



The Corporation of the City of Sault Ste. Marie  
Regular Meeting of City Council  
Revised Agenda

Monday, November 15, 2021

4:30 pm

Council Chambers and Video Conference

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	Pages
<b>1. Adoption of Minutes</b>	13 - 21
Mover Councillor L. Dufour Seconder Councillor M. Scott Resolved that the Minutes of the Regular Council Meeting of October 25, 2021 be approved.	
<b>2. Questions and Information Arising Out of the Minutes and not Otherwise on the Agenda</b>	
<b>3. Declaration of Pecuniary Interest</b>	
<b>3.1. <i>Councillor R. Niro – By-law 2021-218 (Collective Agreement) Sault Ste. Marie Professional Firefighters Association Local 529</i></b>	
Brother was employed by Sault Ste. Marie Fire Service until retirement February 28, 2019.	
<b>3.2. <i>Councillor D. Hilsinger – Tourism Development Fund Application – Canadian Snowmobile Race Association Snowcross 2022</i></b>	
Applicant is a client of employer.	
<b>4. Approve Agenda as Presented</b>	
Mover Councillor L. Vezeau-Allen Seconder Councillor M. Scott Resolved that the Agenda for November 15, 2021 City Council Meeting as presented be approved.	

<b>5.</b>	<b>Proclamations/Delegations</b>	
<b>5.1.</b>	<b>Louis Riel Day</b>	<b>22 - 22</b>
<b>5.2.</b>	<b>No to Violence Against Women Day</b>	<b>23 - 23</b>
<b>6.</b>	<b>Communications and Routine Reports of City Departments, Boards and Committees – Consent Agenda</b>	
	Mover Councillor L. Vezeau-Allen Secunder Councillor M. Scott Resolved that all the items listed under date November 15, 2021 – Agenda item 6 – Consent Agenda save and except Agenda items 6.3, 6.4 and 6.13 be approved as recommended.	
<b>6.1.</b>	<b>Robinson-Huron Treaty Resolution</b>	<b>24 - 26</b>
	A letter from Mayor Provenzano to the Premier is attached for the information of Council.	
<b>6.2.</b>	<b>Mental Health and Addictions</b>	<b>27 - 28</b>
	A letter from Mayor Provenzano to the Minister of Mental Health and Addictions is attached for the information of Council.	
<b>6.3.</b>	<b>RFP Transit Terminal Relocation</b>	<b>29 - 30</b>
	A report of the Manager of Purchasing is attached for the consideration of Council.  Mover Councillor L. Dufour Secunder Councillor M. Scott Resolved that the report of the Manager of Purchasing dated November 15, 2021 be received and the proposal submitted by IDEA Inc., for the provision of engineering services transit terminal relocation with fees of \$235,995 plus HST as outlined in their Proposal as submitted, as required by Transit (CDES), be approved.  A By-law authorizing signature of the Agreement for this project will appear on a future Council Agenda.	
<b>6.4.</b>	<b>Optional Small Business Tax Class</b>	<b>31 - 85</b>
	A report of the Chief Financial Officer and Treasurer and Deputy CAO, Community Development and Enterprise Services is attached for the consideration of Council.  Mover Councillor L. Vezeau-Allen Secunder Councillor M. Scott	



Resolved that the report of the Chief Financial Officer and Treasurer and Deputy CAO, Community Development and Enterprise Services dated November 15, 2021 concerning Optional Small Business Tax Class Consultation be received and that the Optional Small Business Subclass discount not be implemented at this time.

**6.5. Medal of Merit Committee By-law** 86 - 87

A report of the City Clerk is attached for the consideration of Council.

The relevant By-law 2021-215 is listed under Agenda item 11 and will be read with all by-laws under that item.

**6.6. Cemetery By-law Amendments 2021** 88 - 89

A report of the City Clerk is attached for the consideration of Council.

The relevant By-law 2021-217 is listed under item 11 of the Agenda and will be read with all by-laws under that item.

**6.7. West End Splash Pad** 90 - 94

A report of the Director of Community Services is attached for the information of Council.

Mover Councillor L. Vezeau-Allen

Secunder Councillor C. Gardi

Resolved that the report of the Director of Community Services dated November 15, 2021 concerning West End Splash Pad be received and that the item be referred to 2022 budget deliberations in the amount of \$750,000 for capital construction of a splash pad at Manzo Park with a corresponding service level increase of \$115,000 in budget 2023 to cover ongoing operating costs.

**6.8. Tourism Development Fund Application – Canadian Snowmobile Race Association Snowcross 2022** 95 - 96

A report of the Director of Tourism and Community Development is attached for the consideration of Council.

Councillor D. Hilsinger declared a conflict on this item. (Applicant is a client of employer.)

Mover Councillor L. Dufour

Secunder Councillor M. Scott

Resolved that the report of the Director of Tourism and Community Development dated November 15, 2021 concerning the Canadian Snowmobile Race Association Snowcross Tourism Development Fund application be received and that the recommendation of the Tourism Sault Ste. Marie Board of Directors to allocate \$15,000 be approved.

- 6.9. Municipal Law Enforcement Officers** 97 - 97
- A report of the Manager of Transit and Parking is attached for the consideration of Council.
- The relevant By-law 2021-221 is listed under item 11 of the Agenda and will be read with all by-laws under that item.
- 6.10. Community Efficiency Financing Feasibility Study** 98 - 102
- A report of the Sustainability Coordinator is attached for the consideration of Council.
- Mover Councillor L. Vezeau-Allen  
 Secunder Councillor C. Gardi  
 Resolved that the report the Sustainability Coordinator dated November 15, 2021 concerning Community Efficiency Financing Feasibility Study be received and that staff be authorized to proceed with preparation of an application to the Green Municipal Fund for a feasibility study.
- 6.11. October 2021 Community Development Fund – Green Initiatives Program Application** 103 - 112
- A report of the Sustainability Coordinator is attached for the consideration of Council.
- Mover Councillor L. Vezeau-Allen  
 Secunder Councillor M. Scott  
 Resolved that the report of the Sustainability Coordinator dated November 15, 2021 concerning Green Initiatives Program Application be received and that the recommendation of the Environmental Sustainability Committee to allocate \$2,120 to the Sault Ste. Marie Public Library Thermal Imaging Borrowing program request be approved.
- 6.12. Race to Zero** 113 - 117
- A report of the Sustainability Coordinator is attached for the consideration of Council.
- Mover Councillor L. Dufour  
 Secunder Councillor M. Scott  
 Resolved that the report of the Sustainability Coordinator dated November 15, 2021 concerning Race to Zero be received and that Council declare support by submitting the pledge for the Cities Race to Zero program as part of the United Nation’s Cities Race to Zero campaign and amplify its efforts in building the momentum of the Race to Zero campaign by publicizing their involvement and encouraging more Canadian cities to join in this effort;
- Further that City Council reiterate its position to reach net zero- by 2050 or sooner and commit to endorsing actions that are in line with global efforts to

limit warming to 1.5° Celsius;

Further that Council commit to plan at least one inclusive and equitable climate action as listed in the Cities Race to Zero campaign pledge that will help to place Sault Ste. Marie on a resilient pathway, consistent with the 1.5° Celsius objective of the Paris agreement and begin implementation no later than 2022;

Further that staff be directed to report on progress of this initiative annually, beginning no later than the third quarter of 2022 to the Environmental Sustainability Committee.

**6.13. Northern Avenue Improvements – Increase Project Budget**

118 - 119

A report of the Manager of Design and Transportation Engineering is attached for the consideration of Council.

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that the report of the Manager of Design and Transportation Engineering dated November 15, 2021 concerning Northern Avenue Improvements – Increase Project Budget be received and that the engineering fee limit in Kresin Engineering’s agreement for the Northern Avenue Improvements be increased by \$65,000; further that \$150,000 be redirected from the McDonald Avenue Storm Water Management Pond to this project.

**6.13.1. Amendment**

Mover Councillor L. Vezeau-Allen

Seconder Councillor L. Dufour

Resolved that the words "redirected from the McDonald Avenue Storm Water Management Pond to this project" be deleted and replaced with the following words "designated from the 2022 Capital Transportation Program".

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that the report of the Manager of Design and Transportation Engineering dated November 15, 2021 concerning Northern Avenue Improvements – Increase Project Budget be received and that the engineering fee limit in Kresin Engineering’s agreement for the Northern Avenue Improvements be increased by \$65,000; further that \$150,000 be designated from the 2022 Capital Transportation Program

**6.14. Additional Solicitor**

120 - 124

A report of the City Solicitor is attached for the consideration of Council.

Mover Councillor L. Dufour

Seconder Councillor C. Gardi

Resolved that the report of the City Solicitor dated November 15, 2021

concerning an additional lawyer in the Legal Department be received as information.

**6.15. Acquisition Part Fifth Line East (Parts 2 and 3, 1R10664) 125 - 127**

A report of the Solicitor/Prosecutor is attached for the consideration of Council.

The relevant by-law 2021-212 is listed under item 11 of the Agenda and will be read with all by-laws under that item.

**6.16. Active Transportation Update – Fall 2021 128 - 153**

A report of the Senior Planner is attached for the consideration of Council.

Mover Councillor L. Vezeau-Allen

Seconder Councillor C. Gardi

Resolved that the report of the Senior Planner dated November 15, 2021 concerning Active Transportation Update be received and that staff be authorized to:

- proceed with engineering design for the re-aligned hub trail;
- issue a tender for construction in spring/summer of 2022 for the section of the John Rowswell Hub Trail that runs along Queen Street West adjacent to Esposito Park; and
- refer the remainder of the project to 2022 budget deliberations.

The relevant By-law 2021-216 is listed under item 11 of the Agenda and will be read with all by-laws under that item.

**6.17. *Correspondence from Councillor C. Gardi* 154 - 154**

Concerning Agenda item 6.7 (West End Splash Pad) and Agenda item 8.1 (Elimination of Plastics)

**7. Reports of City Departments, Boards and Committees**

**7.1. Administration**

**7.2. Corporate Services**

**7.3. Community Development and Enterprise Services**

**7.4. Public Works and Engineering Services**

**7.5. Fire Services**

**7.6. Legal**

**7.7. Planning**

**7.8. Boards and Committees**

**7.8.1. Boards and Committees Review 2021**

155 - 163

A report of the Deputy City Clerk is attached for the consideration of Council.

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that the report of the Deputy City Clerk dated November 15, 2021 concerning Boards and Committees Review 2021 be received and that:

Composition:

- Dangerous Dog Committee – members of Council be reduced from four to three
- Councillors no longer need to be appointed under the *Municipal Freedom of Information and Protection of Privacy Act*
- Christmas Lighting Awards Committee – members of Council be reduced from four to one

Dissolved:

- Best for Kids Committee
- Conference and Major Special Events Committee Current CAO Selection Committee
- Truth and Reconciliation Committee (transferred to Bawating Advisory Circle)
- Committee to Review Municipal Parking Operations
- Community Committee on Graffiti

Request Amendment to Process

- Community Theatre Centre Board (request agreement between CTC and ADSB be amended to remove appointment by City Council)

Review and Return with Options:

- Finance Committee – review terms of reference and bring back options for Council's consideration
- Walk of Fame Selection Committee – review terms of reference, meet with Downtown Association and bring back options for Council's consideration

**8. Unfinished Business, Notice of Motions and Resolutions Placed on Agenda by**

## **Members of Council**

### **8.1. Elimination of Plastics**

Mover Councillor D. Hilsinger

Seconder Councillor M. Shoemaker

Whereas City Council has since January of 2020 shown its strong desire to see the reduction and elimination of plastic bags and other plastics in our community; and

Whereas City Council has now received the report from staff on the elimination of plastic bags from the motion dated September 25, 2021; and

Whereas the report shows that the plastic pledge has not achieved the desired result to see residents and businesses adopt the pledge; and

Whereas numerous provinces and cities in Canada including: Nova Scotia, Prince Edward Island, Newfoundland and Labrador, Montreal, Jasper, Prince Albert, Vancouver, Edmonton and Regina, among others either have or will soon have bans on plastic bags and other plastics;

Now Therefore Be It Resolved that staff will undertake what is required to put a plastics ban in place in Sault Ste. Marie effective July 1, 2022 on the following items at a minimum: plastic grocery bags used in grocery stores, retail and restaurants, plastic straws and stir sticks, plastic cutlery, and plastic take-out food containers used by restaurants. In addition to the plastics ban, staff will create a community waste reduction strategy with robust goals to be approved by City Council and in place by July 1, 2022 with public consultation to take place prior to a by-law coming forward.

### **8.2. Hallowe'en Spirit Awards**

Mover Councillor S. Hollingsworth

Seconder Councillor P. Christian

Whereas the Sault Ste Marie Christmas Lighting Awards Program is a co-sponsored fun event that has been part of the community for years; and

Whereas it promotes community involvement and recognizes the efforts of residents who light up their homes and businesses in the spirit of the season; and

Whereas having community events such as the Christmas Lighting Awards program has been well received, organizing something similar for Hallowe'en decorations throughout the community may also lift spirits and create community fun; and

Now Therefore Be It Resolved that staff be requested to develop a Hallowe'en Spirit Awards program based on similar principles, rules and goals as of the Christmas Lighting Award Program and present a draft program to Council by June 2022.

### **8.3. Strand Avenue and Wilson Street Speeding**

Mover Councillor R. Niro

Secunder Councillor M. Bruni

Whereas excessive speed on City streets has grown to be a City wide concern; and

Whereas the residents of Strand Avenue and Wilson Street have reported excessive speeds in the vicinity of the intersection of Strand Avenue and Wilson Street; and

Whereas this intersection has a history of of accidents with the most recent being on October 31, 2021; and

Whereas City Council has already approved a motion requesting City staff report back on ways to address excessive speeds City-wide;

Now Therefore Be It Resolved that the Manager of Design and Transportation Engineering review the intersection of Strand Avenue and Wilson Street regarding any changes that should be made to the present traffic controls at that intersection and report back to Council.

### **9. Committee of the Whole for the Purpose of Such Matters as are Referred to it by the Council by Resolution**

### **10. Adoption of Report of the Committee of the Whole**

### **11. Consideration and Passing of By-laws**

Mover Councillor L. Vezeau-Allen

Secunder Councillor M. Scott

Resolved that all By-laws under item 11 of the Agenda under date November 15, 2021 save and except By-law 2021-218 be approved.

#### **11.1. By-laws before Council to be passed which do not require more than a simple majority**

##### **11.1.1. By-law 2020-201 (Street Assumption) Amend By-law 2020-120**

164 - 164

Mover Councillor L. Dufour

Secunder Councillor M. Scott

Resolved that By-law 2021-201 being a by-law to amend Schedule "A" to Street Assumption By-law 2020-120 be passed in open Council this 15th day of November, 2021.

##### **11.1.2. By-law 2021-212 (Property Acquisition) Part Fifth Line East**

165 - 166

A report from the Solicitor/Prosecutor is on the Agenda.

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that By-law 2021-212 being a by-law to authorize the acquisition of property located abutting civics 626, 654, and 668 Fifth Line East (Estate Trustee for Esther Robinson Cohen) be passed in open Council this 15th day of November, 2021.

**11.1.3. By-law 2021-213 (Engineering) Tulloch Engineering Inc. MacDonald Avenue Drainage Improvements 167 - 213**

Council Report was passed by Council resolution on August 9, 2021.

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that By-law 2021-213 being a by-law to authorize the execution of the Agreement between the City and TULLOCH Engineering Inc. for engineering services for MacDonald Avenue Drainage Improvements

**11.1.4. By-law 2021-214 (Street Assumptions) Various 214 - 215**

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that By-law 2021-214 being a by-law to assume for public use and establish as public streets various parcels of land conveyed to the City be passed in open Council this 15th day of November, 2021.

**11.1.5. By-law 2021-215 (Medal of Merit Committee) Amend By-law 93-8 216 - 216**

A report from the City Clerk is on the Agenda.

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that By-law 2021-215 being a by-law to amend By-law 93-8 (being a by-law to establish a "Medal of Merit Committee" and to provide awards in the form of medals by the Corporation of the City of Sault Ste. Marie to persons or groups of persons in recognition of outstanding achievement) and to repeal By-law 2001-198 be passed in open Council this 15th day of November, 2021.

**11.1.6. By-law 2021-216 (Agreement) Ontario Municipal Commuter Cycling Program 217 - 221**

A report from the Senior Planner is on the Agenda.

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that By-law 2021-216 being a by-law to authorize the execution of the Amending Agreement between the City and Her Majesty the Queen in Right of Ontario as Represented by the Minister of Transportation for the Province of Ontario for the Ontario Municipal Commuter Cycling Program be



passed in open Council this 15th day of November, 2021.

- 11.1.7. By-law 2021-217 (Cemeteries) Amend By-law 2012-129** 222 - 227
- A report from the City Clerk is on the Agenda.
- Mover Councillor L. Dufour  
Second Councillor M. Scott  
Resolved that By-law 2021-217 being a by-law to amend Cemeteries By-law 2012-129 (being a by-law to provide regulations for the operation of all municipal crematoriums, mausoleums, and cemeteries owned by the City of Sault Ste. Marie) be passed in open Council this 15th day of November, 2021.
- 11.1.8. By-law 2021-218 (Collective Agreement) Sault Ste. Marie Professional Firefighters Association Local 529** 228 - 259
- Council Report was passed by Council resolution on May 10, 2021.
- Councillor R. Niro declared a conflict on this item. (Brother was employed by Sault Ste. Marie Fire Service until retirement February 28, 2019.)  
Mover Councillor L. Dufour  
Second Councillor M. Scott  
Resolved that By-law 2021-218 being a by-law to authorize the execution of the Collective Agreement between the City and Sault Ste. Marie Professional Firefighters Association (Local 529) for the term commencing February 1, 2019 to January 31, 2021 be passed in open Council this 15th day of November, 2021.
- 11.1.9. By-law 2021-219 (Traffic) Amend By-law 77-200** 260 - 261
- Council Report was passed by Council resolution on October 12, 2021.
- Mover Councillor L. Dufour  
Second Councillor M. Scott  
Resolved that By-law 2021-219 being a by-law to amend Schedule "A" and Schedule "V" of Traffic By-law 77-200 be passed in open Council this 15th day of November, 2021.
- 11.1.10. By-law 2021-221 (Parking) Municipal Law Enforcement Officers** 262 - 264
- A report from the Manager of Transit and Parking is on the Agenda.
- Mover Councillor L. Dufour  
Second Councillor M. Scott  
Resolved that By-law 2021-221 being a by-law to appoint Municipal Law Enforcement Officers to enforce the by-laws on various private properties and to amend Schedule "A" to By-law 90-305 be passed in open Council this 15th day of November, 2021.

- 11.2. **By-laws before Council for FIRST and SECOND reading which do not require more than a simple majority**
- 11.3. **By-laws before Council for THIRD reading which do not require more than a simple majority**
12. **Questions By, New Business From, or Addresses by Members of Council Concerning Matters Not Otherwise on the Agenda**
13. **Closed Session**

Mover Councillor L. Dufour

Seconder Councillor M. Scott

Resolved that this Council move into closed session to consider six items concerning the disposition of land and one item concerning the acquisition of land;

Further Be It Resolved that should the said closed session be adjourned, the Council may reconvene in closed session to discuss the same matters without the need for a further authorizing resolution.

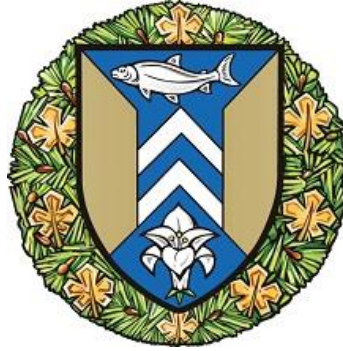
*Municipal Act R.S.O. 2002 – section 239 2 (c) a proposed or pending acquisition or disposition of land by the municipality*

14. **Adjournment**

Mover Councillor L. Vezeau-Allen

Seconder Councillor M. Scott

Resolved that this Council now adjourn.



## REGULAR MEETING OF CITY COUNCIL MINUTES

Monday, October 25, 2021

4:30 pm

Council Chambers and by Video Conference

Present: Mayor C. Provenzano, Councillor P. Christian, Councillor S. Hollingsworth, Councillor L. Dufour, Councillor L. Vezeau-Allen, Councillor D. Hilsinger, Councillor M. Shoemaker, Councillor M. Bruni, Councillor R. Niro (by video), Councillor C. Gardi, Councillor M. Scott

Officials: M. White, R. Tyczinski, M. Zuppa, T. Vecchio (L. Girardi, T. Vair, K. Fields, S. Schell, P. Johnson, D. Elliott, S. Hamilton Beach, D. McConnell, B. Lamming, F. Coccimiglio, P. White, K. Izydorczyk by video conference)

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### 1. Adoption of Minutes

Moved by: Councillor M. Bruni

Seconded by: Councillor M. Shoemaker

Resolved that the Minutes of the Regular Council Meeting of October 12, 2021 be approved.

**Carried**

### 4. Approve Agenda as Presented

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that the Agenda for October 25, 2021 City Council Meeting as presented be approved.

**Carried**

**5. Proclamations/Delegations**

**5.1 2019 Medal of Merit Presentation**

Lieutenant Colonel (ret) Lance Knox was in attendance.

**5.3 Fleet Services Review**

Bannu Hurtig, Tony Yankovich and Marc Canton, Mercury Associates Inc. were in attendance.

**6. Communications and Routine Reports of City Departments, Boards and Committees – Consent Agenda**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that all the items listed under date October 25, 2021 – Agenda item 6 – Consent Agenda be approved as recommended.

**Carried**

**6.1 OHIP Eye Care**

Correspondence between Mayor Provenzano and the Premier was received by Council.

**6.2 Procurement Policy Update (Housekeeping)**

The report of the Chief Financial Officer and Treasurer and City Solicitor was received by Council.

The relevant By-law 2021-209 appears under item 11 of the minutes.

**6.3 Third Quarter Financial Report – September 30, 2021**

The report of the Manager of Finance was received by Council.

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

That the report of the Manager of Finance dated October 25, 2021, concerning the Third Quarter Financial Report to September 30, 2021 be received as information.

**Carried**

**6.4 RFP – Medical Direction to Fire Services**

The report of the Manager of Purchasing was received by Council.

The relevant By-law 2021-207 appears under item 11 of the Minutes.

**6.5 Quote for Three 40-Foot Buses – Transit**

The report of the Manager of Purchasing was received by Council.

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Manager of Purchasing dated October 25, 2021 be received and that the quotation for the supply and delivery of three 40-foot buses as required by the Transit and Parking Division be awarded to Nova Bus at their quoted pricing of \$592,307 plus HST, per unit, be approved.

**Carried**

**6.6 Municipal Law Enforcement Officers**

The report of the Manager of Transit and Parking was received by Council.

The relevant By-law 2021-206 appears under item 11 of the Minutes.

