



The Corporation of the City of Sault Ste. Marie  
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	Pages
<b>1. Association Of Municipalities of Ontario</b>	<b>3 - 29</b>
• The Future of Municipal Liability and Risk Management Report	
<b>2. Sault Ste. Marie Region Conservation Authority</b>	<b>30 - 32</b>
• SSMRCA September Board Meeting Agenda	
<b>3. Chronic Pain Treatments</b>	<b>33 - 35</b>
• Municipality of Shuniah	
• Municipality of Wawa	
<b>4. Codes of Conduct</b>	<b>36 - 41</b>
• Town of Plympton-Wyoming	
• Township of Matachewan	
• Township of Puslinch	
<b>5. Greenbelt Development</b>	<b>42 - 43</b>
• City of Hamilton	
<b>6. Highway Traffic Act</b>	<b>44 - 48</b>
• Municipality of Durham	
• Township of Cramahe	
<b>7. Livable Income</b>	<b>49 - 51</b>
• Town of Grimsby	

<b>8.</b>	<b>MFIPPA Reform</b>	<b>52 - 59</b>
	<ul style="list-style-type: none"><li>• Town of Bracebridge</li><li>• Township of Puslinch</li></ul>	
<b>9.</b>	<b>Rural and Northern Immigration Pilot Project</b>	<b>60 - 60</b>
	<ul style="list-style-type: none"><li>• Municipality of Wawa</li></ul>	
<b>10.</b>	<b>School Bus Stop Arm Cameras</b>	<b>61 - 62</b>
	<ul style="list-style-type: none"><li>• Municipality of St. Charles</li></ul>	

# The Future of Municipal Liability and Risk Management

Report from the Provincial-Municipal Technical Working Group

August 2023



## Table of Contents

Executive Summary .....	4
Action Plan .....	5
Background.....	6
Formation of the Working Group .....	6
Municipal Insurance: How Does It Work? .....	7
Insurance Market Issues.....	7
Availability of Municipal Insurance Coverage .....	7
The Role of Insurance Market Cycles.....	8
Insurance Pricing Issues.....	9
Options for Supporting Sustainable Insurance Premiums .....	11
Alternative Insurance Structures.....	11
Insurance Pools.....	11
Insurance Reciprocal.....	12
Insurance Captives.....	12
Risk Management Challenges.....	12
Insurance Procurement Challenges .....	13
Joint and Several Liability .....	14
The Role of JSL in Insurance Pricing .....	15
Volume and Cost of JSL Claims .....	15
Municipal Legislative Protections.....	16
Building Code Act.....	17
Building Inspection Concerns .....	18
Climate Change Concerns .....	19
Minimum Maintenance Standards.....	19
Road Safety .....	20
Auto Insurance Coverage .....	21
Other Working Group Topics of Discussion.....	22
Cyber Insurance Challenges .....	22
Establishing a Catastrophic Loss Fund .....	23
Litigation Challenges.....	23
Liability Limitations for Contractors.....	24
Caps on Economic Loss Awards .....	25
Appendix: Working Group Participants.....	26
The Future of Municipal Liability and Risk Management .....	2

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## Executive Summary

- In Spring 2022, AMO and Ontario formed a Technical Working Group (“Working Group”) to provide for an inter-governmental dialogue on municipal insurance costs, coverage, and liability issues, including joint and several liability. Through its discussions, the group brought together a series of experts from various sectors to help to identify gaps in data, discuss alternate liability models, and develop a list of practical short and long-term options to address municipal insurance challenges.
- This report summarizes the Working Group’s discussions of these topics and other topics of interest identified during the Working Group process.
- The Working Group examined the state of the municipal insurance market in Ontario. It heard from presenters that global macroeconomic conditions (e.g., investment returns, inflation), the growing volume and scale of claims, including those from extreme weather events (both local and international), and the ongoing impacts of the COVID-19 pandemic are all contributing to an ongoing hard insurance market. When pricing insurance, commercial insurers look to balance the effects of these factors with their business objectives.
- In addition to the effects of the hard market, municipalities are uniquely difficult to insure due to their size, scale and complexity. In an environment where many municipalities rely on the same insurance providers, the impact of individual municipal losses may be felt more keenly across the board.
- These market conditions may pose further challenges for municipalities as they seek to expand their operations and infrastructure. However, it also highlights the importance of strategic risk financing and rigorous municipal risk management.
- Establishing a new municipal sector reciprocal insurance exchange or some other risk pooling structure may be a promising option for responding to changing insurance market conditions and providing municipalities with longer-term premium stability.
- During these discussions on insurance pricing, the Working Group did not find evidence that joint and several liability has a direct correlation to determining insurance premiums. As far as anyone is aware, there has never been a 1% finding of liability under the joint and several liability rule. Nor did the Working Group find consolidated data from any sources that clearly identifies the impact of joint and several liability on municipal insurance premiums or on claims resolution.
- It remains unclear what types of claims against municipalities are the most important drivers of increases in insurance premiums and overall insurance costs. Many Working Group participants identified property claims as a key emerging source of increasing insurance costs, in particular Building Code claims and extreme weather losses.

- Nevertheless, road liability – particularly for catastrophic injuries – remains at the forefront of municipal concerns; such cases are often the focus of media coverage. Some Working Group participants felt that existing legislative liability defences in this area, such as the Minimum Maintenance Standards (MMS) regulation, provide limited protection to municipalities because they are narrowly interpreted by courts.
- Many participants felt that the reduction of certain auto insurance coverages, particularly the 2016 reduction of catastrophic impairment accident benefits from \$2 million to \$1 million, has increased the amount potentially payable by municipal defendants in road claims.
- The Working Group also explored concerns about the growing use of micromobility vehicles and other new vehicle types (e.g., e-bikes, e-scooters, large quadricycles) on municipal roads. These vehicle types are not directly addressed by the MMS, and most do not have insurance requirements or tailored insurance products.

## Action Plan

The Working Group has identified the following as viable next steps:

1. Confirm the feasibility of a new municipal sector reciprocal insurance exchange or other alternative risk financing structure.
2. Ensure robust municipal involvement in the ongoing Minimum Maintenance Standards review.
3. Continue to collect joint and several liability (JSL) data through AMO Local Authority Services (AMO LAS) in order to further unpack the relationship between JSL and municipal insurance premiums before re-engaging on potential opportunities for legislative change.
4. Include municipal concerns about extreme weather resilience and building inspection liability in AMO's broader advocacy on the Building Code and the provincial housing strategy.
5. Increase awareness of the need for insurance or other compensation mechanisms for individuals injured while using micromobility devices and other new vehicle types (e.g., e-bikes, pedal pubs).

AMO is committed to continued work on this issue and will continue the intergovernmental dialogue through a semi-annual forum to identify emerging risks and monitor progress on the Action Plan. AMO will also continue to promote education and outreach to share the Working Group's learnings on municipal risk and liability, and to engage in ongoing work to support this important area of municipal concern.

## Background

- Historically, municipal proposals to address rising insurance premiums have focused on the joint and several liability (JSL) rule in the *Negligence Act*.
- Under this rule, negligent defendants are responsible for the shortfall in damages of other negligent defendants who are uninsured or insolvent. Municipalities have asserted that this rule causes them to be added to tort claims as “deep-pocket” defendants and that the extra costs are factored into their insurance premiums.
- In 2014, the Ministry of the Attorney General (MAG) conducted a consultation on possible changes to the JSL rule. Following the consultation, a decision was made not to proceed with changes to the rule.
- In 2019, MAG led a further consultation on insurance and liability issues, including JSL. Over 400 municipalities were invited to participate. MAG received submissions from over 100 municipalities and seven organizations.
- AMO submitted a paper to the consultation, [\*Towards a Reasonable Balance: Addressing Growing Municipal Liability and Insurance Costs\*](#), which included several proposals for addressing municipal insurance cost issues.

## Formation of the Working Group

- The current hard insurance market and the COVID-19 pandemic have renewed the focus on the cost and availability of municipal insurance and on claims against municipalities.
- In January 2022, the Attorney General, on behalf of the Province, invited AMO to form an officials-level Technical Working Group (the “Working Group”) to explore options for responding to AMO’s 2019 paper. The creation of the Working Group is consistent with one of the paper’s proposals.
- The Working Group consists of staff representatives from municipalities, AMO, and the Government of Ontario. A full list of Working Group member organizations is available in the [Appendix](#).
- The Working Group held its first meeting in March 2022. As of June 2023, the Working Group has met 15 times.
- In the invitation to form the Working Group, MAG expressed that it was open to discussing any and all options for addressing municipal insurance and liability cost issues.



- As part of its process, the Working Group spoke with a variety of stakeholders, including from the insurance, actuarial, risk management, legal, and road maintenance and safety sectors.

## Municipal Insurance: How Does It Work?

### Insurance Market Issues

#### Availability of Municipal Insurance Coverage

- Municipalities have repeatedly raised concerns about the limited number of participants in the municipal insurance market and the challenges this creates for insurance procurement and pricing. The recent consolidation of several major municipal insurance providers – in 2019, Intact Public Entities (IPE) acquired the Frank Cowan Company and The Guarantee Company of North America, while Marsh acquired JLT – has led to fewer participants in the municipal space.
- The market for specialty lines of coverage is also shrinking. For instance, IPE has exited the standalone insurance markets for non-profit housing and long-term care, although they continue to underwrite municipal insurance in this area. In addition, cyber coverage has been removed, reduced, or significantly increased in cost, if it is available.
- The Working Group heard that there were four major municipal insurance providers in Ontario: IPE, which is a Managing General Agent (MGA), and Marsh, Aon, and BFL, which are insurance brokers. Each provider works with their own set of insurance carriers (“insurers” or “markets”). Insurers control their own underwriting and claims management; MGAs have delegated authority to conduct these activities on their behalf. In contrast, brokers have delegated underwriting or claims management authority on behalf of insurers but may have exclusive agreements to work with specific insurers.
- Insurers spread their risk by sharing their books of business with “partner” markets in other jurisdictions to supplement existing coverage or to provide additional lines of coverage. One example of a key partner market is Lloyd’s of London, which oversees a marketplace of insurance syndicates with their own books of business. Other examples of (re)insurance partners include Munich Re, Liberty (Temple), and Swiss Re.
  - Insurers may have to consult partner markets when deciding how to proceed with significant claims. Similarly, changes to partner markets’ capacity can affect local insurers’ capacity (and consequently their pricing).
  - Insurance providers cannot access other providers’ partner markets due to exclusive agreements in certain jurisdictions, which may further limit competition.

