

# Information Items



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## Week Ending September 27, 2019

### Reports

1. 2019 Credit Rating
2. Litigation Status Report
3. Parking Services Transition to a Blended Non-Tax Supported Enterprise

### Intergovernmental Consultations

1. Proposed changes to Provincial Laws on Joint and Several Liability
2. Proposed Provincial Policy Statement (PPS) Changes

### Correspondence

1. Township of North Glengarry RE: Pupil Accommodation Review Guideline (PARG)
2. Township of Springwater RE: Joint and Several Liability Consultation

### Boards and Committees

1. Committee of Adjustment Meeting Minutes – September 12, 2019
2. [Guelph Police Service Meeting Minutes – July 18, 2019](#)

### Items Available in the Clerk's Office

1. None

# Information Report

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Service Area	Corporate Services
Date	Friday, September 27, 2019
Subject	<b>2019 Credit Rating</b>
Report Number	CS-2019-24

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## Executive Summary

### Purpose of Report

To provide an overview of the credit rating process undertaken by S&P Global Ratings (S&P) and to highlight the findings of their review.

### Key Findings

S&P's review affirmed the City's credit rating of AA+ with a stable outlook, highlighting the City's low debt level, dynamic economy and healthy liquidity position for the seventh consecutive year.

A strong credit rating demonstrates that the City is well managed, financially healthy and able to meet all debt obligations. The rating influences the terms of the debt; such as the type of debt, the amortization period and the interest rate. The City's AA+ rating was instrumental in obtaining the extremely favourable \$33 million debenture over 20 years at 2.66 percent in July 2019. The annual credit rating review provides valuable, forward looking insight on the financial condition of the City that should be considered when developing the operating and capital budgets.

### Financial Implications

An AA+ rating with a stable outlook signifies that the City's ability to meet its financial commitments is between very strong and extremely strong, and it aids in securing favourable interest rates when issuing debt.

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## Report

### Details

This is the seventh year that the City received an AA+ rating with a stable outlook.

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## Guelph's Credit Rating: 2012-2019



Municipalities in Canada generally receive strong credit rating scores, with 29 of the 35 rated municipalities earning an AA or higher rating. Strong operating performances and relatively low debt burden are the key contributors to the good credit quality for this sector. The municipal sector overall benefits from a high degree of institutional stability, resulting from; being highly regulated by other levels of government, having predictable and well-balanced expenses and revenues, and a strong base of own source revenues.

The City's credit rating is relatively strong when compared to other municipalities of similar population and geographic qualities.

**Table A: Ontario Municipal Credit Ratings**

Municipality <500,000 inhabitants	Credit Rating
Barrie	AA
Kingston	AA
Niagara	AA
Windsor	AA
Guelph	AA+
Municipality > 500,000 inhabitants (Greater Toronto-Hamilton Area)	Credit Rating
City of Toronto	AA
Waterloo Region	AAA
Halton Region	AAA
Region of Peel	AAA
Mississauga	AAA
Region of Durham	AAA

S&P evaluates individual municipalities with 5 criteria; economy, financial management, budgetary performance, liquidity and debt burden.

### **Economy**

The City of Guelph is located in an advantageous location, close to the Greater Toronto Area and along the 401 corridor. The population has grown 0.06 percent per year above the national average of 1.1 percent per year between 2013 and 2018. For the 12 months ending April 2019, an additional 8,100 net new jobs were added to the workforce to support the expanding economy. The City has a large manufacturing sector and a significant public sector consisting of; a large university; schools; hospitals; and municipal, county and provincial government offices, assists in stabilizing the employment base.

### **Financial Management**

S&P found that the City demonstrates good financial management through well-defined and prudent financial policies that guide debt and liquidity management. The annual operating and capital budgets were determined to be detailed and realistic however, it was noted that the implementation of a multi-year operating budget would have a favourable impact on the credit rating.

### **Budgetary Performance**

S&P viewed the City's budgetary performance as strong. Moderate annual surpluses reflect the City's ability to budget appropriately and effectively manage expenditures and revenues over the long-term. The City's 10-year capital plan forecasts increased capital spending over the next several years that will result in after-capital deficits that will have an unfavourable impact on the credit rating, unless accompanied by an increase in operating revenues (i.e. property taxes and user fees).

S&P noted that that a downgrade is possible over the next two years if "....the City were to pursue an aggressive capital plan absent of operating revenue growth sufficient to prevent a material erosion of operating balances, large after-capital deficits and a tax supported debt burden of greater than 30% of operating revenues."

### **Liquidity**

The City has a healthy level of liquidity that provides a significant positive influence on the credit rating. Sufficient liquidity ensures the City can:

- meet debt servicing obligations;
- meet approved capital budget commitments;
- manage cash flow;
- address corporate liabilities and;
- provide financial contingency and rate stabilization.

The City has uncommitted reserve balances of 6.6 times the annual debt servicing requirement at the end of 2018. On average, rated Canadian municipalities have cash reserves worth 5.7 times their debt service and the AAA rated municipalities have cash reserves of 17.87 times the debt servicing.

## **Debt burden**

The City's tax supported debt burden dropped to 22.6 per cent of operating revenues as at the end of 2018. There was a \$33 million debt issuance in 2019 that will increase that ratio to 26.4 percent in 2019. There is a risk that the City's credit score could be downgraded if the total debt to own source revenue ratio exceeds 30% in combination with an aggressive capital plan and an insufficient increase in operating revenue (i.e. property taxes and user fees). The financial impact of a downgrade is difficult to measure, however due to the highly regulated nature of Canadian municipalities, the cost of a single notch downgrade could be as minor as two basis points but as significant as five to 10 basis points.

## **Financial Implications**

A strong credit rating demonstrates that the City is well-managed, financially healthy and able to meet all debt obligations. The rating influences the terms of the debt; such as the type of debt, the amortization period and the interest rate. The City's AA+ rating was instrumental in obtaining the extremely favourable \$33 million debenture over 20 years at 2.66 percent in July 2019. The annual credit rating review provides valuable, forward looking insight on the financial condition of the City that should be considered when developing the operating and capital budgets. For more information on the value of a crediting rating, please refer to Attachment-2.

## **Consultations**

N/A

## **Corporate Administrative Plan**

### **Overarching Goals**

Financial Stability

### **Service Area Operational Work Plans**

Our Resources - A solid foundation for a growing city

## **Attachments**

Attachment-1: Research Update, S&P Global Ratings

Attachment-2: Public Sector Strategy, Quick Hit – What's a credit rating worth (now)?, National Bank of Canada

## Departmental Approval

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## Research Update:

# City of Guelph 'AA+' Ratings Affirmed; Outlook Remains Stable

August 13, 2019

## Overview

- We expect the City of Guelph to continue generating robust operating margins, although we believe that elevated capital spending will pressure its budgetary performance in the next two years.
- We expect that the city will finance its capital plan without material borrowing in the next two years, and that robust cash generation will allow it to maintain an extremely strong liquidity position.
- We are affirming our 'AA+' long-term issuer credit and senior unsecured debt ratings on Guelph and maintaining our stable outlook.

## Rating Action

On Aug. 13, 2019, S&P Global Ratings affirmed its 'AA+' long-term issuer credit and senior unsecured debt ratings on the City of Guelph, in the Province of Ontario. The outlook is stable.

## Outlook

The stable outlook reflects our expectation that, in the next two years, Guelph's after-capital balances will erode but remain in surplus on average. We also expect the city will maintain tax-supported debt well below 30% of operating revenues through 2021 while preserving a very healthy liquidity position.

## Downside scenario

Although it is unlikely, we could lower the ratings in the next two years if the city were to pursue an aggressive capital plan absent operating revenue growth sufficient to prevent a material erosion of operating balances, large after-capital deficits, and a tax-supported debt burden greater than 30% of operating revenues.

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## **Upside scenario**

We could raise the ratings in the next two years if, all else equal, Guelph's financial management practices strengthened in line with those of higher-rated peers, including the adoption of multi-year operating budgets, and we believed that the city would consistently generate after-capital surpluses.

## **Rationale**

Guelph continues to benefit from an economy that is wealthy and stable, underpinned by sizable manufacturing and public sectors, although it is somewhat less diverse than that of higher-rated peers. We believe that the city will continue to generate robust operating surpluses in the next several years, with no additional debt issuance, but that elevated capital spending will pressure after-capital balances.

### **A stable economy, grounded by a large public sector, and strong financial management practices bolster the ratings.**

Guelph benefits from its advantageous location close to the Greater Toronto Area and along the Highway 401 corridor. Although municipal GDP data are unavailable, we estimate that the city would generate GDP per capita in line with the national level of more than US\$45,000. Guelph has experienced stable population growth in the past several years, increasing 3.5% since 2016 to reach about 136,400 in 2018. The city has a large public sector, consisting of a university; schools; hospitals; and municipal, county, and provincial government offices, all of which helps stabilize employment.

In our view, Guelph's credit profile benefits from generally good political consensus in passing budgets without material delays and demonstrates prudent revenue and expenditure planning practices. The city annually approves one-year operating and capital budgets (with a 10-year outlook), which we view as detailed and realistic. Well-defined financial policies also guide debt and liquidity management. In addition, the civil service is experienced and qualified to effectively enact fiscal policies.

We believe Guelph, like other Canadian municipalities, benefits from a very predictable and well-balanced institutional framework that has demonstrated a high degree of institutional stability. Although provincial governments mandate a significant proportion of municipal spending, they also provide operating fund transfers and impose fiscal restraint through legislative requirements to pass balanced operating budgets. Municipalities generally have the ability to match expenditures well with revenues, except for capital spending, which can be intensive. Any operating surpluses typically fund capital expenditures and future liabilities (such as postemployment obligations and landfill closure costs) through reserve contributions.

### **Debt will remain very low but capital spending will increase pressure on budgetary performance.**

We believe that Guelph will continue to generate strong operating balances, averaging close to 14% in our base-case scenario for 2017-2021. However, based on the city's capital plan, we estimate that capital spending will be higher than we had previously expected, which will pressure after-capital balances and could result in modest after-capital deficits in the next several years.



## Research Update: City of Guelph 'AA+' Ratings Affirmed; Outlook Remains Stable

Guelph borrowed C\$33 million in July 2019 and we do not expect any additional material borrowing in the next two years. We believe that steady debt principal repayments over that period will bring total tax-supported debt down to about C\$90 million by the end of 2021, from C\$115 million in 2019. This is equal to 19% of estimated operating revenues, which we consider very low; and is also less than five years of operating balances, which in our view indicates significant capacity to support its debt burden. At the same time, we expect interest costs to remain very modest, at less than 1% of operating revenues in the outlook horizon. Effective Jan. 1, 2019, the city's wholly-owned electricity distribution company was acquired by Alectra Inc. The city now owns 4.6% of Alectra, through a holding company, and has no exposure to Alectra's debt. Guelph's contingent liabilities are very modest, in our opinion, and are not likely to affect the city's financial standing.

In addition to a modest debt burden, Guelph has exceptional liquidity. We estimate that the city will have free cash and liquid assets, totaling more than C\$260 million, sufficient to cover about 16x the estimated debt service requirements over the next 12 months. Similar to that of its domestic peers, the city's access to external liquidity is satisfactory, in our view.