**6.7 Downtown Plaza Task Force**

The report of the Deputy CAO, Community Development and Enterprise Services was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor M. Shoemaker

Resolved that the report of the Deputy CAO, Community Development and Enterprise Services dated October 25, 2021 concerning Downtown Plaza Task Force be received and that Council authorize the establishment of the Downtown Plaza Task Force and approve Terms of Reference;

Further that the Task Force be comprised of the Mayor; Councillor Hilsinger; Councillor Hollingsworth and Councillor Vezeau-Allen; the CAO; the Deputy CAO, Community Development and Enterprise Services; the Deputy CAO, Public Works and Engineering Services; the Chief Financial Officer/City Treasurer; the Director of Community Services; the Director of Planning; the Manager of Recreation and Culture; and the Manager of Facilities and Maintenance.

**Carried**

**6.8 Rural Economic Development Funding Agreement Extension – ECNHS**

The report of the Manager of Recreation and Culture was received by Council.

The relevant By-law 2021-205 appears under item 11 of the minutes.

**6.9 Waste Collection Options Study**

The report of the Director of Public Works was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Director of Public Works dated October 25, 2021 concerning Waste Collection Options Study be received and that staff be authorized to submit this study as the municipality's third intake submission for the Audit and Accountability Fund; further, should the City not be successful with its funding application the study be funded through the Landfill Reserve.

**Carried**

**6.10 Plastic Free Pledge**

The report of the Director of Public Works was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor M. Shoemaker

Resolved that the report of the Director of Public Works concerning Plastic Free Pledge dated October 25, 2021 be received as information.

**Carried**

**6.11 Opioid Class Action Lawsuit Information**

Moved by: Councillor M. Bruni

Seconded by: Councillor M. Shoemaker

Resolved that the report of the City Solicitor dated October 25, 2021 concerning participation in the Opioid Class Action lawsuit be received as information.

**Carried**

**7. Reports of City Departments, Boards and Committees**

**7.4 Public Works and Engineering Services**

**7.4.1 Fleet Services Review (Public Works)**

The report of the Director of Public Works was received by Council.

Moved by: Councillor M. Bruni

Seconded by: Councillor D. Hilsinger

Resolved that the report of the Director of Public Works dated October 25, 2021 concerning Fleet Management Study be received and that Council approve the Fleet Services Review in principle;

Further that the requests of

- an increase of \$250,000 to the Public Works equipment reserve;
- \$30,000 advisory service in relation to the replacement plan (single sourced to Mercury Associates, Inc.); and
- \$100,000 fee to Mercury Associates Inc. to focus on streamlining work processes and determining our most efficient mode of future operation

be referred to 2022 budget deliberations.

	<b>For</b>	<b>Against</b>	<b>Absent</b>
Mayor C. Provenzano	X		
Councillor P. Christian	X		
Councillor S. Hollingsworth	X		
Councillor L. Dufour	X		
Councillor L. Vezeau-Allen	X		
Councillor D. Hilsinger	X		
Councillor M. Shoemaker	X		
Councillor M. Bruni	X		
Councillor R. Niro	X		
Councillor C. Gardi	X		
Councillor M. Scott	X		
<b>Results</b>	<b>11</b>	<b>0</b>	<b>0</b>

**Carried**

**8. Unfinished Business, Notice of Motions and Resolutions Placed on Agenda by Members of Council**

**8.1 Notice of Motion – Elimination of Plastics**

Moved by: Councillor D. Hilsinger

Seconded by: Councillor C. Gardi

Whereas City Council has since January of 2020 shown its strong desire to see the reduction and elimination of plastic bags and other plastics in our community; and

Whereas City Council has now received the report from staff on the elimination of plastic bags from the motion dated September 25, 2021; and

Whereas the report shows that the plastic pledge has not achieved the desired result to see residents and businesses adopt the pledge; and

Whereas numerous provinces and cities in Canada including: Nova Scotia, Prince Edward Island, Newfoundland and Labrador, Montreal, Jasper, Prince Albert, Vancouver, Edmonton and Regina, among others either have or will soon have bans on plastic bags and other plastics;

Now Therefore Be It Resolved that staff will undertake what is required to put a plastics ban in place in Sault Ste. Marie effective May 1, 2022 on the following items at a minimum: plastic grocery bags used in grocery stores, retail and restaurants, plastic straws and stir sticks, plastic cutlery, and plastic take-out food containers used by restaurants. In addition to the plastics ban, staff will create a community waste reduction strategy with robust goals to be approved by City Council and in place by May 1, 2022

**11. Consideration and Passing of By-laws**

Moved by: Councillor R. Niro

Seconded by: Councillor D. Hilsinger

Resolved that all By-laws under item 11 of the Agenda under date October 25, 2021 be approved.

**Carried**

**11.1 By-laws before Council to be passed which do not require more than a simple majority**

**11.1.1 By-law 2021-205 (Agreement) Rural Economic Development Extension**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Shoemaker

Resolved that By-law 2021-205 being a by-law to authorize the execution of the Agreement between the City and Her Majesty the Queen in Right of Ontario as represented by the



Minister of Agriculture, Food and Rural Affairs to extend the existing funding agreement until June 30, 2022 be passed in open Council this 25th day of October, 2021.

**Carried**

**11.1.2 By-law 2021-206 (Parking) Municipal Law Enforcement Officers (Amend By-law 90-305)**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Shoemaker

Resolved that By-law 2021-206 being a by-law to to appoint Municipal Law Enforcement Officers to enforce the by-laws on various private properties and to amend Schedule "A" to By-law 90-305 be passed in open Council this 25th day of October, 2021.

**Carried**

**11.1.3 By-law 2021-207 (Agreement) Medical Direction Services (Fire)**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Shoemaker

Resolved that By-law 2021-207 being a by-law to authorize the execution of the Agreement between the City on behalf of the Sault Ste. Marie Fire Services and Dr. Ian Gordon Young for providing Medical Direction Services for a three year period to the Sault Ste. Marie Fire Services be passed in open Council this 25th day of October, 2021.

**Carried**

**11.1.4 By-law 2021-208 (Elections) Alternative Voting Methods and Equipment**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Shoemaker

Resolved that By-law 2021-208 being a by-law to authorize the use of voting and vote counting equipment and the use of alternative voting methods for the 2022 municipal election be passed in open Council this 25th day of October, 2021.

**Carried**

**11.1.5 By-law 2021-209 (Chief Administrative Officer) Amend By-law 2007-48**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Shoemaker

Resolved that By-law 2021-209 being a by-law to amend By-law 2007-48 (being a by-law which sets out the responsibilities of the Chief Administrative Officer) and to authorize amending the Financial Administration Section of the by-law to now coincide with the amended

Procurement Policy and Procedure By-Law 2021-197 be passed in open Council this 25th day of October, 2021.

**Carried**

**11.1.6 By-law 2021-210 (Appointments to Local Boards)**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Shoemaker

Resolved that By-law 2021-210 being a by-law to amend By-law 2021-7 (being a by-law to appoint members to the Municipal Heritage Committee) be passed in open Council this 25th day of October, 2021.

**Carried**

**11.2 By-laws before Council for FIRST and SECOND reading which do not require more than a simple majority**

**11.2.1 By-law 2021-202 (Local Improvements) Bloor Street West**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Shoemaker

Resolved that By-law 2021-202 being a by-law to authorize the construction of Class "A" pavement on Bloor Street West from Lyons Avenue to Patrick Street under Section 3 of the *Municipal Act, 2001*, Ontario Regulation 586/06 be read a FIRST and SECOND time this 25th day of October, 2021.

**Carried**

**11.2.2 By-law 2021-203 (Local Improvements) Cedar Street**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Shoemaker

Resolved that By-law 2021-203 being a by-law to authorize the construction of Class "A" pavement on Cedar Street from Wilson Street to Tancred Street under Section 3 of the *Municipal Act, 2001*, Ontario Regulation 586/06 be read a FIRST and SECOND time this 25th day of October, 2021.

**Carried**

**11.2.3 By-law 2021-204 (Local Improvements) Dufferin Street**

Moved by: Councillor R. Niro

Seconded by: Councillor M. Shoemaker

Resolved that By-law 2021-204 being a by-law to authorize the construction of Class “A” pavement on Dufferin Street from Grosvenor Avenue to Trelawne Avenue under Section 3 of the *Municipal Act, 2001*, Ontario Regulation 586/06 be read a FIRST and SECOND time this 25th day of October, 2021.

**Carried**

**11.3 By-laws before Council for THIRD reading which do not require more than a simple majority**

**14. Adjournment**

Moved by: Councillor M. Bruni  
Seconded by: Councillor M. Shoemaker  
Resolved that this Council now adjourn.

**Carried**

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Mayor

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City Clerk



## OFFICE OF THE MAYOR

### PROCLAMATION

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**WHEREAS** The Métis Nation of Ontario honours Louis Riel as one of the founding fathers of Confederation of Canada;

**WHEREAS** the Canadian House of Commons passed a resolution in 1992 that recognized Louis Riel's unique and historic role in as the founder of Manitoba and his contributions to the development of the Confederation.

**WHEREAS** Louis Riel is also recognized as a leader who fought and died for justice and democracy for the Métis and Indigenous People; and

**WHEREAS** The Supreme Court of Canada and Provincial Courts have recognized the Métis people of Ontario as having strong historical ties to the development of Canada; and

**WHEREAS** The Métis Nation of Ontario continues to promote and to further educate fellow Canadians about their unique culture and contributions:

**NOW THEREFORE, I, Christian Provenzano**, as Mayor of the City of Sault Ste. Marie, do hereby declare **November 16, 2021 as "Louis Riel Day"** in recognition of his and the Métis Nation People's historical and current influence on the community of Sault Ste. Marie and on Canada as a Nation.

Signed,

Christian Provenzano  
MAYOR



## OFFICE OF THE MAYOR

### PROCLAMATION

---

**WHEREAS** Violence against women and girls continues to be the most pervasive human rights violation and a global epidemic; and

**WHEREAS** According to the UN, “As COVID-19 cases continue to strain health services, domestic violence shelters and helplines have reached capacity and more needs to be done to prioritize addressing violence against women in the COVID-19 response and recovery efforts”; and

**WHEREAS** The World Health Organization estimates that one in three women have experienced physical and/or sexual violence; and

**WHEREAS** According to UNICEF, “around 120 million girls under the age of 20 worldwide (about one in 10) have experienced forced intercourse of other forced sexual acts” and;

**WHEREAS** More than 650 million women alive today were married as children and 12 million girls are married before the age of 18 each year; and

**WHEREAS** Zonta International is a leading global organization of professionals with more than 28,000 members in 62 countries working together to make gender equality a reality and eliminate violence against women and girls:

**NOW THEREFORE, I, Christian Provenzano**, as Mayor of the City of Sault Ste. Marie, do hereby proclaim **November 25, 2021** as **Zonta Says NO to Violence Against Women Day** in Sault Ste. Marie and encourage all residents to participate in the Zonta Club’s 16 Days of Activism from November 25th to December 10th.

Signed,

Christian Provenzano  
MAYOR

OFFICE OF THE MAYOR



CORPORATION OF THE  
CITY OF SAULT STE. MARIE

October 18, 2021

Honourable Doug Ford, Premier of Ontario  
Legislative Building, Queen's Park  
Room 281  
Toronto, Ontario  
M7A 1A1

Premier Ford:

I am writing to you further to a request from the Robinson – Huron Treaty Leadership and a resolution passed unanimously by the City of Sault Ste. Marie City Council (attached hereto for reference) asking that the Government of Ontario enter into negotiations with Batchewana First Nation regarding *Restoule et al. v. the Attorney General of Canada, the Attorney General of Ontario and Her Majesty the Queen in Right of Ontario*.

It is our understanding that the Honourable Carolyn Bennett, Crown-Indigenous Relations Minister, has advised Robinson – Huron Treaty Leadership that the Government of Canada is prepared to enter into negotiations regarding the settlement of the Huron – Robinson Treaty annuities litigation provided the Government of Ontario is a party to the negotiations and settlement.

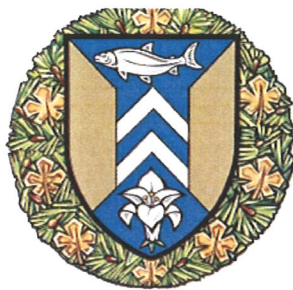
On behalf of the City of Sault Ste. Marie and City Council, I am encouraging you to act on the request from Robinson – Huron Treaty Leadership to enter into good faith settlement negotiations. The correspondence from the Robinson Huron Treaty Leadership notes that entering negotiations is an opportunity for the Crown to rebuild its relationship with First Nations and to strengthen communities in Robinson – Huron Treaty territories as they rebuild post – pandemic. I share this perspective, and urge you and your government to act on the request.

Sincerely,

Christian C. Provenzano, B.A., LL.B., LL.M

Cc: Chief Dean Sayers, Batchewana First Nation  
Honourable Ross Romano, Minister of Government and Consumer Services and  
Sault Ste. Marie MPP





## CITY COUNCIL RESOLUTION

### Regular Council Meeting

**Agenda Number:** 8.3  
**Title:** Robinson-Huron Treaty  
**Date:** Monday, September 27, 2021

---

**Moved by:** Councillor C. Gardi  
**Seconded by:** Councillor L. Vezeau-Allen

Whereas the Robinson-Huron Treaty recognizes the political and economic relationship between the First Nations signatories and the Crown, including the sharing of revenues of any resource development on the lands involved in the treaty; and

Whereas the Ontario Superior Court found the Crown has a mandatory and reviewable obligation to increase the Treaties' annuities when the economic circumstances warrant, reflecting a fair share of the value of the net Crown resource-based revenues, generated from the territory; and

Whereas, the Court also found that the First Nation plaintiffs' claims are not barred by Ontario's limitations legislation and that the Government of Ontario does not benefit from the doctrine of Crown immunity; and

Whereas Ontario appealed these decisions, but the appeals have not yet been decided; and

Whereas Canada did not appeal the decisions; and

Whereas on August 13, 2021, the Robinson-Huron Treaty Leadership received correspondence from Crown-Indigenous Relations Minister, Carolyn Bennett, informing them that Canada was prepared to enter into negotiations and settle their ongoing annuities litigation out of court; and

Whereas Canada's mandate to resolve this claim comes with the requirement that the Province of Ontario be party to the negotiations and settlement; and

Whereas a settlement of this claim will not only assist the Robinson-Huron Treaty Nations achieve improved health outcomes and economic development, as well as assist all of northeastern Ontario;

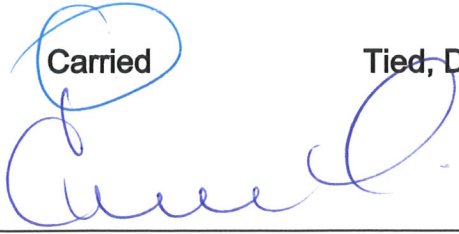
Now Therefore Be It Resolved that, Mayor Provenzano, on behalf of City Council, write a letter to Premier Doug Ford encouraging the Provincial Government to enter into good faith negotiations with the Robinson-Huron Leadership to finally settle this dispute.

Carried

Tied, Defeated

Defeated

Officially Read and Not  
Dealt With / Postponed

A handwritten signature in blue ink, appearing to be 'C. Provenzano', with a large loop at the end.

---

Christian Provenzano





November 5, 2021

Honourable Carolyn Bennett  
Minister of Mental Health and Addictions and Associate Minister of Health  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Minister Bennett:

Congratulations on your appointment as Minister of Mental Health and Addiction and Associate Minister of Health.

I am encouraged that this cabinet position now exists and that someone with your qualification and experience holds it.

There is no single challenge affecting our community more than the current mental health and addiction crisis. The opioid epidemic is becoming more acute every year and more lives are being lost to drug poisonings and overdoses. A recent report on behalf of the Ontario Drug Policy Research Network, the Office of the Chief Coroner for Ontario and Public Health Ontario (Ontario 2021) demonstrates the severity of the crisis across Ontario, with the most dramatic increase in deaths in Northern Ontario. We need to do more to ensure people have the support and care they need and we need to do so quickly.

Additionally, our communities are seeing an increase in both violent and non – violent crime, much of which I understand relates to the drug trade and substance use. We are working with our local police service along with our social and health care services to address all of these issues as best as we can but they simply exceed our capacity, and the capacity of the health care system as it is currently designed.

We need support from both the provincial and federal governments to respond effectively to the opioid epidemic specifically, and a rise in addiction and health challenges generally. Your new portfolio, your professional expertise and your political experience gives me hope that we can make some progress and I write to you in that spirit.

I would appreciate it if you would spend a day in Sault Ste. Marie with me. I will organize a roundtable so that you can hear from front – line social service and health care providers and give you a tour of the infrastructure we have and are developing. I will ensure all of the time you spend here is meaningful and informative.

Recognizing the demands on your time and out of respect for your schedule, I will accommodate any day that you can make available.

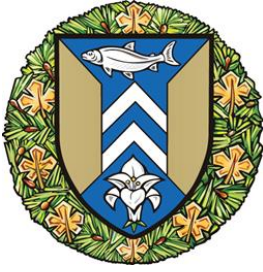
I appreciate your consideration of this request and look forward to your response independent of whether the request can be accommodated.

Sincerely,



Christian C. Provenzano, B.A., LL.B., LL.M

CC. Terry Sheehan, Member of Parliament, Sault Ste. Marie  
City Council  
Ila Watson, CEO Sault Area Hospital  
Mike Nadeau, CAO DSSAB



**The Corporation of the  
City of Sault Ste. Marie**

**COUNCIL REPORT**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Karen Marlow, Manager of Purchasing  
DEPARTMENT: Corporate Services  
RE: RFP Transit Terminal Relocation, Engineering Services –  
Transit Division

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**Purpose**

This report has been prepared for your information and consideration, on behalf of the Evaluation Committee, concerning proposals received for the provision of engineering services associated with the Relocation of the Downtown Transit Terminal Construction and Design located at 111 Huron Street as required by Transit-Community Development and Enterprise Services (CDES). Staff is seeking Council approval of the Evaluation Committee's recommendation.

**Background**

On July 12, 2021, Council approved the recommendation in a Report of the Director of Community Services - Community Development and Enterprise Services requesting authorization to continue with this development and issue an RFP to obtain a consultant to complete construction drawings and administer the tendering process for the renovation/build of the 111 Huron Street transit facility.

A Request for Proposal for the provision of engineering associated with the planning, design, tendering and contract administration of the Relocation of Transit Terminal was issued to Vendors of Record (VOR) within the Buildings, Architectural, Mechanical, Electrical Category. Proposals were required to be submitted for consideration no later than 4:00 p.m. on October 18, 2021.

**Analysis**

Proposals from two (2) proponents were submitted, both received after the closing time deemed an irregularity by late submissions. In accordance with the Purchasing By-law for considering irregularities in bids, it was decided under these current circumstances the submitted bids shall be accepted.

Idea Inc./Tulloch Engineering, Sault Ste. Marie, ON  
David Ellis Architect/IBI Group, Sault Ste. Marie, ON

The Proposals received were evaluated by a committee comprised of the Director-CDES and staff from Transit-Community Development & Enterprise Services.

It is the consensus of the Evaluation Committee that the Proponent scoring the highest in the evaluation process is IDEA Inc. and its proposed team.

### **Financial Implications**

IDEA Inc. proposed fees of \$235,995.00 will result in a total expenditure of \$240,149.00 including the non-rebatable portion of HST.

Funding in the amount of \$2,000,000 was approved in the 2021 Capital Budget for this project. ICIP has approved this project with a total reimbursement rate of 73.33%.

- Council report of June 29, 2020 estimated professional fees at \$150,000 and contingency of \$96,000 pre HST.
- In a report to Council dated July 12, 2021 Tulloch Engineering provided a Class D Cost Estimate for professional fees of \$179,075 with a contingency of \$179,095 as part of the revised total project cost of \$2,166,808 pre-HST.

The fees proposed by IDEA Inc. for the planning, design, tendering and contract administration of the Transit Terminal Relocation at 111 Huron Street can be accommodated within the Capital Budget allocations shown.

### **Strategic Plan / Policy Impact**

This Project is included in the Infrastructure focus area of the Corporate Strategic Plan.

### **Recommendation**

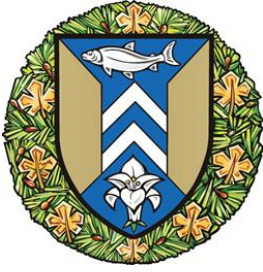
It is therefore recommended that Council take the following action:

Resolved that the report of the Manager of Purchasing dated November 15, 2021 be received and the recommendation that acceptance of the proposal submitted by IDEA Inc., for the provision of Engineering Services Transit Terminal Relocation with fees of \$235,995.00 plus HST as outlined in their Proposal as submitted, as required by Transit-CDES, be approved.

A By-law authorizing signature of the Agreement for this project will appear on a future Council Agenda.

Respectfully submitted,

Karen Marlow  
Manager of Purchasing  
705-759-5298  
[k.marlow@cityssm.on.ca](mailto:k.marlow@cityssm.on.ca)



The Corporation of the  
City of Sault Ste. Marie  
**COUNCIL REPORT**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Shelley J. Schell CPA, CA Chief Financial Officer &  
Treasurer  
Tom Vair, Deputy CAO-Community Development &  
Enterprise Services  
DEPARTMENT: Corporate Services , Community Development & Enterprise  
Service  
RE: Optional Small Business Tax Class Consultation

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**PURPOSE**

The purpose of this report is to provide Council information on the consultation held regarding the optional new Small Business Tax Class.

**BACKGROUND**

The 2020 Ontario Budget released on November 5, 2020 announced a new optional small business property subclass. The Province provided this new optional class as some municipalities had requested additional property tax tools that would provide targeted relief to small businesses. The amendments to the Assessment Act would allow municipalities to define small business eligibility in a way that best meets local economic needs and priorities.

On May 14, 2021 the Province advised municipalities that the regulations establishing the new Optional Small Business Subclass were now enacted. This new subclass will be the responsibility of the municipality to administer. MPAC's sole responsibility will be to move the properties specified by municipalities into and out of the sub-class.

On June 28, 2021 Council approved a consultation to be held with various stakeholder groups regarding whether they support the inclusion of a new subclass and if so received their input into:

- Proposed inclusion criteria
- The amount of relief proposed
- How it will be funded
- Other municipal support that would assist businesses, financial or otherwise.

## **ANALYSIS**

A staff group composed of Finance and Community Development and Enterprise services was formed to research and determine potential options and impacts, such as, local impacts on tax equity and the City's approved long term tax policy, how the tax tool may tie into the City's strategic direction and goals for a potential small business subclass.

Virtual consultations were held on October 1 and 6, 2021. Invitations were sent to 537 businesses from the Economic Development database. The Downtown Association and Sault Ste. Marie Chamber of Commerce also indicated that they reached out to their membership. On October 1, 2021 there were 8 registrants (8 attended) and on October 6, 2021 there were 12 registrants (7 attended).

The consultation presentation (Appendix A) provided background information on the optional small business subclass, defining a small business, current status of the City's long term tax policy and a model for discussion.