- Insurance industry participants also suggested that the long-tail nature, scale, expense, and unpredictability of claims can deter insurance companies from entering the municipal market or from providing certain lines of coverage.
- It was observed that the traditional insurance business model is itself a form of “risk pooling”, as it involves the redistribution of purchasers’ risk across a larger portfolio. Most municipalities procure insurance from the same insurers, and many insurers buy reinsurance from the same providers. Thus, to some extent, costs for individual losses are borne by everyone in the market.

### **The Role of Insurance Market Cycles**

- It was noted that the commercial insurance market is cyclical and that it responds to the pressures created by existing market conditions and profitability. Hard market conditions include more stringent underwriting, less capacity, higher deductibles, and higher premiums, as well as some insurers exiting areas of coverage. Soft market conditions include competitive pricing, higher market capacity, lower deductibles, greater risk appetite, and higher coverage limits with fewer conditions.
- Economic and environmental events elsewhere in the world (e.g., inflation; supply chain disruptions; severe weather events which cause significant losses) can have systemic effects on market capacity, pricing, and profitability. Many of these events are outside of municipal and provincial control but affect insurers’ books of business.
- Some of the existing alternative risk financing structures in Ontario were created during hard market cycles in the late 1980s and early 2000s:
  - The Ontario Municipal Insurance Exchange (OMEX), a municipal insurance reciprocal, was established in 1988.
  - Municipal insurance pools were established in Waterloo Region in 1998 and Durham Region in 2000.
  - Ontario has a self-funded insurance program, the General and Road Liability Protection Program (GRLPP), which manages and settles third-party general liability and road liability claims against the Province. The hard market in the early 2000s was one factor which led the Province to adopt the GRLPP.
- Commercial insurance market cycles are becoming prolonged. Hard and soft market cycles used to last about three to five years, but the most recent soft market lasted for over 10 years.
- The extended soft market prior to 2017 may have encouraged municipalities to regularly canvass the market for better pricing. OMEX cited this “highly competitive business environment” as one of the reasons it suspended underwriting as of January 1, 2017.

- Following a number of large losses in the mid-late 2010s, the current hard market developed to rectify this “historically low” pricing. Key global insurers began seeking targeted rate increases by lines of business, which resulted in fewer participants in the marketplace (i.e., lower market capacity).
- The COVID-19 pandemic caused further changes in exposure across many lines of coverage. For instance, cyber insurance moved quickly from a soft market to a very hard market in a relatively short period of time. This was caused in part by the massive shift to remote work during the pandemic and escalating cyber crime. In less than a decade, it went from an “add-on” coverage to a specialized, expensive coverage for a municipal insurance program, if it was available at all (see [Cyber Insurance Challenges](#)).
- Although there are signs that new insurance capacity is re-entering the global market, capacity in some lines of coverage remains low, especially for municipalities.

## Insurance Pricing Issues

- Municipalities contend that insurance providers’ pricing methods contribute to higher premiums and deductibles.
- The practice of calculating premiums on a per-occurrence basis may result in a municipality with a larger risk exposure paying more for their insurance than desired. One proposed solution is an option for an annual aggregate limit on coverage. However, one presenter asserted that this approach would “cut off” insurance protection for catastrophic and unpredictable losses and is unlikely to result in significant cost savings to municipalities.
- Municipalities have also expressed concern about increasing deductibles for events such as fires, sewer backups, overland flooding, and wastewater flooding. Deductibles are typically calculated per loss location rather than per event, resulting in higher overall costs to municipalities for these types of losses.
- Some participants observed that to avoid increasing premiums, some municipalities have increased their deductibles to the point that they are self-insuring most claims.
- To this end, some presenters suggested that municipalities think carefully about whether they are insuring the right risks – for instance, to consider whether self-insurance or a higher deductible might be a preferable strategy for budgeting certain types of risks and mitigating insurance costs.
- One presenter from the insurance sector identified the following key components of premiums:
  - **Losses:** A large portion of a premium is calculated from average losses across the insurer’s portfolio and the line of business. Insurers target a loss ratio of

about 65% (i.e., for every \$100 in premiums collected, the insurer pays \$65 in claims).

- In the absence of expected losses (i.e., where policy limits are high) or where the lack of accurate data makes pricing difficult, insurers often describe a portion of the premium as the “cost of capital”, but it is unclear how this is calculated.

The remainder of the premium is generally derived from the following costs:

- **Reinsurance costs:** A portion of a loss (and its volatility) may be transferred to a reinsurer. Reinsurance terms and conditions can have a major impact on insurers.
  - **Business costs:** Operational costs / overhead of running the company.
  - **Sales and marketing costs:** Most insurers work with brokers, who are paid commissions for bringing in business. Insurers may also pay contingent commissions based on factors such as volume and profitability of broker placements, which reduces their overall profitability.
  - **Profit:** Traditional insurance companies will be seeking a return for investors. For the most part, this is not a large portion of premium costs.
- This presenter identified the following as key factors in pricing premiums:
    - **Loss data:** Since a significant portion of a premium is calculated from losses, there is a lot of uncertainty involved. Although individual losses are considered, the insurer’s portfolio losses tend to factor more into pricing. Different lines of business also have different levels of volatility over time. This can be challenging for insurers to model and predict and will never be completely accurate.
      - Auto (personal injury), general liability, and errors & omissions liability tend to be longer-tail lines of business which take longer to resolve and result in more volatility over time. Claims in shorter-tail lines of business such as auto (property damage), property, and cyber, though more quickly resolved, can create more volatility within an insurance year.
      - Losses are trended to inflation. Trends in the frequency and severity of losses will also affect actuarial loss projection.
      - Insurers may use their investment income to discount losses, which permits them to capitalize longer-tail lines of business.

- **Profit considerations:** What is considered a “reasonable” return on investment fundamentally depends on the volatility of claims and losses. An insurer’s overall business objectives (e.g., to increase or maintain profitability) may also influence decision-making in pricing.
  - Insurer data from the Office of the Superintendent of Financial Institutions suggests that net loss ratios for most lines of business for both domestic and foreign insurers have remained steady or decreased since COVID-19. The main exception is cyber liability insurance, which remains extremely volatile; however, foreign insurers make up 80% of this market in Canada. In short, most insurers seem to be trending towards greater profitability.
- **Reinsurance costs:** Costs may vary significantly from year to year. Following catastrophic events, market capacity may be limited, and reinsurance terms can be more difficult for insurers to negotiate.
- **Acquisition costs:** Broker commissions, sales and marketing expenses, and other fees for services also contribute to the cost of doing business.
- It was observed that using accurate risk exposure and loss data, as well as working from larger data sets, can assist actuarial models in quantifying volatility and contribute to more accurate pricing. Some participants observed that most of the relevant data is currently held by insurers.

## Options for Supporting Sustainable Insurance Premiums

### Alternative Insurance Structures

- The Working Group discussed several risk financing alternatives to traditional insurance.
- It was observed that municipalities should fully understand their risk profile and at minimum, conduct a feasibility study before progressing with any of these possible options.

### Insurance Pools

- In a pool, municipalities retain a designated level of risk as a group and then purchase an insurance policy from a third-party insurance provider, also as a group, to sit above that level of risk. Risk is shared among pool members under a subscribers’ agreement and the pool is administered by its own operations team.
- There are two regional municipal insurance pools in Ontario. Both have been successful but have also continued to experience premium increases and other insurance cost issues.

- Pools rely on third parties for some professional services. It was observed that this may be more challenging for smaller or more remote communities with less direct access to these services. AMO Local Authority Services (AMO LAS) is examining this issue.

### **Insurance Reciprocals**

- In a reciprocal, municipalities share risk and insurance costs among themselves under a subscribers' agreement. Although reciprocals are not formal legal entities, they are licensed and regulated by provincial insurance regulators.
- There are dozens of successful insurance reciprocals in Ontario and across Canada including municipal reciprocals in the Western provinces and the territories. An estimated 75,000 public entities in the United States buy one or more coverages from a reciprocal/pool.
- If municipalities are to revisit this option, they believe there are many lessons to be learned from the OMEX experience with regards to how the reciprocal is structured and operated.

### **Insurance Captives**

- In a captive insurance model, a municipality would create an insurance company, as a formal legal entity, to insure itself. It is also possible to structure a "group" captive owned by multiple entities.
- It was asserted that an insurance captive structure could help a municipality increase control over their insurance program management and reduce the "frictional" costs of dealing with insurance providers.
- The captive model is still fairly new to Canada. Although there are insurance companies in Ontario which underwrite a single sector (e.g., LAWPRO for lawyers; Pro-Demnity for architects), there are currently no licensed municipal insurance captives in Canada and there is no specialized Ontario legislation for captive insurance companies. Captive setup and operating costs would also likely be high.

### **Risk Management Challenges**

- The Working Group frequently raised risk management in discussions about other topics.
- Many presenters stressed the importance of treating risk management not simply as "another tick in a box" but as a key pillar of municipal financing. It was observed that day-to-day risk mitigation strategies, such as improving record-keeping training and practices, can be key to reducing municipal liability findings.
- Municipalities have stressed that limits on their staffing and financial resources make it difficult for them to achieve the risk management and mitigation standards seemingly

required by the courts. They noted that rising insurance premiums affect their risk management strategies and that the costs associated with high-quality risk management may lead to deficits in other municipal services.