## Key Statistics

Table 1

### City of Guelph -- Selected Indicators

(Mil. C\$)	--Year ended Dec. 31--				
	2017	2018	2019bc	2020bc	2021bc
Operating revenues	411	427	436	450	464
Operating expenditures	343	369	380	393	405
Operating balance	67	58	56	57	59
Operating balance (% of operating revenues)	16.4	13.6	12.9	12.7	12.8
Capital revenues	34	34	36	34	36
Capital expenditures	88	91	95	90	95
Balance after capital accounts	14	1	(3)	1	(0)
Balance after capital accounts (% of total revenues)	3.0	0.3	(0.6)	0.2	(0.0)
Debt repaid	25	15	14	12	13
Gross borrowings	0	0	33	0	0
Balance after borrowings	(11)	(14)	16	(12)	(13)
Direct debt (outstanding at year-end)	112	96	115	103	90
Direct debt (% of operating revenues)	27.2	22.6	26.4	22.9	19.4
Tax-supported debt (outstanding at year-end)	112	96	115	103	90
Tax-supported debt (% of consolidated operating revenues)	27.2	22.6	26.4	22.9	19.4
Interest (% of operating revenues)	1.0	0.8	0.6	0.8	0.7

Table 1

## City of Guelph -- Selected Indicators (cont.)

(Mil. C\$)	--Year ended Dec. 31--				
	2017	2018	2019bc	2020bc	2021bc
National GDP per capita (single units)	58,607	59,879	60,943	62,586	64,363

The data and ratios above result in part from S&P Global Ratings' own calculations, drawing on national as well as international sources, reflecting S&P Global Ratings' independent view on the timeliness, coverage, accuracy, credibility, and usability of available information. The main sources are the financial statements and budgets, as provided by the issuer. bc--Base case reflects S&P Global Ratings' expectations of the most likely scenario. dc--Downside case represents some but not all aspects of S&P Global Ratings' scenarios that could be consistent with a downgrade. uc--Upside case represents some but not all aspects of S&P Global Ratings' scenarios that could be consistent with an upgrade.

## Ratings Score Snapshot

Table 2

## City of Guelph -- Ratings Score Snapshot

Key rating factors	Scores
Institutional framework	2
Economy	1
Financial management	2
Budgetary performance	2
Liquidity	1
Debt burden	1
Stand-alone credit profile	aa+
Issuer credit rating	AA+

S&P Global Ratings bases its ratings on non-U.S. local and regional governments (LRGs) on the six main rating factors in this table. In the "Methodology For Rating Local And Regional Governments Outside Of The U.S.," published on July 15, 2019, we explain the steps we follow to derive the global scale foreign currency rating on each LRG. The institutional framework is assessed on a six-point scale: 1 is the strongest and 6 the weakest score. Our assessments of economy, financial management, budgetary performance, liquidity, and debt burden are on a five-point scale, with 1 being the strongest score and 5 the weakest.

## Key Sovereign Statistics

- Sovereign Risk Indicators, July 11, 2019. An interactive version is available at <http://www.spratings.com/sri>

## Related Criteria

- Criteria | Governments | International Public Finance: Methodology For Rating Local And Regional Governments Outside Of The U.S., July 15, 2019
- General Criteria: Use Of CreditWatch And Outlooks, Sept. 14, 2009

Related Research

- Guidance: Methodology For Rating Local And Regional Governments Outside Of The U.S., July 15, 2019
- Institutional Framework Assessments For International Local And Regional Governments, July 4, 2019
- Credit Conditions North America: Trade Tensions Cloud The Outlook, June 27, 2019
- Public Finance System Overview: Canadian Municipalities, July 18, 2018

In accordance with our relevant policies and procedures, the Rating Committee was composed of analysts that are qualified to vote in the committee, with sufficient experience to convey the appropriate level of knowledge and understanding of the methodology applicable (see 'Related Criteria And Research'). At the onset of the committee, the chair confirmed that the information provided to the Rating Committee by the primary analyst had been distributed in a timely manner and was sufficient for Committee members to make an informed decision.

After the primary analyst gave opening remarks and explained the recommendation, the Committee discussed key rating factors and critical issues in accordance with the relevant criteria. Qualitative and quantitative risk factors were considered and discussed, looking at track-record and forecasts.

The committee's assessment of the key rating factors is reflected in the Ratings Score Snapshot above.

The chair ensured every voting member was given the opportunity to articulate his/her opinion. The chair or designee reviewed the draft report to ensure consistency with the Committee decision. The views and the decision of the rating committee are summarized in the above rationale and outlook. The weighting of all rating factors is described in the methodology used in this rating action (see 'Related Criteria And Research').

Ratings List

Ratings Affirmed	
Guelph (City of)	
Issuer Credit Rating	AA+/Stable/--
Senior Unsecured	AA+

Certain terms used in this report, particularly certain adjectives used to express our view on rating relevant factors, have specific meanings ascribed to them in our criteria, and should therefore be read in conjunction with such criteria. Please see Ratings Criteria at [www.standardandpoors.com](http://www.standardandpoors.com) for further information. Complete ratings information is available to subscribers of RatingsDirect at [www.capitaliq.com](http://www.capitaliq.com). All ratings affected by this rating action can be found on S&P Global Ratings' public website at [www.standardandpoors.com](http://www.standardandpoors.com). Use the Ratings search box located in the left column.

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March 27, 2018 - (Vol. II, No. 23)

### Quick Hit – What’s a credit rating worth (now)?

Back in June, we penned a [report](#) quantifying the value of a credit rating for sovereign, provincial and municipal issuers. But June 2017 feels like a world away; central bank policy normalization has progressed, North American credit spreads have gyrated and the majority of our provinces (7 of 10 in fact) have seen at least one rating or outlook change since then. Given the evolving valuation and ratings backdrop, we thought it a good time to reboot the credit rating model and see what, if anything, has changed.

Once again, we observe a very meaningful (i.e., statistically significant) relationship between long-term credit ratings (controlling for “positive” and “negative” outlooks) and relative bond valuations. As expected, the bonds of lower-rated issuers generally trade at higher yields, *ceteris paribus*. While the direction of this rating-yield relationship is obvious enough, what’s typically less clear is *exactly how much* ratings influence yields/spreads across various issuers and sectors.

We continue to find that the value of a credit rating is far from constant across tenor, currency of issue and/or level of government. Chart 1 illustrates the estimated value of an average credit rating notch on provincial and municipal credit spreads, comparing fresh observations with our original discoveries. While estimates in the C\$ provi space are little changed, the spread sensitivity to an average credit rating notch has moderated somewhat for US\$ provis. After controlling for key fiscal metrics and relative liquidity, we now find that an average rating notch is worth about 5 bps for 5- and 10-year USD provi spreads. Today’s smaller coefficient in the 10Y US dollar provi can be explained by a flatter credit curve south of border (vs June).

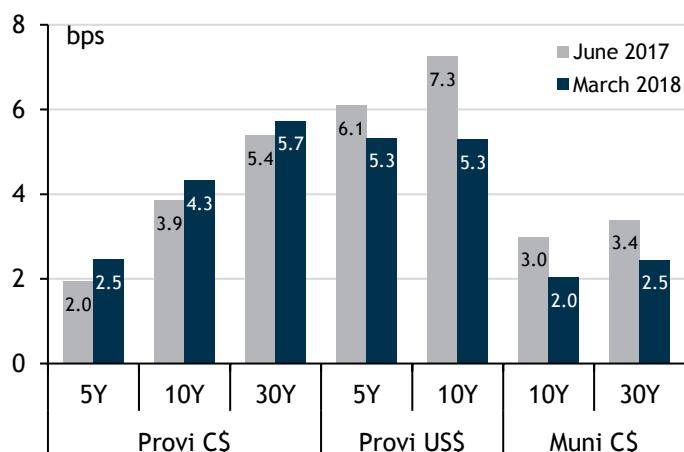
Although there’s been a degree of convergence, we still observe a non-negligible discrepancy in the value of a credit rating for provincial issuers across the C\$ and US\$ markets. There are a few reasons why ratings could be more influential south of the border. Relative supply and demand mechanics play a role. Some international investors may be less likely/able to track day-to-day developments in provincial credit, relying to a greater extent on ratings and independent analysis.

In the muni sector, the number of basis points associated with a marginal rating notch has compressed (to 2.0 bps in 10s and 2.5 bps in 30s). Municipal spreads remain less elastic to ratings than their provincial counterparts, even more so today, owing to a tighter basis to provincials. For investors, up-tiering a full rating notch might cost you only 2 bps of yield in muni land, after controlling for relative liquidity and the home province. From the issuers’ perspective, the impact of a municipal credit downgrade appears marginal as a proportion of overall funding costs. The notional penalty for being downgraded a single notch might add less than \$2,500 to a \$1 million capital project, equating to less than 1% of today’s all-in funding costs. That’s not a very strong incentive for fiscal prudence. Thankfully, Canada’s municipal governments are subject to stringent financial controls and strong provincial oversight, which combined with additional bondholder safeguards, has meant strong/steady municipal credit ratings over time.

The downgrade penalty for provincials, while larger than for munis, still isn’t terribly significant at less than 2% of all-in funding costs. Perhaps that’s one of the factors contributing to looser fiscal policy in some provinces. For some governments, the perceived benefit (economic or political) tied to incremental spending and/or tax relief outweighs the cost of adding a few basis points to a bond coupon. Provincial rating developments speak for themselves; since 2016, downgrades have outnumbered upgrades 13:1. As we write this, there are three “negative” outlooks across the provincial sector (plus a couple “credit negative” warnings following recent fiscal announcements) vs just a single “positive” rating outlook (on Nova Scotia). The result: today’s weighted average provincial credit rating continues to hover at its weakest level in over a decade (since a methodology change in late-2006) (Chart 2). Perhaps we need a more powerful financial incentive to bring about more rapid/meaningful fiscal repair in Canada’s provincial government sector?

**Chart 1: Value of a rating notch, then and now**

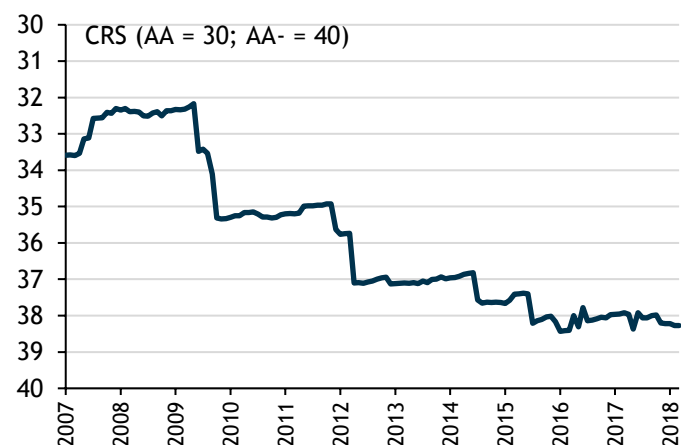
Coefficient related to one-notch change in avg credit rating score