The Municipal Property Assessment Corporation (MPAC) convened a Municipal Working Group, in which staff participated. The group included not only municipalities, but other interested parties such as the Municipal Finance Officers Association, Association of Municipalities in Ontario and industry associations such as the Ontario Business Improvement Area Association. MPAC recently released a white paper (Appendix B) based upon the insights and perspectives from the working group, including six potential drivers. The white paper states, "It is anticipated that the subclass won't be relevant to the majority of municipalities." This was confirmed by an MPAC survey that only 9% of respondents indicated that their municipalities currently intend to implement the subclass and 65% were unsure, which 26% indicated that they did not intend to implement.

To add a small business subclass discount, municipalities need to look at their local policy objectives, issues and goals. There are a variety of financial and economic tools already available to nurture and support small businesses. The subclass adds to the toolbox, but it may not be a suitable tool for every municipality.

Staff recognizes that the subclass could be a useful tool but does not recommend its implementation at this time. Some key areas of concern include:

### Impact on the Long Term Tax Policy

Approved on November 21, 2016 this policy recognized that significant assessment shifts since 2009, in particular a 22% decrease in the large industrial assessment, resulted in high tax ratios for the Industrial and Commercial tax classes. Several guidelines were put in place to rectify the tax ratio inequity over the long term in order to not put an excessive burden on other tax classes.



Adding a subclass in either of the Industrial and/or Commercial tax class will detrimentally affect the others of the class, who would see a tax increase for all or a portion of the discount.

To compound the issue, both classes are still impacted by tax capping, another type of assessment phase-in specific to the class. Properties that had assessment decreases do not fully realize the decrease as they are paying for the properties that had increased assessment. The decreasing properties affected by tax capping will be further impacted by absorbing a discount for the subclass.

#### Impact on Residential Class

The residential class tax increase for the last two years has been greater than the levy increase. Zero assessment growth along with regulated restrictions to tax ratios in the Commercial and Industrial classes prevented a lower rate. There are no tax tools available that could lower the residential rate further.

There would be an additional tax burden to this class if the subclass discount was funded by all classes.

#### Administrative Burden

The municipality per the regulation must provide a program administrator and an arbitrator, who must be municipal employees. If the criteria used to identify the small business subclass are non-traditional MPAC assessment data, an application-based system would be needed and require additional resources to manage. There is a potential for the administrative costs to be high in relation to the discount being provided.

#### Funding of Discount

It is most likely that the discount would be funded by all other classes, which is a shift of tax burden. The Province also indicated the discount could be funded by a reduction in the levy. This would require service reductions or substantial savings from efficiency implementation. Many areas, such as winter control, are identified by constituents to have the level of service increased. A service level review was done recently and did not identify service levels that exceeded the standard, with the exception of winter control. Service reviews are in progress, but material cost savings have not been identified at this time. Directing a decrease to the discount is effectively a transfer of tax burden as other classes would not realize the savings, only the subclass would.

Future budget impacts include infrastructure funding to maintain the assets required to provide the services at the current levels. This is another challenge that still needs to be addressed.

There were only a small number of participants (15 in total) for the consultations. There were no strong opinions expressed that the small business subclass should be implemented. There did seem to be some agreement that additional tax burden should not be put on others.

Staff does not recommend implementing the optional small business subclass at this time. It is recommended that the implementation and outcomes from the southern Ontario municipalities that are implementing be assessed. It is also recommended that the discount not be put in place until all properties in the Industrial and Commercial tax classes are no longer impacted by tax capping.

### **FINANCIAL IMPLICATIONS**

The cost of implementing a new sub-class will be dependent upon Council's direction. Costs would have to be finalized at that time.

### **STRATEGIC PLAN / POLICY IMPACT**

This matter is addressed in the Corporate Strategic Plan Focus Areas:

- Community Development & Partnerships – Maximize Economic Development and Investment: We foster an environment where economic development dollars are maximized so that existing and new business can flourish.

### **RECOMMENDATION**

It is therefore recommended that Council take the following action:

Resolved that the report of the Chief Financial Officer and Treasurer and Deputy CAO, Community Development and Enterprise Services dated November 15, 2021 concerning Optional Small Business Tax Class Consultation be received and that the Optional Small Business Subclass discount not be implemented at this time.

Respectfully submitted,

Shelley J. Schell, CPA, CA  
Chief Financial Officer/Treasurer  
705.759.5355  
[s.schell@cityssm.on.ca](mailto:s.schell@cityssm.on.ca)

Tom Vair  
Deputy CAO, Community  
Development and Enterprise  
Services  
705.759.5264  
[t.vair@cityssm.on.ca](mailto:t.vair@cityssm.on.ca)





# SMALL BUSINESS PROPERTY TAX SUBCLASS CONSULTATION

October 1, 2021 12-1pm  
October 6, 2021 10-11am



## AGENDA

- Background on new proposed small business subclass proposed by Province
- Definition of small business
- Current status of long term tax policy
- Model of small business subclass
- Comments/Questions



## BACKGROUND

- 2020 Ontario Budget announced a new optional small business property tax for Commercial and/or Industrial classes
- Municipality is to determine what relief and whom receives it
  - Definition of Small Business
- Province will provide matching reductions in the Education Tax Rate on a "case-by-case" basis
- Tax reduction can be funded in 3 ways
  - Reductions in levy through service reductions or substantial efficiency savings
  - Across all property tax classes-transfer of tax burden
  - Within the Commercial and/or Industrial class – remainder of the class pays for small business tax reduction



## What is a small business?

Can be defined by one or more:

- Size of business (franchises, revenue, number of employees)
- Property value
- Class of business (restaurant, retail, office, services, etc)
- Physical address (geographic area)
- Site characteristics (lot size, business square footage, etc)

Non-traditional assessment information not provided by MPAC would require an application-based system to administer



## Policy drivers

### MPAC White Paper-Policy Drivers

- Nurture local small business development in one or more sectors of the economy
- Support Downtown and Main Streets
- Nurture the development of Innovation Districts, Creativity Zones or Business Parks
- Support Business Improvement Areas (BIA's)
- Mitigate the impact of shifts in property values between districts for small businesses
- Mitigate the impact of widespread revenue losses due to circumstances beyond businesses' control



## Strategic Plan

- New subclass could be used as an economic driver
- Fostering and supporting entrepreneurs is a key component of economic development
- Quality of Life
  - Vibrant Downtown Areas is a key outcome
  - 2021 Key Activities includes Downtown Revitalization Initiatives
- City currently offers:
  - Community Development Fund - Economic Development Program;
  - Economic Growth Community Improvement Program
  - Rental Housing Community Improvement Program
  - Downtown Grant Program (concluding)
  - No development charges
  - Support with access to Provincial and Federal funding support programs



## Status of long term tax policy

- Policy guidelines:
  - Maintain residential class increase equal to or less than total levy increase
  - Proactively balance tax distribution to provide for the tax ratios of the Industrial and Commercial classes to be less than previous year
  - Manage inter-class assessment shifts where possible
- Significant decreases in the industrial and commercial assessment since 2007 led to inequitable tax ratios in those classes
- Tax policy guidelines aim to reduce the tax ratios over time in order to not put excessive burden on other classes, such as residential
  - Little to no assessment growth hampers achieving tax policy guidelines



## Impact of subclass on long term tax policy

- In 2020 and 2021 Residential increase was greater than levy increase.
  - Zero assessment growth and regulated levy restrictions to Commercial and Industrial classes
- Industrial and Commercial Broad class tax ratios have decreased since implementation of policy
  - Regulated levy restrictions naturally decrease the tax ratios and transfer tax burden to other classes
  - Directed decreases require assessment growth over 1%, which has not been achieved
    - Decreases to Industrial and/or Commercial tax ratios (i.e. decrease tax burden) will result in a tax shift to other classes



**SAULT  
STE. MARIE**

## Concerns with subclass

- Conflicts with Long Term Tax Policy Goals for Commercial Broad and Industrial class
- Impact on Equity for entire class, in particular Industrial and Commercial Broad classes where tax ratio is acknowledged as high
  - Both classes still impacted by tax capping
- Impact on Residential class. 2021 tax rate was higher than tax levy due to very low assessment growth and natural transfer of tax burden from Commercial and Industrial classes due to levy restriction rules
- Hard to define eligibility
- Administrative burden, including the requirement for the municipality to provide a program administrator and arbitrator
- Difficult to fund by levy decrease
  - Ability to utilize service level decrease to fund– many areas identified for increase by constituents, such as winter control
  - Infrastructure funding to maintain assets insufficient and will have future budget impacts
  - Efficiency review in progress but material cost savings not identified at this time



**SAULT  
STE. MARIE**

## Small Business Subclass - Goals

- Utilize criteria within MPAC assessment data to minimize administrative burden
- Tie into City of Sault Ste. Marie strategic plan and 2021 identified key areas
- Supports MPAC White Paper policy drivers
- Minimize impact to other tax classes – discount provided to subclass will shift tax to other classes
- Provide tax relief to tenants of larger properties, where tenants are directly responsible for paying
- Assist in the continued growth and support of entrepreneurs

**SAULT  
STE. MARIE**

## **MODEL SMALL BUSINESS SUBCLASS**

- 10% reduction to municipal portion of tax levy provided to Queenstown Business Improvement Area (operating as Downtown Association) Commercial class
  - Assessment of \$197,000 municipal reduction \$582.37, education, if Province approves \$173.36
- No limit on square footage to ensure that small business tenants within larger buildings receive the benefit
  - Require tax savings be passed on to tenants
- Property types excluded: Communications Buildings, Hotel, Large Bank, Non-Commercial Sports Complex (City facility), Post Office, Student Housing Off-Campus, Government Buildings
- Approximate cost: \$100,000 shifted to all property classes, excluding administration
  - At 2021 residential rate (municipal only) estimated tax increase 0.1% increase or \$3
  - Helps offset BIA levy and assist to develop the area

**SAULT  
STE. MARIE**

**QUESTIONS/COMMENTS?**





# ONTARIO'S SMALL BUSINESS PROPERTY SUBCLASS:

## CONSIDERATIONS FOR MUNICIPALITIES

SEPTEMBER, 2021



MUNICIPAL  
PROPERTY  
ASSESSMENT  
CORPORATION



Ontario's Municipal Revenue Specialists





# Contents

## Executive Summary

### 1. Introduction

- 1.1 Purpose
- 1.2 Background
- 1.3 Methodology

### 2. Municipal Guide to Using the Small Business Property Subclass

- 2.1 Policy Drivers
- 2.2 Considerations in Defining Small Business
- 2.3 Identifying Small Businesses for Subclass Eligibility
- 2.4 Relationship between Policy Drivers and Defining Subclass Eligibility
- 2.5 Funding the Subclass
- 2.6 Small Business Tenants versus Property Owners
- 2.7 Different Types of Municipalities

### 3. Process for Establishing a Small Business Property Subclass

### 4. Ongoing Administrative Considerations

- 4.1 Confirming Continued Eligibility of Properties
- 4.2 Adding new properties eligible for subclass
- 4.3 Requests for Reconsideration
- 4.4 Appeals
- 4.5 Annual timelines

### List of Appendices:

- 1. MPAC Working Group Members
- 2. Glossary of Terms
- 3. Regulations
- 4. Interpretation Bulletin

# Executive Summary

**T**his report was developed by a **Municipal Working Group** that includes the Municipal Property Assessment Corporation (MPAC), municipalities, municipal associations, and select industry associations. The purpose of the report is to provide Ontario municipalities with guidance for using the optional small business property subclass, which was announced in the 2020 Ontario Budget, with details provided via later amendments to O. Reg 282/98 under the *Assessment Act*, O. Reg 73/03 under the *Municipal Act, 2001* and O. Reg 121/07 under the *City of Toronto Act, 2006*.

The report offers an objective summary of different policy directions for small businesses that may be relevant to a municipality’s consideration of this optional subclass. It provides guidance on defining “small business” based on local policy goals and outlines key process considerations and administrative requirements for use of the subclass. The report is not intended to advocate for the use of the subclass.

“The report on the **small business subclass** is a thoughtful discussion of the issues, decision points and implementation considerations faced by municipalities considering whether to implement a small business property tax subclass. The report reflects input received from the Small Business Class municipal working group, which included participation from municipalities of all sizes and many municipal and business associations.

The report clearly lays out the potential methods that can be used to **define a small business class** to achieve a municipality’s stated policy objectives, and identifies many of the implementation decisions required to enable the adoption of the small business subclass. The Ontario Municipal Tax and Revenue Association (OMTRA) is pleased to have had the opportunity to participate as part of the municipal working group, and to provide commentary and our endorsement of the report.”

**Casey Brendon**

President

Ontario Municipal Tax and Revenue Association



# 1 Introduction

This report includes the insights and perspectives of the Municipal Working Group (Working Group) convened by MPAC. The Working Group membership is a collaboration of interested parties including municipalities, municipal associations (Municipal Finance Officers' Association [MFOA], Ontario Municipal Tax and Revenue Association [OMTRA], Association of Municipalities of Ontario [AMO]) and industry associations (Toronto Association of Business Improvement Areas [TABIA] and the Ontario Business Improvement Area Association [OBIAA]).

The insights and perspectives expressed do not necessarily reflect MPAC policy. The intent of this report is to provide Ontario municipalities with guidance when considering the implementation of the optional small business property subclass and is not intended to provide legal advice. Municipalities are encouraged to seek advice through their legal counsel.

The applicable law prevails where there is conflict between the information contained herein and the current law.

## 1.1 Purpose

The purpose of this report is to provide Ontario municipalities with guidance for using the small business property subclass (the subclass) in their jurisdictions. As detailed in Section 1.2 below, the legislative framework for using the subclass is provided by amendments to O. Reg 282/98 under the *Assessment Act*, O. Reg 73/03 under the *Municipal Act, 2001* and O. Reg 121/07 under the *City of Toronto Act, 2006* (the Regulations). The guidelines provided in this report are intended to supplement the Regulations. In the event of any contradictory or unclear information, the Regulations prevail.

### THE REPORT OUTLINES:

- An objective summary of different policy directions for small businesses that may be relevant to a municipality's context.
- Guidance on defining "small business" based on local policy goals for the purposes of inclusion in the subclass and on identifying the properties eligible for inclusion in the subclass.
- Key process considerations and administrative requirements for use of the subclass.

The report does not advocate for the use of the subclass. In fact, it is anticipated that most municipalities will find that the subclass is not needed since their small businesses are not experiencing property tax issues relative to large commercial and industrial properties. Six general policy drivers that may warrant differentiating properties including small businesses from other commercial and/or industrial properties by using the subclass are suggested. These are intended to illustrate potentially relevant policy contexts rather than an exhaustive list.

## 1.2 Background

The subclass was announced in the 2020 Ontario Budget. Its purpose is to provide municipalities with the flexibility to target property tax relief to eligible small businesses. Amendments to O. Reg 282/98 under the *Assessment Act*, O. Reg 73/03 under the *Municipal Act, 2001* and O. Reg 121/07 under the *City of Toronto Act, 2006*, which implement the subclass, were filed on May 7, 2021. The Regulations are included in Appendix 3.

### HIGHLIGHTS

- The subclass tax reduction can be applied to the commercial and/or industrial class municipal tax rate.
- The Province will consider matching the municipal property tax reductions with education property tax reductions. To be considered for the education tax reduction, municipalities must notify the Minister of Finance of their intent to adopt the subclass and conduct consultations with stakeholders.

- All commercial and industrial properties are eligible for inclusion in the subclass except for properties that are or would be classified in the large industrial property class or the parking lot and vacant land property class. Within those parameters, municipalities can define the eligibility criteria that best reflect their local priorities and needs.
- Municipalities that choose to implement the subclass are required to pass a municipal by-law. In two-tiered municipalities, the by-law must be passed by the upper-tier municipality.
- Municipalities may specify that the subclass only applies to a portion of the municipality. They can also establish different requirements for the subclass in different portions of the municipality.
- Municipalities have the option of requiring that property owners meet the eligibility criteria as set out in the by-law and submit an application in order for their property to be included in the subclass. These are considered by the Program Administrator (see below).
- Properties approved for inclusion in the subclass must be available in a publicly accessible list.
- A process must be established for property owners to request reconsideration of the decision.
- Municipalities opting to use the subclass must appoint a Program Administrator and an Appellate Authority. These people should be municipal employees. Two-tier municipalities can opt to appoint employees of the lower-tier municipalities to which the by-law applies instead of their own employees.
- The Program Administrator is responsible for providing MPAC with a list of the properties, or portions of properties, that are approved for inclusion in the subclass for a taxation year and for making the list available electronically for public inspection.
- The Appellate Authority is responsible for hearing any appeals of the Program Administrator's eligibility decisions.

**The Ministry of Finance issued an Interpretation Bulletin in May 2021. It is included in Appendix 4.**

## **HIGHLIGHTS**

- Municipalities can set the amount of subclass tax reduction up to 35% of the municipal rate for the property class.
- Municipalities requesting the education match, must provide written notice to the Ministry of Finance of their decision to adopt the subclass and must show that they have consulted with stakeholders. Submissions must be made prior to March 31st of the applicable tax year.
- As part of the process of developing their by-law, municipalities are strongly encouraged to consult with their local business stakeholders and other interested parties even if they are not requesting the education match.



- Municipalities may choose to include a clause in their by-laws requiring landlords to pass on the tax reduction to their tenants as a condition of eligibility for the subclass.
- Municipalities must establish a process for identifying properties and portions of properties eligible for inclusion in the subclass. This can be an application-based process and/or a criteria-based determination process not requiring individual applications by property owners. They may also use both a criteria-based determination process and an application process. (See Section 2.3 below.)
- The tax reduction provided to properties in the subclass can be funded by (i) absorbing the cost through a levy decrease, (ii) funding it broadly across all property classes, or (iii) funding it within the commercial and/or industrial property class through the adoption of revenue neutral tax ratios.

### 1.3 Methodology

To develop this report, MPAC formed a Municipal Working Group that included a diverse group of Ontario municipalities, as well as the Municipal Finance Officers’ Association (MFOA), Ontario Municipal Tax and Revenue Association (OMTRA), Association of Municipalities of Ontario (AMO), the Toronto Association of Business Improvement Areas (TABIA) and the Ontario Business Improvement Area Association (OBIAA). The members are listed in Appendix 1. The insights of the Municipal Working Group have been reflected in this report.

MPAC also distributed an on-line survey to 678 Finance and Economic Development staff in Ontario’s 444 municipalities to gather their feedback. The questions included their current intention to explore using the subclass, the policies they hoped to achieve, how they were considering identifying eligible properties and any concerns or comments. One hundred thirty-five people (20%) from 113 different municipalities (25.4%) responded to the survey.

“The Small Business Subclass report **provides significant guidance for municipalities** who are considering implementing the Small Business Subclass. It should prove to be a very useful tool in defining small businesses and identifying appropriate properties, as well as assisting in the development of local policies.”

**Donna Herridge**  
 Executive Director  
 Municipal Finance Officers’ Association of Ontario



## 2 Municipal Guide to Using the Small Business Property Subclass

### 2.1 Policy Drivers

A variety of financial and economic development tools are already available to nurture small business development and support their survival. The subclass adds to this toolbox. Its use should be considered within the broader context of each municipality's characteristics and policy objectives and the combination of tools that best addresses local issues and goals.

The Municipal Working Group identified six potential policy drivers for municipalities where the subclass may align with municipalities' planning or economic development goals. The Survey of Municipalities (the Survey) indicated that all six are of interest to at least a few municipalities. The percentage of Survey respondents who are considering the subclass or are unsure about using it is provided for each one.<sup>1</sup> The policy drivers are not mutually exclusive or exhaustive. Some municipalities are interested in achieving several of them:

1. Nurture local small business development in one or more sectors of the economy.
2. Support Downtown and Main Street.
3. Nurture the development of Innovation Districts, Creativity Zones or Business Parks.
4. Support Business Improvement Areas (BIAs).
5. Mitigate the impact of shifts in property values between districts for small businesses.
6. Mitigate the impact of widespread revenue losses due to circumstances beyond businesses' control.

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<sup>1</sup> Thirty-five Survey respondents (26%) indicated that they did not intend to implement the subclass and did not answer the questions about the policy objectives they were interested in achieving by using it. They are not included in the calculation of the percentages provided below. The adjusted base is 100 respondents who are considering the subclass or are unsure about using it.

## POLICY APPROACH 1

### **NURTURE LOCAL SMALL BUSINESS DEVELOPMENT IN ONE OR MORE SECTORS OF THE ECONOMY**

Providing property tax relief by using the subclass is a tool that municipalities can consider using to support small businesses. Property tax is a significant fixed cost, sometimes equalling or exceeding rental levels. It's important to note that this reduction is only a percentage of total property taxes.

The Survey indicated fairly widespread interest in providing broad support to small businesses throughout the municipality (58% of the respondents considering the subclass<sup>2</sup>), while 9% are considering making the support sector specific, all targeting small retailers and some also including arts/culture, manufacturing and commercial offices. Open ended comments included interest in supporting small business development and entrepreneurship to diversify the local economy.

## POLICY APPROACH 2

### **SUPPORT DOWNTOWN AND MAIN STREETS**

Small business support often is synergistic with policies encouraging the revitalization and sustainability of geographic business districts within municipalities. Small commercial businesses tend to predominate in traditional downtowns and main streets; areas that play important community identity, heritage and city-building roles in communities. Eleven per cent of the Survey respondents considering the subclass indicated that downtown or main street support was a policy driver.

## POLICY APPROACH 3

### **NURTURE THE DEVELOPMENT OF INNOVATION DISTRICTS, CREATIVITY ZONES OR BUSINESS PARKS**

Another example where the tax class may have applicability is to support the clustering of small commercial and industrial businesses and entrepreneurs in “innovation districts” and “creativity zones”. Clustering enables small businesses to build synergies and business-to-business connections among themselves. The zones are sometimes associated with revitalizing industrial and port areas. Five per cent of the Survey respondents considering the subclass are interested in targeting “innovation zones”, while 6% are interested in targeting their Central Business Districts.

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<sup>2</sup> As explained in Footnote 2, the base for this percentage and those that follow is the 100 respondents who either are considering the subclass or are unsure about implementing it.



## POLICY APPROACH 4

### SUPPORT BUSINESS IMPROVEMENT AREAS (BIAS)

The BIA program has shown itself to be an extremely effective self-help tool enabling both commercial and industrial business communities to come together and collectively invest in improvements to municipally owned property as well as promotional and business development activities that strengthen the business district. They fund the investment through a special levy paid by all commercial and industrial property owners within a specific geographic area.

Many of their activities also benefit the municipality at large, including local residents and other businesses. Examples include festivals, public entertainment, sidewalk amenities and beautification, developing public squares and parkettes, marketing programs that attract more people to the community, etc. Yet the businesses in BIAs pay the total cost, often resulting in their total taxes being significantly higher than property taxes paid by comparable businesses in other districts. The subclass could be used to partially compensate businesses in BIAs for their additional investment. Eleven per cent of the Survey respondents considering the subclass are interested in targeting BIAs.

