Ontario Regulation 103/94 to the Environmental Protection Act "Industrial, Commercial and Institutional Separation Programs" when undertaking large construction projects or large demolition projects as defined in the regulations to provide source separation programs, conduct waste audits, and develop work plans for waste reduction in compliance with the regulations.

Also, since 2007, Loblaws has a made a commitment to addressing major environmental and social challenges within their own organization. A full copy of the 2012 (current) CSSR can be found on-line at www.loblaw.ca/csr.

We trust the above-noted information outlines Loblaws commitment to the Community Energy Plan as part of the development of the new Zehrs food store at Clair and Gordon.

Should you have any questions or require further clarification, please do not hesitate to contact me in our Kitchener office.

Yours very truly,

GSP Group Inc.

Hugh Handy, MCIP, RPP
Associate, Planner

cc Steve Thompson, Choice Properties REIT

Please recycle!

- **BYLAWS** –

- **July 29, 2013 –**	
By-law Number (2013)-19604 A by-law to authorize the execution of release of an Agreement with respect to property described as Part of Lots 17 and 19, Plan 242, City of Guelph.	To release an agreement.
By-law Number (2013)-19605 A By-law to amend By-law Number (2002) – 17017 (to amend The Traffic By-law, No Parking in Schedule XV and Speed Limits in Schedule XII). *(Removing the definition of "Heavy Truck' and replacing with a new definition of "Heavy Truck"; to add a No Parking Anytime zone on Curzon Crescent, north side, from Tovell Drive to 97m west thereof in the No Parking Schedule XV; to temporarily reduce the speed limit on Victoria Road between Stone Road and Macalister Boulevard from 60 km/h to 40 km/h during reconstruction of Victoria Road in the Speed Limits Schedule XII)* and adopt Municipal Code Amendment #492, amending Chapter 301 of the Corporation of the City of Guelph's Municipal Code.	To amend the Traffic By-law.
By-law Number (2013)-19606 A by-law to amend By-law Number (2012)-19356, as amended, being a by-law respecting Building, Demolition, Conditional and Change of Use Permits, Inspections, appointment of Inspectors and a Code of Conduct and to adopt Municipal Code Amendment #491, which amends Chapter 116 of the Municipal Code.	To amend the Building By-law with respect to appointments.
By-law Number (2013)-19607 A by-law to authorize the execution of an Engineering Services Agreement between Sobeys Developments Limited Partnership and Sobeys Capital Incorporated and The Corporation of the City of Guelph. (Bird Landing Subdivision – Poppy Drive right-of-way)	To execute an Engineering Services Agreement with respect to Bird Landing Subdivision – Poppy Drive right-of-way.
By-law Number (2013)-19608 A by-law to authorize the execution of an Agreement for Professional	To execute an Agreement for Professional Consulting Services with respect to Bird Landing Subdivision –

Consulting Services between The Corporation of the City of Guelph and Gamsby and Mannerow Limited. (Bird Landing Subdivision – Poppy Drive right-of-way)	Poppy Drive right-of-way.
By-law Number (2013)-19609 A by-law to execute an Engineering Services Agreement between Thomasfield Homes Limited and The Corporation of the City of Guelph. (Bird Landing Subdivision)	To execute an Engineering Services Agreement for Bird Landing Subdivision.
By-law Number (2013)-19610 A by-law to authorize the execution of an Agreement for Professional Consulting Services between The Corporation of the City of Guelph and Gamsby and Mannerow Limited. (Bird Landing Subdivision)	To execute an agreement for Professional Consulting Services for Bird Landing Subdivision.
By-law Number (2013-19611 A by-law to amend By-law Number (2008)-18656 with respect to the appointment of persons serving as By-law Enforcement Officers for the City of Guelph. (to add Peter Pieczewski, Jeff Crossman, Henry Hess, Biljana Jovanov, Adrian van Eck, Kevin Way and Garett Ashton and to remove William Brouwer, Paul Metcalfe, Cameron Walsh, Gerry Best, Joe Centerrino, Walter Maggiolo, Jamie Onions, Paul Moore and Mike Van Holstein)	To amend the by-law with respect to the appointment of by-law enforcement officers.
By-law Number (2013)-19612 A By-law to amend By-law Number (2003) – 17082, being a By-law to designate private roads as fire routes, specifically to add a definition of Executive Director and to expand the designation of fire routes to include those identified by approved site plans and to adopt Municipal Code Amendment #493.	To amend the by-law to designate private routes as fire routes.
By-law Number (2013)-19613 A By-law to amend By-law Number (2009)-18855, as amended, being a By-law respecting the licensing of Businesses operating within the City of	To amend the Business License By-law as per Operations, Transit & Emergency Services Committee Consent Report OTES-2013.19.

Guelph, and to adopt Municipal Code Amendment #494, which amends Chapter 176 "Business Licences", of The Corporation of the City of Guelph's Municipal Code.	
By-law Number (2013)-19614 A by-law to authorize the execution of an agreement between The Corporation of the City of Guelph and Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario. (Dedicated Gas Tax Funds for Public Transportation Program).	To execute an agreement for dedicated tax funds for public transportation program.