Source: NBF, S&P, Moody's, DBRS

**Chart 2: Average provi credit quality erodes**

Weighted\* average Credit Rating Score (CRS): Provincial aggregate

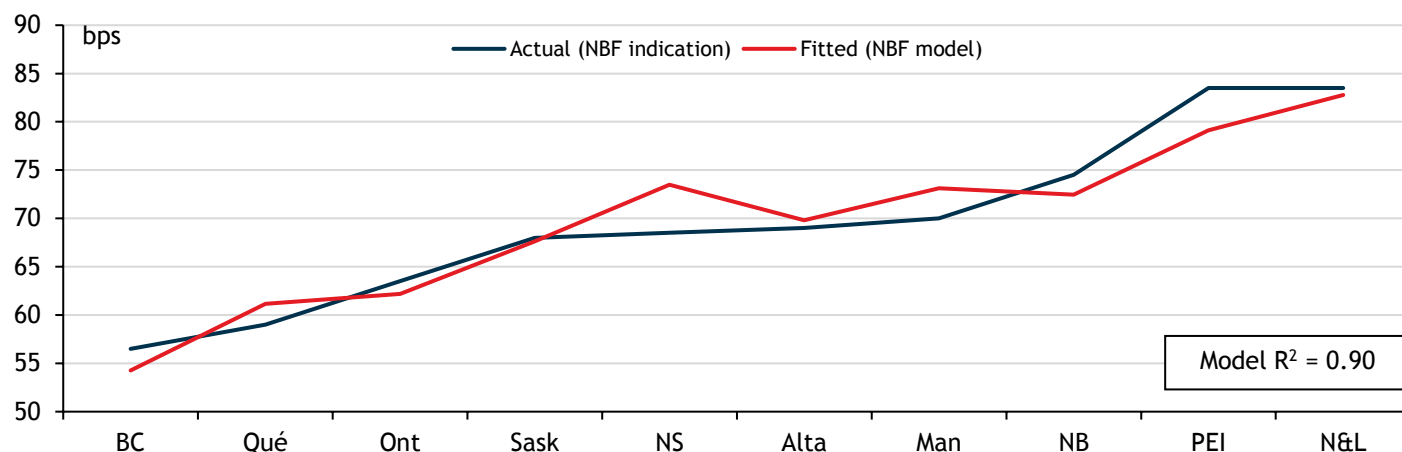


Source: NBF, S&P, Moody's, DBRS | \* Based on share of bonds outstanding

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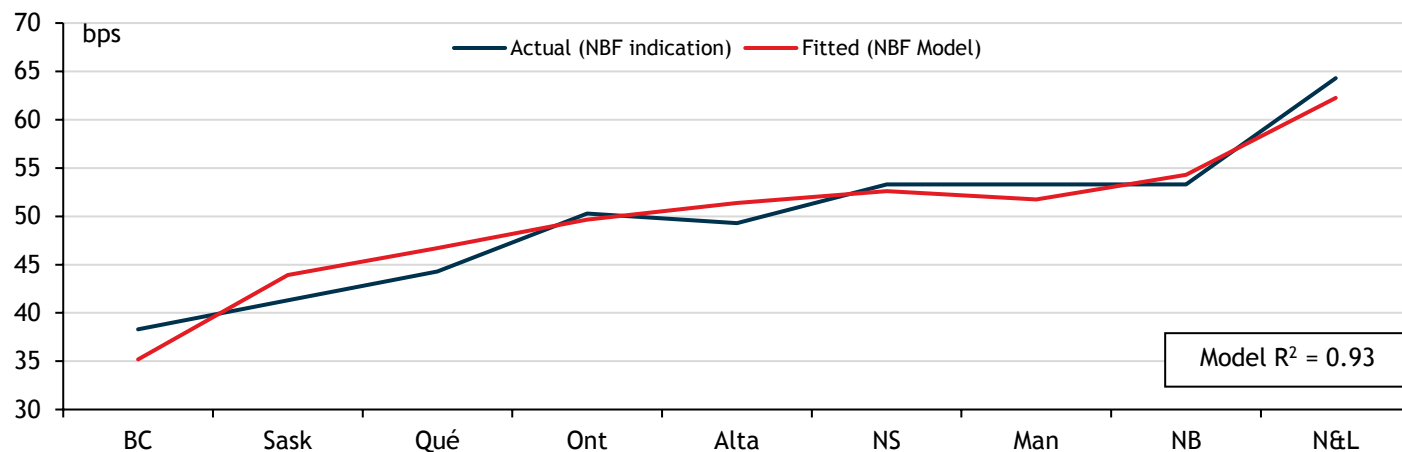
### Chart 3: Actual vs fitted values in C\$ provincial bonds (10-year)

Dependent variable: C\$ constant maturity provincial government spread vs GoC curve



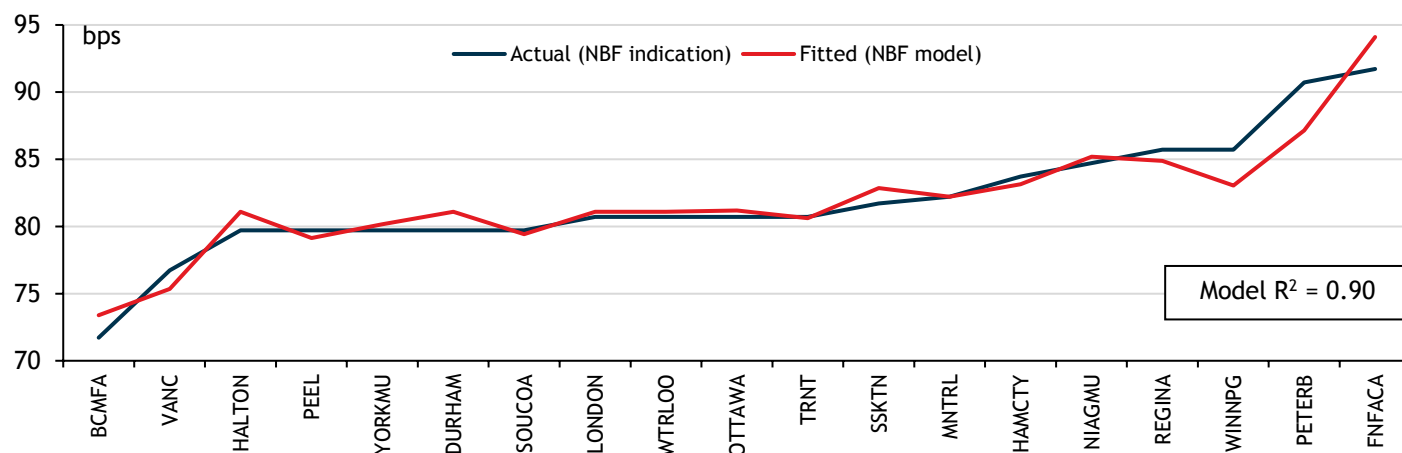
### Chart 4: Actual vs fitted values in US\$ provincial bonds (10-year)

Dependent variable: US\$ constant maturity provincial government spread vs US Treasury curve



### Chart 5: Actual vs fitted values in municipal bonds (10-year)

Dependent variable: C\$ constant maturity municipal government spread vs GoC curve



Sources for charts: NBF, S&P, Moody's, DRBS, Bloomberg, federal-provincial governments, Bloomberg

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# Information Report

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Service Area	Corporate Services
Date	Friday, September 27, 2019
Subject	<b>Litigation Status Report</b>
Report Number	CS-2019-85

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## Executive Summary

### Purpose of Report

To provide information regarding the current status of litigation involving the City.

### Key Findings

The amount of litigation, excluding Planning and insured matters, that the City is involved in remained static, more or less, throughout 2019. The number of matters, excluding insured matters, being handled by external counsel remained the same throughout 2019.

### Financial Implications

N/A

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## Report

### Details

The attached table sets out the details of the litigation the City is involved in and the resolutions that have occurred since the last report in March 2019.

Legal Services continues to seek resolution of the litigation and LPAT matters in a timely fashion and has been successful in resolving a number of matters in the last six months.

### Financial Implications

N/A

### Consultations

N/A

### Corporate Administrative Plan

#### Overarching Goals

Service Excellence

#### Service Area Operational Work Plans

Our Services - Municipal services that make lives better

## Attachments

Attachment-1: Litigation Status Report as of September 18, 2019

## Report Author

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### Approved By

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**Attachment-1**  
**LITIGATION STATUS REPORT**  
**As of September 18, 2019**

**COURT ACTIONS**

<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>Ahmad Nasef v. City of Guelph</b> (Superior Court of Justice Court File No. CV-19-068)	<ul style="list-style-type: none"> <li>Slip and Fall – March 2, 2017</li> </ul>	<ul style="list-style-type: none"> <li>March 1, 2019 – City served with Statement of Claim</li> <li>March 15, 2019 – City served and filed Defence</li> </ul>	<ul style="list-style-type: none"> <li>Examinations for Discovery to be scheduled</li> </ul>	Legal Services
<b>Huish and Hayston v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-19-048)	<ul style="list-style-type: none"> <li>Malicious Prosecution</li> </ul>	<ul style="list-style-type: none"> <li>February 26, 2019 – City served with Statement of Claim</li> <li>March 8, 2019 – City served and filed Notice of Intent to Defend</li> </ul>	<ul style="list-style-type: none"> <li>Settlement Discussions Ongoing</li> </ul>	Legal Services
<b>Martin v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-18-425 SR)	<ul style="list-style-type: none"> <li>Trip and Fall</li> </ul>	<ul style="list-style-type: none"> <li>January 3, 2019 – City served with Statement of Claim</li> </ul>	<ul style="list-style-type: none"> <li>Co-Defendant has indemnified the City and assumed its defence</li> </ul>	Legal Services
<b>Stewart v. City of Guelph</b> (Superior Court of Justice Court File No. CV-18-422)	<ul style="list-style-type: none"> <li>Property Standards Claim</li> </ul>	<ul style="list-style-type: none"> <li>December 4, 2018 – City served with Statement of Claim</li> <li>January 4, 2019 - City served and filed Defence</li> </ul>	<ul style="list-style-type: none"> <li>Examinations for Discovery to be scheduled</li> </ul>	Legal Services
<b>City of Guelph v. Huish and Hayston</b> (Superior Court of Justice Court File No. CV 18-367)	<ul style="list-style-type: none"> <li>Appeal decision of Property Standards Committee</li> </ul>	<ul style="list-style-type: none"> <li>October 11, 2018 – City served Notice of Application</li> </ul>	<ul style="list-style-type: none"> <li>Hearing date to be scheduled</li> </ul>	Legal Services
<b>Runstedler v. City of Guelph</b> (Superior Court of Justice Court File No. 159/18 SR)	<ul style="list-style-type: none"> <li>Flood Damage</li> </ul>	<ul style="list-style-type: none"> <li>April 13, 2018 – City served with Notice of Action</li> <li>May 25, 2018 – City served Defence</li> </ul>	<ul style="list-style-type: none"> <li>Examinations for Discovery to be scheduled</li> </ul>	Legal Services
<b>Marfisi v. City of Guelph et al.</b> (Superior Court of Justice Court File No. 408/17 SR)	<ul style="list-style-type: none"> <li>Bicycle Accident – October 13, 2015</li> </ul>	<ul style="list-style-type: none"> <li>October 5, 2017 – City served with Statement of Claim</li> <li>November 28, 2017 – City filed Defence and Crossclaim</li> </ul>	<ul style="list-style-type: none"> <li>City to be indemnified by Co-Defendant</li> </ul>	Legal Services
<b>642762 Ontario Inc. v. City of Guelph et al.</b> (Superior Court of Justice Court File No. 85/17)	<ul style="list-style-type: none"> <li>Alleged environmental contamination</li> </ul>	<ul style="list-style-type: none"> <li>August 23, 2017 – City served with Notice of Action and Statement of Claim</li> <li>June 4, 2019 – City filed Defence and Crossclaim</li> </ul>	<ul style="list-style-type: none"> <li>Examination for Discovery to be scheduled</li> </ul>	Legal Services