- Municipalities benefit from trained risk management staff who can work to identify claims trends and suggest mitigation strategies to reduce overall insurance costs. This can be an additional challenge for smaller or more remote municipalities without specialized risk management staff, who may have to deal with risk management “off the side of their desk” or assign risk management responsibilities to other municipal staff.
- AMO LAS is undertaking projects on issues such as cyber liability, automated speed enforcement, and claims tracking to help municipalities manage their risk in these areas.
- As well, AMO LAS has created a new Program Manager, Municipal Risk Management to further build risk management capacity for Ontario municipalities. It has also established a Risk Management Working Group focused on municipal education and on producing content for the sector.

## **Insurance Procurement Challenges**

- Municipalities have observed that annual insurance renewals and Requests for Proposals (RFPs) are becoming more challenging to manage. For instance, they are being asked far more questions and for more detailed information during RFPs, which can be a time-consuming process, and are getting fewer quotes.
- Insurance providers have observed that municipalities are uniquely challenging to insure because of their scale, size, and complexity. Municipalities provide an extensive range of services, have large property schedules, and operate unique vehicle fleets which require their own rate filings. As Ontario’s municipalities grow in size and operations, the corresponding increases in their asset values and infrastructure costs may further broaden their risk profile.
  - Municipalities’ tier status – and consequently the extent of their responsibilities – can affect the scope and costs of insurance coverage they may require. For instance, upper-tier municipalities responsible for transit, police services, and EMS are likely to have a broader risk profile, as these services are covered by specialty lines of insurance and can be high-volume sources of claims.
- Although frequent requests for quotes allow municipalities to look for lower insurance rates, insurance providers have expressed that they prefer working with municipalities who intend to build long-term relationships and can demonstrate that risk management is important to them.

- It was also suggested that insurance providers may be more willing to absorb the outlying losses of a municipality with whom they have a long-term relationship because they are familiar with the municipality's risk profile and can assist in mitigating other or future exposures.
- Similarly, some presenters observed that long-term commitment was important to the success of alternative risk financing structures like pools and reciprocals. A reciprocal/pool's financial position can be destabilized by subscribers who are frequently looking for insurance elsewhere.

## Joint and Several Liability

- MAG presented to the Working Group on the history of the JSL rule in the *Negligence Act*. The rule has been largely unchanged since the Act was enacted in 1930 and has always maintained the core policy objective of victim compensation.
- Changes to the rule could place a greater burden on injured parties and result in costs being transferred to the public health care system. The principal alternative to the JSL rule is proportionate liability, in which each co-defendant held liable for causing the plaintiff's loss only pays for their proportionate share of that loss. Although it protects a person committing a tort from the risk of non-recovery from other co-defendants, the plaintiff bears the risk of not receiving full compensation for their injury.
- Historically, law commission reports in Canada and other common-law jurisdictions have supported the JSL rule as the fairest method of addressing shortfalls in damages.
- Most Canadian provinces continue to follow the JSL rule in full. Provinces with partial proportionate liability regimes – British Columbia, Nova Scotia, and Saskatchewan – continue to apply the JSL rule in cases where the plaintiff is not found to be at fault. Notably, BC and Saskatchewan both have generous no-fault auto insurance schemes with high accident benefit limits.
- In the 2019 MAG consultation, municipalities generally identified JSL as an “important factor” in rising insurance premiums. However, other potential cost drivers identified in the consultation, such as changing market conditions, the increasing value of municipal assets, and the growing scale of environmental claims, make it difficult to know whether JSL materially affects insurance premiums.
- Stakeholder views on JSL continue to evolve. It seems to be increasingly accepted that JSL is not the key factor in rising insurance premiums. However, there remains a widespread opinion among municipalities that JSL is an important factor and that it contributes to higher and more frequent settlements.
- Some municipal insurance providers have publicly stated that “a change in joint and several liability that favours municipalities will not absorb or offset the impacts of the



current hard market.”<sup>1</sup>

- They assert that JSL is a factor in rising premiums but have expressed the view that changing the rule would not be a “silver bullet” and could create legal uncertainty as courts may look for other, potentially more costly ways to compensate victims.

## The Role of JSL in Insurance Pricing

- There is no direct evidence that JSL causes increases in insurance premiums. Historically, it has been challenging to identify data which shows a clear causal relationship between JSL and insurance premiums.
- Some participants suggested that JSL’s impact is difficult to quantify because it introduces uncertainty into the claims administration process. For instance, “long-tail” claims may take several years to resolve, and the final apportionment of fault may be unpredictable. There is a strong view that insurance providers dislike such uncertainty and that it is factored into insurance pricing, as claims tend to have a greater impact on insurance premiums in the years immediately following a loss than in the years following a settlement (see [Insurance Pricing Issues](#)).
- It is unclear exactly how JSL is factored into insurance pricing. Prior requests for evidence have not generated any information about a “variable” or “factor” that directly links a municipality’s JSL experience to their annual premiums. It is unknown whether such a variable exists or whether information about it is confidential or proprietary.
- Notably, when asked by the Working Group, no participant indicated that they had seen or heard of such a variable or factor. One Working Group presenter with actuarial expertise suggested that there is no such “factor” for incorporating JSL into a pricing analysis, and that actuarial models simply account for JSL as part of insurance providers’ overall efforts to manage long-tail claims volatility.

## Volume and Cost of JSL Claims

- There is a strong sense that most JSL claims stem from catastrophic injuries in road-related claims. However, it is unclear whether these catastrophic road cases drive overall costs and premiums, or whether the much higher number of less serious personal injury and/or property damage (e.g., potholes) cases, which usually do not involve JSL, have a larger impact on costs.
- It was widely agreed that the cost of catastrophic cases has increased dramatically. It was suggested that a case that might have resolved for \$6 million ten years ago would now resolve for \$12 million or more. While this would be characterized as “costs” from an insurance and liability perspective, participants acknowledged the overall public interest in medical and scientific advances contributing to longer life expectancies and a better quality of life for people who have suffered catastrophic injuries.

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<sup>1</sup> Intact Public Entities, [Escalating Cost of Municipal Claims – 2022 Report](#).

- Building Code cases were also noted as a growing source of JSL claims, the cost of which has been exacerbated by the dramatic increase in real estate values and construction costs (see [Building Code Act](#)).
- No participant identified any case where a municipality faced JSL on the basis of being found 1% liable. Rather, participants indicated that the lowest percentage they had seen in the case law is around 15%.
- In an attempt to address the lack of data on this issue, the Working Group formed a JSL data sub-committee with representatives from MAG, the Province's Risk Management & Insurance Services Branch, AMO LAS, two municipalities, and the Insurance Bureau of Canada.
- The sub-committee has examined where and how to collect data which could demonstrate a relationship between JSL and insurance premiums. This includes looking for data types which could show correlation, if not causation.
- The sub-committee's feedback will be incorporated into an upcoming municipal claims data study administered by AMO LAS. The study is intended to get a better sense of the claims types that are the key sources of JSL claims and related costs, which may inform future municipal proposals for addressing JSL concerns.<sup>2</sup>
- The study may also serve as a first step towards helping municipalities manage and extract their own claims data, which will assist them in identifying below-deductible costs such as adjustment and legal fees, i.e., their total cost of managing risk.
- AMO LAS has partnered with ClearRisk, a risk and claims management software system, which will assist in this important data collection and study. Aggregate data from across the platform will provide critical data to help guide and support any future municipal risk management programs.

## Municipal Legislative Protections

- Municipalities believe the scope of the liability protections and defences available to them in legislation has been significantly narrowed through case law.
- In particular, municipalities have raised concerns about the interpretation of:
  - *Municipal Acts*.44 – road liability standards (highway maintenance; sidewalk claims; notice periods for claims); and

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<sup>2</sup> This work is intended to address Recommendation #6 of AMO's 2019 paper, "Compel the insurance industry to supply all necessary financial evidence including premiums, claims and deductible limit changes which support [...] arguments as to the fiscal impact of joint and several liability."

- *Municipal Act* s.450 – bar on negligence actions against municipalities for policy decisions. Specifically, the effects of the *Nelson v. Marchi* Supreme Court case on the distinction between “policy” decisions, which are protected by the legislation, and “operational” decisions, which are not protected.
- In *Marchi*, the plaintiff was injured while trying to cross a roadside snowbank created by municipal snowplows. The Supreme Court set out a four-factor analysis for deciding whether a government decision is policy or operational. In this case, it held that the municipality’s decision about how to clear the road did not constitute a “core policy decision” subject to legislative immunity.
  - One legal sector participant suggested that *Marchi* is unlikely to affect road liability claims in Ontario because s.44 establishes a statutory duty of care for municipal road repair (*Marchi* took place in British Columbia, where this duty only exists at common law). However, they observed that *Marchi* could still apply to claims involving planning, zoning, bylaw enforcement, wastewater, infrastructure, and other areas where municipalities can make “core” policy decisions.
  - Some participants expressed concerns that the *Marchi* analysis will make it more difficult for municipalities to establish that a decision was policy rather than operational. They observed that municipalities’ day-to-day operational decisions – and their potential insurance and liability cost consequences – often result from policy decisions made by elected officials, including other levels of government.
- Some participants have suggested amending the *Municipal Act* to make these defences stricter or enacting new legislation to limit municipal liability. However, as any statutory change would likely still include some element of judicial flexibility or exercising judgment (e.g., to find whether the municipality was “reasonable” or “suffered prejudice”), municipalities could continue to face legal costs and liability risk if found to be at fault. Some participants offered the view that any judicial discretion would be exercised to ensure full compensation for injured plaintiffs.
- The Ministry of Municipal Affairs and Housing provided an overview to the Working Group of key municipal legislation and takeaways from recent case law.