## POLICY APPROACH 5

### MITIGATE THE IMPACT OF SHIFTS IN PROPERTY VALUES BETWEEN DISTRICTS FOR SMALL BUSINESSES

When a property's Current Value Assessment (CVA) increases greater than the average for its tax class, the property owner may experience an increase in property taxes above a general tax levy increase. The increase often is passed through to the business tenants operating in the property. (See Section 2.6 below.) This can result in tax shifts between different parts of a municipality.

#### Examples of situations when shifts in property values between districts may occur include:

- In "Growth Areas", where residential or commercial intensification is permitted by the municipality, CVA may increase based on the value increase associated with the redevelopment of properties to higher densities. Property owners and their business tenants may experience increased property taxes as a result.

**30%** of the Survey respondents considering the subclass indicated that mitigating the impact of high CVA increases on small business was relevant.

- Upgraded infrastructure in a district may lead to higher than average market appreciation leading to higher increases in property values during a reassessment relative to other business areas in the community.

## POLICY APPROACH 6

### MITIGATE THE IMPACT OF WIDESPREAD REVENUE LOSSES DUE TO CIRCUMSTANCES BEYOND BUSINESSES' CONTROL

Property tax is a significant fixed cost for most businesses. Therefore, revenue decreases can cause previously sustainable property tax amounts to become less affordable. Small businesses are more vulnerable than larger corporations since they often have limited access to financing or to corporate cash reserves. The subclass may be a helpful tool for supporting small businesses through such crises, especially when the impact is expected to last for several years.

The most recent and dramatic example of widespread business revenue reductions for some business types was caused by COVID-19 in 2020 and 2021. Many businesses providing “non-essential” goods and services were required to close or significantly reduce their operations to contain the spread of the pandemic. Impacts for some types of businesses and districts are expected to extend into 2022 and beyond – especially in sectors and areas dependent on tourism or on employment concentrations where there may be widespread continuation of remote working.

Widespread business support has been provided by the federal and provincial governments as well as by many individual municipalities. Specific to property tax stability, the Province continued to use the 2016 CVA for the 2020 and 2021 property tax years and reduced the business education tax (BET) rate to a maximum of 0.88% throughout the province<sup>3</sup>. The subclass provides an additional tool.

**6%** of the Survey respondents considering the subclass indicated that providing post-COVID-19 relief to impacted small businesses was a policy driver, while 1% (one person) added that their municipality was interested in providing assistance to small businesses impacted by major road construction.

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<sup>3</sup> Previously BET rates were variable with businesses in some municipalities paying 1.25%. Reducing all high BET rates to 0.88% resulted in a \$450 million reduction for businesses.

Extended construction projects, where businesses are impacted by road and sidewalk closures or other significant disruptions, are another example. Municipalities could consider using the subclass to provide property tax relief to small businesses located in districts impacted by multi-year road reconstruction or other major construction projects.

## **2.2 Considerations in Defining Small Business**

The subclass was established to provide municipalities with the flexibility to support small businesses through property tax relief. However, there isn't widespread consensus on how "small business" should be defined or identified.

Some considerations and definitions in use by Canadian organizations are summarized below to assist municipalities in thinking about how "small business" should best be defined in view of their policy drivers. Five key considerations are:

- 1.** Ownership Model
- 2.** Total Revenues
- 3.** Number of Employees
- 4.** Number of Locations that the business operates in
- 5.** The Amount of Floor Space occupied

### **OWNERSHIP MODEL**

The terms "independent business" and "small business" often are used interchangeably. The key defining characteristic of an independent business is that the decision-making authority is vested in the local owner(s) and not subject to conditions dictated remotely. Independent businesses can be sole proprietorships, partnerships or incorporated entities.

Franchisees are sometimes considered small businesses since the operator of each location has a degree of operational autonomy and assumes a high degree of the risk and the benefit associated with the business's success. Purchasing a franchise license often provides an easier entry into business formation and self-employment than initiating an unproven business concept with no access to corporate support.

### **TOTAL REVENUES**

The Canadian Revenue Agency (CRA) uses \$500,000 in annual income as the threshold for eligibility for the Small Business Tax Deduction. Eligible businesses must also be Canadian-based (incorporated under the federal Canada Business Corporations Act or similar provincial legislation). This ensures that major businesses headquartered in other countries with limited operations in Canada do not qualify.

## **NUMBER OF EMPLOYEES**

Statistics Canada defines a small business as having fewer than 100 employees. It also collects and publishes data for “micro-businesses” that have fewer than five employees.

Operationally, there is a wide range in the number of employees that different types of businesses have on their payroll. Whether employees are part time, full time or seasonal also impacts total employment numbers.

This notwithstanding, some municipalities may find it useful to include an employment criterion within narrow sectors (e.g. restaurants, retail stores, etc.) and in combination with other criteria. The employee threshold should reflect the local conditions.

## **NUMBER OF LOCATIONS**

Statistics Canada defines an independent business as having a maximum of three locations operating in Canada in the same industry class under the same legal ownership. A limited number of locations better enables the business owner to play a major role in each of their operations.

## **AMOUNT OF FLOOR SPACE OCCUPIED**

The amount of floor space occupied varies widely, depending on the type of activity. Some businesses operating from small offices have multi-million dollar operations and employ hundreds of remote workers. Businesses selling, storing and assembling or fabricating bulky goods require large amounts of floor space regardless of their operating model, revenue or number of employees. Within specific sectors and districts, smaller spaces may be more accessible to start-up businesses because of their lower total rental costs. However, smaller spaces also frequently house locations for large corporations. These considerations notwithstanding, some municipalities may find a floor space criterion useful within narrow sectors and districts and in combination with other criteria. The floor space threshold selected should reflect the local conditions.

## 2.3 Identifying Small Businesses for Subclass Eligibility

Municipalities are responsible for developing their own eligibility criteria to determine which properties qualify for inclusion in the subclass. All commercial and industrial properties (except properties that are or would be classified in the large industrial property class or the parking lot and vacant land property class, or vacant and excess land), are eligible for inclusion in the subclass.

Municipalities can choose to apply the subclass to eligible properties throughout the entire municipality or to specific portion(s) of the municipality and may establish different requirements for the subclass in different portions of the municipality.

Municipalities may opt to establish a criteria-based approach to identify property where the Subclass will apply. They also have the option of requiring that property owners submit an application for the property to be approved for inclusion in the subclass. They can choose to use either approach, or both.

Some considerations associated with the pre-determined criteria-based approach, geographically targeted approach, and application-based approach are outlined below.

### **PRE-DETERMINED CRITERIA-BASED APPROACH**

Pre-determining property eligibility has clear advantages in reducing the administrative costs associated with using the subclass. However, it limits the eligibility criteria to data elements available to municipalities, either from MPAC or from municipal sources and research. Twenty-five per cent of the Survey respondents considering the subclass indicated that they intended to use the Pre-determined Criteria-based Approach and 12% are considering a hybrid of the Pre-determined Approach supplemented with applications.

The following table describes the potential applicability of data elements available from MPAC. It is provided as a general guide for municipalities and should be considered in conjunction with other data points and/or land-use considerations specific to the municipality. Specific situations with properties and the way they've been coded or nuances in the municipality's policy objectives may alter the comments offered. Municipalities are encouraged to test the approach they're considering in consultation with MPAC before they frame their by-laws.

## Applicability of Data Elements Available from MPAC in Determining Small Business Property Subclass Eligibility

DATA POINT	APPROACH	LIMITATIONS	EXAMPLES
<b>Tax Class (RTC and RTQ)</b>	<ul style="list-style-type: none"> <li>Subclass can be applied to commercial and industrial tax classes: C (commercial), X (commercial – new construction), I (Industrial) and J (Industrial - new construction).</li> <li>RTQ should be T (fully taxable).</li> <li>A new code “RTQ 8” will be used to identify properties in the subclass.</li> </ul>	<ul style="list-style-type: none"> <li>May be difficult to administer if only a portion of the property qualifies for the small business subclass, e.g. tenant(s).</li> <li>Properties can have only one RTQ code. Therefore, properties currently coded as Small-Scale On-Farm Businesses, Creative Co-Locations and for Payments in Lieu of Tax (PIL) cannot also be included in the subclass. Their existing RTQ would need to be changed to RTQ 8 or cannot be changed as it would replace the PIL RTQ.</li> </ul>	<ul style="list-style-type: none"> <li>If a municipality has a property that was coded CP (Commercial PIL fully taxable) on their list of eligible properties, MPAC would effectively remove the PIL coding and recode as C8.</li> </ul>
<b>Site Area</b>	<ul style="list-style-type: none"> <li>Property site area is readily available.</li> <li>Might be useful in combination with other factors.</li> <li>Municipality should evaluate applicability and cut-off within the specific context of the types of businesses it wants to target and typical site areas of properties they occupy.</li> <li>If used, the threshold ideally should be the largest of similar properties to maintain equity.</li> </ul>	<ul style="list-style-type: none"> <li>On multi-tenant properties, site area is not allocated to individual tenants.</li> <li>Small businesses may occupy large sites (e.g. marinas, RV campgrounds).</li> </ul>	<ul style="list-style-type: none"> <li>If municipal research were to show that shopping centres with sites smaller than five acres are dominated by small businesses, a five-acre site area maximum could be a useful threshold for subclass eligibility.</li> </ul>
<b>Total Floor Area</b>	<ul style="list-style-type: none"> <li>Property floor area is readily available.</li> <li>Depending on the valuation method used, the size is either exterior gross floor area (direct comparison approach) or gross leasable area (income approach). One or the other figure is provided without identifying which one.</li> <li>In commercial and industrial condominiums, each unit has its own roll number with floor space. In mixed use structures, the total commercial floor space is provided.</li> <li>Might be useful in combination with other data elements.</li> <li>Municipality should evaluate applicability and threshold figure within the specific context of the types of businesses it wants to target. The threshold figure ideally should be the largest of similar properties to maintain equity.</li> <li>Consideration could be given to having a maximum building structure size to capture the majority of targeted small businesses and permit applications from small businesses located in larger buildings.</li> </ul>	<ul style="list-style-type: none"> <li>Figure is not broken down by floor or tenant except in the case of mixed-use structures or condominiums.</li> <li>Small businesses may occupy large structures, especially in multi-tenant structures.</li> </ul>	<ul style="list-style-type: none"> <li>If all large retail stores in a municipality are corporate chains, properties coded retail might be included up to a maximum 30,000 sq. ft. floor area (for example).</li> </ul>

DATA POINT	APPROACH	LIMITATIONS	EXAMPLES
<b>Property Code</b>	<ul style="list-style-type: none"> <li>Detailed property codes are used by MPAC for administrative purposes, such as identifying comparable properties for valuation. They often capture both the type of activity taking place and some structural characteristics to describe property use (e.g. 436 – Freestanding large retail store, national chain, generally greater than 30,000 sq. ft.).</li> <li>Vacant properties are coded according to the most recent use that occupied the space and by how the property is likely to be described for selling purposes.</li> <li>Municipalities are advised against being exclusively reliant on property codes because of the limitations.</li> <li>However, municipalities may find them helpful in combination with other data elements (see examples).</li> <li>Consideration could be given to verbally describing the property types to be included and excluded in the by-law and then using the codes as an initial pre-identification of eligible properties. Properties whose use met the verbal description, but which were coded differently, could be added through the municipalities' Request for Reconsideration process for small business.</li> </ul>	<ul style="list-style-type: none"> <li>MPAC places an emphasis on capturing factors likely to impact property sale valuation. Not every type of business has its own property code (e.g. gyms, commercial schools, and dry cleaners, do not). Some properties could fit more than one code description and the choice has a subjective element.</li> <li>Updates are triggered when new information is provided to MPAC. MPAC focuses on changes to values, classification and tax liability. It is important to recognize that there are some situations where MPAC is not provided up-to-date information. MPAC could be applying out-of-date information. For example, a single family detached home (PC 301) is now used solely as a hair salon; the property value and classification will not be updated unless MPAC is made aware of the change.</li> </ul>	<ul style="list-style-type: none"> <li>In commercial areas, property codes could be used to exclude national chain restaurants (includes franchises), freestanding banks and financial institutions, national chain large retail stores, big box shopping centres.</li> <li>In the Industrial, Institutional and Special series of codes, it might be possible to identify most types of activities the municipality wishes to include from the property codes (e.g. mini-warehouse, industrial mall, industrial condominium, funeral home, etc.).</li> </ul>
<b>Structure Code</b>	<ul style="list-style-type: none"> <li>MPAC uses the detailed structure codes as internal valuation.</li> <li>Widespread reliance on structure codes is not recommended.</li> <li>Their use in combination with property codes and other data elements may be warranted in specific situations to exclude properties coded as being eligible for the subclass but in use for purposes other than small business.</li> </ul>	<ul style="list-style-type: none"> <li>Structure codes can be interchangeable.</li> <li>Structure codes are not used for valuation purposes, they are used for identification purposes so may not be reliable for small business identification.</li> <li>Structure codes identify and reflect the design features of any primary and secondary structure and not the activity of a property's current use.</li> <li>Building height also comes into play on some properties as a structure code is given to every height of a building, if a building has an area with a height of 12', 15' and 18'. Three structure codes will exist and may give the impression that 3 different structures exist but that may not be the case.</li> </ul>	<ul style="list-style-type: none"> <li>Properties used for billboards or communication towers could be excluded by using structure codes.</li> <li>Over 200 Structure codes exist and can sometimes only describe part of a building. For example; a car dealership would have a structure code for the showroom and another for the service garage. Many combinations exist making this variable complicated and adds a level of risk.</li> </ul>



DATA POINT	APPROACH	LIMITATIONS	EXAMPLES
<b>Current Value Assessment (CVA)</b>	<ul style="list-style-type: none"> <li>• CVA can be used to identify low-valued properties. There may be a correlation between low-valued properties and concentrations of small businesses in some municipalities or districts.</li> <li>• If tax affordability for small business is a policy driver, looking at CVA per sq. ft. might be instructive in identifying neighbourhoods or properties where property tax levels are above average and are threatening small business sustainability.</li> <li>• If CVA or CVA per sq. ft. thresholds are used for defining eligibility for the subclass, municipalities should set thresholds to include groups of similar properties to minimize the likelihood of appeals by properties slightly above the threshold.</li> </ul>	<ul style="list-style-type: none"> <li>• Correlation between low valued properties and small business locations is unlikely to be exact.</li> <li>• Larger municipalities with diverse districts and property values may want to set different thresholds in different areas (e.g. downtown Toronto versus a suburban commercial artery).</li> <li>• Successful assessment appeals may impact subclass eligibility mid-year.</li> <li>• The thresholds would need to be re-visited every four years when assessments are updated</li> </ul>	<ul style="list-style-type: none"> <li>• Calculate CVA/total floor area for properties. Set an “affordability threshold” – for example 25% above the mean – and include properties above that level in subclass.</li> </ul>
<b>Change in CVA</b>	<ul style="list-style-type: none"> <li>• If CVA is increasing at a rapid rate in certain districts or properties, the subclass can be used to reduce the impact on small businesses by lowering the tax rate.</li> <li>• If used, the municipality’s policy should address the impact on properties previously included in the subclass but which are now experiencing a lower rate of CVA increase.</li> <li>• Pairing the current rate of increase with a consideration of affordability (CVA per sq. ft.) might be an effective approach, since properties’ CVA per sq. ft. may still be above average because of previous increases.</li> </ul>	<ul style="list-style-type: none"> <li>• The analysis would need to be repeated every four years when assessments are updated.</li> <li>• Successful assessment appeals may impact subclass eligibility mid-year</li> </ul>	<ul style="list-style-type: none"> <li>• Thresholds could be set based the rate of inflation, average rate of commercial or industrial rent increase or average increase in CVA throughout the municipality.</li> </ul>

The information available from MPAC does not address most of the considerations in defining small businesses that are summarized in **Section 2.2** – specifically ownership model, revenues, number of employees or number of locations. Municipalities with detailed business directories may collect some of this information. Where this is the case, municipalities could use it to identify their small businesses and map them to the properties where they’re located. Municipal business licensing information may also be helpful.

It may be possible for municipalities to add questions to the surveys and business licensing processes they currently undertake to better identify small businesses in the future. There are third party business directories available that can assist in such initiatives, although considerable data cleaning and supplementary survey work probably would be needed to attain an acceptable level of reliability for the determination of property tax class eligibility.



## **GEOGRAPHICALLY-TARGETED APPROACH**

Municipalities have the option of defining geographic areas within which the subclass will apply. The geographic approach can be combined with using the data elements available from MPAC (as summarized in the table on pages 15-17) or in other municipal data sets such as a business directory. It also can be combined with an application process for eligible small businesses located outside of the defined geographic area(s). Seventeen per cent of the Survey respondents considering the subclass indicated they were considering geographic targeting.

Zoning and Official Plan designations, BIA boundaries, Community Improvement Area boundaries and rights-of-way undergoing multi-year construction projects are examples of geographic areas that may be relevant to the subclass. Geographical targeting also may be a straightforward approach to defining eligibility when small businesses are clustered in specific areas.

## **APPLICATION-BASED APPROACH**

If municipalities wish to target small businesses by their operational characteristics and don't have a business directory or business licensing system that includes the needed information for the targeted businesses, an application-based approach may be necessary to achieve the desired policy goals. This would enable small business operations to be more specifically targeted but would require more extensive administrative procedures.

When considering an application-based approach, it should be noted that small businesses often do not have the staff resources or access to specialized professional services to navigate application processes. Therefore, small businesses and small property owners tend to be less inclined to apply for programs and benefits than larger corporations. Municipalities could consider accompanying their application processes with outreach and education campaigns to ensure that both the targeted small business tenants and associated property owners are aware of the available tax relief and how to apply for inclusion in the subclass. They also may offer application facilitation support in partnership with business organizations such as Chambers of Commerce or BIAs and other small business support programs and agencies.

A hybrid model may help reduce the administrative requirements of an application process while allowing the benefit of small business operational pre-identification. Properties with concentrations of the targeted small businesses could be pre-determined by geographic boundaries and/or property characteristics. Property owners with eligible small business located outside of the pre-determined properties could apply for inclusion.

Once an application for the inclusion of a property in the subclass has been approved, the municipality can opt to have the property remain in the subclass unless it is determined that it no longer meets the eligibility criteria. A simpler process could be used to audit properties – for example periodic visual inspection and/or a requirement for a confirmation email instead of a complete application each year. Options such as these would somewhat reduce the administrative requirements in future years.

Four per cent of Survey respondents considering the subclass indicated they were considering only using an application process. Twelve per cent are considering a hybrid model, using both an application and pre-determined characteristics that automatically result in properties being included in the subclass.

The Regulations require that applications be made by property owners. Property owners would need to identify the proportion of their properties that are used by small businesses meeting the defined criteria. They may be motivated to apply for inclusion to retain and support their small business tenants. Considerations related to property owners and small business tenants are explored in more detail in Section 2.6 below.

## **2.4 Relationship between Policy Drivers and Defining Subclass Eligibility**

The following table illustrates how pre-determined criteria and application processes might be used to define properties eligible for the subclass for each of the major policy drivers discussed in Section 2.1. It is intended for illustrative purposes.

Municipalities may be interested in more than one of the policy drivers and may well develop their own unique combinations of pre-determined criteria and application processes that are relevant to their specific characteristics and the information they have available.

“ In partnership and collaboration with the many members of the working group, the creation of the report will no doubt provide added **value and insight to the municipal community** in their work on the Small Business Subclass.”

**Kay Matthews**

Executive Director

Ontario Business Improvement Area Association

**POLICY DRIVER: NURTURE SMALL BUSINESS DEVELOPMENT**

PRE-DETERMINED CRITERIA	APPLICATION
<ul style="list-style-type: none"> <li>• Property characteristics and geographic areas where small businesses are clustered.</li> <li>• However, non-targeted businesses located in these properties and areas would also be included.</li> </ul>	<ul style="list-style-type: none"> <li>• Enables municipalities to specifically target small business operations meeting the defined criteria while excluding other businesses.</li> <li>• Consider using in combination with pre-determined criteria to reach targeted small businesses outside of pre-determined properties and areas.</li> </ul>

**POLICY DRIVER: SUPPORT DOWNTOWNS AND MAIN STREETS**

PRE-DETERMINED CRITERIA	APPLICATION
<ul style="list-style-type: none"> <li>• Can be geographically defined.</li> <li>• Would include all businesses instead of just small businesses. However, municipalities may choose to permit this as an incentive for large businesses to locate in the area and support its overall vitality.</li> <li>• Alternatively, a municipality may opt to use property characteristics such as property codes, site area and building floor space thresholds to exclude some large businesses.</li> </ul>	<ul style="list-style-type: none"> <li>• Enables municipalities to specifically target small business operations in downtowns and main streets while excluding other businesses.</li> </ul>

**POLICY DRIVER: NURTURE INNOVATION DISTRICTS, CREATIVITY ZONES, BUSINESS PARKS**

PRE-DETERMINED CRITERIA	APPLICATION
<ul style="list-style-type: none"> <li>• Can be geographically defined.</li> <li>• Would include all businesses instead of just small businesses. However, municipalities may choose to permit this as an incentive for large businesses to locate in the area and support its overall vitality.</li> <li>• Alternatively, a municipality may opt to use property characteristics such as property codes, site area and building floor space thresholds to exclude some large businesses.</li> </ul>	<ul style="list-style-type: none"> <li>• Enables municipalities to specifically target small business operations in the designated districts while excluding other businesses.</li> </ul>

<b>POLICY DRIVER: SUPPORT BIAs</b>	
<b>PRE-DETERMINED CRITERIA</b>	<b>APPLICATION</b>
<ul style="list-style-type: none"> <li>• Can be geographically defined.</li> <li>• Would include all businesses instead of just small businesses. However, a municipality may choose to permit this since all businesses in BIAs contribute to the levy.</li> <li>• Alternatively, a municipality may opt to use property characteristics such as property codes, site area and building floor space thresholds to exclude some large businesses.</li> </ul>	<ul style="list-style-type: none"> <li>• Enables municipalities to specifically target small business operations in the designated districts while excluding other businesses.</li> </ul>

<b>POLICY DRIVER: MITIGATE IMPACT OF CVA SHIFTS BETWEEN DISTRICTS</b>	
<b>PRE-DETERMINED CRITERIA</b>	<b>APPLICATION</b>
<ul style="list-style-type: none"> <li>• Properties that have experienced above average CVA increases can be pre-determined.</li> <li>• Areas at risk of future above average CVA increases could be estimated from the Official Plan (OP) designations, real estate trends, infrastructure investment, etc. and pre-emptively included in subclass to mitigate impact on business.</li> <li>• Areas at risk of future CVA decreases can be estimated from market trends and vacancy rates and pre-emptive action taken to mitigate impact on small businesses in other districts within the same tax class.</li> <li>• Would include all businesses in designated areas and properties instead of just small businesses.</li> <li>• Alternatively, a municipality may opt to include property characteristics such as property codes, site area and building floor space thresholds to exclude some large businesses.</li> </ul>	<ul style="list-style-type: none"> <li>• Enables municipalities to specifically target small business operations in the designated districts while excluding other businesses.</li> </ul>

<b>POLICY DRIVER: MITIGATE IMPACT OF BUSINESS REVENUE DECREASES</b>	
<b>PRE-DETERMINED CRITERIA</b>	<b>APPLICATION</b>
<ul style="list-style-type: none"> <li>• Geographic areas experiencing revenue loss due to protracted construction projects can be pre-determined.</li> <li>• Would include all businesses in the designated areas instead of just small businesses.</li> <li>• Alternatively, a municipality may opt to use property characteristics such as property codes, site area and building floor space thresholds can be used to exclude some large businesses.</li> <li>• A municipality may choose to use similar criteria as suggested for nurturing small business during periods of widespread revenue decreases (such as were experienced during the COVID-19 pandemic).</li> </ul>	<ul style="list-style-type: none"> <li>• Enables municipalities to specifically target small business operations in the designated districts while excluding other businesses.</li> </ul>

## 2.5 Funding the Subclass

Providing small business properties with reduced taxes requires that municipalities either reduce the total tax levy or achieve revenue neutrality by increasing the tax rate for other property classes. They have the option of funding the small business subclass within the commercial/industrial property class through the adoption of revenue neutral tax ratios, as per section 9 in O. Reg 385/98 under the *Municipal Act*, 2001 and section 2 in O. Reg 121/07 under the *City of Toronto Act*. Alternatively, they can fund it broadly across all property classes.