**Attachment-1**  
**LITIGATION STATUS REPORT**  
**As of September 18, 2019**

**COURT ACTIONS**

<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>Evering v. City of Guelph</b> (Superior Court of Justice Court File No. 227/17)	<ul style="list-style-type: none"> <li>Slip and Fall - February 2013</li> </ul>	<ul style="list-style-type: none"> <li>May 23, 2017 – City served with Statement of Claim</li> <li>June 29, 2017 – City filed Defence</li> <li>November 23, 2017 – City requested scheduling of Examinations</li> </ul>	<ul style="list-style-type: none"> <li>Examinations for Discovery to be scheduled</li> </ul>	Legal Services
<b>Evering v. City of Guelph</b> (Superior Court of Justice Court File No. 228/17)	<ul style="list-style-type: none"> <li>Slip and Fall – February 2017</li> </ul>	<ul style="list-style-type: none"> <li>May 23, 2017 – City served with Statement of Claim</li> <li>June 29, 2017 – City filed Defence</li> <li>November 23, 2017 – City requested scheduling of Examinations</li> </ul>	<ul style="list-style-type: none"> <li>Examinations for Discovery to be scheduled</li> </ul>	Legal Services
<b>Jakel v. City of Guelph</b> (Superior Court of Justice Court File No. 670/16)	<ul style="list-style-type: none"> <li>Slip and Fall</li> </ul>	<ul style="list-style-type: none"> <li>November 2, 2016 – City served with Notice of Action and Statement of Claim</li> <li>December 1, 2016 – City filed Defence</li> <li>November 8, 2017 – City requested scheduling of Examinations</li> </ul>	<ul style="list-style-type: none"> <li>Examinations for Discovery to be scheduled</li> </ul>	Legal Services
<b>Smith v. City of Guelph</b> (Superior Court of Justice Court File No. 18/16)	<ul style="list-style-type: none"> <li>Claim for an order to remove and realign certain public utilities located under the plaintiffs' property at 16 Summerfield</li> </ul>	<ul style="list-style-type: none"> <li>January 14, 2016 – Statement of Claim served on City</li> <li>March 2, 2016 – City served Defence</li> </ul>	<ul style="list-style-type: none"> <li>Approval of settlement pending</li> </ul>	Legal Services  Rodrigues Paiva LLP
<b>Westminister Woods v. City of Guelph</b> (Superior Court of Justice Court File No. 707/13)	<ul style="list-style-type: none"> <li>Claim re: Stage III Services pursuant to Subdivision Agreement</li> </ul>	<ul style="list-style-type: none"> <li>October 4, 2013 – Statement of Claim served on City</li> <li>November 12, 2013 - City filed Statement of Defence</li> <li>November 25, 2013 – Reply served on City</li> <li>March 2014 – Discovery Agreement prepared</li> <li>May 30, 2014 - City served Affidavit of Documents</li> <li>November 27, 2014 - Plaintiff served Affidavit of Documents</li> </ul>	<ul style="list-style-type: none"> <li>Pre-Trial Scheduled for November 22, 2019</li> </ul>	Legal Services  Aird & Berlis LLP

**Attachment-1**  
**LITIGATION STATUS REPORT**  
**As of September 18, 2019**

<b>COURT ACTIONS RESOLVED SINCE March 29, 2019</b>				
<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>Whiteley et al. v. City of Guelph</b> (Court of Appeal File No. M50090)	<ul style="list-style-type: none"> <li>• Appeal decision of Superior Court of Justice</li> </ul>	<ul style="list-style-type: none"> <li>• January 25, 2019 – Notice of Motion seeking leave to Appeal served on City</li> <li>• March 25, 2019 – City served and filed responding materials</li> <li>• June 17, 2019 – Received decision denying leave to Appeal</li> </ul>	<ul style="list-style-type: none"> <li>• This matter is complete</li> </ul>	Legal Services
<b>Kovarathananan Konesavathan v. City of Guelph</b> (Supreme Court of Canada File No. 38434)	<ul style="list-style-type: none"> <li>• Application for Leave to Appeal to the Supreme Court of Canada</li> </ul>	<ul style="list-style-type: none"> <li>• November 8, 2018 – City served with Application</li> <li>• May 2, 2019 – Application dismissed</li> </ul>	<ul style="list-style-type: none"> <li>• This matter is complete</li> </ul>	Legal Services

<b>LPAT MATTERS</b>				
<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>435 Stone Road West</b> (Cast No. MM190013)	<ul style="list-style-type: none"> <li>• Appeal by Stone Road Mall Holdings Inc.</li> </ul>	<ul style="list-style-type: none"> <li>• July 24, 2019 – appeal received</li> </ul>	<ul style="list-style-type: none"> <li>• No hearings scheduled</li> </ul>	Legal Services
<b>622 College Avenue West</b> (Case No. PL190325)	<ul style="list-style-type: none"> <li>• Appeal by Jaspreet and Gurkirat Dhillon</li> </ul>	<ul style="list-style-type: none"> <li>• July 16, 2019 – appeal received</li> </ul>	<ul style="list-style-type: none"> <li>• No hearings scheduled</li> </ul>	Legal Services
<b>58 Memorial Crescent</b> (Case No. PL190309)	<ul style="list-style-type: none"> <li>• Appeal by Annamaria Bartolomucci</li> </ul>	<ul style="list-style-type: none"> <li>• July 2, 2019 – appeal received</li> </ul>	<ul style="list-style-type: none"> <li>• No hearings scheduled</li> </ul>	Legal Services
<b>15 Dumbarton Street</b> (Case No. PL190148)	<ul style="list-style-type: none"> <li>• Appeal by Andrew Westbrook</li> </ul>	<ul style="list-style-type: none"> <li>• March 29, 2019 – appeal received</li> <li>• July 10, 2019 – Hearing held</li> </ul>	<ul style="list-style-type: none"> <li>• Awaiting decision</li> </ul>	City not a party
<b>Development Charge By-law (2019) - 20372</b> (Case No. DC190005)	<ul style="list-style-type: none"> <li>• Appeal by Hugh Whiteley</li> </ul>	<ul style="list-style-type: none"> <li>• March 25, 2019 – appeal received</li> <li>• August 9, 2019 – pre-hearing held</li> </ul>	<ul style="list-style-type: none"> <li>• January, 2020 - Hearing to be scheduled</li> </ul>	Garrod Pickfield LLP
<b>89 Beechwood Avenue</b> (Case No. PL190050)	<ul style="list-style-type: none"> <li>• Appeal by Tom Wood</li> </ul>	<ul style="list-style-type: none"> <li>• February 15, 2019 – appeal received</li> <li>• August 8, 2019 – Case management conference held</li> </ul>	<ul style="list-style-type: none"> <li>• September 30, 2019 – City Response due</li> </ul>	Legal Services
<b>75 Dublin Street North</b> (Case No. PL180546)	<ul style="list-style-type: none"> <li>• Appeal by Rykur Holdings Inc. from the refusal of a privately initiated Official Plan Amendment.</li> </ul>	<ul style="list-style-type: none"> <li>• May 22, 2018 – Appeal Received</li> <li>• November 8, 2018 – Case management conference held</li> </ul>	<ul style="list-style-type: none"> <li>• No hearings scheduled at this time</li> </ul>	Legal Services
<b>132 Clair Road West</b> (Case No. PL171454)	<ul style="list-style-type: none"> <li>• Appeals by Herbert Neumann, Frank Cerniuk, Sieben Holdings Limited, H</li> </ul>	<ul style="list-style-type: none"> <li>• December 4, 2017 – 2 appeals received</li> <li>• June 10, 2019 – Pre-hearing held</li> </ul>	<ul style="list-style-type: none"> <li>• November 29, 2019 – Hearing scheduled</li> </ul>	Legal Services

**Attachment-1**  
**LITIGATION STATUS REPORT**  
**As of September 18, 2019**

**LPAT MATTERS**

<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
	and J Produce Limited, and McEnery Industries Limited			
<b>144 Watson Road North</b> (Case No. PL170803)	<ul style="list-style-type: none"> <li>• Appeal by CP REIT Ontario Properties and Loblaw Properties Limited</li> </ul>	<ul style="list-style-type: none"> <li>• July 12, 2017 – Appeal received</li> <li>• January 31, 2018 – hearing date adjourned</li> </ul>	<ul style="list-style-type: none"> <li>• Awaiting new hearing date</li> </ul>	Legal Services
<b>75 Dublin Street North</b> (Case No. PL161294)	<ul style="list-style-type: none"> <li>• Appeals by Upper Grand District School Board, Old Guelph Neighborhood Association Inc., and Rykur Holdings Inc.</li> </ul>	<ul style="list-style-type: none"> <li>• December 21, 2016 – appeal received</li> <li>• August 14, 2017 – pre-hearing held</li> <li>• November 17, 2017 – Motion hearing held</li> <li>• May 11, 2018 – Interim decision on motions issued.</li> </ul>	<ul style="list-style-type: none"> <li>• No hearings scheduled at this time</li> </ul>	Legal Services
<b>OPA 48 (7 Appeals)</b> (Case No. PL 140042)	<ul style="list-style-type: none"> <li>• Seven (7) Appeals received relating to Official Plan Amendment 48 (Envision Guelph) as approved by the Minister of Municipal Affairs and Housing.</li> </ul>	<ul style="list-style-type: none"> <li>• December, 2013 – OPA 48 Approved by Minister of Municipal Affairs and Housing</li> <li>• December, 2013 – Appeals received</li> <li>• September 15, 2015 – Phase 1 hearing scheduled for 10 days - adjourned</li> <li>• November 20, 2015 – Phase 1 decision issued resolving part of one (1) appeal</li> <li>• September 25, 2017 – Housekeeping phase hearing completed</li> </ul>	<ul style="list-style-type: none"> <li>• March 23, 2018 – decision issued confirming settlement of Niska Road Lands Phase</li> <li>• No further hearings scheduled at this time</li> </ul>	Legal Services
<b>1159 Victoria Road South</b> (Case No. PL121406)	<ul style="list-style-type: none"> <li>• Appeals by Victoria Park Village Ltd. regarding failure to make a decision within the prescribed time</li> </ul>	<ul style="list-style-type: none"> <li>• November 29, 2012 – Appeal received</li> <li>• May 14, June 28, September 18 and November 15, 2013 – Prehearings held</li> <li>• June 16, 2014 – hearing held by teleconference</li> <li>• April 29 and August 18, 2015 – hearings held by teleconference</li> <li>• November 5, 2015 - Status hearing held</li> <li>• May 3, 2016 – hearing held by teleconference</li> </ul>	<ul style="list-style-type: none"> <li>• No hearings scheduled at this time</li> </ul>	Legal Services  Garrod Pickfield
<b>580 Paisley Road – Armel Corporation</b> (Case No. MM080050)	<ul style="list-style-type: none"> <li>• Appeal by the owner, Armel Corporation, of a decision not to approve a site plan application for a proposed gas bar, car wash and kiosk.</li> </ul>	<ul style="list-style-type: none"> <li>• October 1, 2008 – Appeal received</li> <li>• Matter in abeyance pending the completion of the Environmental</li> </ul>	<ul style="list-style-type: none"> <li>• No hearings scheduled at this time</li> </ul>	Legal Services

**Attachment-1**  
**LITIGATION STATUS REPORT**  
**As of September 18, 2019**

**LPAT MATTERS**

<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
	The main issue relates to site access.	Assessment of Silvercreek Parkway S.		