## Building Code Act

- The *Building Code Act* and the Ontario Building Code under the Act set out a legislative framework for municipal building inspections. The purpose of the inspection scheme is to protect public health and safety. Municipalities may enact their own by-laws creating policies for Code compliance.

## Building Inspection Concerns

- Municipal, insurance, and legal sector participants have identified Building Code claims (e.g., allegedly negligent municipal inspections) as an emerging source of high-value claims. They note that investigation, defence, and settlement costs for these claims are higher than for most other types of cases. Participants expressed particular concern about high-value properties in smaller rural municipalities (e.g., in cottage country) and urban in-fill projects.
- Municipalities can end up as the only defendant in building inspection claims because other potential defendants (e.g., architects, builders, contractors, and the homeowners who hired them) are often un(der)insured, no longer exist, or cannot be found by the time the claim arises. Addressing this concern in a systematic manner would likely require a review of the professional / business insurance requirements for these other potential defendants.
- Open building permits are another area of concern. Some participants have noted that the ultimate limitation period under the *Limitations Act* (15 years) is generally helpful in defending against Building Code claims. However, the ultimate limitation period only became fully effective in 2019 and it is unclear how it applies to claims involving open permits older than 15 years (e.g., where a municipality does not have any records of a permit being closed).
  - In this context, several participants voiced concerns about the [\*Breen v. Lake of Bays\*](#) Court of Appeal case. In *Breen*, the Township of Lake of Bays was found negligent for serious Building Code deficiencies in the plaintiffs' cottage which were only discovered several years after its purchase.
    - The cottage builder had not formally requested a final inspection as required under municipal by-laws at the time (and later under the Code). Nonetheless, the Court of Appeal found that the Township owed a duty of reasonable care in building inspection because it had enacted building standards by-laws, issued a building permit, and conducted earlier inspections of the building site. It held that the Township breached this duty by treating the project as closed without a final inspection.
    - Participants viewed this ruling as creating a municipal obligation to inspect properties regardless of notice requirements under the Code. They observed that municipalities may not have the operational capacity to proactively follow up on every building permit they issue, particularly older or incomplete permits with missing records.

## Climate Change Concerns

- Participants across all sectors have also observed that the rising frequency of extreme weather events (e.g., floods, wildfires, windstorms) has contributed to an increasing number and scale of property losses.
- Extreme weather events can be a major source of losses for insurers as they involve many properties and can cost millions of dollars in damage. Supply chain issues and contractor shortages can delay repairs and further inflate losses.
- Insurance industry participants have cited recent climate events, both local (e.g., the May 2022 derecho in Ontario) and international (e.g., Hurricane Ian in the United States) as factors contributing to increases in insurance premiums and reinsurance costs.
  - One insurance provider observed that eight of the ten costliest Canadian natural disasters for insurance payouts occurred in the last decade, with the costs of these payouts ranging from \$600 million to \$4 billion. It was suggested that mitigating these extreme weather risks should be a priority for municipalities.
- A few participants suggested that updates to the Building Code could help to build greater climate resilience. Participants have also identified some potential shorter-term policy solutions, such as helping municipalities to update flood plain mapping.
- AMO is canvassing these concerns with municipalities and intends to address them in its broader advocacy on provincial planning and development issues.

## Minimum Maintenance Standards

- The Minimum Maintenance Standards (MMS) regulation under s.44(4) of the *Municipal Act* was enacted in 2003 in response to municipal calls for greater liability protections for highway maintenance. The regulation is administered by the Ministry of Transportation (MTO).
- The MMS are intended to provide a statutory defence against liability for road repair where municipalities meet the prescribed standards (*Municipal Act*, s.44(3)(c)). They are intended to be “outcomes-based” standards and to provide municipalities with the flexibility to achieve the prescribed end results.
- There are mixed views on the MMS. Some participants found them useful in disposing of claims at an early stage. However, although they are intended to be “outcomes-based” standards, many municipal participants feel that the case law effectively requires a “standard of perfection” in road maintenance and record-keeping.

- Participants raised concerns about whether the MMS sufficiently address sidewalk liability issues. It was also observed that the MMS do not directly account for micromobility devices and other new vehicle types (e.g., e-bikes, scooters) which may have different road requirements than traditional motor vehicles. To date, MTO's micromobility pilot projects in municipalities have not produced sufficient data to support changes to the MMS on this front (see [Road Safety](#)).
- The MMS are reviewed every five years by a Task Force of representatives from MTO, Good Roads, municipalities, and the insurance and legal sectors. The latest review began in spring 2023.
- Working Group participants are supportive of the MMS review as an opportunity to address these concerns. The Task Force is aware that municipal liability concerns may be a key consideration in this iteration of the review.

## Road Safety

- Good Roads presented to the Working Group on their recent research. They expressed the view that improving road design would reduce the volume and severity of road accidents, thereby reducing overall claims costs. They observed that municipalities have considerable agency to repair roads, and that the long-term cost of such repairs is likely to be lower than the long-term cost of paying for personal injury claims.
- Municipalities generally agree that this may be part of the solution. They have raised concerns about the resources required to undertake this project in conjunction with existing road maintenance – Good Roads estimates that Ontario has a municipal road infrastructure deficit of almost \$39 billion.
- The Ministry of Transportation presented to the Working Group about their automated speed enforcement initiatives and micromobility pilot projects. The pilot projects are being used to collect data and to evaluate the safe integration of new vehicle types onto Ontario's roads, including with pedestrians and other modes of transportation, as well as the need for unique operating or licensing requirements. In spring 2023, MTO published a proposal to consolidate five of its existing pilot projects under one regulation and to explore the introduction of an urban mobility vehicle pilot.<sup>3</sup> AMO submitted comments to the proposal which noted that the potential for additional risk and liability under these pilot programs could cause some hesitation among municipalities to pass by-laws to lawfully operate micromobility vehicles.
- Participants raised the concern that many of the municipal micromobility pilots (e.g., cargo e-bikes, golf carts, pedal pubs) do not have insurance requirements. It is unclear whether these vehicle types are covered by existing insurance products.

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<sup>3</sup> [Transforming the way MTO pilots new micromobility vehicles on-road \(ontariocanada.com\)](#).

- Some participants suggested that this was one reason for limited uptake in the pilot programs. Some municipalities have seen success in offering their own municipal programs for new vehicle types, which are operated by a third party, and which include an insurance requirement.
- Similarly, participants raised concerns about other “emerging” insurance and liability risks stemming from the growth in potentially uninsured road users, such as accidents on multi-use roads and paths, cyclist-pedestrian collisions, and bike courier accidents. It was noted that such accidents are often a source of media coverage.
- AMO will continue to identify opportunities to engage with the Province and the insurance industry on options for addressing these concerns.

## Auto Insurance Coverage

- Auto insurance is the only type of insurance in Ontario that is mandatory and where the product (coverage type and minimum) is regulated. Although insurance rates are not set by any specific entity, insurers must file their proposed rates with the Financial Services Regulatory Authority of Ontario (FSRA) for review and approval.
- The current statutory minimum for third-party liability (TPL) coverage is \$200,000 and the default limit on catastrophic impairment no-fault accident benefits is \$1 million. There is a widely held view that these thresholds are out of date.
- However, in practice, most insurers offer at least \$1-2 million in TPL coverage and most drivers carry at least \$1 million in coverage.
- Working Group participants were generally of the view that increasing the statutory minimum for TPL coverage was not a priority. Even with a \$2 million minimum, municipalities would still face significant exposure in catastrophic injury cases.
- Participants were also aware that increasing TPL coverage would likely increase auto insurance premiums for Ontario drivers.
  - Some participants have speculated that if TPL coverage increases, the value of damages claims and court awards may simply increase as well.
  - One participant questioned whether the savings to municipalities on their general third-party liability policies would be outweighed by their increased auto insurance premiums for municipal fleets.
  - Another participant noted that at the macro-level, increasing the mandatory TPL minimum was probably more expensive than continuing with the status quo.



- Prior to 2016, victims could access up to \$2 million in catastrophic impairment accident benefits (\$1 million for medical and rehabilitation expenses + \$1 million for attendant care). Some participants suggested that the reduction and merger of these amounts into a single \$1 million benefit effectively halved the available benefits, thus increasing the amount potentially payable by municipal defendants in road claims.
- In the 2019 Ontario Budget, the Province announced it was considering returning the default limit on catastrophic impairment benefits to \$2 million.
- There was a view that as between increasing TPL coverage minimums and returning the catastrophic accident benefits limit to \$2 million, the latter option would be more likely to benefit municipalities. The Working Group did not have any information regarding the relative cost of these options for drivers.
- The Ministry of Finance (MOF) provided an overview of the auto insurance sector in Ontario to the Working Group, and spoke about their work on implementing initiatives from the 2019 *Putting Drivers First Blueprint* which aim to combat auto insurance fraud, to improve consumer choice, and to enhance market fairness.
- In the 2023 Ontario Budget, the Province stated that it intended to propose changes that would provide consumers with more auto insurance options over time. The Province has also enhanced FSRA's powers to investigate insurance fraud and requested that it review territorial rating issues.

## Other Working Group Topics of Discussion

### Cyber Insurance Challenges

- Municipalities have expressed concerns about the difficulty of obtaining cyber insurance coverage and its high costs. Some municipalities report that insurers have rigorous underwriting requirements to obtain coverage, such as proof that the municipality has certain security standards in place.
- Insurance industry participants have flagged cyber liability as a key emerging area of losses. Cyber risk is extremely volatile and there is not much reliable claims data, as the cyber insurance market is still relatively young.
- There are few insurance providers in this space; municipal insurance providers often outsource this coverage to specialized providers. Many providers exited the cyber market following increased losses during the COVID-19 pandemic.
- It was suggested that cyber providers are cautious to underwrite public sector entities like municipalities due to the scale and complexity of potential claims.