Each municipality will need to negotiate the balance between providing tax relief substantive enough to achieve its policy goals for small businesses and not increasing tax levels for other properties to the extent that new problems are created. Key considerations include:

- The categories of property owners benefiting from having a strong, sustainable small business sector.
- Tax competitiveness with other municipalities impacting the ability to attract and retain “footloose” businesses.
- Avoiding a sudden and substantive tax increase for other properties.

Municipalities are encouraged to model the impact of different scenarios to inform their decisions. MPAC resources are available to assist. Consultation with interested parties is encouraged and is mandatory for the Province to consider matching the municipality’s tax relief with education property tax reductions to provide further support for small businesses.

The Province has indicated that any provincial reductions in the tax rate for small businesses will be made up by other provincial revenue sources and not passed through to the municipalities.

## 2.6 Small Business Tenants versus Property Owners

The subclass is intended to support small businesses, not specifically property owners.

Municipalities can require that landlords pass the tax reduction through to their tenants as a condition of eligibility in the subclass in their by-laws. Doing so would enable municipalities to remove properties from the subclass if tenants notify them that they are not receiving the reduction.

Many commercial and industrial tenants have leases whereby they are directly responsible for paying property taxes on the portion of the building they occupy (triple net leases and often double net and net leases and modified gross leases<sup>4</sup>). In these cases, the pass-through of the small business tax reduction is easier to identify.

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<sup>4</sup> See Glossary in Appendix 2 for definitions of these types of leases.

This is not the case for tenants on gross leases, whereby they pay the landlord a lump sum that covers rent plus other expenses including property tax. Small property owners are most likely to use gross leases whereas property management companies and larger commercial property owners tend to use triple net leases.

Municipalities' consultation processes could include gathering information about the prevalence of gross lease arrangements in the types of commercial and industrial properties they are considering for inclusion in the subclass. Where gross leases are used, an outreach to tenants in properties included in the subclass may be the most effective strategy for ensuring that they receive the tax reduction. If the landlord refuses to pass the reduction through, small businesses could notify the municipality and the property could be removed from the subclass.

## **2.7 Different Types of Municipalities**

Ontario municipalities have an enormous variety of characteristics and population sizes. They include rural areas with scattered homes and farms, villages, suburban and exurban regions, cities and the City of Toronto, which is Canada's largest metropolis with a population of about 3 million. Half of the Survey respondents represent rural municipalities and 35% are from municipalities with populations less than 10,000.

It is anticipated that the subclass won't be relevant to the majority of municipalities. This was confirmed by the Survey responses. Only 9% of respondents indicated that their municipalities currently intend to implement the subclass and 65% were unsure. Twenty-Six per cent of respondents indicated that they did not intend to implement the subclass. Most of these were from rural municipalities and municipalities with fewer than 5,000 residents.

Single-tier, lower-tier and upper-tier municipalities have different options and responsibilities for using the subclass. Single-tier municipalities can act independently.

In two-tier municipalities, the by-law must be passed by the upper-tier municipality. The Program Administrator and Appellate Authority can either be upper-tier municipal employees or lower-tier municipal employees appointed by the upper-tier municipality. (See Section 4 for more detail about the Program Administrator and Appellate Authority roles and responsibilities.)

### **LOWER-TIER MUNICIPALITIES**

Lower-tier municipalities interested in using the subclass need to work in concert with their respective upper tier-municipalities to approve the required by-laws. The Survey results suggest that at least three lower-tier municipalities currently are interested in implementing the subclass and that an additional 44 are unsure at this point. Thirty-three lower-tier municipalities indicated that they currently don't intend to implement the subclass.

## UPPER-TIER MUNICIPALITIES

At least two upper-tier municipalities currently are interested in implementing the subclass and several more are unsure. No respondents from upper-tier municipalities indicated that they don't intend to implement the subclass.

**Respondents from upper-tier municipalities were asked which of the following three approaches they were considering. Eight of the seventeen answered:**

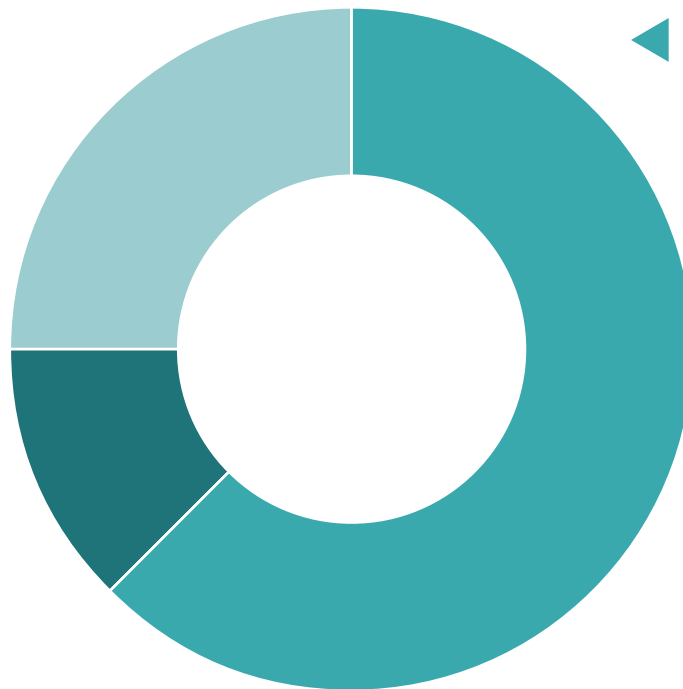
- 62.5% said they favoured a uniform approach across the region.
- 12.5% said they favoured a uniform approach to defining property class eligibility but would permit lower-tier municipalities to opt out.
- 25% said they planned to let each lower-tier municipality decide and would recommend by-laws to their Councils in accordance with their wishes.

**25%** ▶

planned to let each lower-tier municipality decide and would recommend by-laws to their Councils in accordance with their wishes.

**12.5%** ▶

favoured a uniform approach to defining property class eligibility but would permit lower-tier municipalities to opt out.



◀ **62.5%**

favoured a uniform approach across the region.





## 3 Process for Establishing a Small Business Property Subclass

As summarized below, there are 10 main steps in the process to establish the subclass. More detail and technical requirements are available in the Regulations and the Interpretation Bulletin in Appendices 3 and 4.

### STEP ONE: ESTABLISH POLICY FRAMEWORK

- Articulate the problem to be addressed by the subclass. Use existing information and/or undertake additional consultation and research to answer key questions. The following considerations are relevant:
  - Consider small business characteristics, trends and issues within the overall context of the municipality's commercial and/or industrial business structure. Refer to Sections 2.1 and 2.2 of this report for guidance.
  - Consider the need to provide additional support to small businesses and whether there are subcategories of particular interest (e.g. commercial and/or industrial; the differentiating characteristics between small businesses needing support and other businesses).
  - Articulate key policy drivers and consider whether the subclass is the best tool to achieve them.
- Refine policy drivers to be achieved by using the subclass and small business characteristics to be targeted.



- In two-tiered municipalities, it is recommended that both upper- and lower-tier municipalities participate in establishing policy framework (or in deciding that subclass is not relevant).

## **STEP TWO: ESTABLISH SUBCLASS ELIGIBILITY CRITERIA**

- Relate desired policy drivers and characteristics of small businesses to be targeted to property characteristics and geographic areas. Refer to Section 2.3 of the report for guidance.
- Look at geographic clustering and correlation between targeted businesses and property characteristics.
- Consider the extent to which policy drivers can be achieved by defining eligibility through pre-determined criteria (property-based and/or geographic).
- Consider the pros and cons of using an application-based process either alone or in combination with pre-determined eligibility.
- In two-tiered municipalities, consider whether the same approach should be used throughout the region for greater simplicity and consistency or if there are strong reasons for a different approach in some lower-tier municipalities (e.g. due to differences in business characteristics and issues between towns and rural areas).

## **STEP THREE: MODEL IMPACT OF ONE OR MORE SCENARIOS**

- Estimate the number of properties likely to be included in the subclass and the share of the assessed value for the tax class they include.
- Estimate the total amount of municipal tax relief that is associated with desired discount rate(s) up to a maximum of 35% (as set out in the Regulation).
- Consider options for reducing the total levy and/or increasing the tax rate for other properties. Refer to Section 2.5 of the report for guidance.
- In two-tiered municipalities, it is recommended that both upper- and lower-tier municipalities be involved in the modelling process.

## **STEP FOUR: CONSULT WITH STAKEHOLDERS**

- Consultation should include small businesses as well as the broader business community and residents. The issues small businesses face and their need for property tax relief should be discussed as well as the options under consideration for determining subclass eligibility and potential impact on the tax rate and tax amounts for other types of properties.
- Municipalities may opt to also consult at an earlier stage of the process.
- Municipalities that have previously consulted with and researched their small business communities and their need for tax relief may be in a position to define their policy framework and eligibility criteria without additional consultation. They can opt to introduce the subclass to provide tax relief for the municipal property

tax without additional consultation, potentially enabling them to implement the subclass sooner. Consultation can then be undertaken, the subclass modified if required and the Minister of Finance requested to match the municipal tax reduction with an education tax reduction in a later year.

- In two-tiered municipalities, the upper-tier municipality is responsible for ensuring that consultation has been undertaken throughout its jurisdiction. However, it is recommended that lower-tier municipalities also be involved in the process.

#### **STEP FIVE: PASS MUNICIPAL BY-LAW**

- The subclass is brought into effect by the single-tier or upper-tier municipal council passing a by-law opting to have the subclass apply to defined property classes and to the entire municipality or defined portions of the municipality. The by-law should describe the eligibility criteria to be met by a pre-determined eligibility process and/or application process.
- Consider including in the by-law that properties remain in the subclass until the municipality determines they are no longer eligible and advises MPAC to remove them.
- Consider including the process to be used to confirm continued eligibility. For example, specify an annual notification process requiring property owners to confirm their continued eligibility and inviting the owners of properties not included – but which meet the eligibility criteria – to request their inclusion through whatever process the municipality is using.
- Consider specifying that the final assessment roll for the previous year will be used to determine eligible properties to simplify in-year administration.
- Consider whether properties with RTQ codes for Small-Scale On-Farm Businesses (7), Creative Enterprise Facility (9), and Payments in Lieu of Tax should be included in the subclass. If so, their current RTQ codes will either be replaced or cannot be removed depending on whether the property has already been designated for an optional property class or PIL.
- The by-law can require property owners to pass the tax deduction through to their tenants as a condition of eligibility for the subclass. Doing so enables the municipality to remove the property from the subclass if it is notified that the pass-through has not happened.

#### **STEP SIX: APPOINT PROGRAM ADMINISTRATOR AND APPELLATE AUTHORITY**

- The single-tier or upper-tier municipal council is required to appoint a Program Administrator and Appellate Authority.
- The Program Administrator is responsible for determining which properties meet the defined criteria and therefore are eligible for inclusion in the subclass, for making the list available for public inspection and for providing the list to MPAC. If there is an application process, the Program Administrator is responsible for approving or denying applications. The Program Administrator also is required to establish a process whereby an owner can make a request for reconsideration.

- The Appellate Authority is responsible hearing appeals about whether or not properties should be included in the subclass. The Appellate Authority does not hear appeals of assessed value, which will continue to be directed to the Assessment Review Board.
- The ongoing responsibilities of the Program Administrator and Appellate Authority are summarized in Section 4 of the report below.
- The Program Administrator and Appellate Authority should be different employees of the municipality. Upper-tier municipalities can appoint employees of lower-tier municipalities to which the By-law applies to undertake these roles within their jurisdictions.

**STEP SEVEN: IDENTIFY PROPERTIES INCLUDED IN SUBCLASS**

- The Program Administrator applies the pre-determined criteria and/or implements an application process as set out in the municipal By-law.
- Properties are to be identified on a publicly accessible registry. The following information should be included but is not limited to:
  - Assessment Roll Number
  - Property Address
  - Unit Number(s)  
(if only some portions of the property are included in the subclass)
  - Floor Space included  
(if only some portions of the property are included in the subclass)
- The registry is to be established by single-tier or upper-tier municipalities.

**STEP EIGHT: PROVIDE MPAC WITH LIST OF PROPERTIES IN SUBCLASS**

- The list to be provided by single-tier or upper-tier municipalities.
- List should include:
  - 19-Digit Assessment Roll Number
  - Municipal Street Number
  - Municipal Street Name
  - Qualifying Reality Tax Class & Reality Tax Qualifier (RTC/RTQ)
- A copy of the by-law or by-law number should also be provided

**STEP NINE: REQUEST MINISTER OF FINANCE TO MATCH MUNICIPAL TAX REDUCTION WITH EDUCATION TAX REDUCTION**

- Request to be made by municipalities
- Submission should include:
  - By-law adopting the subclass.
  - Overview of program requirements.
  - Estimated total municipal tax relief to small businesses.
  - Confirmation of consultation with business community.

- Submissions should be sent directly to the Minister of Finance, with a copy to [info.propertytax@ontario.ca](mailto:info.propertytax@ontario.ca), prior to March 31 for the applicable taxation year.
- The Minister will review each submission and determine whether to match the municipal reductions on a case-by-case basis.

**STEP TEN: ADDING PROPERTIES IN THE SUBCLASS TO THE ASSESSMENT ROLL**

- A new RTQ code 8 will be used to identify properties in the subclass. Therefore, properties that make Payments in Lieu of Tax, or are already coded in another subclass such as Creative Enterprise Facilities or Small-Scale On-Farm Businesses, may not be eligible.
- MPAC will be able to make a bulk upload to the subclass for properties where the total assessment (CT, XT, IT and JT portions) is included. A manual process will be used for properties where exceptions are identified and only a portion of the property’s assessment is to be included in the subclass.

**Approximate Timelines for 2022 Implementation (exact dates may change from year to year and will be confirmed annually)**

- **October 4, 2021:** deadline for MPAC to receive list of subclass properties to include changes in year-end Assessment Roll (finalized by MPAC December 14, 2021).
- **December 14, 2021:** deadline for MPAC to receive list of subclass properties to include them in Post Roll Amended Notices (PRANs). Notices will be delivered to municipalities in March 2022.
- **After December 14, 2021:** MPAC will include properties added to the subclass by Property Assessment Change Notices (PACNs), which are issued monthly to municipalities from May to November. This makes them eligible for a Supplementary Assessment.

“This report and its insights go a long way to providing some fundamental information and technical interpretations for municipalities to move toward in building and **re-building strong and vibrant small business** and by extension local economies. There is no better time than the present to move forward on this quest.”

**John Kiru**  
 Executive Director  
 Toronto Association of Business Improvement Areas (TABIA)



## 4 Ongoing Administrative Considerations

### 4.1 Confirming Continued Eligibility of Properties

The Program Administrator is responsible for confirming the continued eligibility of properties included in the subclass.

The Program Administrator is permitted to conduct an audit including a physical inspection of properties and/or requiring that documents verifying the continued eligibility of the property be submitted. The municipality's by-law should include the process to be followed.

Properties determined to be no longer eligible for the subclass are removed retroactive to the beginning of the taxation year or the date the property stopped meeting the conditions for inclusion in the subclass, whichever is later.

### 4.2 Adding new properties eligible for subclass

Municipalities using an application-based process may wish to invite new applications each year.

As described in Section 4.1, any new properties meeting the pre-determined eligibility criteria should be added to the subclass.

The Program Administer should update the property listings and registry each year and provide MPAC with the revised list (as summarized in Steps 7 and 8 above).



### 4.3 Requests for Reconsideration

As summarized in Step 6 above, the Program Administrator is required to establish a process through which property owners can request reconsideration of their property's eligibility for inclusion in the subclass. The request must be made within 90 days after the Program Administrator makes the list of properties approved for inclusion available, or for application-based processes within 90 days after the Program Administrator gives notice of their determination. The Program Administrator is required to provide the property owner with the results of the reconsideration within 90 days after the request is made.

### 4.4 Appeals

Any person can appeal the Program Administrator's decisions about the inclusion of properties in the subclass to the Appellate Authority. Property owners are first required to submit a Request for Reconsideration before they can file an appeal with the Appellate Authority. The deadline for doing so is 90 days after the Program Administrator has given notice of the decision.

The Appellate Authority is required to hold a hearing to determine if the property should have been approved for inclusion in the subclass. The hearing can be held orally or in writing.

### 4.5 Annual timelines

**Year-End Update:** Municipalities looking to add properties to the subclass for the following tax year should have their final list and approved by-law to MPAC by the first week of October. This will ensure that MPAC has sufficient time to upload properties prior to Year-End cut-off.

**In Year Changes:** Any properties submitted on a list for the subclass that were received after year-end cut-off and prior to the roll delivery will be prioritized for PRANs for the beginning of the following year. All efforts will be made to add those properties to the Q1 PRAN extracts to enable municipalities to include them in their budget process for the taxation year. PRAN extracts occur monthly from January to December.

Subsequently, any new properties/lists received in year from municipalities will be subject to PACNs as an alternative. PACN extracts occur monthly from April to October.

MPAC will only use Special Amended Notices (SAN) where a property or properties has been identified by the municipality as qualifying for the subclass and it's beyond the timeline in which a PRAN or PACN is no longer a viable option. SAN extracts occur March to December of the calendar year.

## Appendix 1: Working Group Members:

ORGANIZATION	MEMBER
Association of Municipalities in Ontario (AMO)	<b>Craig Reid</b> , Sr. Advisor
Municipal Finance Officers' Association (MFOA)	<b>Heather Brown</b> , Manager of Accounting and Corporate Services
Municipal Property Assessment Corporation (MPAC)	<b>Brian Gordon</b> , Regional Manager, Municipal and Stakeholder Relations <b>Michelle Lindquist</b> , Regional Manager, Municipal and Stakeholder Relations
Ontario BIA Association (OBIAA)	<b>Kay Matthews</b> , Executive Director
Ontario Municipal Tax and Revenue Association (OMTRA)	<b>Casey Brendon</b> , President; also representing City of Toronto Revenue Services (Director)
Ontario Municipal Tax and Revenue Association (OMTRA)	<b>Krista O'Brien</b> ; also representing City of Ottawa, Tax Billing & Control (Program Manager)
Ontario Municipal Tax and Revenue Association (OMTRA)	<b>Maureen Zabiuk</b> , Board Member; also representing City of Vaughan, Property Tax & Assessment (Manager)
Toronto Association of BIAs (TABIA)	<b>John Kiru</b> , Executive Director
MUNICIPAL REPRESENTATIVES	
City of Barrie	<b>Grace Marsh</b> , Revenue and Property Tax (Manager)
City of Mississauga	<b>Connie Mesih</b> , Revenue & Material (Director)
City of Oshawa	<b>Kim Villeneuve</b> , Taxation Services (Manager)
City of Sault St. Marie	<b>Lisa Petrocco</b> , Taxation (Manager)
County of Bruce	<b>Edward Henley</b> , Corporate Services (Director)
Halton Region	<b>Christine Carrington</b> , Economic Development (Manager)
Halton Region	<b>Kavita McBain</b> , Corporate Budgets & Tax Policy (Manager)
Halton Region	<b>Melric Roche</b> , Corporate Budgets & Tax Revenue (Acting Manager)
Region of Durham	<b>Dana Howes</b> , Sr. Economist
Region of Peel	<b>Maggie Wang</b> , Financial Policy & Development Finance (Manager)
Region of Waterloo	<b>Craig Dyer</b> , Commissioner of Corporate Services / Chief Financial Officer
Region of Waterloo	<b>Matthew Chandy</b> , Economic Development (Manager)
Region of York	<b>Bonny Tam</b> , Tax (Manager)
Region of York	<b>Jonathan Wheatle</b> , Economic Strategy (Director)
Town of Milton	<b>Steven Radenic</b> , Assessment Base Management (Supervisor)
Town of St. Marys	<b>Andre Morin</b> , Director of Finance / Treasurer



## Appendix 2: Glossary of Terms

**Business Improvement Area (BIA)** – An association of local business people and commercial property owners and tenants that work in partnership to organize, finance, and carry out physical improvements and promote economic development in their district.

### COMMERCIAL LEASE TYPES

**Gross Lease** The tenant pays a single amount to the landlord that covers base rent and all incidental expenses.

**Modified Gross Lease** The tenant pays base rent and shares specified incidental expenses with the landlord. These may or may not include property tax.

**Net Lease** The tenant typically pays for one incidental expense directly. In a single net lease, the tenant usually pays the base rent plus property taxes (though in some cases, they might pay for insurance or utilities instead). The landlord pays all other expenses.

**Double Net Lease** The tenant usually pays the base rent plus two incidentals—for example, property taxes and insurance. The landlord covers all other expenses.

**Triple Net Lease** The tenant typically pays the base rent, plus property taxes, building insurance and utilities, as well as other operating and maintenance costs. The landlord assumes no costs, other than those for structural repairs.

**Community Innovation Area** A geographic area where leading-edge anchor institutions and companies cluster and connect with start-ups, business incubators and accelerators. The area is also usually physically compact, transit-accessible, and technically wired and offers mixed-use housing, office, and retail.

**Creativity Zone** A geographic area in which the role of arts and culture is wholly integrated part of the local economy.

**Current Value Assessment (CVA)** The amount of money a property would realize if sold at arm's length by a willing seller to a willing buyer, as outlined in the Assessment Act as of the legislated valuation date.

**Payments in Lieu of Taxes (PILT)** Federal and provincial properties are exempt from property taxation and generally pay a PILT, which approximates the taxes that would be paid if the property was not exempt.

**Post Roll Amended Notices (PRAN)** Also known as an Amended Property Assessment Notice, it's a notice issued at any time during the taxation year to correct an error in the assessment or classification of a property that has resulted from incorrect factual information about the property.