**LPAT MATTERS RESOLVED SINCE March 29, 2019**

<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>12 Knevitt Place</b> (Case No. PL180985)	<ul style="list-style-type: none"> <li>• Appeal by John Krikorian</li> </ul>	<ul style="list-style-type: none"> <li>• November 14, 2018 – appeal received</li> <li>• March 27, 2019 – hearing held</li> <li>• May 31, 2019 – Decision received</li> </ul>	<ul style="list-style-type: none"> <li>• This matter is complete</li> </ul>	Legal Services
<b>92 Clough Crescent</b> (Case No. PL180128)	<ul style="list-style-type: none"> <li>• Appeal by Alexandra and Antony Savich</li> </ul>	<ul style="list-style-type: none"> <li>• January 25, 2018 – appeal received</li> <li>• January 15, 2019 – Hearing held</li> <li>• April 18, 2019 – Decision received</li> </ul>	<ul style="list-style-type: none"> <li>• This matter is complete</li> </ul>	Legal Services
<b>585 Hanlon Creek Boulevard</b> (Case No. PL180785)	<ul style="list-style-type: none"> <li>• Appeal by Tom Seaman</li> </ul>	<ul style="list-style-type: none"> <li>• August 29, 2018 – appeal received</li> <li>• April 3, 2019 – hearing held</li> <li>• April 5, 2019 – Decision received</li> </ul>	<ul style="list-style-type: none"> <li>• This matter is complete</li> </ul>	City not a party
<b>Downtown Zoning By-law (2017) – 20187</b> (Case No. PL170951)	<ul style="list-style-type: none"> <li>• Appeal by Tom Lammer (Rykur Holdings Inc.)</li> </ul>	<ul style="list-style-type: none"> <li>• August 23, 2017 – Appeal received</li> <li>• April 4, 2018 – pre hearing held</li> <li>• June 1, 2018 – second pre-hearing held by teleconference.</li> <li>• February 25, 2019 – Settlement hearing held</li> <li>• March 5, 2019 – Decision received</li> </ul>	<ul style="list-style-type: none"> <li>• This matter is complete</li> </ul>	Legal Services  Garrod Pickfield

**OTHER MATTERS**

<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>Kovarthanan Konesavarathan Human Rights Tribunal of Ontario</b> (File No. 2017-28841-I)	<ul style="list-style-type: none"> <li>• Appeal by K. Konesavarathan</li> </ul>	<ul style="list-style-type: none"> <li>• November 30, 2018 – HRTO sent Application to Respondents</li> <li>• July 5, 2017 – Application submitted to HRTO</li> <li>• January 17, 2019 – City filed Response</li> </ul>	<ul style="list-style-type: none"> <li>• October 18, 2019 – Hearing scheduled</li> </ul>	Legal Services
<b>The Corporation of the City of Guelph v. Director, Ministry of the Environment</b> (Case No. 13-013)	<ul style="list-style-type: none"> <li>• City is appealing to the Environmental Review Tribunal (ERT) the issuance of Permit to Take Water Number 5080-8TAKK2 to River Valley Developments Inc.</li> </ul>	<ul style="list-style-type: none"> <li>• February 12, 2013 – City filed an application for Leave to Appeal with the ERT</li> <li>• May 2, 2014 – Leave to Appeal to ERT granted</li> <li>• City filed Appeal</li> </ul>	<ul style="list-style-type: none"> <li>• Mediation ongoing</li> </ul>	Garrod Pickfield  Legal Services

**Attachment-1**  
**LITIGATION STATUS REPORT**  
**As of September 18, 2019**

**OTHER MATTERS**

<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
		<ul style="list-style-type: none"> <li>• November 4, 2014 - Status Update with ERT, held by teleconference.</li> <li>• Third-party mediation session held November 28, 2014</li> </ul>		

**OTHER MATTERS RESOLVED SINCE March 29, 2019**

<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>NONE</b>	•	•	•	

**MATTERS BEING HANDLED BY INSURERS' LEGAL COUNSEL \***

<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>Hartung et al v. City of Guelph et al</b> (Superior Court of Justice Court File No. C-1341-17)	• Personal Injury – September 30, 2016	• July 8, 2019 – Served with Motion Record adding the City as a Defendant	• Counsel to be assigned	
<b>McIntosh v. City of Guelph</b> (Superior Court of Justice Court File No. CV-19-245)	• Trip and Fall – December 27, 2018	• June 27, 2019 – City served with Statement of Claim	• Counsel to be assigned	
<b>Griffith v. City of Guelph</b> (Superior Court of Justice Court File No. CV-19-169)	• Trip and Fall – January 18, 2018	• May 15, 2019 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel
<b>Azeb Kebede Birida v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-19-150)	• Personal Injury – January 22, 2018	• April 30, 2019 – City served with Statement of Claim	• Counsel to be assigned	
<b>1991333 Ontario Inc. v. City of Guelph</b> (Superior Court of Justice Court File No. CV-19-808)	• Alleged Negligent Misrepresentation	• April 23, 2019 – City served with Statement of Claim	• Examinations to be scheduled	Insurer's legal counsel
<b>Madgy Eldakiky v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-18-340)	• Property Damage	• February 26, 2019 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel
<b>Victoria Mann v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-19-027)	• Slip and Fall – February 7, 2017	• January 30, 2019 – City served with Statement of Claim	• Examinations to be scheduled	Insurer's legal counsel
<b>Starlight Group Property Holdings Inc. et al. v. City of</b>	• Property Damage – March 17, 2017	• January 28, 2019 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel



**Attachment-1**  
**LITIGATION STATUS REPORT**  
**As of September 18, 2019**

<b>MATTERS BEING HANDLED BY INSURERS' LEGAL COUNSEL *</b>				
<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>Guelph</b> (Superior Court of Justice Court File No. CV-19-026)				
<b>Joshi v. City of Guelph</b> (Superior Court of Justice Court File No. CV-18-457)	• Slip and Fall – April 20, 2018	• January 21, 2019 – City provided Statement of Claim.	• Insured's Legal Counsel has been appointed	Insurer's legal counsel
<b>Artymowicz v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-19-020)	• Personal Injury – August 31, 2017	• January 7, 2019 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel
<b>Johnson v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-18-448)	• Slip and Fall – January 18, 2017	• December 21, 2018 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel
<b>Burns v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-18-1303)	• Slip and Fall – December 9, 2016	• October 17, 2018 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel
<b>Smith v. City of Guelph</b> (Superior Court of Justice Court File No. CV-18-304)	• Slip and Fall – February 7, 2017	• August 28, 2018 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel
<b>Brunet v. City of Guelph</b> (Superior Court of Justice Court File No. CV-18-230)	• Longboard accident – September 13, 2016	• June 12, 2018 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel
<b>Simpson v. City of Guelph</b> (Superior Court of Justice Court File No. CV-18-192)	• Slip and Fall – February 14, 2018	• May 8, 2018 – City served with Statement of Claim	• Insured's Legal counsel in the process of being appointed	Insurer's legal counsel
<b>Barry v. City of Guelph</b> (Superior Court of Justice Court File No. 144/18)	• Trip and Fall – November 14, 2016	• April 5, 2018 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel
<b>Peacock v. City of Guelph</b> (Superior Court of Justice Court File No. 34/18)	• Slip and Fall – July 1, 2017	• January 25, 2018 – City served with Statement of Claim	• Insured's Legal counsel has been appointed	Insurer's legal counsel
<b>Cavanagh v. City of Guelph, Vinyl Jimmy Jazz, James Kritz and Jeffrey Bousfield</b> (Superior	• Slip and Fall – November 17, 2015	• September 19, 2017 – City served with Statement of Claim	• Co-Defendant has indemnified the City and assumed its defence	Insurer's legal counsel

**Attachment-1**  
**LITIGATION STATUS REPORT**  
**As of September 18, 2019**

<b>MATTERS BEING HANDLED BY INSURERS' LEGAL COUNSEL *</b>				
<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
Court of Justice Court File No. 379/17)		<ul style="list-style-type: none"> <li>December 15, 2018 – Statement of Defence filed by City</li> </ul>		
<b>Sethupathi v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-17-576347)	<ul style="list-style-type: none"> <li>Motor vehicle accident – January 12, 2016</li> </ul>	<ul style="list-style-type: none"> <li>June 15, 2017 – City served with Statement of Claim</li> </ul>	<ul style="list-style-type: none"> <li>Examinations for Discovery have been scheduled</li> </ul>	Insurer's legal counsel
<b>Livingston v. Guelph Transit et al.</b> (Superior Court of Justice Court File No. 35/17)	<ul style="list-style-type: none"> <li>Transit incident – January 28, 2015</li> </ul>	<ul style="list-style-type: none"> <li>May 29, 2017 – City served with Statement of Claim</li> </ul>	<ul style="list-style-type: none"> <li>Parties fulfilling undertakings</li> </ul>	Insurer's legal counsel
<b>Cooper (Stewart) v. City of Guelph et al.</b> (Superior Court of Justice Court File No. 16-58756)	<ul style="list-style-type: none"> <li>Motor vehicle accident – October 25, 2016</li> </ul>	<ul style="list-style-type: none"> <li>January 20, 2017 – Statement of Claim amended to include City as a party</li> </ul>	<ul style="list-style-type: none"> <li>Examinations for Discovery have been completed</li> </ul>	Insurer's legal counsel

\* Does not include claims solely against Guelph Police Services (i.e., City not named as a party)

<b>INSURED MATTERS COMPLETE SINCE March 29, 2019</b>				
<b>Matter</b>	<b>Description</b>	<b>History</b>	<b>Current Status</b>	<b>Counsel</b>
<b>Gascon v. City of Guelph et al.</b> (Superior Court of Justice Court File No. 652/15)	<ul style="list-style-type: none"> <li>Accident – September 14, 2013</li> </ul>	<ul style="list-style-type: none"> <li>August 12, 2015 – City served with Statement of Claim</li> <li>Insurer for co-Defendant, Coco Paving, agreed to take over City's defence and indemnify as of October 21, 2015</li> <li>May 1, 2019 – advised matter had settled</li> </ul>	<ul style="list-style-type: none"> <li>This matter is complete</li> </ul>	Insurer's legal counsel
<b>Clark v. City of Guelph et al.</b> (Superior Court of Justice Court File No. CV-18-329)	<ul style="list-style-type: none"> <li>Trip and Fall – October 31, 2016</li> </ul>	<ul style="list-style-type: none"> <li>September 6, 2018 – City served with Statement of Claim</li> <li>April 26, 2019 – advised matter had settled</li> </ul>	<ul style="list-style-type: none"> <li>This matter is complete</li> </ul>	Insurer's legal counsel
<b>Szilvasy v. City of Guelph</b> (Superior Court of Justice Court File No. 63/18)	<ul style="list-style-type: none"> <li>Slip and Fall – April 6, 2016</li> </ul>	<ul style="list-style-type: none"> <li>February 20, 2018 – City served with Statement of Claim</li> <li>April 1, 2019 – Order dismissing action without costs</li> </ul>	<ul style="list-style-type: none"> <li>This matter is complete</li> </ul>	Insurer's legal counsel
<b>McLeod v. City of Guelph</b> (Superior Court of Justice Court File No. 140/18)	<ul style="list-style-type: none"> <li>Trip and Fall – April 14, 2016</li> </ul>	<ul style="list-style-type: none"> <li>May 11, 2018 – City served with Statement of Claim</li> <li>April 11, 2019 – advised matter had settled</li> </ul>	<ul style="list-style-type: none"> <li>This matter is complete</li> </ul>	Insurer's legal counsel

# Information Report

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Service Area            Corporate Services  
Date                    Friday, September 27, 2019  
Subject                **Parking Services Transition to a Blended Non-tax Supported Enterprise**  
Report Number        CS-2019-92

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## Executive Summary

### Purpose of Report

The Downtown Parking Master Plan (DPMP) recommended that Parking follow an enterprise governance model where it would be self-sustaining through user rates. This report provides background information on the DPMP financial model and a summary of the transition of Parking Services (Parking) to a blended non-tax supported enterprise to be presented in 2020 as part of the non-tax supported budget. The enterprise model is anticipated to be fully non-tax funded (i.e. sustainable) by 2044. The update in the DPMP in 2021 will provide further analysis on this sustainability plan.

### Key Findings

City staff developed a robust, well-articulated DPMP and financial model to support downtown parking in Guelph to 2035. The enterprise governance model as envisioned for Parking will enable a comprehensive, integrated and intentional program aimed at being responsive to growth and intensification requirements while contributing to the economic potential of the Downtown Secondary Plan. Further, the enterprise governance model seeks to achieve financial sustainability for the program as a whole, and position Parking for possible future public/private partnerships.