- Some insurance industry participants have expressed the view that the cyber insurance market is stabilizing and that price increases are moderating. However, coverage remains restricted and expensive for municipalities.
- AMO LAS has created a technical working group to investigate risk financing options for municipalities, with a focus on cyber coverage, given the difficulties municipalities are facing with this specific coverage.

## Establishing a Catastrophic Loss Fund

- It was suggested that if the Province is concerned about compensating victims for catastrophic losses, it should do so through a provincial fund rather than through the application of liability policy to all defendants.
- The Working Group is not aware of such a fund elsewhere in Canada. Saskatchewan and BC, two of the three provinces without full JSL, appear to largely fund catastrophic loss recovery through a no-fault auto insurance system with high benefit limits.
- Currently, Ontario's Motor Vehicle Accident Claims Fund only provides the statutory minimum coverage for claims arising from uninsured or unidentified motorists.
- There is no evidence of what impact a catastrophic loss fund would have on insurance premiums. This proposal is based on the assumption that catastrophic bodily injuries are a key source of municipal insurance claims costs. However, anecdotal evidence to date from the Working Group suggests a wide range of other claim types (e.g., sidewalk slip-and-falls, property losses, building inspections) could also contribute significantly to municipal losses. The municipal claims data study proposed by AMO LAS will canvass this issue and would need to finish this analysis before the catastrophic fund proposal is considered further.
- As well, other key policy questions regarding this proposal remain unaddressed, such as the scope of damages compensated through the fund (i.e., whether it would simply cover medical expenses or would also cover other types of losses, e.g., loss of income) and how the fund would be financed. If this option is considered further, the Ministry of Health would have to be engaged.

## Litigation Challenges

- Working Group participants have suggested that Canadian society is becoming more litigious, and that the current socio-economic climate has led to more and higher-value lawsuits.
- Municipal defence lawyers who spoke with the Working Group reported seeing an increase in self-represented litigants, vexatious claims, and "duty to defend" actions between municipalities and insurers.

- Some municipalities are encountering more claims which take place outside their jurisdiction, but which name them as a defendant anyway, e.g., claims for accidents on provincial highways.
- Municipalities have also expressed concerns about being included in class actions related to the COVID-19 pandemic response or for cyber-attacks resulting in the loss or theft of information.
- Some participants asserted that the uncertainty created by the litigation process incentivizes settlements in some claims, even where municipalities are not significantly at fault. They believe certain cost and evidentiary rules (or in some cases, the lack of rules and cost consequences) allow opposing counsel to create unnecessary delays and costs during litigation.
- The slow pace of litigation can further exacerbate the effects of long-tail claims, as municipalities must budget around them while awaiting a court decision.
- Similarly, some participants suggested that the uncertainty inherent in the JSL rule impacts their strategic claims management. Even if they think a municipality is in a strong position to defend against a claim, settling the claim may be preferable to going to trial and risking a JSL finding.
- Trial lawyers who spoke with the Working Group asserted that the practice of naming multiple defendants (including municipalities) in claims was a matter of due diligence, as they may not have all the facts at the start of a claim and may put their client at risk if they do not sue all potential defendants.
- Both the municipal defence lawyers and the trial lawyers stressed the importance of municipal risk management, in particular good recordkeeping, as a strategy to manage litigation costs and liability exposure (see [Risk Management Challenges](#)).

## Liability Limitations for Contractors

- Municipalities have expressed concerns about liability limitation and indemnity clauses in vendor contracts. If a vendor is unable to obtain or refuses to provide sufficient insurance coverage, or if they refuse to accept municipal liability limitations, municipalities may have no choice but to accept the increased risk.
- In recent years, this has created difficulties for some municipalities in procuring road maintenance services, e.g., snowplow contractors. Another potential area of concern is the use of shared IT platforms, such as Microsoft Office, which expressly limit the software provider's liability.
- It was observed that smaller or more remote municipalities may be particularly vulnerable to this issue as they may have fewer procurement options.

- Provincial risk management and insurance staff noted that the Province had faced this issue as well. It has addressed this issue by covering all winter maintenance claims on provincial roads under the General and Road Liability Protection Program.

### **Caps on Economic Loss Awards**

- Recommendation #3 of AMO's 2019 paper proposed implementing legislative caps on damages awards for economic loss claims. However, Working Group participants have not identified the general topic of damages for economic loss as a key driver of costs or claims.
- Rather, the Working Group has focused on specific types of claims for economic loss that may benefit from reform (e.g., Building Code cases).

## Appendix: Working Group Participants

- **Municipalities:** AMO has nominated about 15 staff participants from municipal governments across Ontario with expertise in finance, risk management, and insurance. The City of Toronto was also invited to the Working Group.
- **Association of Municipalities of Ontario:** AMO and AMO LAS have designated representatives on the Working Group.
- **Government of Ontario:** Staff from the Ministry of the Attorney General (MAG), the Ministry of Municipal Affairs and Housing, and the Ministry of Finance are designated members of the Working Group. MAG is coordinating the Working Group on behalf of the Province.
- **Other participants:** Representatives from the Province’s Risk Management & Insurance Services Branch, the Ministry of Transportation, and industry stakeholders such as the Insurance Bureau of Canada are being invited to participate as required, depending on the particular options being discussed.

<b>Association of Municipalities of Ontario / Local Authority Services</b>	<ul style="list-style-type: none"> <li>• AMO Policy Centre</li> <li>• AMO LAS, Municipal Risk Management Program</li> </ul>	
<b>Municipalities</b>	<ul style="list-style-type: none"> <li>• Belleville</li> <li>• Black River-Matheson</li> <li>• Centre Hastings</li> <li>• Durham Region</li> <li>• Halton Region</li> <li>• North Bay</li> </ul>	<ul style="list-style-type: none"> <li>• Red Lake</li> <li>• Greater Sudbury</li> <li>• Thunder Bay</li> <li>• Waterloo Region</li> <li>• York Region</li> <li>• City of Toronto</li> </ul>
<b>Government of Ontario</b>	<ul style="list-style-type: none"> <li>• Ministry of the Attorney General, Policy Division</li> <li>• Ministry of Municipal Affairs and Housing, Intergovernmental Relations and Partnerships Branch</li> <li>• Ministry of Finance, Financial Institutions Policy Branch</li> </ul>	
<b>Ad-hoc Participants</b>	<ul style="list-style-type: none"> <li>• Ministry of Finance, Auto Insurance Policy Branch</li> <li>• Ministry of Public and Business Service Delivery, Risk Management &amp; Insurance Services Branch</li> <li>• Insurance Bureau of Canada</li> </ul>	





**SSMRCA September Board Meeting**  
Sault Ste. Marie Region Conservation Authority  
September 19<sup>th</sup>, 2023, at 4:45 PM EDT  
1100 Fifth Line East / ZOOM

## **Agenda**

### **I. Call to Order**

### **II. Declaration of a Conflict of Interest**

### **III. Adoption of Agenda**

RECOMMENDED:

THAT the agenda be adopted as presented.

### **IV. Delegations**

There are no requests for delegations received for this meeting.

### **V. Public Input (3 minutes per speaker)**

### **VI. Finance and Administration**

#### **A. Adoption of Regular Meeting Minutes of August 1, 2023**

RECOMMENDED:

THAT the Regular Meeting Minutes of August 1, 2023, be adopted.

#### **B. Health and Safety Meeting Minutes**

RECOMMENDED:

THAT the Health and Safety Meeting Minutes be received as information, be approved.

#### **C. Accounts Payable**

RECOMMENDED:

THAT the list of accounts payable be received as information, be approved.

#### **D. N1 Strategy Proposal for Facilitated Session for the Strategic Plan Update**

RECOMMENDED:

THAT the proposal for the Facilitated Session for the Strategic Plan Update as presented by the firm of N1 Strategy be accepted as information, and

Further THAT the Board approved the hiring of N1 Strategy to aid in the facilitation of the Strategic Plan Update, be approved.

### **E. 2024 Draft Budget**

RECOMMENDED:

THAT the presentation on the 2024 Draft Budget, Version 1.0, dated September 19, 2023, be received as information, and  
Further THAT the Board approve the 2024 Draft Budget for consultation purposes.

### **F. 2023 Property Inquiry Stats**

RECOMMENDED:

THAT the staff memo titled “Property Inquiries – 2023 2nd Quarter Statistics” dated September 19, 2023, be received as information, be approved.

## **VII. Water and Related Land Management**

### **A. Application Approvals: Section 28, Ontario Regulation 176/06, Development, Interference with Wetlands and Alterations to Shorelines & Watercourses**

RECOMMENDED:

THAT the summary of the site reports approved by staff pursuant to *Ontario Regulation 176/06*, be received as information, be approved.

## **VIII. Correspondence**

### **IX. New Business and Other**

#### **A. General Manager's Report**

RECOMMENDED:

THAT the General Manager's Report of September 19, 2023, be received as information, be approved.

#### **B. Updated Pinder Parking Lot Proposal**

RECOMMENDED:

THAT the updated Pinder Parking Lot Proposal submitted by the Soo Finnish Nordic Ski Club be received as information, be approved.

#### **C. License to Occupy SSMRCA Lands by the City of SSM**

RECOMMENDED:

THAT the Board authorize the execution of the Agreement between the City of Sault Ste. Marie and the Sault Ste. Marie Region Conservation Authority with respect to the License to Occupy agreement for 0 Cooper Street, be approved.

#### **D. SSMRCA Draft MOU for Programs and Services**

RECOMMENDED:

That the Board approve the Draft MOU for Programs and Services and associated Schedule 'A' for distribution and consultation with the City of Sault Ste. Marie and the Township of Prince.

### **E. SSMRCA Draft Agreements for Category 2 Programs and Services**

RECOMMENDED:

That the Board approve the Draft Agreements for Category 2 Programs and Services for distribution and consultation with the City of Sault Ste. Marie.

### **F. 2023 Review of Health and Safety Program Manual - Section 11 & Section 12**

RECOMMENDED:

THAT Section 11 and Section 12 of the SSMRCA Health and Safety Program Manual be approved as worded.