**Property Assessment Change Notice (PACN)** A notice issued to a property owner during the year when there has been a change such as an addition, new construction or renovation or a change to a property's classification or tax exemption status.

**Property Code** An administrative tool used by MPAC to organize properties.

**Realty Tax Class (RTC)** A partition's tax classification is based on the legislation found in O. Reg. 282/98 and is used by taxing authorities in conjunction with the Tax Qualifier to determine the rate of taxation.

**Realty Tax Qualifier (RTQ)** A partition's tax qualifier is used by taxing authorities in conjunction with the Realty Tax Class to determine the rate of taxation.

**Site Area** The area of any land on which development is or is to be carried out.

**Special Amended Property Assessment Notice (SAN)** An amendment to the Roll for new legislative provisions that didn't previously exist (such as a new tax program).

**Structure Code** A property-specific code used by MPAC to identify and capture the design features of a structure.

**Total Floor Area** The sum total of the total areas of all floors in a building or structure whether at above or below grade measured between the exterior faces of the exterior walls of the building.

## Appendix 3: Ontario Regulation 331/21

### ONTARIO REGULATION 331/21

made under the

#### ASSESSMENT ACT

**Made:** May 6, 2021

**Filed:** May 7, 2021

**Published on e-Laws:** May 7, 2021

**Printed in *The Ontario Gazette*:** May 22, 2021

#### Amending O. Reg. 282/98

(GENERAL)

### 1. Ontario Regulation 282/98 is amended by adding the following Part:

#### PART III.0.2

#### SMALL BUSINESS SUBCLASS

#### APPLICATION AND DEFINITIONS

**23.0.6** This Part applies with respect to the 2021 and subsequent taxation years.

**23.0.7** In this Part,

“Appellate Authority” means,

(a) in respect of a single-tier municipality that has passed a by-law described in subsection 23.0.8 (2), the employee of the municipality who is appointed by the municipality to hear appeals under section 23.0.12 in connection with the by-law, or  
(b) in respect of an upper-tier municipality that has passed a by-law described in subsection 23.0.8 (2),

(i) the employee of the upper-tier municipality who is appointed by the municipality to hear appeals under section 23.0.12 in connection with that by-law, or

(ii) the employee of a lower-tier municipality to which the by-law applies who is appointed by the upper-tier municipality to hear appeals under section 23.0.12 in connection with that by-law; (“autorité d’appel”)

“Program Administrator” means,

(a) in respect of a single-tier municipality that has passed a by-law described in subsection 23.0.8 (2), the employee of the municipality who is appointed by the municipality to exercise the powers, duties and functions set out in this Part in connection with the by-law, or

(b) in respect of an upper-tier municipality that has passed a by-law described in subsection 23.0.8 (2),

(i) the employee of the upper-tier municipality who is appointed by the municipality to exercise the powers, duties and functions set out in this Part in connection with the by-law, or

(ii) the employee of a lower-tier municipality to which the by-law applies who is appointed by the upper-tier municipality to exercise the powers, duties and functions set out in this Part in connection with the by-law; (“administrateur du programme”)

## **SMALL BUSINESS SUBCLASS**

**23.0.8** (1) A small business subclass is prescribed for each of the following classes:

1. The commercial property class.

2. The industrial property class.

3. Any optional class that contains property that would otherwise be included in the commercial property class or the industrial property class, other than the parking lots and vacant land property class and the large industrial property class.

(2) The small business subclass applies for a property class within a single-tier or upper-tier municipality only if the council of the single-tier or upper-tier municipality has passed a by-law that opts to have the subclass apply for that property class.

(3) A by-law opting to have the subclass apply may specify that the subclass only applies to a portion of the municipality.

(4) A by-law opting to have the subclass apply may establish different requirements for the subclass in different portions of the municipality.

(5) The small business subclass consists of land which the Program Administrator has approved for inclusion in the subclass for the relevant taxation year in accordance with section 23.0.9 if the land has not subsequently ceased to be included in the subclass as a result of the application of this Part.

(6) The Program Administrator shall,

(a) provide the assessment corporation with a list of the properties, or portions of properties, that are approved for inclusion in the subclass for a taxation year; and

(b) make the list available for public inspection by electronic means.

## **INCLUSION IN SUBCLASS**

**23.0.9** (1) The Program Administrator shall approve land for inclusion in the small business subclass for a taxation year if the Program Administrator determines that the land,

(a) is used by the owner or a tenant for a small business within the meaning of the by-law described in subsection 23.0.8 (2) that applies in respect of the municipality;

(b) would not be in the parking lots and vacant land property class if a by-law referred to in section 13 had been passed opting to have that class apply within the municipality;

(c) would not be in the large industrial property class if a by-law referred to in section 14 had been passed opting to have that class apply within the municipality;

(d) is not vacant land; and

(e) meets any additional eligibility requirements set out for the subclass in the by-law described in subsection 23.0.8 (2) that applies in respect of the municipality.

(2) At any time after the Program Administrator determines that land should be included in the small business subclass, the Program Administrator may conduct an audit to verify that the land continues to meet the requirements set out in subsection

(1) and the owner must,

(a) allow a person selected by the Program Administrator to inspect the land and to inspect any documents relating to the eligibility of the land in order to verify whether the land continues to meet the requirements set out in subsection (1); and

(b) submit further information or documents as may be required by the Program Administrator in order to assist in the verification.

(3) If the Program Administrator determines that an owner of land included in the small business subclass has not complied with an audit conducted under subsection (2),

(a) the Program Administrator shall provide the owner of the land and the assessment corporation with notice of the determination; and

(b) the land shall cease to be included in the subclass retroactive to the beginning of the taxation year in which the determination was made.

(4) If the Program Administrator determines that land no longer meets the requirements set out in subsection (1),

(a) the Program Administrator shall provide the owner of the land and the assessment corporation with notice of the determination; and

(b) the land shall cease to be included in the subclass retroactive to the beginning of the taxation year or the date the land stopped meeting the conditions for inclusion in the subclass, whichever is later.

## **REQUIREMENT TO SUBMIT APPLICATION**

**23.0.10** (1) This section applies if a by-law opting to have the small business subclass apply in a municipality requires that an application be submitted to the Program Administrator in order for land to be approved for inclusion in the small business subclass for a taxation year.

(2) A by-law described in subsection (1) may provide that the owner of the land or the treasurer of a municipality may submit an application in respect of land in the municipality.

(3) The Program Administrator shall, after reviewing the application, approve the land for inclusion in the small business subclass if the Program Administrator determines that the land meets the requirements set out in subsection 23.0.9 (1).

(4) Despite any application requirement in a by-law described in subsection (1), the Program Administrator may approve land for inclusion in the small business subclass in the absence of an application if,

(a) the land was approved for inclusion in the subclass for the previous taxation year; and

(b) the Program Administrator determines that the land continues to meet the requirements set out in subsection 23.0.9 (1).

(5) The Program Administrator shall provide notice to the owner of the land of the determination whether or not to approve the land for inclusion in the small business subclass and, if the application to approve the land was submitted by the treasurer of the municipality, to the treasurer.

## REQUESTS FOR RECONSIDERATION

**23.0.11** (1) A request for reconsideration described in subsection (2) with respect to whether land is included in the small business subclass shall be made according to the procedure set out in this section instead of the procedure set out in section 39.1 of the Act.

(2) An owner of land may request that the Program Administrator reconsider,

(a) a determination made under subsection 23.0.9 (1) as to whether the land should be approved for inclusion in the small business subclass;

(b) a determination made under subsection 23.0.9 (3) as to whether the owner has complied with an audit; or

(c) a determination made under subsection 23.0.9 (4) as to whether the land meets the requirements set out in subsection (1) of that section.

(3) The following deadlines apply with respect to a request for reconsideration:

1. Subject to paragraph 2, for a determination made under subsection 23.0.9 (1), the request must be made within 90 days after the Program Administrator makes the list of properties approved for inclusion in the subclass for the taxation year available for public inspection under subsection 23.0.8 (6).

2. If the municipal by-law requires an application be submitted to the Program Administrator in order for land to be approved for inclusion in the small business subclass for a taxation year, the request must be made within 90 days after the Program Administrator gives notice of the determination under subsection 23.0.10 (5).

3. For a determination under subsection 23.0.9 (3), the request must be made within 90 days after the Program Administrator gives notice of the determination.

4. For a determination made under subsection 23.0.9 (4), the request must be made within 90 days after the Program Administrator gives notice of the determination.

(4) The request must set out the basis for the owner's request and all relevant facts.

(5) The Program Administrator shall consider the request and, for this purpose, may request further information from the owner.

(6) The Program Administrator shall provide the owner with the results of the reconsideration within 90 days after the day the request is made.

(7) If the Program Administrator determines that land should have been approved for inclusion in the subclass, or that it should not have ceased to be included in the subclass, the Program Administrator shall,

(a) give notice of the determination to the clerk of the municipality;

(b) update the list described in subsection 23.0.8 (6);

(c) provide the updated list to the assessment corporation; and

(d) make the updated list available for public inspection by electronic means.

(8) After receiving notice of the Program Administrator's determination, the clerk of the municipality shall alter the tax roll accordingly and taxes shall be levied in accordance with the amended roll.

## APPEALS

**23.0.12** (1) An appeal with respect to whether land is included in the small business subclass shall be made according to the procedure set out in this section instead of the procedure set out in section 40 of the Act.

(2) A person who would be entitled to appeal the classification of a property under section 40 of the Act but for the application of subsection (1) may instead appeal the following decisions to the Appellate Authority:

1. A determination of the Program Administrator under subsection 23.0.9 (1) as to whether land should be approved for inclusion in the small business subclass.

2. A determination of the Program Administrator under subsection 23.0.9 (3) as to whether an owner has complied with an audit.

3. A determination of the Program Administrator under subsection 23.0.9 (4) as to whether land meets the requirements set out in subsection (1) of that section.

(3) Subject to subsection (4), no appeal to the Appellate Authority may be made by a person who is entitled to make a request for reconsideration under section 23.0.11 in respect of the land if the person has not made the request within the time limit set out in subsection (3) of that section.

(4) If, in the opinion of the Appellate Authority, there are extenuating circumstances explaining why a request for reconsideration in respect of the land was not made within the time limit set out in subsection 23.0.11 (3), the Appellate Authority may, on an application submitted by the person within 180 days after the applicable deadline in that subsection, extend the deadline for making a request under that subsection.

(5) The deadline for appealing a determination of the Program Administrator to the Appellate Authority is 90 days after the Program Administrator has given notice of the decision to the owner of the land or provided the owner of the land with the results of a reconsideration, whichever is applicable.

(6) The Appellate Authority shall hold a hearing to determine whether the land should have been approved for inclusion in the subclass or should not have ceased to be included in the subclass.

(7) The hearing may be held orally or in writing at the discretion of the Appellate Authority.

(8) The following persons are parties to the appeal:

1. All persons appealing and all persons whose assessment is the subject of the appeal.

2. The Program Administrator.

(9) Subsections 40 (2), (3.1), (9), (14), (15), (22) and (28) of the Act apply, with necessary modifications, to an appeal to the Appellate Authority under this section.

(10) Upon determining the issue, the Appellate Authority shall give the parties, the assessment corporation, the Assessment Review Board and the clerk of the municipality a copy of the decision.

(11) If the Appellate Authority determines that the land should have been approved for inclusion in the subclass, or that it should not have ceased to be included in the subclass, the Appellate Authority shall direct the Program Administrator to approve the property for inclusion in the subclass.

(12) After receiving notice of the Appellate Authority's determination,



(a) the clerk of the municipality shall alter the tax roll accordingly and taxes shall be levied in accordance with the amended roll;

(b) the Program Administrator shall,

(i) update the list described in subsection 23.0.8 (6),

(ii) provide the updated list to the assessment corporation, and

(iii) make the updated list available for public inspection by electronic means.

(13) The Appellate Authority may state a case under section 43 of the Act with respect to the matters set out in subsection (2).

Commencement

### **3. This Regulation is deemed to have come into force on January 1, 2021.**

**Made by:** Peter Bethlenfalvy  
*Minister of Finance*

**Date made:** May 6, 2021

## Appendix 4: New Optional Small Business Property Subclass – May 2021



Ministry of Finance

### NEW OPTIONAL SMALL BUSINESS PROPERTY SUBCLASS May 2021

As announced in the *2020 Ontario Budget*, the Province is providing municipalities with the flexibility to target property tax relief to eligible small businesses through the adoption of a new optional small business property subclass. Amendments to O. Reg. 282/98 under the *Assessment Act*, O. Reg. 73/03 under the *Municipal Act*, 2001 and O. Reg. 121/07 under the *City of Toronto Act*, 2006 were filed on May 7, 2021, which implement the subclass.

This bulletin provides municipalities with an overview of implementation details, including requirements for municipal by-laws, administration of the subclass and provincial matching of municipal property tax reductions with education property tax reductions.

#### IMPLEMENTATION

##### Municipal By-Law

Municipalities that choose to implement the optional small business property subclass are required to pass a municipal by-law providing the following:

- The decision to adopt the subclass
  - In two-tiered municipalities, the upper-tier municipality must pass a by-law to adopt the subclass.
- The subclass tax reduction to be applied to the commercial and/or industrial class municipal tax rate
  - The reduction can be set up to 35% of the municipal rate for the property class.
- Requirements that the property must meet to be included in the subclass
  - Municipalities have a variety of priorities that may influence the definition of “small business” and, as such, are in the best position to define eligibility criteria that reflect their local priorities and needs.
  - Note that all commercial and industrial properties (except properties that are or would be classified in the large industrial property class or the parking lot and vacant land property class, or vacant or excess land), are eligible to be included in the new small business property subclass.

- Appointment of a Program Administrator to administer the program, including approving properties for inclusion in the subclass, notifying property owners of decisions and reviewing requests for reconsideration related to a property's eligibility for inclusion in the subclass
- Appointment of an Appellate Authority to hear any appeals of the Program Administrator's eligibility decisions

Municipalities may also choose to require in municipal by-law that landlords pass the tax reduction to tenants as a condition of eligibility in the subclass.

As part of the process of developing a small business property subclass by-law, municipalities are strongly encouraged to consult with their local business stakeholders and other interested parties.

## **Program Administration**

Municipalities are responsible for establishing detailed eligibility criteria for the optional small business subclass. This would require the municipality to develop and administer a process to identify or approve eligible properties for inclusion in this subclass.

Through the appointment of a Program Administrator, municipal staff would identify qualifying properties classified in the commercial or industrial property classes, or both, that meet the eligibility criteria. This could be done either through an application-based process or through a criteria-based determination process. Properties approved for inclusion in the subclass by the Program Administrator must be listed in a publicly accessible registry (details of the registry requirements are found in the Municipal Checklist below). The Program Administrator would also be required to establish a process where an owner may make a request for reconsideration.

Municipalities can utilize the Ontario Property Tax Analysis (OPTA) system to build scenarios and model tax impacts of adopting the small business subclass.

Municipalities are required to notify the Municipal Property Assessment Corporation (MPAC) of the properties included in the subclass, such that MPAC can classify the property within the small business property subclass for taxation purposes.

Municipalities will also be responsible for monitoring ongoing eligibility, updating the registry of eligible properties and notifying MPAC when properties become eligible or ineligible for the subclass as a result of a municipal determination.

Municipalities are also required to appoint an Appellate Authority to hear appeals about whether or not the property should be included in the subclass.

Appeals of assessed value would continue to be directed to the Assessment Review Board.

## Funding the Subclass

Consistent with other property subclasses, municipalities can fund the small business subclass either by absorbing the cost through a levy decrease or by funding it broadly across all property classes.

Municipalities also have the option of funding the small business subclass within the commercial and/or industrial property class through the adoption of revenue neutral tax ratios, as per section 9 in O. Reg 385/98 under the Municipal Act, 2001 and section 2.2 in O. Reg. 121/07 under the City of Toronto Act, 2006.

The adoption of the subclass, including how the tax reduction is funded, is a municipal decision. As with other tax rate decisions, municipalities are responsible for understanding the potential tax impact on affected taxpayers. Municipalities are strongly encouraged to consult with their local business stakeholders and other interested parties prior to finalizing their decision-making.

## Provincial Matching of Tax Reductions

As announced in the 2020 Budget, the Province will consider matching municipal property tax reductions with education property tax reductions to provide further support for small businesses. To qualify:

- Municipalities would notify the Minister of Finance of the decision to adopt the subclass and submit a municipal by-law outlining the program requirements as well as estimated total municipal tax relief to small businesses.
- Municipalities would conduct consultations with business stakeholders regarding the small business property subclass.
- The Minister would review each submission and determine whether to match municipal reductions on a case-by-case basis.

Submissions to the Minister of Finance can be sent directly to the Minister, with a copy to [info.propertytax@ontario.ca](mailto:info.propertytax@ontario.ca), prior to March 31 for the applicable taxation year.

### **Hon. Peter Bethlenfalvy**

Minister of Finance, and President of the Treasury Board

Frost Building South, 7th Floor

7 Queen's Park Cres.

Toronto, ON M7A 1Y7

[Minister.fin@ontario.ca](mailto:Minister.fin@ontario.ca)

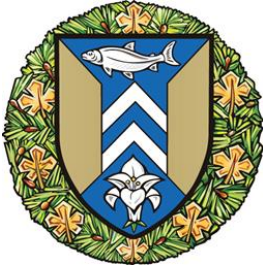
## Regulations

Regulations implementing the small business property subclass are available on the Government of Ontario's e-laws website at [www.ontario.ca/laws](http://www.ontario.ca/laws). These include:

- O. Reg. 282/98 under the Assessment Act is amended by O. Reg. 331/21 establishing the optional small business property subclass
- O. Reg. 73/03 under the Municipal Act, 2001 is amended by O. Reg. 332/21 setting the municipal reduction factor for the optional small business property subclass
- O. Reg. 121/07 under the City of Toronto Act, 2006 is amended by O. Reg. 333/21 setting the municipal reduction factor for the optional small business property subclass

### **FURTHER INFORMATION**

Municipalities with any questions regarding the optional small business property subclass may contact the Ministry of Finance at [info.propertytax@ontario.ca](mailto:info.propertytax@ontario.ca).



The Corporation of the  
City of Sault Ste. Marie

**C O U N C I L   R E P O R T**

November 16, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Rachel Tyczinski, City Clerk  
DEPARTMENT: Corporate Services  
RE: Medal of Merit Committee By-law

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**Purpose**

The purpose of this report is to obtain Council approval to amend the Medal of Merit Committee by-law.

**Background**

The current Medal of Merit Committee by-law was passed in 1993 (and amended in 2001). The Medal of Merit Selection Committee is recommending two amendments to the “general provisions” section of the by-law

**Analysis**

Section 3 (1) of the by-law states “The Council of the Corporation of the City of Sault Ste. Marie *shall* award a medal of merit...” The Medal of Merit Selection Committee recommends that this be amended to: “The Council of the Corporation of the City of Sault Ste. Marie *may* award a medal of merit...”

By-law 2001-198 amends By-law 93-8 by adding a category for youth under 18 years of age or a member of a youth group or team with achievement in the identified areas (a), (b) or (c) above. The Committee recommends that this provision be deleted because a youth is not precluded from receiving the award in one of the criteria set out in 3(1) (a), achieved a provincial or national championship in an athletic or other competitive endeavour; (b) achieved a standard of excellence in a cultural or academic field; or (c) over a period of years made an outstanding contribution to the community.

**Financial Implications**

There are no financial implications.

**Strategic Plan / Policy Impact**

This is an operational matter not articulated in the corporate Strategic Plan.

**Recommendation**

It is therefore recommended that Council take the following action:

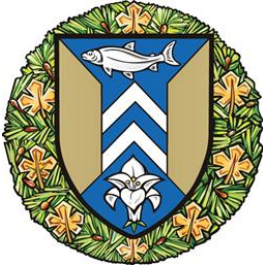
The relevant By-law 2021-215 is listed under Agenda item 11 and will be read with all by-laws under that item.

Medal of Merit Committee By-law  
November 15, 2021  
Page 2.

Respectfully submitted,

Rachel Tyczinski  
City Clerk  
705.759.5391  
[r.tyczinski@cityssm.on.ca](mailto:r.tyczinski@cityssm.on.ca)





The Corporation of the  
City of Sault Ste. Marie

**C O U N C I L   R E P O R T**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Rachel Tyczinski, City Clerk  
DEPARTMENT: Corporate Services  
RE: Cemetery By-law Amendments 2021

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**Purpose**

The purpose of this report is to obtain approval of various amendments to the cemetery by-law.

**Background**

By-law 2012-129 is a by-law regulating the operation of all municipal crematoriums, mausoleums and cemeteries owned by the City of Salt Ste. Marie. Amendments to the regulations are required from time to time.

**Analysis**

***Buy-backs***

By-law 2012-129 provides that owners of niches, crypts or graves (interment rights) may re-sell their rights to a third party for a price not greater than the existing City price. When the by-law was passed in 2012, the City made the decision not to buy back interment rights due to a potential liability of approximately \$4 million. It is the City's practice to take back ownership of interment rights when the owner is purchasing a right of greater value (i.e. purchasing a mausoleum crypt when the individual owns a grave). If a grave is unuseable (due to topography, etc.) the City will take back the grave and issue an interment rights certificate for another grave. It is recommended that the by-law specifically articulate these circumstances.

***Number of Cremated Remains in a Niche***

By-law 2012-129 provides that one interment of cremated remains be permitted in a single niche and a maximum of two be permitted in a companion niche. It is recommended that wording be added to more specifically state the maximums.

***Disinterments from a Mausoleum Crypt***

It has been the practice of the Cemetery Division not to permit disinterments from a mausoleum crypt for health and safety reasons. It is recommended that this be stated in the by-law.

**Muslim Burials**

A section has been added to the by-law to articulate regulations regarding Muslim burials.

**Miscellaneous**

A section has been added to prohibit aggregates in flower beds for safety reasons.

Additional wording regarding wooden crosses has been added.

By-law 2012-129 provided for one type of vase on a mausoleum crypt. There are now also available a cross and a flower similar to the vases. The by-law has been amended to allow these adornments.

**Markers**

Schedule D to By-law 2012-129 has been replaced to remove restrictions regarding depth in ground and to specify dimensions for concrete pads.

**Financial Implications**

There is no financial implication to adopting the recommended amendments.

**Strategic Plan / Policy Impact**

These are operational matters not articulated in the corporate Strategic Plan.

**Recommendation**

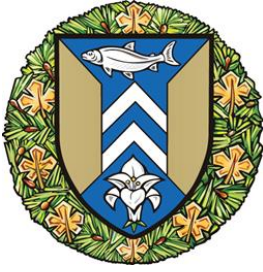
It is therefore recommended that Council take the following action:

The relevant By-law 2021-217 is listed under item 11 of the Agenda and will be read with all by-laws under that item.