As Parking is transitioned to this enterprise governance and non-tax supported budget model, the following considerations have been addressed:

1. Parking operating costs and revenues
2. Parking enforcement costs and revenues
3. Parking operating and capital reserve and reserve fund strategy
4. Allocation for support services provided to Parking from tax supported departments
5. Property tax contribution of \$1.4 million to Parking representing 22.6% of the total annual expenditures
6. Parking permits issued to City staff

There will be no tax levy impact in 2020 from this budget presentation change.

## **Financial Implications**

The 2020 Parking budget will be included and discussed as part of the 2020 non-tax budget presentation. There will be no tax levy impact in 2020 from this budget presentation change as the tax supported funding of Parking Services remains the same in either budget presentation.

The enterprise model will ensure that all future Parking capital and operating decisions are self-sustaining and affordable within the user fees earned with the long-term goal of reducing the property tax contribution to parking. The DPMP completed in 2015 suggested that Parking could be self-sustaining by 2037, however due to a number of changes including Baker district and the removal of paid on-street parking, that year is now estimated to be 2044. The update in the DPMP in 2021 will provide further analysis on this sustainability plan.

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## **Report**

### **Details**

City staff developed a robust, well-articulated DPMP and financial model to support downtown parking in Guelph to 2035. Following extensive community engagement, Council approved the DPMP (2016 to 2035) at its meeting of November 18, 2015. Report [IDE-BDE-1510 Downtown Parking Master Plan](#) contains the full plan and recommendations.

Staff provided an update to the DPMP on May 28, 2018 in report [IDE-2018.69 Downtown Parking Master Plan Update](#) at which time Council removed on-street paid parking from the original plan. At that time, Council also adopted a new mix of revenues to support the downtown parking operations including permit fee increases, periphery parking revenues and increased property taxes.

### **Business Model and Operational Goals**

The DPMP represents a transition from what was historically an operationally focused service area to an enterprise governance model; a business unit that incorporates accountability for all costs, revenues, and strategic service delivery.

The enterprise governance model as envisioned for parking will enable a comprehensive, integrated and intentional program aimed at being responsive to growth and intensification requirements while contributing to the economic potential of the Downtown Secondary Plan. Further, the enterprise governance model seeks to achieve financial stability for the program as a whole, and position Parking for possible future public/private partnerships.

To provide Council with further background and context, the following observations should be considered while reading this report.

1. The development of a comprehensive parking program is a strategic component to implement the Downtown Secondary Plan;

2. The City made a significant capital investment to increase downtown parking capacity with the construction of the Market Parkade on Wilson Street;
3. The City made a significant investment in new parking technology and equipment in 2019, which will improve the efficiency and effectiveness of parking operations, specifically with respect to parking enforcement, turnover and revenue generation;
4. Increased capital and operational investments are required to improve Guelph's parking program, and possibly position it for future private/public partnership opportunities;
5. As Guelph continues to invest in infrastructure, there may be opportunities to leverage assets to achieve the required economies of scale to make private sector investment in parking more attractive;
6. There is a need to establish sufficient reserves to address aging infrastructure and that enable future parking requirements;
7. Best practice review of municipal parking indicates that parking programs need to be flexible and adaptive to ever changing conditions, and therefore the monitoring of such programs is critical.

From 2017 to 2019, staff focused on modernizing the parking operation, improving and streamlining business processes, improving customer service and better controlling and capturing revenue. The City has created new channels for public and user feedback through a Downtown Parking Advisory Committee and have improved communications and outreach initiatives.

The next step in this process is to position the operation for self-sufficiency and growth. To ensure the future viability of the parking operation, the City must establish an enterprise governance model and move the business into a non-tax supported budget supported by user fees. This realignment will allow the operation to achieve its revenue goals while generating funds to provision a capital reserve fund dedicated to infrastructure development, rehabilitation and replacement.

## **Transitional Considerations**

At the time of writing, the 2020 operating and capital budgets are in development. This report provides background information and explains the transitional budget considerations to successfully implement Parking as a non-tax supported budgeted service.

## **Parking Enforcement and Fine Revenues**

Parking enforcement is currently performed by the By-law department. By-law issues parking tickets and Court Services is responsible for the collection of parking ticket fines. As payment for collection services, Court Services retains a portion of all parking fines collected and transfers the balance to By-law. Those fines are retained by By-law as payment for performing enforcement operations with the net benefit reducing the net property tax levy otherwise required. The 2020 Parking budget will not include any costs or revenues related to these functions. At this time, the cost of downtown parking enforcement cannot be segregated from the parking enforcement in the rest of the city with any degree of accuracy due to the data that is currently available.

## **Operating Reserve**

Similar to other non-tax departments, Parking will now be required to manage all operating variances and unexpected business matters within its own resources. For this reason, Parking will require an operating reserve to manage operational business risk over time. Any budget variances will result in a year-end surplus or deficit which will be transferred to or from a parking operating reserve. A recommendation to create a Parking Contingency Reserve will be presented as part of the 2020 non-tax supported budget report.

## **Capital Planning and Sustainability**

Contributions to a parking capital reserve are required to grow the capital funding and reserve balances to meet current and future parking capital needs while also eliminating the parking-related infrastructure gap. Over the next 25 years \$125 million is forecasted to be needed to meet the current capital needs of which \$42 million will need to be funded from parking's capital reserve. Previously, this transfer was part of the tax supported capital transfer to the Infrastructure Renewal Reserve Fund. In 2020, the parking amount has been apportioned out of the tax supported transfer and will now appear as transfer within the Parking operating budget.

## **Support Service Allocations**

Similar to other non-tax departments, Parking will have to pay support service allocation charges to the tax supported budget. These allocations are to recover support services that Parking receives from tax supported departments and include charges for Finance, Human Resources, Legal, Communications, Clerks, Internal Audit, Information Technology and Facilities Management.

## **Tax Contribution**

Historically Parking was funded through the tax supported budget and was subsidized partly through the tax levy as the user fees for parking did not fully support its operating and capital programs.

Without a substantial increase in revenues, the Parking enterprise will not be sustainable for many years which means that parking will continue to require a contribution from property taxes of \$1.4 million annually, until the point of being self-sustaining (currently anticipated by 2044).

## **Cost of Parking Provided to City Staff**

With the movement of Parking to an enterprise model, there is now a requirement for the permits issued to City staff to be accounted for through a charge to the tax supported budget from the Parking budget. This has been included as a reconciling item in this transition. Beginning in the 2020 operating budget, parking will now be included as one of the costs to be included for a new full-time equivalent.

## **Financial Implications**

The 2020 Parking budget will be included and discussed as part of the 2020 non-tax budget presentation. There will be no tax levy impact in 2020 from this budget

presentation change as the tax supported funding of Parking remains the same in either budget presentation.

The enterprise model will ensure that all future Parking capital and operating decisions are self-sustaining and affordable within the user fees earned with the long-term goal of reducing the property tax contribution to parking. The DPMP completed in 2015 suggested that Parking could be self-sustaining by 2037, however, due to a number of changes including Baker district and the removal of paid on-street parking that year is now estimated to be 2044. The update in the DPMP in 2021 will provide further analysis on this sustainability plan.

## **Consultations**

None noted.

## **Corporate Administrative Plan**

### **Overarching Goals**

Financial Stability

### **Service Area Operational Work Plans**

Our Services - Municipal services that make lives better

Our Resources - A solid foundation for a growing city

## **Attachments**

None

## **Departmental Approval**

Jamie Zettle, Program Manager, Parking

Terry Gayman, Acting General Manager/City Engineer, Engineering and Transportation Services

## **Report Author**

Patricia Zukowski, CPA, CGA Senior Corporate Analyst – Capital Planning



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**Approved By**

Tara Baker, CPA, CA

General Manager Finance/City  
Treasurer

Corporate Services

519-822-1260 extension 2084

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**Recommended By**

Trevor Lee

Deputy Chief Administrative Officer  
Corporate Services

519-822-1260 extension 2281

[trevor.lee@guelph.ca](mailto:trevor.lee@guelph.ca)



Provincial/Federal Consultation Alert							
Title	Ministry	Consultation Deadline	Summary	Proposed Form of Input	Rationale	Lead	Link to Ministry Website
Proposed changes to Provincial laws on Joint and Several Liability	Ministry of the Attorney General	September 27, 2019	The Ministry of the Attorney General is seeking input from municipalities on joint and several liability, insurance costs, and the 'liability chill' affecting the delivery of everyday public services.	Written comments submitted to the Ministry of the Attorney General	Changes could see lower insurance costs and reduced liability exposure for Ontario municipalities	Legal, Realty, and Court Services	<a href="https://www.attorneygeneral.jus.gov.on.ca/english/">https://www.attorneygeneral.jus.gov.on.ca/english/</a>

Provincial/Federal Consultation Alert							
Title	Ministry	Consultation Deadline	Summary	Proposed Form of Input	Rationale	Lead	Link to Ministry Website
ERO#019-0279 Proposed Provincial Policy Statement (PPS) Changes	Ministry of Municipal Affairs and Housing	October 21, 2019	<p>The Province is proposing changes to the PPS to support Ontario’s Housing Supply Action Plan and recent changes to the land use planning system including Bill 108, More Homes, More Choice Act, 2019 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe.</p> <p>Proposed changes include:</p> <ol style="list-style-type: none"><li>1) <b>Increasing Housing Supply and Mix</b> including increasing the planning horizon from 20 to 25 years, increasing housing land supply from 10 to 12 years, and adding flexibility to the settlement area boundary expansion process.</li><li>2) <b>Protecting the Environment and Public Safety</b> including enhancing direction to prepare for the impacts of a changing climate, and enhancing stormwater management policies.</li><li>3) <b>Reducing Barriers and Costs</b> including requiring municipalities to fast-track development applications for certain proposals (e.g. housing), and refocusing energy policies to support a broad range of energy types and opportunities.</li><li>4) <b>Supporting Rural, Northern and Indigenous Communities</b> including enhanced municipal engagement with Indigenous communities on land use planning.</li><li>5) <b>Supporting Certainty and Economic Growth</b> including encouraging municipalities to assess locally-identified</li></ol>	Written comments submitted through ERO. Council will be requested to endorse a proposed response at the October 16 Planning Meeting prior to submitting comments through the ERO.	The PPS is the consolidated statement of the provincial government’s policies on land use planning that guides municipal decision making. Under the Planning Act municipal decisions on land use planning matters “shall be consistent with” the PPS. An endorsed Council response ensures that Council members are informed of the proposed changes and have an opportunity to contribute to the City’s response.	Planning and Building Services	<a href="https://ero.ontario.ca/notice/019-0279">https://ero.ontario.ca/notice/019-0279</a>

			employment areas when undertaking an official plan update, and providing municipalities with greater control over employment area conversions.				
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September 26, 2019

Ministry of the Attorney General  
McMurtry-Scott Building  
720 Bay Street, 11th Floor  
Toronto ON, M7A 2S9

**Re: Joint and Several Liability Consultation**

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Please be advised that in response to your letter dated July 12, 2019, the Township of Springwater provides the following comments in regards to Joint and Several Liability.

***1. Please describe the nature of the problem as you see it?***

In response to the Province's request for consultation, the Township has a significant issue with Joint and Several Liability (JSL) and the impact it has on the municipality.

***a. No Requirement of Proof***

JSL is a tool that is used by the legal industry without any discretion to the point that this municipality feels that its use is negligent and in fact unethical. Most law suits that municipalities see are frivolous and vexations as lawyers cast their nets wide and attempt to use shotgun justice for their clients that are more than often the sole cause of a claim. A statement of claim does not require any proof that there is fault. A plaintiff only has to state who they think is involved and a significant amount of court time is spent determining who should be a party to the legal claim.