### **X. Closed Session**

To discuss advice subject to solicitor-client privilege, and personal matters about an identifiable individual

### **XI. Adjournment**

For members of the public interested in attending this meeting, please contact the General Manager, Corrina Barrett, at [cbarrett@ssmrca.ca](mailto:cbarrett@ssmrca.ca) to make arrangements. Thank you in advance for your cooperation.





MUNICIPALITY OF SHUNIAH

# COUNCIL RESOLUTION

Date: Sep 12, 2023

Resolution No.: 324-23

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

THAT Council hereby receives receives and supports the resolution from the Municipality of Wawa regarding Chronic Pain Treatments;

AND THAT Council directs the Clerk to forward a copy of this email to all Municipalities of Ontario, local MP's and MPP's, Premier Doug Ford, the Minister of Health, Associate Minister of Mental Health and Addictions and the Association of Municipalities of Ontario (AMO).

Carried

Defeated

Amended

Deferred

\_\_\_\_\_  
*Wendy Landry*  
Signature

Municipality of Shuniah, 420 Leslie Avenue, Thunder Bay, Ontario, P7A 1X8



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, June 20, 2023

Resolution # RC23163	Meeting Order: 6
Moved by: <i>Cathy Cannon</i>	Seconded by: <i>[Signature]</i>

**WHEREAS** the Ontario College of Physicians and Surgeons has made a decision that will lead more people who suffer from chronic pain to turn to opioids to alleviate their pain and;

**WHEREAS** the College is targeting community pain clinics by requiring the use of ultrasound technology in the administration of nerve block injections by licensed physicians. This requirement will increase the time it takes to administer the nerve block and, therefore, reduce the number of patients a physician can see in a day and;

**WHEREAS** the Ontario Health Insurance Plan (OHIP) is proposing to reduce coverage for several vital healthcare services, including a drastic reduction in the number and frequency of nerve block injections a patient can receive and;

**WHEREAS** these changes have been proposed without any consultation with pain management medical professionals or with their patients and;

**WHEREAS** this cut will force chronic pain clinics to shut down, putting a greater strain on family physicians and emergency rooms and;

**WHEREAS** with the reduction in the number of nerve blocks being administered, many patients, looking for pain relief, will turn to overcrowded emergency rooms, opioid prescriptions from doctors or opioid street drugs;

**NOW THEREFORE BE IT RESOVLED THAT** the Council of the Corporation of the Municipality of Wawa is requesting that the Government of Ontario maintain OHIP coverage for chronic pain treatments and continue to provide much-needed care for the people of Ontario;

*p.2....*



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

**AND FURTHERMORE THAT** a copy of the resolution be forwarded to all Municipalities of Ontario, local MPs and MPPs, Premier Doug Ford, the Minister of Health, Associate Minister of Mental Health and Addictions and the Association of Municipalities of Ontario.

RESOLUTION RESULT		RECORDED VOTE		
<input checked="" type="checkbox"/>	CARRIED	MAYOR AND COUNCIL	YES	NO
<input type="checkbox"/>	DEFEATED	Mitch Hatfield		
<input type="checkbox"/>	TABLED	Cathy Cannon		
<input type="checkbox"/>	RECORDED VOTE (SEE RIGHT)	Melanie Pilon		
<input type="checkbox"/>	PECUNIARY INTEREST DECLARED	Jim Hoffmann		
<input type="checkbox"/>	WITHDRAWN	Joseph Opato		

**Disclosure of Pecuniary Interest and the general nature thereof.**

Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk: \_\_\_\_\_

MAYOR – MELANIE PILON	CLERK – MAURY O'NEILL

This document is available in alternate formats.



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City Clerk  
Corporation of the City of Stratford  
clerks@stratford.ca

August 30, 2023

**Re: Strengthen Municipal Codes of Conduct**

To whom it may concern:

Please be advised that at the Regular Council Meeting on August 30<sup>th</sup> 2023, the Town of Plympton-Wyoming Council passed the following motion, supporting the attached resolution from the Council of the City of Stratford regarding Strengthening Municipal Codes of Conduct:

***Motion 7***

*Moved by Councillor Kristen Rodrigues*

*Seconded by Councillor John van Klaveren*

*That Council support item 'P' of correspondence from the City of Stratford regarding Strengthening Municipal Codes of Conduct.*

***Carried.***

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at [ekwarciak@plympton-wyoming.ca](mailto:ekwarciak@plympton-wyoming.ca).

Sincerely,

Erin Kwarciak  
Clerk  
Town of Plympton-Wyoming

cc: All Ontario Municipalities



**MATACHEWAN**

PO Box 177 , Matachewan , Ontario , P0K 1M0  
Tel: 705-565-2274

August 16, 2023

**RESOLUTION**

**Resolution # 2023-252**

**Agenda Item # 8.2 Regular Council Meeting**

**Moved By :** Emily Stewart

**Seconded By :** Dianne Gilbert

**WHEREAS**, all Ontarians deserve and expect a safe and respectful workplace;

**WHEREAS**, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse;

**WHEREAS**, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils;

**WHEREAS**, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments;

**WHEREAS**, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour;

**WHEREAS**, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;

**NOW**, therefore be it resolved that the Council of the Corporation of the Township of Matachewan supports the call of the Association of Municipalities of Ontario for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments;

**ALSO BE IT RESOLVED** that the legislation encompass the Association of Municipalities of Ontario's recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
- Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office.

**WHEREAS**, this legislation be prioritized for the fall of 2023 given the urgency of this issue; and

**FURTHERMORE**, this resolution be sent to the Premier of Ontario, MPP Fedeli, Minister of Municipal Affairs, Associate Minister of Women's Social and Economic Opportunity, AMO and all municipalities.

**Carried**

\_\_\_\_\_  
Mike Young  
Deputy Mayor

\_\_\_\_\_  
Cheryl Swanson  
Clerk

**COPY**  
*Signatures on file*





Township of Puslinch  
7404 Wellington Road 34  
Puslinch, ON N0B 2J0  
[www.puslinch.ca](http://www.puslinch.ca)

September 15, 2023

RE 6.19 Municipality of Grey Highlands – Municipal Codes of Conduct

Please be advised that Township of Puslinch Council, at its meeting held on August 16, 2023 considered the aforementioned topic and subsequent to discussion, the following was resolved:

**Resolution No. 2023-247:**

Moved by Councillor Hurst and  
Seconded by Councillor Goyda

That the Consent Agenda item 6.19 listed for AUGUST 16, 2023 Council meeting be received for information; and

Whereas Township of Puslinch Council supports the resolution from the Municipality of Grey Highlands regarding legislation to strengthen Municipal Code of Conducts to account for workplace safety and harassment; and

That Council direct staff to send a support resolution accordingly to AMO.

Therefore, the Township of Puslinch, passes this resolution regarding the Municipal Code of Conduct

Whereas, all Ontarians deserve and expect a safe and respectful workplace; and  
Whereas, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse; and



Whereas, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils; and  
Whereas, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments; and  
Whereas, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour; Whereas, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;  
Now, therefore be it resolved that the Municipality of Grey Highlands supports the call of the Association of Municipalities of Ontario for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments;  
Also be it resolved that the legislation encompass the Association of Municipalities of Ontario's recommendations for:

- Updating municipal Codes of Conduct to account for workplace safety and harassment
- Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario
- Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province
- Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner
- Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office.

**CARRIED**

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,

Courtenay Hoytfox  
Municipal Clerk

June 21, 2023

Association of Municipalities of Ontario

Sent via email

To whom it may concern:

Re: 2023-496

Please be advised that the following resolution was passed at the June 21, 2023 meeting of the Council of the Municipality of Grey Highlands.

**2023-496**

**Whereas, all Ontarians deserve and expect a safe and respectful workplace; and**

**Whereas, municipal governments, as the democratic institutions most directly engaged with Ontarians need respectful discourse; and**

**Whereas, several incidents in recent years of disrespectful behaviour and workplace harassment have occurred amongst members of municipal councils; and**

**Whereas, these incidents seriously and negatively affect the people involved and lower public perceptions of local governments; and**

**Whereas, municipal Codes of Conduct are helpful tools to set expectations of council member behaviour; Whereas, municipal governments do not have the necessary tools to adequately enforce compliance with municipal Codes of Conduct;**

**Now, therefore be it resolved that the Municipality of Grey Highlands supports the call of the Association of Municipalities of Ontario for the Government of Ontario to introduce legislation to strengthen municipal Codes of Conduct and compliance with them in consultation with municipal governments;**

**Also be it resolved that the legislation encompass the Association of Municipalities of Ontario's recommendations for:**

- **Updating municipal Codes of Conduct to account for workplace safety and harassment**
- **Creating a flexible administrative penalty regime, adapted to the local economic and financial circumstances of municipalities across Ontario**
- **Increasing training of municipal Integrity Commissioners to enhance consistency of investigations and recommendations across the province**

**The Municipality of Grey Highlands**

206 Toronto Street South, Unit One - P.O. Box 409 Markdale, Ontario N0C 1H0  
519-986-2811 Toll-Free 1-888-342-4059 Fax 519-986-3643  
www.greyhighlands.ca info@greyhighlands.ca



- **Allowing municipalities to apply to a member of the judiciary to remove a sitting member if recommended through the report of a municipal Integrity Commissioner**
  - **Prohibit a member so removed from sitting for election in the term of removal and the subsequent term of office.**
- CARRIED.**

If you require anything further, please contact this office.