Notice of passage of the by-law must be provided to monument dealers, advertised and posted at cemetery entrances for four weeks. The by-law will then be submitted to the Registrar of the *Funeral, Burial and Cremation Services Act* for approval in order for it to become effective.

Respectfully submitted,

Rachel Tyczinski  
City Clerk  
705.759.5391  
[r.tyczinski@cityssm.on.ca](mailto:r.tyczinski@cityssm.on.ca)



The Corporation of the  
City of Sault Ste. Marie  
**COUNCIL REPORT**

November 15, 2021

**TO:** Mayor Christian Provenzano and Members of City Council

**AUTHOR:** Brent Lamming, Director of Community Services

**DEPARTMENT:** Community Development and Enterprise Services

**RE:** West End Splash Pad

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**PURPOSE**

To provide information on options for the West End Splash Pad resolution and seek Council approval to refer the request to the 2022 Budget process.

**BACKGROUND**

At a Council meeting dated June 28, 2021 the following resolution was passed.

Whereas in June 2019 the City of Sault Ste. Marie opened its first splash pad in Bellevue Park in the east end of the community; and

Whereas since its opening the splash pad has been heavily used and June 28, 2021 Council Agenda thoroughly enjoyed by children and families; and

Whereas the City of Sault Ste. Marie should aim to provide equitable access to amenities and services in different parts of the community, especially as they relate to families and children; and Whereas, as a community, we have been working to revitalize our city parks; and

Whereas there are many parks in the western part of Sault Ste. Marie that could be revitalized; and

Whereas many communities of our size have more than one splash pad

Now Therefore Be It Resolved that City staff be requested to explore opportunities and locations for the establishment of a second splash pad in a city park in the west end of Sault Ste. Marie, and report back to City Council with a list of potential sites for the establishment of a splash pad in the Sault's west end.

## **ANALYSIS**

Recreation and Culture and Parks staff have reviewed the motion and have prioritized three (3) options based on set criteria (Appendix A).

From that analysis, it identified Manzo Park as the prime location based on the following.

1. Existing infrastructure in terms of washrooms, ties into existing utilities and complementary amenities.
2. Best location in terms of pricing versus other alternatives.
  - a. Manzo Park construction estimate \$750,000.
  - b. James Elliott Park and Lennox Park construction estimate \$1,600,000 (all new services and buildings required).
3. Takes advantage of existing summer staffing at the facility in terms of Life-guards and Parks staff.
4. Aligns well with existing programming such as Every Breakfast Counts.
5. Serves target demographics and has the highest nearby population.
6. Lower ongoing Maintenance requirements.
7. Ample space for parking expansion.
8. Located on an existing bus route providing access for all.

Based on the review, Manzo is the best location and will be the most cost efficient. In addition, the demographics of the area are well served (high population with 17% of the residents under 14, whereas James Elliott Park has 4%). The site has ample power and water service coming into the Manzo pool building and options to tie existing infrastructure for drainage (Appendix B-Concept).

In addition, this option facilitates future development at the James Elliott Park Sports Complex for the operation of a Tube Park and an off Leash Dog Park, which have been raised as options in the past.

As part of a longer term strategy, City staff can begin to investigate options in the Northern end of the City for a future splash pad development. If this budget request is approved in December, there will be an interactive water play features in three (3) of the four (4) geographic locations within the City.

1. Splash Pad at Bellevue Park – East Location (serves Community)
2. Plaza Interactive Fountain - Central Downtown Location (serves Community)
3. Manzo Splash Pad – West Location (serves Community)

Staff are recommending a capital request in the amount of \$750,000 be referred to the 2022 budget process.

## **FINANCIAL IMPLICATIONS**

The recommendation does not impact the 2021 Recreation and Culture or Parks operating budget. A capital request for \$750,000 will be referred to the 2022

Budget. A supporting service level increase in the amount of \$115,000 will be referred to 2023 Budget for ongoing operations. The service level increase covers.

- Ongoing projected utility use - \$110,000
- Interim Student Staffing to cover from May long weekend until end of June (existing staff covers June to Sept. 2022) - \$5,000

### **STRATEGIC PLAN / POLICY IMPACT**

The recommendation supports the focus area of the Corporate Strategic Plan for 2021-2024 in a number of ways.

- Within the Service Delivery focus area, it continues to assist in delivering excellent customer service to citizens.
- The project links directly to the Infrastructure Focus Area of the Corporate Strategic Plan – “New infrastructure is essential to the City’s growth, economic development, citizen safety and quality of life.”
- Finally, the project aligns with the Quality of Life Focus Area – “The City of Sault Ste. Marie is distinctly poised to provide and promote a superior quality of life.”

### **RECOMMENDATION**

It is therefore recommended that Council take the following action:

Resolved that the report of the Director of Community Services dated November 15, 2021 be received, and the item be referred to 2022 budget deliberations in the amount of \$750,000 for capital construction of a splash pad at Manzo Park with a corresponding service level increase of \$115,000 in budget 2023 to cover of ongoing operating costs.

Respectfully submitted,

Brent Lamming, PFP, CPA, CMA  
Director, Community Services  
Community Development & Enterprise Services  
(705)759-5314  
[b.lamming@cityssm.on.ca](mailto:b.lamming@cityssm.on.ca)

APPENDIX A

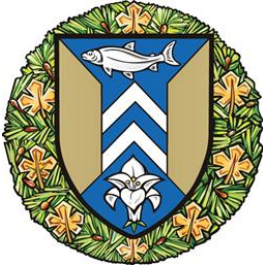
West End Splash Pad Site Review Matrix

	Elliot Park (Rossmore Road)	Manzo Park (Goetz Street and Young Street)	Lennox Park (Lennox Ave)
Service Requirements: Water, Sewer, Power (Estimated cost to run services to the proposed location)	Cost estimates prepared by PWES much higher than anticipated.	Water, Sewer and Power - Existing infrastructure and services on site could be utilized.	No infrastructure or services located on site.
Parking & Traffic Flow (Existing spaces &/or area/size to develop parking)	Limited: should be reconfigured and lot paved for accessibility.	Limited – Parking lot would need to be expanded to accommodate increased volume. Space is available	No Parking existing and ability to create a parking lot would have significant Impacts on the site Surrounded by major roadways causing safety concerns for crossings.
Site Footprint Size Surrounding Neighbors	Use of this space would eliminate options for future development at the site such as a toboggan hill. Neighbours across directly across the street.	Ample space for expansion. Would meet high needs of west end neighborhood and inclusive play.	Footprint is too small.
<u>Operation/Maintenance:</u> Synergies to allow for inclusion in present municipal daily operations which would allow for the following: <ul style="list-style-type: none"> <li>• Site supervision</li> <li>• Daily facility inspections</li> <li>• Maintenance of facility</li> <li>• Cleaning of facility</li> </ul>	Parks staff located at this site.	Lifeguards staff this location for Manzo Pool. Successful programming presently exists during the summer months, which is supported by Best for Kids and Every Breakfast Counts program. Measurable high count of usage Washrooms and change rooms exist on site. Staffed for maintenance	Site does not currently have any staffing
Security	Required	Required when not staffed	Required
Bus Route Regular Bus and Community Bus	Yes	Yes	Yes
Demographics (2011 Statistics Canada, Dissemination Areas [DA])	(2016 Statistics Canada Data. Numbers based on a 500 meter measurement from the center of the Playground) <b>Demographic Data</b> Population total: 269 Median Age: 56.9 By Age: 0-9= 1% 10-14=3% 15-19= 3% 20-39=21% 40-64= 42% 65-85+=29%	(2016 Statistics Canada Data. Numbers based on a 500 meter measurement from the center of the Playground) <b>Demographic Data</b> Population total: 447- HIGHEST By Age: 0-9=11% 10-14=6% 15-19=6% 20-39=23% 40-64= 39% 65-85+=14 %	(2016 Statistics Canada Data. Numbers based on a 500 meter measurement from the center of the Playground) <b>Demographic Data</b> Population total: 378 Median Age: 44.9 By Age: 0-9= 9% 10-14=3% 15-19=8% 20-39=26% 40-64=38 % 65-85+= 20%
Concession Services (or potential for development)	Currently no operating concession but infrastructure exists.	No	No









**The Corporation of the  
City of Sault Ste. Marie**

**C O U N C I L   R E P O R T**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council

AUTHOR: Travis Anderson, Director Tourism & Community  
Development

DEPARTMENT: Community Development and Enterprise Services

RE: Tourism Development Fund Application – CSRA  
Snowcross 2022

---

**Purpose**

This report provides recommendations to City Council from City staff and the Tourism Sault Ste. Marie Board of Directors for the distribution of Tourism Development Funds for applications received October 2021.

**Background**

The Tourism Development Fund (TDF) was implemented June 1, 2021 to provide financial support to the broader tourism sector in two different streams - Festivals & Special Events and Attractions & Product Development. The funds for both streams of the TDF are generated from revenue collected by the Municipal Accommodation Tax (MAT).

Consideration will be given to support initiatives that produce positive results in at least one of the following criteria:

- Development quality tourism products & events;
- Increase in overnight stays and visitor spending in Sault Ste. Marie;
- Enhancement of the Sault's tourism product offerings;
- Support of the city's reputation and position as a first-rate visitor destination;
- Fulfill a gap in the tourism visitor experience landscape; and
- Encourage private sector tourism investment in SSM

Upon receipt of a TDF application, Tourism staff reviews the application for eligibility and assessment criteria and brings a recommendation forward to the Tourism Sault Ste. Marie Board of Directors. The Tourism Sault Ste. Marie Board of Directors further evaluates the applications and makes a recommendation to City Council for the distribution of the grant funds.

**Analysis**

Tourism Development Fund applications are permitted with ongoing intake and are reviewed monthly at the Tourism Sault Ste. Marie Board of Directors meetings. At

TDF CSRA Snowcross

November 15, 2021

Page 2.

the Tourism Sault Ste. Marie Board of Directors meeting October 21, 2021 an application made by CSRA Snowcross was presented and the following resolution was passed:

“Be it resolved that Tourism Sault Ste. Marie recommend a \$15,000 contribution through the Tourism Development Fund- Conferences and Special Events stream to support the CSRA (Canadian Snowmobile Race Association) CAN-AM Snowcross Race in Sault Ste. Marie to be held January 21-23, 2022 and that a report be submitted to City Council for consideration and approval.”

### **Financial Implications**

No new funds would be required. The Tourism Development Fund currently has \$438,330 uncommitted for the purposes of financial assistance within the tourism sector.

### **Strategic Plan / Policy Impact**

This initiative aligns with the focus area of Community Development within the Corporate Strategic Plan.

Furthermore, it also aligns with the FutureSSM pillar of Economic Growth and Diversification.

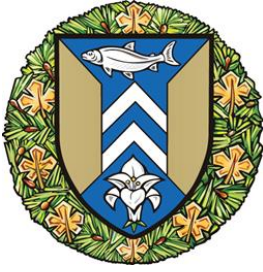
### **Recommendation**

It is therefore recommended that Council take the following action:

Resolved that the report of the Director of Tourism and Community Development dated November 15, 2021 concerning the CSRA Snowcross Tourism Development Fund application be received and that the recommendation of the Tourism Sault Ste. Marie Board of Directors to allocate \$15,000 be approved.

Respectfully submitted,

Travis Anderson  
Director, Tourism & Community  
Development  
705.989.7915  
[t.anderson@cityssm.on.ca](mailto:t.anderson@cityssm.on.ca)



The Corporation of the  
City of Sault Ste. Marie  
**COUNCIL REPORT**

November 15, 2021

**TO:** Mayor Christian Provenzano and Members of City Council  
**AUTHOR:** Nicole Maione, Manager of Transit & Parking  
**DEPARTMENT:** Community Development and Enterprise Services  
**RE:** Municipal Law Enforcement Officers

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**PURPOSE**

The purpose of this report is to update By-law 90-305, which appoints municipal law enforcement officers.

**BACKGROUND**

By-Law 90-305 is a By-law appointing municipal law enforcement officers and is amended from time to time.

**ANALYSIS**

Not applicable.

**FINANCIAL IMPLICATIONS**

There is no budgetary impact.

**STRATEGIC PLAN / POLICY IMPACT**

This is an operational activity not articulated in the strategic plan.

**RECOMMENDATION**

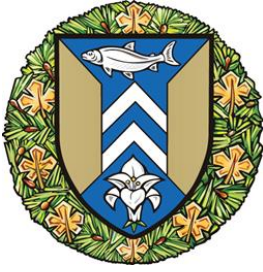
It is therefore recommended that Council take the following action:

By-law 2021-221 appears elsewhere on the Agenda and is recommended for approval.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Nicole Maione'.

Nicole Maione  
Manager of Transit and Parking  
705.759.5434  
[n.maione@cityssm.on.ca](mailto:n.maione@cityssm.on.ca)



**The Corporation of the  
City of Sault Ste. Marie**

**C O U N C I L   R E P O R T**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Emily Cormier, Sustainability Coordinator  
DEPARTMENT: Community Development and Enterprise Services  
RE: Community Efficiency Financing Feasibility Study

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**Purpose**

The purpose of this report is to seek Councils approval to apply to the Federation of Canadian Municipalities (FCM) Green Municipal Fund (GMF) program for funding to complete a Community Efficiency Financing (CEF) program feasibility study.

**Background**

On December 14, 2020, the City of Sault Ste. Marie (the City) unanimously approved the *Sault Ste. Marie Community Greenhouse Gas Reduction Plan 2020 – 2030* (the plan). The City’s plan includes a long-term target for GHG reduction of net zero by 2050. In order to meet the community greenhouse gas (GHG) reduction targets, significant action from all community stakeholders, including residents will be required. One of the top 10 priorities in the plan for year one is to explore the development of a community retrofit program. Home energy retrofits are an important element to reducing community emissions as energy renovations and technology significantly reduce energy use and associated GHGs. Furthermore, an incentive program can address the social inequalities in the ability to afford retrofits to buildings that are in most need of upgrades. An added benefit is that investments in the retrofit economy are a very effective means to accelerate economic recovery as actions needed to decarbonize buildings are labor-intensive, and create jobs directly in the community. These are well-paid jobs in the trades, manufacturing, and in professional services for small-scale contractors and larger firms<sup>1</sup>.

The FCM GMF CEF program supports municipalities seeking to plan, implement and/or expand community home energy upgrade programs within their community. Specifically, the fund supports innovative financing models, such as property

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<sup>1</sup> Kennedy, M. & Frappé-Sénéclauze, T. (Pembina Institute). (2021). *Canada’s Renovation Wave – a plan for jobs and climate*. Retrieved from: <https://www.pembina.org/reports/canadas-renovation-wave.pdf>

assessed clean energy (PACE), local improvement charge (LIC) financing, utility on-bill financing and third party lending.

The FCM GMF CEF program is available to all Canadian municipal governments and organizations applying in partnership with them. CEF supports municipalities at all stages of the journey in assessing feasibility, designing, implementing, scaling up and evaluating financing programs for home energy upgrades that have triple-bottom line benefits.

### **Analysis**

Conducting a feasibility study to assess community efficiency financing (CEF) within Sault Ste. Marie will be an essential step towards the goal of becoming a net-zero emissions community by 2050. The study will help identify common barriers and evaluate which type of building retrofit or CEF program may be best suited for Sault Ste. Marie. The study will include, but is not limited to the following tasks:

- A baseline assessment of the community's housing stock and energy upgrade potential
- An analysis of how financing may address homeowner barriers to energy efficiency and/or renewable energy upgrades or existing efficiency programs
- An evaluation of available financing models within the context of municipal law
- Engagement with key municipal and external stakeholders on shared goals for a local financing initiative
- A review of the existing capacity and range of services offered by local contractors and energy advisors who currently engage in some aspects of home energy upgrades
- An assessment of local readiness and support for a residential retrofit financing program through surveys, information sessions, and targeted interviews

The feasibility study will provide the City and surrounding areas the information necessary to recommend whether to proceed with the program design stage for a local efficiency program for home energy upgrades, as well as recommend the preferred financing model to use in the community.

As previously mentioned, the GHG Reduction Plan recommends exploring the development of a community retrofit program. In addition, the City's Environmental Sustainability Committee supports this initiative. The following resolution was passed on the September 9, 2021 meeting:

Resolved that the Environmental Sustainability Committee recommends that the City of Sault Ste. Marie apply to the Federation of Canadian Municipalities Community Efficiency Financing Program for funding to conduct a feasibility study to explore the opportunities of undertaking a

community retrofit program as recommended in the Sault Ste. Marie Community Greenhouse Gas Reduction Plan.

Furthermore, the PUC also supports the City's application. Their success in managing the Save on Energy Program in Sault Ste. Marie and social capital within the community on previous retrofit initiatives will make them a key collaborator on this initiative moving forward. Please see attachment A for a letter of support.

### **Financial Implications**

The cost for the feasibility study in Sault Ste. Marie has been estimated at \$100,000. The FCM will fund 80% of project costs, and the remaining 20% will be covered through a combination of in kind services and/or application to the City's Green Initiatives Program fund.

### **Strategic Plan / Policy Impact**

The recommendation supports the focus areas and values of the Community Strategic Plan for 2021 – 2024 in a number of ways:

- **Infrastructure:** maintaining existing infrastructure
- **Quality of life:** promoting quality of life advantages including the implementation of the Greenhouse Gas Reduction Plan.

In addition, the project aligns with the value of Environmental Stewardship within the Corporate Strategic plan of using resources wisely to maintain and create a sustainable city for future generations

As well, the Environmental Sustainability Committee, a committee of council has as an objective to encourage energy management and GHG Emissions reduction, of which this project aligns with.

Furthermore, the study aligns with the Sault Ste. Marie Community GHG Reduction plan: 2020 – 2030, which recommends developing a community energy efficiency retrofit program.

### **Recommendation**

It is therefore recommended that Council take the following action:

Resolved that the report the Sustainability Coordinator dated November 15, 2021 concerning Community Efficiency Financing Feasibility Study be received and that Council approve the recommendation authorizing staff to proceed with preparation of an application to the FCM GMF CEF program for funding for a feasibility study.

Respectfully submitted,

Community Efficiency Financing Feasibility Study

November 15, 2021

Page 4.

Emily Cormier

Sustainability Coordinator

Community Development &

Enterprise Services

(705) 989-8748

[e.cormier2@cityssm.on.ca](mailto:e.cormier2@cityssm.on.ca)





September 29, 2021

City of Sault Ste. Marie  
99 Foster Drive  
Sault Ste. Marie, ON P6A 5X6

To: The City of Sault Ste. Marie

I am writing to express PUC's support towards the City of Sault Ste. Marie's Federation of Canadian Municipalities Community Efficient Financing program study application.

As a company, PUC values innovation and the adoption of new technologies that will lead to more energy efficiencies within the community. As PUC looks to the future, we ourselves are committed to taking action that will contribute to a lower carbon economy.

This has been reflected in our recent efforts on the Save on Energy Program that assisted businesses in the community achieve savings of 1.1 million kWh in 2019. The AffordAbility Fund program that helped over 6,000 local customers improve energy efficiencies in their homes by providing free energy-saving upgrades that lower home energy use and electricity bills.

PUC greatly appreciates the opportunity to provide support and expertise in the areas required for the application and future outcomes for the feasibility study.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Brewer', written in a cursive style.

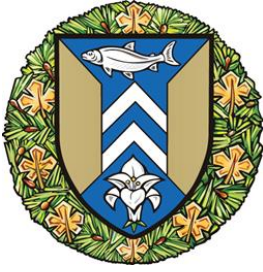
Robert Brewer | President & CEO  
PUC Services Inc.

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PUC Services Inc., 500 Second Line  
East, P.O. Box 9000,  
Sault Ste. Marie, Ontario P6A 6P2

P: 705-759-6522  
F: 705-759-6510

ssmpuc.com  
customer.care@ssmpuc.com



**The Corporation of the  
City of Sault Ste. Marie**

**C O U N C I L   R E P O R T**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Emily Cormier, Sustainability Coordinator  
DEPARTMENT: Community Development and Enterprise Services  
RE: October 2021 Community Development Fund - Green Initiatives  
Program Application

---

**Purpose**

The purpose of this report is to seek Council approval for recommendations from the Environmental Sustainability Committee for the distribution of Community Development Fund (CDF) – Green Initiatives Program for an application received in October 2021.

**Background**

The Green Initiatives Program of the Community Development Fund (CDF) purpose is to support green initiatives that result in reduced greenhouse gas emissions (GHGs), improve water quality / rehabilitation or increase energy efficiency. The City of Sault Ste. Marie's (the City) Environmental Sustainability Committee (ESC) is responsible for making recommendations for the allocation of funds for eligible projects or programs that support the City's environment plans and practices. Funding applications are reviewed by the ESC in accordance with the CDF – Green Initiatives Program guidelines and are accepted on a rolling intake throughout the year. Total annual funds available for all projects under the CDF – Green Initiatives Program in 2021 is \$50,000. Eligible applicants include non-profit organizations and City departments.

**Analysis**

An application has been submitted and recommended by the ESC for Council approval. The application came from Matthew MacDonald, CEO of the Sault Ste. Marie Public Library requesting \$2,210 to go towards the purchase of four (4) infrared imaging thermal cameras that will be lent to the public to use to identify areas which are experiencing heat loss. The tools will be added to the library's tool lending program, which includes radon kits.

Thermographic technology can help support building energy efficiency initiatives. Thermal cameras offer a non-destructive means of diagnosing building conditions and can rapidly visualize information. Thermal cameras offer both a valuable diagnostic tool and a compelling means of fostering engagement and educating

homeowners on heat dynamics, and can instill an appreciation for energy efficiency in homes. With the information gained by using the cameras homeowners will be able to make repairs to prevent/reduce heat loss which in turn will result in energy savings and reduce greenhouse gas emissions.

This project and grant application are discussed in more detail as per the application for the funding in this Council agenda package. Please see Attachment A for more details on the ESC application. The following resolution was passed upon review of this application.

Resolved that the Environmental Sustainability Committee supports the request for funding from the CDF – Green Initiatives stream in the amount of \$2,120 for the Sault Ste. Marie Public Library Thermal Imaging Borrowing program and recommends that Council approve this request.

Moved: M. Britton

Second: J. Graham

### **Financial Implications**

No additional funds are required from the CDF - Green Initiatives Fund for this project. The total requested to date of the CDF – Green Initiatives fund is \$30,825. Of the \$50,000 available in 2021 under the CDF – Green Initiatives Program \$19,175 remains uncommitted. The grant request of \$2,120 can be accommodated within the remaining funds. By the end of the year, any remaining funds not used must go towards the purchase of trees for the subsequent year, which trees should be planted in City Parks or on City property by Public Works employees as per a resolution from the March 9, 2020 Council Meeting.

### **Strategic Plan / Policy Impact**

The recommendation supports value and focus areas of the Community Strategic Plan for 2021 – 2024 through:

- **Environmental Stewardship:** We will use resources wisely to maintain and create a sustainable city for future generations

As well, the Environmental Sustainability Committee, a committee of council has as an objective to encourage energy management and GHG Emissions reduction within the community, of which this projects aligns with.