***b. No Consequence for Being Wrongly Identified in a Statement of Claim***

To add to this, there is no consequence that lawyers and their clients face for submitting a claim against a municipality when it is clear that a municipality is not involved. Municipalities incur significant administrative costs in managing these claims and the municipalities and their insurers pay significant costs to go through a lengthy process to prove that a claim was made in error (intentionally) only to find that a judge sees no reason to compensate a municipality for cost for incorrectly being named in a lawsuit by a plaintiff. Municipalities are seen as having deep pockets by the legal industry as well as the judicial system that makes decisions on these claims. Proof of innocence is often furnished to the plaintiff and lawyer by a municipality immediately upon notification of a pending legal action of statement of claim. This information is ignored by the plaintiff's lawyer. A plaintiff and their lawyer should have to reimburse a municipality for

all administrative and legal costs when the municipality is cleared of liability. Judges rarely compensate municipalities for being wrongly named in a legal action.

A recent example from 2019 occurred when a statement of claim was made against the Township of Springwater for an accident on a County Road (not the jurisdiction of Springwater). After legal and administrative costs totaling more than \$5,000, Springwater was dismissed from the claim. Unfortunately no costs were assigned to the plaintiff for wrongly naming Springwater in the statement of claim. The current system is broken and Springwater tax payers are left paying the bill.

## ***2. What are the problems that you need addressed to benefit your community?***

### ***a. Ethical Standard of Due Diligence Required Before Submitting a Legal Action***

Lawyer's representing plaintiff's should be required to submit documentation that provides significant research into why a claim is being made and a municipality is being named in a law suit. The claim should clearly prove authority and responsibility. The current practice of naming every party under the sun in a legal claim is negligent and unethical.

### ***b. Frivolous and Vexatious Suits are Costing Taxpayers***

The Township of Springwater is seeing a significant waste of administrative time and cost in managing legal claims against the municipality that are predominantly frivolous and vexatious due to JSL. Over the last seven years, the municipality has had 55 claims made against the municipality. These claims range from trips/falls resulting in broken eyeglasses to cases that unfortunately involve loss of life. The Township has no problem dealing with claims that the municipality is responsible for; however the Township does have a problem dealing with claims it does not have any responsibility for. Of the 55 claims against the municipality, 42 of these claims are frivolous and vexatious. Claims that the municipality has no responsibility for. Over the past 7 years, Springwater has paid more than \$100,000 on these frivolous and vexatious claims as they work themselves through the legal process. Many of these files are still open. This does not include additional costs paid by Springwater's insurance company that are beyond the municipality's deductible.

### ***c. Negligent Legal Actions (Beyond Frivolous and Vexatious)***

The Township of Springwater is currently named in 4 legal actions and an additional legal action (recently abandoned) for claims that occurred in another municipality (no where near Springwater). The Township is currently named in 3 claims that occurred in the Township of Clearview west of Stayner and one claim in the Township of Brock that have nothing to do with the Township. Springwater was named in a claim that occurred

in Wasaga Beach that was abandoned recently. All of these claims cost the Springwater taxpayer in administrative and legal costs as they work their way through the process.

*d. Triage System for Claims*

Before a claim makes it to a court date, the file should be triaged. It is at this stage that negligent of frivolous and vexatious claims will be filtered or thrown out. This process will trigger the reimbursement of costs to municipalities by unethical law firms.

*e. Law Society of Ontario Charges*

Lawyers that use JSL in an unethical way should be charged by the Law Society of Ontario. If a lawyer names a municipality in a legal action that should not be named, these lawyers should be suspended and potentially lose their license to practice law. There is a significant commonality when comparing frivolous and vexatious claims and the law firms/lawyers that submit them. The current code of ethics of the Law Society of Ontario should be updated by the Province to reprimand lawyers and law firms that negligently use JSL. The Province of Ontario should be involved in creating a new Code of Ethics for Ontario's legal industry.

**3. *Is it increased premiums? Rising deductibles?***

A recent survey by CAO's in Simcoe County shows that insurance premiums are going up between 10% at the lowest to 59% being the highest in 2019. The Township of Springwater experienced a 10.8% increase in its 2019 insurance renewal. The area that typically sees an annual increase is related to the Municipal General Liability and Excess Liability lines of the business. The municipality was advised by its insurance broker that "over the past several years, insurance companies' appetite for Municipal Insurance has remained fairly stable. Insurance rates across all lines have seen only modest increases intended to simply keep pace with inflation and the rising cost of claims. Larger rate increases have been reserved for those accounts experiencing adverse claims development; either in frequency or severity (or both). However, starting in June 2018, the insurance market as a whole has shown clear signs of "hardening". Insurance companies for all sectors are putting stricter rules in place regarding the amount and breadth of coverage they will provide, and to which clients. Since the overall insurance supply is being reduced, the demand for insurer capacity is increasing, and as such, prices are elevating."

The table below provides at a high level (includes all lines of coverage) the Township's annual insurance premiums over the past five years.

2015	2016	2017	2018	2019
\$234,942	\$247,262	\$254,388	\$274,936	\$304,688

The Township continues to consult with its insurance broker in an effort to ensure that Springwater's constituents are receiving the best value for their tax dollar; however, the rising costs of insurance are not sustainable over the long run. Staff and its insurance broker have looked at increasing our deductibles in an effort to reduce the overall premium; however this has led to minimal reductions in the overall annual premium to the Township.

#### ***4. Being unfairly named in lawsuits?***

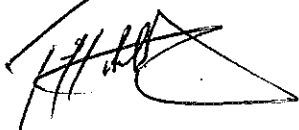
As detailed above, Springwater continues to be unfairly named in legal actions. Issues here range from a complete absence of research by legal firms on causality to the municipality being named in legal action in completely separate jurisdictions (other municipalities).

#### ***5. Feeling you cannot offer certain services because of liability risks?***

More recently, with the advice of the Township's insurance broker, the Township has changed the way in which it delivers some of its recreational programs/services, especially as it relates to children's programs/activities. For example, the Township in partnership with its Community Recreation Associations will host a number of community based events throughout the year, which includes children's activities. In order to allow inflatable Bouncy castles at community events, the Township now requires the service provider to indemnify the Township and to also provide staff to monitor the safety of participants while in the inflatable Bouncy castle. Some vendors are reluctant to take on this risk.

Thank you for allowing the Township to participate in this consultation. We are open to further dialogue should you feel it necessary.

Yours truly,



Jeff Schmidt, CPA, CGA, B.A.S.  
Chief Administrative Officer

Cc: Ontario Municipalities





## **COMMITTEE OF ADJUSTMENT MINUTES**

The Committee of Adjustment for the City of Guelph held its Regular Hearing on Thursday September 12, 2019 at 4:00 p.m. in Council Chambers, City Hall, with the following members present:

K. Ash, Chair  
D. Kendrick, Vice Chair  
S. Dykstra  
L. Janis  
K. Meads  
J. Smith

Regrets: D. Gundrum

Staff Present: J. da Silva, Council and Committee Assistant  
T. Di Lullo, Secretary-Treasurer  
P. Sheehy, Program Manager-Zoning  
A. Watts, Planner  
M. Witmer, Planner

### Disclosure of Pecuniary Interest and General Nature Thereof

There were no disclosures.

### Approval of Minutes

Moved by D. Kendrick  
Seconded by S. Dykstra

THAT the Minutes from the August 8, 2019 Regular Meeting of the Committee of Adjustment, be approved as circulated.

CARRIED

### Requests for Withdrawal or Deferral

There were no requests.

### Current Applications

**Application: A-76/19**

**Owner: Suncor Energy Inc.**

**Agent: Robert Elliot**

**Location: 282 Victoria Road North**

**In Attendance: R. Elliot**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. R. Elliot, agent, responded that the sign was posted and comments were received.

R. Elliot explained the application as well as background surrounding the previous minor variance application.

Member L. Janis arrived at 4:04 p.m.

No members of the public spoke.

Chair K. Ash indicated that the condition recommended by staff may be redundant. Member L. Janis moved that the condition be removed.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by L. Janis  
Seconded by J. Smith

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 6.2.1.1 of Zoning By-law (1995)-14864, as amended, for 282 Victoria Road North, to permit a commercial school use in the existing commercial building to a maximum of 75 percent of the gross floor area, being 895.56 metres, when the By-law does not permit a commercial school use in the Specialized Neighbourhood Shopping Centre (NC-1) zone, be **APPROVED**.

**REASONS:**

This application is approved, as it is the opinion of the Committee that this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

**CARRIED**

**Application:**           **A-77/19**  
**Owner:**               **Guelph Black Heritage Society**  
**Agent:**               **Joel Bartlett Architect Inc.**  
**Location:**           **83 Essex Street**  
**In Attendance:**      **J. Bartlett**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. J. Bartlett, agent, responded that the sign was posted and comments were received.

J. Bartlett explained the application.

No members of the public spoke.

Having considered a change or extension in a use of property which is lawfully non-conforming under the By-law as to whether or not this application has met the requirements of Section 45(2) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by     J. Smith  
Seconded by D. Kendrick

THAT in the matter of an application under Section 45(2)(a)(i) of the Planning Act, R.S.O. 1990, C.P13, as amended, permission to enlarge/extend the legal non-conforming use at 83 Essex Street to permit an addition to the existing public hall, and

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Section 4.13.4.4 and Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 83 Essex Street, to permit:

- a) a minimum of 3 off-street parking spaces, when the By-law requires a minimum of 1 off-street parking space per 10 square metres of gross floor area, being 9 off-street parking spaces; and
- b) a left side yard setback of 1.2 metres, when the By-law requires a minimum side yard setback of 1.5 metres,

be **APPROVED**, subject to the following condition:

- 1. That the rear yard addition be located in general accordance with the Public Notice sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

**Application:**            **A-78/19**  
**Owner:**                **Brittany Green and Daniel Mohle**  
**Agent:**                **N/A**  
**Location:**            **80 Pleasant Road**  
**In Attendance:**      **B. Green**  
                              **D. Mohle**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. Mohle, owner, responded that the sign was posted and comments were received.

D. Mohle briefly explained the application.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by      J. Smith  
Seconded by   S. Dykstra

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements from Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 80 Pleasant Road, to permit a right side yard setback of 0.6 metres for the proposed attached garage, when the By-law requires a minimum side yard of 1.5 metres, be **APPROVED**, subject to the following conditions:

1. That the attached garage height be limited to one storey in height.

2. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Alectra Utilities, formerly Guelph Hydro, for the possible relocation of the existing overhead hydro services at the applicant's expense.

**REASONS:**

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

**CARRIED**

**Application: A-79/19**  
**Owner: Victoria Park Village**  
**Agent: IBI Group**  
**Location: 1159 Victoria Road South**  
**In Attendance: T. Tucker**  
**J. Moudakis**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. T. Tucker, agent, responded that the sign was posted and comments were received.

T. Tucker briefly explained the application.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by D. Kendrick  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.21.5 of Zoning By-law (1995)-14864, as amended, for 1159 Victoria Road South, to permit a real estate sales office for a period of 5 years, when the By-law requires that, despite Section 4.21.1, a real estate sales office shall be permitted as an occasional use on a

construction site until such construction is completed or a final building inspection is conducted, whichever even occurs first, be **APPROVED**, subject to the following conditions:

1. That the temporary sales trailer be permitted for a maximum of three (3) years from the date of issuance of a building permit.
2. That the owner enters into an agreement registered on the title of the property prior to the issuance of a building permit, requiring that the temporary sales trailer be removed within three (3) years of the date of issuance of a building permit.
3. That the existing agreement registered February 8, 2019 as Instrument No. WC495211 be released off title once the new agreement is registered at the sole cost of the owner.
4. That a site plan application for a temporary sales trailer and parking area be submitted to the City and approved.