Sincerely,



Amanda Fines-VanAlstine  
Manager of Corporate Services/Deputy-Clerk  
Municipality of Grey Highlands

cc. Office of the Premier of Ontario  
All Ontario Municipalities



OFFICE OF THE MAYOR  
CITY OF HAMILTON

VIA: Mail

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

September 11, 2023

Dear Minister Calandra:

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

**7.5 City of Hamilton – Request to Abandon Greenbelt Development**

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

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED:

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

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

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

Sincerely,



Mayor Andrea Horwath

File #C23-015

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



SENT VIA EMAIL

September 6, 2023

Association of Municipalities of Ontario (AMO)  
200 University Ave., Suite 801  
Toronto, Ontario  
M5H 3C6

The Regional  
Municipality of  
Durham

Corporate Services  
Department –  
Legislative Services

605 Rossland Rd. E.  
Level 1  
P.O. Box 623  
Whitby, ON L1N 6A3  
Canada

905-668-7711  
1-800-372-1102  
Fax: 905-668-9963

durham.ca

Dear AMO:

**RE: Correspondence received from the Township of Cramahe,  
dated June 29, 2023, re: Amendments to the Highway  
Traffic Act Our File: T02**

---

Works Committee, at its meeting held on September 6, 2023, adopted the following resolution:

“That the correspondence received from the Township of Cramahe, dated June 29, 2023, regarding amendments to the Highway Traffic Act be referred to Council without a recommendation”.

Please find attached the resolution from the Township of Cramahe for your information.

*S. Ciani*

---

S. Ciani,  
Committee Clerk

sc/

c: Hon. Caroline Mulroney, Minister of Transportation and Francophone Affairs  
Hon. Steve Clark, Minister of Municipal Affairs and Housing  
Patrice Barnes, MPP, Ajax  
Todd McCarthy, MPP, Durham  
Laurie Scott, MPP, Haliburton/Kawartha Lakes/Brock  
David Piccini, MPP, Northumberland/Peterborough South  
Jennifer French, MPP, Oshawa  
Peter Bethlenfalvy, MPP, Pickering/Uxbridge  
Lorne Corne, MPP, Whitby  
All Ontario Municipalities  
R. Jagannathan, Acting Commissioner of Works

If you require this information in an accessible format, please contact 1-800-372-1102 extension 2097.



 Corporate Services Department Legislative Services Division	
Date & Time Received:	July 03, 2023 8:52 am
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

# Cramahe Township Council Resolution

**June 29, 2023**

**Sent via Email**

Hon. Caroline Mulroney, Minister of Transportation and Francophone Affairs  
 Hon. Steve Clark, Minister of Municipal Affairs and Housing  
 Hon. David Piccini, Minister of Environment, Conservation and Parks & MPP for Northumberland - Peterborough South  
 Association of Municipalities of Ontario (AMO)  
 All Ontario Municipalities

**RE: Amendments to the Highway Traffic Act**

---

Please be advised that the Council of the Township of Cramahe passed the following resolution at their regular meeting held June 20, 2023 regarding the Highway Traffic Act Amendments.

**Resolution No. 2023-213**

**Moved By: COUNCILLOR HAMILTON**

**Seconded By: DEPUTY MAYOR ARTHUR**

**BE IT RESOLVED THAT** Council support the City of Cambridge resolution; and **THAT** speeding on our roads is a major concern in our community; and **THAT** speeding can occur in all areas of our community; and **THAT** barriers and delays to enforcement pose a danger to our community; and **THAT** our municipality has limited resources to implement speed mitigation road design and re-design; and **THAT** our local police service has limited resources to undertake speed enforcement; and **THAT** s.205.1 of the Highway Traffic Act (HTA) provides that Automated Speed Enforcement systems (ASE) may only be placed in designated community safety zones and school safety zones; and

**THAT**, the Township of Cramahe request that the Ontario Government amend s.205.1 of the HTA to permit municipalities to locate an ASE system permanently or temporarily on any roadway under the jurisdiction of municipalities and as

**The Corporation of the Township of Cramahe**  
 1 Toronto Street, P.O. Box 357, ON K0K 1S0 •Tel 905-355-2821•www.cramahe.ca

determined by municipalities and not be restricted to only community safety zones and school safety zones; and

**THAT** a copy of this resolution be forwarded to the Ontario Minister of Transportation, the Ontario Minister of Municipal Affairs and Housing, local area MPPs, the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities.

**CARRIED**

Attached please find a copy of the City of Cambridge Council Resolution, dated May 10, 2023.

If you have any questions regarding the above resolution, please do not hesitate to contact me at [nhamilton@cramahe.ca](mailto:nhamilton@cramahe.ca)

Sincerely,

A handwritten signature in cursive script, appearing to read "Nicole Hamilton".

Nicole Hamilton  
Municipal Deputy Clerk  
Township of Cramahe

**The Corporation of the City of Cambridge  
Corporate Services Department  
Clerk's Division  
The City of Cambridge  
50 Dickson Street, P.O. Box 669  
Cambridge ON N1R 5W8  
Tel: (519) 740-4680 ext. 4585  
[mantond@cambridge.ca](mailto:mantond@cambridge.ca)**

May 10, 2023

**Re: Highway Traffic Act Amendments**

Dear Ms. Mulronev,

At the Council Meeting of May 9, 2023, the Council of the Corporation of the City of Cambridge passed the following Motion:

**WHEREAS** speeding on our roads is a major concern in our community,

**AND WHEREAS** speeding can occur in all areas of our community,

**AND WHEREAS** barriers and delays to enforcement pose a danger to our community,

**AND WHEREAS** our municipality has limited resources to implement speed mitigation road design and re-design,

**AND WHEREAS** our local police service has limited resources to undertake speed enforcement,

**AND WHEREAS** s.205.1 of the Highway Traffic Act (HTA) provides that Automated Speed Enforcement systems (ASE) may only be placed in designated community safety zones and school safety zones,

**THEREFORE BE IT RESOLVED THAT**, the City of Cambridge request that the Ontario Government amend s.205.1 of the HTA to permit municipalities to locate an ASE system permanently or temporarily on any roadway under the jurisdiction of municipalities and as determined by municipalities and not be restricted to only community safety zones and school safety zones;

**AND THAT** a copy of this resolution be forwarded to the Ontario Minister of Transportation, the Ontario Minister of Municipal Affairs and Housing, local area MPPs, the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities.

Should you have any questions related to the approved resolution, please contact me.

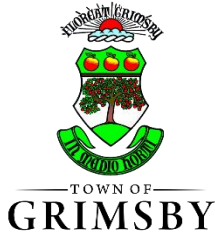
Yours Truly,



Danielle Manton  
City Clerk

Cc: (via email)  
Steve Clark, Ontario Minister of Municipal Affairs and Housing  
Local Area MPPs  
Association of Municipalities of Ontario (AMO)  
All Ontario Municipalities





**The Corporation of the Town of Grimsby  
Administration**

Office of the Town Clerk

160 Livingston Avenue, Grimsby, ON L3M 0J5

**Phone:** 905-945-9634 Ext. 2171 | **Fax:** 905-945-5010

**Email:** [bdunk@grimsby.ca](mailto:bdunk@grimsby.ca)

September 8, 2023

SENT VIA E-MAIL

Office of the Prime Minister  
80 Wellington St.  
Ottawa, ON, K1A

Attention: The Right Honourable Justin Trudeau

**RE: Establishing a Guaranteed Livable Income**

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on September 5, 2023 passed the following resolution:

Moved by: Councillor Korstanje

Seconded by: Councillor Freake

Whereas the Canadian livable wage for Niagara Region, two years ago was determined to be \$19.80. This was \$6000 below the annual income of a minimum wage employee; and

Whereas our residents on programs such as Ontario Works, receive targeted fixed monthly incomes of \$733, and ODSP recipients receive \$1376; and

Whereas at the current Ontario minimum wage rate, a person working 37.5 hours per week will earn approximately \$2,500 monthly (before tax); and

Whereas the median rent for one bedroom in Grimsby as of August 2023 is now \$2000 a month; and

Whereas rent is considered affordable, when it is less than 30% of income. In Niagara west, rent is approximately 272% of Ontario Works, 145% of Ontario Disability Support Services, 75% of minimum wage full-time, and 150% of minimum wage part time; and

Whereas an annual 2.5% allowable rent increase can be combined with an additional 3-6.5% capital investment increase, raising the cost of rental housing another minimum of \$110 monthly; and

Whereas there are no housing units under Niagara Regional Housing for single adults or families with dependents, including 2,3,4 or five bedrooms in our community; and

Whereas the Grimsby Benevolent Fund reported that in 2022:

- 70+ households received monthly rental supplement totaling \$237,744
- \$79,500 was invested into one time emergency housing support as of June 7, 2023
- 78 households are receiving monthly financial benefits to make rental housing more affordable; and

Whereas food inflation was 8.3% and groceries rose by 9.1%; and

Whereas the Grimsby Food Bank numbers from June 2023 reported:

- 19 new households
- 447 served households
- 1055 served individuals
- 7 emergency visits; and

Whereas the Grimsby Economic Strategic Plan identified the general high cost of living and housing affordability as primary obstacles in our workforce attraction.

Therefore be it resolved that The Corporation of the Town of Grimsby circulate correspondence to Ontario municipalities encouraging them not only to collect data of their housing and poverty statistics, but also to examine their pending economic vulnerability as a result.

Be it further resolved that The Corporation of the Town of Grimsby encourage these same municipalities to join us in advocating on behalf of our communities with this data, and by writing a letter to the Prime Minister, Premier, and local politicians calling for a united effort in establishing a Guaranteed Livable Income program.

Be it further resolved the Town of Grimsby Clerks Department circulates this resolution to Niagara West MP Dean Allison and Niagara West MPP Sam Oosterhoff, requesting a response on this matter within 30 days of receipt.

Be it further resolved that The Corporation of the Town of Grimsby, through its Finance and Human Resources departments, undertake a comprehensive assessment to explore the feasibility and implementation of a living wage policy for all Town of Grimsby employees, with the aim of ensuring that all municipal workers receive fair compensation that aligns with the principles of a living wage and that staff be directed to explore becoming a living wage employer.

If you require any additional information, please let me know.

Regards,



Bonnie Nistico-Dunk  
Town Clerk

cc. Hon. Doug Ford, Premier of Ontario  
Ontario Municipalities  
Dean Allison, MP Niagara West  
Sam Oosterhoff, MPP Niagara West

September 15, 2023

**Re: Item for Discussion - Item for Discussion – Time for Change - Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)**

At its meeting of September 13, 2023, the Council of the Corporation of the Town of Bracebridge ratified motion 23-GC-184, regarding the Item for Discussion – Time for Change - Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), as follows:

“WHEREAS the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 (MFIPPA) came into force and effect on January 1, 1991;

AND WHEREAS municipalities, including the Town of Bracebridge, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the MFIPPA fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number, or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information to launch litigation against institutions, where other remedies exist;

1000 Taylor Court  
Bracebridge, ON  
P1L 1R6 Canada

telephone: (705) 645-5264  
corporate services and finance fax: (705) 645-1262  
public works fax: (705) 645-7525  
planning & development fax: (705) 645-4209

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

NOW THEREFORE BE IT RESOLVED THAT the Ministry of Public and Business Service Delivery be requested to review MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or their designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in the Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under MFIPPA, including those of the Information and Privacy Commissioner (IPC), be reviewed and modernized;
8. That the integrity of MFIPPA be maintained to protect personal privacy and transparent governments; and
9. And that this resolution be sent to the Premier of Ontario; Minister of Municipal Affairs and Housing; Minister of Public and Business Service Delivery; and Member of Provincial Parliament for Parry Sound-Muskoka; Muskoka and Area Indigenous Leadership Table (MAILT); and all Ontario Municipalities.”

In accordance with Council's direction, I am forwarding you a copy of the resolution for you reference.

Please do not hesitate to contact me if I can provide any additional clarification in this regard.

Yours truly,



Lori McDonald  
Director of Corporate Services/Clerk



Municipality of  
Chatham-Kent  
315 King St W, P.O. Box  
640, Chatham  
ON, N7M 5K8  
VIA EMAIL:  
[CKclerk@chatham-  
kent.ca](mailto:CKclerk@chatham-kent.ca)

Township of Puslinch  
7404 Wellington Road 34  
Puslinch, ON N0B 2J0  
[www.puslinch.ca](http://www.puslinch.ca)

September 15, 2023

RE 6.12 & 6.13 Municipality of Chatham-Kent Municipal Freedom of Information and Protection of Privacy Act

Please be advised that Township of Puslinch Council, at its meeting held on August 16, 2023 considered the aforementioned topic and subsequent to discussion, the following was resolved:

**Resolution No. 2023-249:**

Moved by Councillor Goyda and  
Seconded by Councillor Hurst

That the Consent Agenda item 6.12 & 6.13 listed for AUGUST 16, 2023 Council meeting be received for information; and

Whereas Township of Puslinch Council supports the resolution from the Municipality of Chatham-Kent regarding the need for changes and updating to the Municipal Freedom of Information and Protection of Privacy Act;

That Council direct staff to send a support resolution accordingly.

Therefore, the Township of Puslinch, passes this resolution regarding the Municipal Freedom of Information and Protection of Privacy Act,

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 (MFIPPA) dates back 30 years;



AND WHEREAS municipalities, including the Municipality of Chatham-Kent, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Municipal Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the Act fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;



AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

BE IT RESOLVED THAT the Ministry of Government and Consumer Services be requested to review the MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under the Act, including those of the IPC, be reviewed and modernized;
8. That the integrity of the Act be maintained to protect personal privacy and transparent governments.

**CARRIED**

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,

Courtenay Hoytfox  
Municipal Clerk



July 5, 2023

Via Email: [Kaleed.Rasheed@ontario.ca](mailto:Kaleed.Rasheed@ontario.ca)

Minister of Public and Business Service Delivery (MPBSD)

Honourable Rasheed:

**Re: Time for Change  
Municipal Freedom of Information and Protection of Privacy Act**

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on June 26, 2023 passed the following resolution:

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 (MFIPPA) dates back 30 years;

AND WHEREAS municipalities, including the Municipality of Chatham-Kent, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Municipal Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the Act fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

BE IT RESOLVED THAT the Ministry of Government and Consumer Services be requested to review the MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under the Act, including those of the IPC, be reviewed and modernized;
8. That the integrity of the Act be maintained to protect personal privacy and transparent governments.

If you have any questions or comments, please contact Judy Smith at [ckclerk@chatham-ketn.ca](mailto:ckclerk@chatham-ketn.ca)

Sincerely,

**Judy Smith**

Digitally signed by  
Judy Smith  
Date: 2023.07.05  
10:48:27 -04'00'

Judy Smith, CMO  
Director Municipal Governance  
Clerk /Freedom of Information Coordinator

c.

Lianne Rood, MP  
Dave Epp MP  
Trevor Jones, MPP  
Monte McNaughton, MPP  
Information and Privacy Commissioner of Ontario  
Association of Municipalities of Ontario  
AMCTO Legislative and Policy Advisory Committee  
Ontario municipalities



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, September 5, 2023

Resolution # RC23212	Meeting Order: 8
Moved by: <i>[Signature]</i>	Seconded by: <i>Cathy Cannon</i>

WHEREAS the Rural and Northern Immigration Pilot Project (RNIP) allows newcomers to apply for permanent residency after two full years of employment with any scope of permit, and alleviates certain restrictions related to the immigration process; and,

WHEREAS most of the cities that participate in RNIP have widened their catchment area to include smaller municipalities in this program; and,

WHEREAS the Township of Hornepayne is not part of the RNIP program; and,

WHEREAS the inability to participate in the RNIP program significantly deters newcomers from settling within the community; and,

WHEREAS the Sault Ste. Marie RNIP catchment area may be expanded to include the Townships of Hornepayne, Chapleau, Dubreuilville, and White River, and the Municipality of Wawa;

THEREFORE BE IT RESOLVED that the Council of the Corporation of the Municipality of Wawa does hereby support the Township of Hornepayne in requesting that the City of Sault Ste. Marie expand their catchment area to include the Townships of Hornepayne, Chapleau, Dubreuilville, White River, and the Municipality of Wawa and;

BE IT FURTHER RESOLVED that this resolution be forwarded to the Honourable Sean Fraser, Minister of Immigration, Refugees and Citizenship, Carol Hughes, MP Algoma-Manitoulin-Kapuskasing, and the City of Sault Ste. Marie, with a copy to the Townships of Chapleau, Dubreuilville, and White River.

RESOLUTION RESULT		RECORDED VOTE	
<input checked="" type="checkbox"/> CARRIED		MAYOR AND COUNCIL	YES NO
<input type="checkbox"/> DEFEATED		Mitch Hatfield	
<input type="checkbox"/> TABLED		Cathy Cannon	
<input type="checkbox"/> RECORDED VOTE (SEE RIGHT)		Melanie Pilon	
<input type="checkbox"/> PECUNIARY INTEREST DECLARED		Jim Hoffmann	
<input type="checkbox"/> WITHDRAWN		Joseph Opato	

Disclosure of Pecuniary Interest and the general nature thereof.

Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk: \_\_\_\_\_

MAYOR – MELANIE PILON	CLERK – MAURY O'NEILL
<i>M. Pilon</i>	<i>Maury O'Neill</i>

This document is available in alternate formats.

The Corporation of the Municipality of St. Charles  
RESOLUTION PAGE



Regular Meeting of Council

**Agenda Number:** 10.2.  
**Resolution Number** 2023-173  
**Title:** Resolution Stemming from July 19, 2023 Regular Meeting of Council - Item 10.1 - Correspondence #4  
**Date:** August 9, 2023


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**Moved by:** Councillor Laframboise  
**Seconded by:** Councillor Lachance

**BE IT RESOLVED THAT Council for the Corporation of the Municipality of St.-Charles hereby supports the Resolution passed by the Municipality of Grey Highlands on June 21, 2023 requiring all stop arm cameras on to be installed and paid for by the Province on all school buses for the start of the 2023-2024 school year;**

**AND BE IT FURTHER RESOLVED THAT a copy of this Resolution be forwarded to Premier Doug Ford; Attorney General Doug Downey; the Ministry of Education; the local Member of Provincial Parliament (MPP); the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities.**

CARRIED

  
MAYOR

June 21, 2023

Office of the Premier of Ontario

Sent via email

To Hon. Doug Ford:

**Re: Resolution # 2023-475**

Please be advised that the following resolution was passed at the June 21, 2023 meeting of the Council of the Municipality of Grey Highlands.

That the Council of the Municipality of Grey Highlands urges the Provincial Government to:

1. Require all school buses to have stop arm cameras installed and paid for by the Province for the start of the 2023-2024 school year; and

2. Underwrite the costs for the implementation and on-going annual costs for Administrative Monetary Penalties in small and rural municipalities;

FURTHER RESOLVED THAT this resolution be circulated to Premier Doug Ford, Attorney General Doug Downey, Minister of Education Stephen Lecce, Provincial opposition parties, Rick Byers MPP, AMO, Bluewater District School Board, Grey County Warden and all municipalities in Ontario.

If you require anything further, please contact this office.

Sincerely,

*Amanda Fines-VanAlstine*

Amanda Fines-VanAlstine  
Manager of Corporate Services/Deputy-Clerk  
Municipality of Grey Highlands

cc. Attorney General Doug Downey,  
Minister of Education Stephen Lecce,  
Provincial opposition parties,  
Rick Byers MPP,  
AMO,  
Bluewater District School Board,  
Grey County Warden  
and all municipalities in Ontario.

**The Municipality of Grey Highlands**

206 Toronto Street South, Unit One - P.O. Box 409 Markdale, Ontario N0C 1H0

519-986-2811 Toll-Free 1-888-342-4059 Fax 519-986-3643

[www.greghighlands.ca](http://www.greghighlands.ca) [info@greghighlands.ca](mailto:info@greghighlands.ca)