**REASONS:**

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

**Application:**           **A-80/19**  
**Owner:**               **Sean Nicholas Carroll**  
**Agent:**               **Larry Carroll**  
**Location:**           **51 Mountford Drive**  
**In Attendance:**      **S. Carroll**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. S. Carroll, owner, responded that the sign was posted and comments were received.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this

application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by S. Dykstra

Seconded by K. Meads

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Section 4.15.1.4.1 of Zoning By-law (1995)-14864, as amended, for 51 Mountford Drive, to permit 3 parking spaces in a stacked arrangement, when the By-law requires that the required off-street parking space for an accessory apartment may be stacked behind the required off-street parking space of the host dwelling in the driveway to a maximum of 2 parking spaces permitted in a stacked arrangement, be **APPROVED**, subject to the following condition:

1. That prior to the issuance of a building permit for the accessory apartment, the owner extends the length of the driveway so that it is a minimum of 16.5 metres measured from the property line to accommodate 3 stacked parking spaces (being 5.5 metres each in length).

**REASONS:**

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

**Application:** A-81/19  
**Owner:** 1876698 Ontario Inc.  
**Agent:** Corey Wehrle, Orchard Design Studio Inc.  
**Location:** 1131 Gordon Street  
**In Attendance:** K. Byoungki  
C. Wehrle

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. C. Wehrle, agent, responded that the sign was posted and comments were received.

C. Wherle briefly explained the application.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by K. Meads  
Seconded by S. Dykstra

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements from Table 5.3.2 Row 8 of Zoning By-law (1995)-14864, as amended, for 1131 Gordon Street, to permit a maximum building coverage of 32.58 percent of the lot area, when the By-law requires that the maximum building coverage in a Residential Cluster Townhouse (R.3A) Zone is 30 percent of the lot area, be **APPROVED**.

REASONS:

This application is approved, as it is the opinion of the Committee that, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

**Application:** A-82/19  
**Owner:** George Staikos and Margaret Strybosch  
**Agent:** Terra View Construction Ltd.  
**Location:** 12 Forbes Avenue  
**In Attendance:** D. Brix

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. Brix, agent, responded that the sign was posted and comments were received.

D. Brix explained the application.

Member S. Dykstra recommended that a condition be added to ensure the proposal is in accordance with the public notice sketch.



D. Brix requested that the exterior side yard setback be further reduced from 5.62 metres to allow for flexibility in foundation placement.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by J. Smith

Seconded by K. Meads

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 6a and Section 5.1.2.7 i) of Zoning By-law (1995)-14864, as amended, for 12 Forbes Avenue, to permit a new detached dwelling with an exterior side yard setback of 5.6 metres, when the By-law requires,

- a) a minimum exterior side yard setback of 4.5 metres and in accordance with Section 5.1.2.7; and
- b) a minimum exterior side yard of 6 metres in accordance with Table 5.1.2 Row 6a,

be **APPROVED**, subject to the following conditions:

- 1. That prior to the issuance of a building permit, the applicant make arrangements with the Technical Services Department of Alectra Utilities, Formerly Guelph Hydro for the newly created lot at the applicant's expense.
- 2. That the proposed dwelling be located in general accordance with the Public Notice sketch.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

**Applications: A-83/19, A-84/19 and A-85/19**

**Owner: Terra View Construction Inc.**

**Agent:** N/A

**Location:** 212, 214 and 216 Carrington Drive

**In Attendance:** D. Brix

Secretary-Treasurer T. Di Lullo noted that a revised public notice were circulated on August 30, 2019 to correct the minor variance requests. These revisions were to amend the requested variances for files A-84/19 and A-85/19 to indicate that the required parking space be to the front of the front wall of the dwelling, and to amend the requested variance for file A-85/19 to indicate that the required parking space be 0.1 metres from the street line. She also noted that the right side yard setback variance for file A-85/19 is not required.

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. Brix, representative for owner, responded that the sign was posted and comments were received.

D. Brix briefly explained the applications.

No members of the public spoke.

File A-83/19

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by K. Meads  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Table 5.1.2 Row 7 of Zoning By-law (1995)-14864, as amended, for 212 Carrington Drive, to permit a right yard setback of 0 metres for the proposed building connection, when the By-law requires that a minimum side yard setback of 1.5 metres, be **APPROVED**, subject to the following conditions:

1. That the temporary building connections between 212 and 214 Carrington Drive be demolished prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.
2. That prior to the issuance of a building permit, the owner enters into an agreement registered on title to the properties, requiring that the building connections be removed and the sales offices restored to garages to accommodate the legal parking spaces for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the issuance of a building permit, whichever occurs first.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

File A-84/19

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by K. Meads  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Row 7 and Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 214 Carrington Drive,

- a) to permit a right and left side yard setback of 0 metres for the proposed building connection, when the By-law requires that a minimum side yard setback of 1.5 metres; and,
- b) to permit the required parking space to be 0.3 metres from the street line and to the front of the front wall of the main building, when the By-law requires that in a R.1, R.2 and R.3B Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building,

be **APPROVED**, subject to the following conditions:

- 1. That the temporary sales office at 214 and 216 Carrington Drive be restored to a garage and the legal parking space restored prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.
- 2. That the temporary building connections between 212 and 214 Carrington Drive and 214 and 216 Carrington Drive be demolished prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.

3. That prior to the issuance of a building permit, the owner enters into an agreement registered on title to the properties, requiring that the building connections be removed and the sales offices restored to garages to accommodate the legal parking spaces for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the issuance of a building permit, whichever occurs first.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

File A-85/19

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by K. Meads  
Seconded by L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, variances from the requirements of Table 5.1.2 Row 7 and Section 4.13.2.1 of Zoning By-law (1995)-14864, as amended, for 216 Carrington Drive,

- a) to permit left side yard setback of 0 metres for the proposed building connection, when the By-law requires that a minimum side yard setback of 1.5 metres; and,
- b) to permit the required parking space to be 0.1 metres from the street line and to the front of the front wall of the main building, when the By-law requires that in a R.1, R.2 and R.3B Zone, every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building,

be **APPROVED**, subject to the following conditions:

1. That the temporary sales office at 214 and 216 Carrington Drive be restored to a garage and the legal parking space restored prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.

2. That the temporary building connections between 214 and 216 Carrington Drive be demolished prior to the transfer of lease/title to a subsequent owner(s) or within 3 years of the issuance of a building permit, whichever occurs first.
3. That prior to the issuance of a building permit, the owner enters into an agreement registered on title to the properties, requiring that the building connections be removed and the sales offices restored to garages to accommodate the legal parking spaces for each dwelling, prior to the transfer of title to a subsequent owner or within 3 years of the issuance of a building permit, whichever occurs first.

**REASONS:**

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

**Application:**           **A-86/19**  
**Owner:**               **Darin Bryce and Kerri Bryce**  
**Agent:**               **Corinne Maloney**  
**Location:**           **24 Durham Street**  
**In Attendance:**      **D. Bryce**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. D. Bryce, owner, responded that the sign was posted and comments were received.

D. Bryce indicated that he was working on addressing the condition from Alectra Utilities.

No members of the public spoke.

Having considered whether or not the variance(s) requested are minor and desirable for the appropriate development and use of the land and that the general intent and purpose of the Zoning By-law and the Official Plan will be maintained, and that this application has met the requirements of Section 45(1) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended,

Moved by       D. Kendrick  
Seconded by   L. Janis

THAT in the matter of an application under Section 45(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, a variance from the requirements of Sections 4.13.2.1 and 5.1.2.7 of Zoning By-law (1995)-14864, as amended, for 24 Durham Street, to permit a proposed carport to be 4.32 metres away from the front property line, when the By-law requires that,

- a) every required parking space shall be located a minimum distance of 6 metres from the street line and to the rear of the front wall of the main building; and
- b) the minimum front or exterior side yard for dwellings located within defined Area Map Number 66 of Schedule "A" of the By-law, shall be 6 metres or the average of the setbacks of the adjacent properties, and where the off-street parking space is located within a garage or carport, the setback for the garage or carport shall be a minimum of 6 metres from the street line,

be **APPROVED**, subject to the following condition:

1. That prior to issuance of a building permit, the applicant make arrangements with the Technical Services Department of Alectra Utilities, formerly Guelph Hydro, for the possible relocation of the existing overhead hydro services at the applicant's expense.

**REASONS:**

This application is approved, as it is the opinion of the Committee that, with the above noted condition of approval, this application meets all four tests under Section 45(1) of the Planning Act.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act, have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

**Application:**            **B-12/19**

**Owner:**                **328 Speedvale Commercial Centre Inc.**

**Agent:**                **Jonathan Kitchen, Filiz Tamer; Dillon Consulting Ltd.**

**Location:**            **328-386 Speedvale Avenue East**

**In Attendance:**      **F. Tamer**

Chair K. Ash questioned if the sign had been posted in accordance with Planning Act requirements and if the staff comments were received. F. Tamer, agent, responded that the sign was posted and comments were received.

No members of the public spoke.

Having had regard to the matters under Section 51(24) of the Planning Act, R.S.O. 1990, Chapter P.13 as amended, and having considered whether a plan of subdivision of the land in accordance with Section 51 of the said Act is necessary for the proper and orderly development of the land,

Moved by S. Dykstra

Seconded by J. Smith

THAT in the matter of an application under Section 53(1) of the Planning Act, R.S.O. 1990, c.P13, as amended, consent for a long-term lease in excess of 21 years for Division F, Part of Broken Front Lot B, for a building municipally known as 386 Speedvale Avenue East, a parcel occupied by a Tim Horton's restaurant and associated drive-through comprising an area of 599 square metres, shown as proposed Part 1 and substantially in accordance with a sketch prepared by Black, Shoemaker, Robinson and Donaldson Limited dated April 11, 2019, project number 19-14-893, be **APPROVED**, subject to the following conditions:

1. That all required fees and charges in respect of the registration of all documents required in respect of this approval and administration fee be paid, prior to the issuance of the Certificate of Official.
2. That the Secretary-Treasurer of the Committee of Adjustment be provided with a written undertaking from the applicant's solicitor, prior to the issuance of the Certificate of Official, that he/she will provide a copy of the registered instrument as registered in the Land Registry Office within two years of issuance of the Certificate of Official, or prior to the issuance of a building permit (if applicable), whichever occurs first.
3. That prior to the issuance of the Certificate of Official, a Reference Plan be prepared, deposited and filed with the Secretary-Treasurer which shall indicate the boundaries of the leased parcel(s), any easements/rights-of-way and building locations. The submission must also include a digital copy of the deposited Reference Plan (version ACAD 2010) which can be forwarded by email (cofa@guelph.ca).
4. That upon fulfilling and complying with all of the above-noted conditions, the documents to finalize and register the transaction be presented to the Secretary-Treasurer of the Committee of Adjustment along with the administration fee required for the issuance of the Certificate of Official.

REASONS:

This application is approved, as it is the opinion of the Committee that, with the above noted conditions of approval, this application meets the criteria of section 51(24) of the Planning Act to which all consent applications must adhere.

Any and all written submissions relating to this application that were made to the Committee of Adjustment before its decision and any and all oral submissions related to this application that were made at a public hearing, held under the Planning Act,

have been, on balance, taken into consideration by the Committee of Adjustment as part of its deliberations and final decision on this matter.

CARRIED

Staff Announcements

In response to a question from member D. Kendrick, Planner A. Watts indicated that staff are already looking into parking concerns on Essex Street.

Chair K. Ash reminded the members that the next hearing is September 26, 2019.

Adjournment

Moved by K. Meads  
Seconded by S. Dykstra

THAT the hearing of the Committee of Adjustment be adjourned at 4:42 p.m.

CARRIED

"Original signed by"

K. Ash  
Chair

"Original signed by"

T. Di Lullo  
Secretary-Treasurer