In addition, the Sault Ste. Marie Community GHG Reduction plan: 2020 – 2030, has as an objective to reduce energy consumption and optimize energy efficient in the community by encouraging the use of energy reduction devices such as thermal imaging heat devices.

### **Recommendation**

It is therefore recommended that Council take the following action:

October 2021 Community Development Fund - Green Initiatives Program  
Application  
November 15, 2021  
Page 3.

Resolved that the report of the Sustainability Coordinator dated November 15, 2021 be received and that Council approve the recommendation of the Environmental Sustainability Committee to allocate \$2,120 to the Sault Ste. Marie Public Library Thermal Imaging Borrowing program request.

Respectfully submitted,

Emily Cormier  
Sustainability Coordinator  
Community Development &  
Enterprise Services  
(705) 989-8748  
[e.cormier2@cityssm.on.ca](mailto:e.cormier2@cityssm.on.ca)

## **1.0 Purpose**

The purpose of the Green Initiatives Program of the Community Development Fund (CDF) is to support green initiatives that result in reduced greenhouse gas (GHG's), improve water quality/rehabilitation or increase energy efficiency.

## **2.0 Policy**

The City of Sault Ste. Marie's (the City) Environmental Sustainability Committee (ESC) may recommend the allocation of funds for eligible projects or programs that support of the City's environmental plans and practices, in particular the reduction of greenhouse gas (GHG) emissions, water quality/rehabilitation or increase energy efficiency.

Funding applications will be reviewed by the ESC in accordance with the CDF – Green Initiatives Program guidelines and will be recommended to Council for approval.

Total funds available for all projects under the CDF – Green Initiatives Program is \$50,000. This amount will be reviewed on an annual basis.

## **3.0 Definitions**

3.1 "Environmental sustainability" means: projects that support reducing our community GHG emissions and reducing pollution, maintaining our natural environment and managing the use of natural resources in a way that ensures their availability for future generations.

3.2 "Eligible Applicant" means:  
a. Non-profit organizations and City departments.

3.3 "Eligible Project" means any project or activity that demonstrates environmental benefits or improvements and is consistent with City policies, and may include:

- GHG Reduction
- Improves water quality / rehabilitation
- Increases energy efficiency

## **4.0 Processing for Evaluating Proposals**

4.1 The Community Development and Enterprise Services Department (CD&ES) will provide the resources to support the intake of applications and support the proponent(s) in the development of their proposal.

4.2 City Finance and CD&ES will provide recommendations regarding economic resources available and related concerns (e.g., due diligence collaboration, risk management, etc.)

4.3 Once an application has been deemed eligible and complete by City staff, applications will be reviewed with the Environmental Sustainability Committee for recommendation to City council.

4.4. All requests will be presented to Council in writing with supporting presentations by the applicant, if required. A copy of the application will be included in the Council package, which is

public. Any confidential material to support the application should be contained in a separate document and marked confidential.

4.5 City Council will make the final decision regarding the approval of financial contributions.

#### 5.0 Accountability, Monitoring and Reporting of Results

The following will be expected from the successful applicants:

5.1 Recognition of the Community Development Fund contribution to the project in reports and appropriate marketing products, including the City logo.

5.2 Progress reports for longer duration projects as outlined in their application timetable and proposal to City Council.

5.3 A final project report containing an evaluation of the success of the initiative in meeting its goals and key performance targets as well as the benefits to the community is required within 60 days of project completion.

5.4 A complete report of all revenues and disbursements for the project within 6 months of completion of the project. The City Finance Department will require supporting financial documentation (e.g. paid invoices, etc.) and has the right to review or audit projects.

The Green Initiatives funds are provided on a re-imbusement basis, i.e., an organization incurs the cost, provides invoices to the City in a claim report and the City's contribution level to the project is then provided. Where other levels of government or other funding programs are involved, the City will receive claim packages as submitted to the other funding agencies and pay their proportional share of approved and eligible project costs.

# Community Development Fund Application Form

## Green Initiatives Stream

Please fill in each of the following sections:

### Section 1. Applicant Information

Please select which type of organization you represent:

Non-profit organization

City of Sault Ste. Marie (list Department): Public Library

Legal name of business and/or organization: Sault Ste. Marie Public Library

Address: 50 East St. SSM ON P6A 3C3

Phone Number: 705-759-5242

Fax: 705-759-8752

Contact Name: Matthew MacDonald

Email: m.macdonald@cityssm.on.ca

Phone: 705-759-5246

Names of Officers, Directors & Principals (if applicable):

Wayne Greco (Chair), Ashlee Gerard (Vice Chair), Frances Ryan, Elspeth Beliar, Mike Olejnik, Kevin Harrison, Erin Ferlaino, Jami van Haften, Kendall Barban

Briefly describe the function or purpose of your organization (e.g. include a short history, mandate, goals and objectives)

The Sault Ste. Marie Public Library has served its community for 125 years. Our Library enriches lives, is a community hub that provides access to information and technology and supports and encourages personal growth and creativity. In addition to lending services, our Library offers numerous educational, cultural and creative activities that are open to the entire community throughout the entire year. Activities include early literacy programming, technology workshops, information sessions, cultural events and more.

Contributing partners (name organization, if new please provide references):

### Section 2: Project Information

Please provide key information about your project including: project description, objectives, performance targets, impacts and limitations of project, methodology and timing (including key dates for progress reports and final report to council)

Project Description: Thermal Camera Lending Program – the Sault Ste. Marie Public Library (SSMPL) would like to purchase four (4) thermal cameras to be lent to the public which they can then use to scan their homes to identify areas of the home experiencing heat loss.

Project Objective: Thermographic technology can help support building energy efficiency initiatives. Thermal cameras offer a non-destructive means of diagnosing building conditions and can rapidly visualize information. Thermal cameras offer both a valuable diagnostic tool and a compelling means of fostering engagement and educating homeowners on heat dynamics, and can instill an appreciation for energy efficiency in homes. With the information gained by using the cameras homeowners will be able to make repairs to prevent/reduce heat loss which in turn will result in energy savings and reduce greenhouse gas emissions.



Total amount of assistance requested \$ 2,120

Please specify as accurately as possible how the Green Initiatives Fund will be used if approved. Requests for capital purchases or printed material must include a minimum of one quote from a firm/business to provide the service/material.

The funds would be used to purchase 4 FLIR TG165-X Thermal Cameras priced at \$530 each. Full specifications can be found here: <https://www.flir.ca/products/tg165-x/>

Once purchased, the cameras will be catalogued and made available for borrowing. Two will be located at the James L. McIntyre Centennial Library and two will be located at the North Branch.

Does your organization currently receive other financial assistance from the City, either in-kind or direct funding?

Yes

No

If yes, please specify:

The Library receives operational funding from the City.

Have you received Green Initiative funding from the City previously?

No

Yes       Amount (\$) \_\_\_\_\_ and type     GHGs       Energy Efficiency     Water

What was the last year received: \_\_\_\_\_(specify year)

If yes, for the last year that the grant was received, append a copy of a Post-Project Report. For grants given to assist in capital purchases or printed material, please append an example and/or colour photo of the item(s).

Submit the following required attachments with your application:

- i) Detailed project costs
- ii) Financing arrangements (e.g., equity, loans, etc.) and funding partners
- iii) In-kind contributions
- iv) Balance, Financial Statements, Cash flow projections (historical and projected), where appropriate
- v) Demonstrated need for assistance and supporting documentation and applications to other government assistance programs, etc.

## Section 4: Environmental Benefits

Please select the category that your project best falls under (check all that apply)

- Greenhouse Gas Reduction (if your project will reduce GHGs in Sault Ste. Marie, please indicate the estimate reduction in tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e) \_\_\_\_\_)
- Improves water quality / rehabilitation
- Increases energy efficiency

Description of how the project achieves a reduction in GHGs, improvement in water quality and/or energy efficiency.

This lending program will enable the public to discover sources of heating loss within their homes. Once discovered they will be able to rectify the problem to reduce/prevent future heat loss. Home heating is one of the leading domestic energy uses. By reducing heat loss, home owners and renters will also be reducing their energy consumption, especially in homes that use electric heat rather than gas fireplaces, forced air, or other methods. The program will encourage homeowners to retrofit older buildings and benefit from energy upgrades through cost savings. The strong visual impact of thermal images may increase public buy-in and participation in energy efficiency programs offered by both the Federal and Provincial government, which the City promotes on its website.

## Section 5: Community Benefits

How does the project compliment other local initiatives?

This project would be beneficial in combination with other local initiatives that help support home renovations for the reduction of energy use. Specifically, these include provincial and Federal residential home energy efficiency incentive programs (e.g. the Canada Greener Homes Grant and the IESO and Enbridge Gas Residential Energy Rebate programs). The project is also identified as an action in the Sault Ste. Marie Community Greenhouse Gas Reduction Plan (the plan) 2020 – 2030 which was unanimously approved by City council in December 2020. The plan indicates that 84% of residents surveyed throughout its stakeholder consultation phase would conduct a free do-it yourself home energy consumption audit to help understand their energy consumption and implement energy saving strategies at home. The thermal camera borrowing program will encourage affordability by helping homeowners reduce energy costs and encourage education and awareness about energy which accounts for the third highest source of building emissions according to the Sault Ste. Marie greenhouse gas emissions inventory.

What is the anticipated impact on the community as a whole from your planned project?

The cost of the thermal cameras is prohibitive for most individuals however the knowledge gained by using them in their homes for even a short period can be immense. By the Library lending these cameras to the public at no cost, members of our community will be able to identify issues and makes repairs in their homes that will eventually lead to energy savings. The more people who take advantage of the lending program the greater overall energy savings for the community. In time this will lead to significant energy savings in Sault Ste. Marie. In addition to energy savings, reduction in household carbon footprint emissions will also be an impact of the program as the less energy you use the lower your emissions become.

I CERTIFY that to the best of my knowledge, the information provided in the Green Initiatives Program Fund application is accurate and complete and is endorsed by the organization society or City department, which I represent.

DATED in Sault Ste. Marie, this 1 day of September, 2021

NAME <u>Matthew MacDonald</u>	Title <u>CEO</u>	Signature 	Phone Number <u>705-759-5246</u>
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**PLEASE RETURN THIS FORM AND RELATED SUPPORTING DOCUMENTATION TO:**

Tom Vair  
Deputy CAO, Community Development & Enterprise Services  
99 Foster Drive, Second Level  
Sault Ste. Marie, ON P6A 5X6  
Telephone inquiries: (705) 759-5308  
Email: [t.vair@cityssm.on.ca](mailto:t.vair@cityssm.on.ca)

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED.**

**FOR OFFICE USE ONLY**

**Application Received By:** \_\_\_\_\_ **Date:** 2021 09 01

**Collection of Personal Information Notice**

Personal information of the Green Initiative Fund Application is collected under the authority of the Municipal Freedom of Information and Protection of Privacy ACT R.S.O. 1990 m.c.M.56 and will be used solely to determine applicable information necessary for application. Questions about this collection should be directed to the address noted in the Competition Outline.

## **SSMPL CDF Green Initiatives Fund Program Application – Additional Information**

### **Section 2 (Continued):**

Performance targets and impacts: This program will focus on encouraging energy efficiency for homeowners in Sault Ste. Marie. Metrics to evaluate the effectiveness of this program will relate to assessing the total number of device rentals on an annual basis.

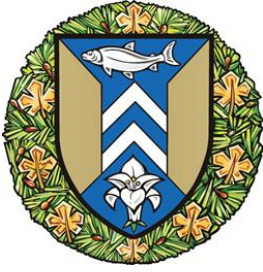
Project Limitations: Because the program is new, it is difficult to quantify what the actual energy saving impacts will be by an individual homeowner based on the device usage as it is only the first step of considering implementing energy efficiency upgrades. That being said, ENERGY STAR estimates that simple home improvements such as air sealing and insulation improvements can cut heating and cooling costs by 17% for homes. As well, using a thermal imaging camera to identify energy saving opportunities does not constitute an official home energy audit, but can be part of the first home improvement steps and education process to encourage homeowners to do so. If recommendations from an audit are implemented by a homeowner, it will most definitely result in energy efficiency savings. For example, a study between February 2007 and February 2015 over 7,900 single family homes in Vancouver that received the EnergyGuide Rating System (ERS) energy evaluation and completed more than 18,000 home energy and GHG reduction improvements, realized 22,009 tonnes of reduced GHG emissions an average of 25% energy reductions per home. It is our hope that this program will initiate homeowners to start thinking about implementing upgrades to reduce their energy use and associated emissions.

Project Methodology: Each camera will be loaned on a weekly basis to anyone with a valid Sault Ste. Marie Public Library card. The Library offers similar lending programs such as its radon kits, which homeowners can use to determine if there are dangerous levels of radon in their basements.

Project Timing: The funding from the CDF Green Initiatives Program will help purchase the thermal imaging cameras. It is our expectation that this program will run indefinitely as part of the growing inventory of tools the library currently lends out to its patrons.

### **Examples of Other Thermal Imaging Borrowing Programs:**

- <https://www.northernontariobusiness.com/regional-news/northeastern-ontario/wawas-a-winner-537255>
- <https://www.fairfaxcounty.gov/environment-energy-coordination/thermal-camera>
- <https://globalnews.ca/news/6500976/loan-program-thermal-imaging-cameras-okanagan/>



The Corporation of the  
City of Sault Ste. Marie  
**COUNCIL REPORT**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Emily Cormier, Sustainability Coordinator  
DEPARTMENT: Community Development and Enterprise Services  
RE: Race to Zero

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### **Purpose**

The purpose of this report is to request that Council declare support for the United Nation's Cities Race to Zero campaign.

### **Background**

In September 2019, the City of Sault Ste. Marie (the City) joined the Canadian Partners for Climate Protection (PCP) program. The program uses a 5-milestone framework to guide municipalities towards the development and implementation of a Climate Action Plan. The 5-milestones include:

1. Creating a baseline emissions inventory and forecast;
2. Setting emissions reduction targets;
3. Developing a local action plan;
4. Implementing the local action plan, and;
5. Monitoring progress and reporting results;

The City completed Milestone 1 in February 2020 with the creation of the Community Greenhouse (GHG) emissions inventory. On December 14, 2020, Council unanimously approved Milestone 2 and 3 and implementation is currently underway, as per Milestones 4 and 5.

On August 9, 2021, the Intergovernmental Panel on Climate Change (IPCC) released a report, which draws on over 14,000 scientific studies and confirmed that scientists around the globe are observing adverse changes in the Earth's climate, as a result of human activity that are unprecedented and irreversible.<sup>1</sup> The IPCC report calls upon global nations to drastically reduce GHG emissions to limit global warming to 1.5° Celsius, a goal set forth in the Paris Agreement<sup>2</sup>.

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<sup>1</sup> Intergovernmental Panel on Climate Change. (2021). *Climate Change 2021: The Physical Science Basis*. Retrieved from: [https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC\\_AR6\\_WGI\\_Full\\_Report.pdf](https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Full_Report.pdf)

<sup>2</sup> The Paris Agreement is a global landmark accord to combat climate change and calls for carbon neutrality by 2050. (United Nations. (2015). *Paris Agreement*. Retrieved from: [https://unfccc.int/files/essential\\_background/convention/application/pdf/english\\_paris\\_agreement.pdf](https://unfccc.int/files/essential_background/convention/application/pdf/english_paris_agreement.pdf))

On October 26, 2021 the United Nations Environment Program (UNEP) launched the *Emissions Gap Report 2021*. *The Emissions Gap Report 2021: The Heat Is On* is the 12th edition in an annual series that provides an overview of the difference between where GHG emissions are predicted to be in 2030 and where they should be to avert the worst impacts of climate change. The report indicates that current mitigation measures put the world on track for a global temperature rise of 2.7°C by the end of the century, well above the goals of the Paris climate agreement and anticipates catastrophic changes in the Earth's climate<sup>3</sup>. To keep global warming below 1.5°C this century, the world needs to halve annual GHGs within the next decade.

Race to Zero is a global campaign to rally leadership and support from businesses, cities, regions, investors for a healthy, resilient, zero carbon recovery that prevents future threats, creates decent jobs, and unlocks inclusive, sustainable growth. Cities Race to Zero campaign is a campaign for cities by cities to inspire commitments and actions from their peers around the world and channel the best available tools and expertise to help them stay on track with the 1.5°C goal of the Paris Agreement. It has mobilized a coalition of leading net zero initiatives, representing 799 cities, 35 regions, 4,468 businesses, 221 of the biggest investors, and 622 Higher Education Institutions worldwide<sup>4</sup>. Twenty-one Canadian cities have signed on so far, including cities such as Thunder Bay, Hamilton, Guelph, St. Catherine's, and Ottawa<sup>5</sup>.

### **Analysis**

Joining the Cities Race to Zero campaign would ensure formal recognition of Sault Ste. Marie's efforts by the United Nations Framework Convention on Climate Change. By bringing attention to immediate action, equity and local coalition building, this campaign will establish Sault Ste. Marie as a leader and strong champion of the Paris Agreement and equitable climate action.

The following resolution is presented for Council's consideration:

WITH RESPECT to joining the Cities Race to Zero campaign, the City of Sault Ste. Marie pledges to:

1. Publicly endorse the following Principles:
  - We recognize the global climate emergency
  - We are committed to keeping global heating below the 1.5° Celsius goal of the Paris Agreement.
  - We are committed to putting inclusive climate action at the center of all urban decision-making to create thriving and equitable communities for everyone.

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<sup>3</sup> United Nations Environment Program. 2021. *Emissions Gap Report 2021: The Heat Is On*. Retrieved from: <https://www.unep.org/resources/emissions-gap-report-2021>

<sup>4</sup> United Nations Framework Convention on Climate Change. 2021. *Race to Zero Campaign*. Retrieved from: <https://unfccc.int/climate-action/race-to-zero-campaign>

<sup>5</sup> United Nations Framework Convention on Climate Change. 2021. *Race to Zero Campaign*. Retrieved from: <https://unfccc.int/climate-action/race-to-zero-campaign>

- We invite our partners – political leaders, CEOs, trade unions, investors, and civil society – to join us in recognizing the global climate emergency and help us deliver on science-based action to overcome it.
2. We pledge to reach (net)-zero by mid-century at the latest, in line with global efforts to limit warming by 1.5°Celsius.
  3. Further that City Council direct staff to report on steps that have been taken toward achieving Sault Ste. Marie’s interim goal of achieving 10% corporate and 5% community reduction of emissions from 2017 levels by 2030 in order to identify ways to increase that target to incorporate a fair share of the 50% global reduction in CO2 by 2030 identified in the IPCC Special Report on Global Warming of 1.5°Celsius.
  4. Immediately proceed to planning the following inclusive and equitable climate actions as listed on [www.citiesracetozero.org](http://www.citiesracetozero.org) that will help to place Sault Ste. Marie on a resilient pathway consistent with the 1.5° Celsius objective of the Paris Agreement and begin implementation no later than 2022:
    - a. Create Green and Healthy Streets
      - Pilot test and procure, with partners as necessary, zero emissions buses by 2025
      - Expand and improve walking, cycling and integrated transit access and identify potential areas for future zero emission zones by 2025.
    - b. Develop Zero-Carbon Buildings
      - Benchmark building energy use in existing buildings and implementing citywide efficiency programs with an approved roadmap to achieve all net zero buildings by 2050.
    - c. Advance to Zero Waste
      - Ensure all waste generated in the city is being collected and residential waste is disposed of adequately in at least an engineered sanitary landfill.
  5. Report progress annually, beginning no later than 2022 to the PCP program, or another recommended platform. The 1.5° Celsius target and action commitment(s) should be shared through your regular channels of reporting.

Participating in the Cities Race to Zero program provides the City with a platform to showcase city and community climate action, network with other municipalities on a global scale and leverages the commitment to action and work that is already underway.



### **Financial Implications**

There are no financial implications to joining the Race to Zero Campaign. There are financial implications to implementing recommendations from the City's GHG Reduction Plan; such as adopting energy efficiency retrofits and transitioning the City's fleet and equipment to zero emission models. That being said, these types of projects have the potential to reduce the City's operating and maintenance costs.

### **Strategic Plan / Policy Impact**

The recommendation supports the focus areas and values of the Community Strategic Plan for 2021 – 2024 in a number of ways:

- **Infrastructure:** maintaining existing infrastructure
- **Quality of life:** promoting quality of life advantages including the implementation of the Greenhouse Gas Reduction Plan.

In addition, the project aligns with the value of Environmental Stewardship within the Corporate Strategic plan of using resources wisely to maintain and create a sustainable city for future generations

As well, the Environmental Sustainability Committee, a committee of council has as an objective to encourage energy management and GHG Emissions reduction, of which the Race to Zero campaign aligns with.

Furthermore, the Race to Zero aligns with the Sault Ste. Marie Community GHG Reduction plan: 2020 – 2030, which targets net zero emissions by 2050.

### **Recommendation**

It is therefore recommended that Council take the following action:

Resolved that the report of the Sustainability Coordinator dated November 15, 2021 be received and that Council declare support by submitting the pledge above for the Cities Race to Zero program, as part of the United Nation's Cities Race to Zero campaign and amplify its efforts in building the momentum of the Race to Zero campaign by publicizing their involvement and encouraging more Canadian cities to join in this effort.

Further that City Council reiterate its position to reach net zero- by 2050 or sooner and commit to endorsing actions that are in line with global efforts to limit warming to 1.5 degrees Celsius

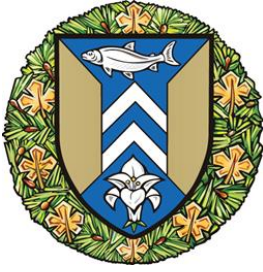
Further that Council commit to plan at least one inclusive and equitable climate action as listed in the Cities Race to Zero campaign pledge that will help to place Sault Ste. Marie on a resilient pathway, consistent with the 1.5° Celsius objective of the Paris agreement and begin implementation no later than 2022.

Further that staff be directed to report on progress of this initiative annually, beginning no later than the third quarter of 2022 to the Environmental Sustainability Committee.

Race to Zero  
November 15, 2021  
Page 5.

Respectfully submitted,

Emily Cormier  
Sustainability Coordinator  
Community Development  
Enterprise Services  
(705) 989-8748  
[e.cormier2@cityssm.on.ca](mailto:e.cormier2@cityssm.on.ca)



**The Corporation of the  
City of Sault Ste. Marie**

**C O U N C I L   R E P O R T**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Carl Rumiel, Manager Design & Transportation Engineering  
DEPARTMENT: Public Works and Engineering Services  
RE: Northern Avenue Improvements – Increase Project Budget

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**Purpose**

The purpose of this report is to request Council approval for an increase to the overall project budget to cover variations in tender quantities, change orders for additional work, additional traffic signal equipment and overruns in engineering fees.

**Background**

At the June 8, 2020 meeting, Council approved awarding Contract 2020-5E, Northern Avenue Improvements, to Avery Construction. Due to the close proximity to the Northern Avenue project, the City Transit Division also included construction of a new Transit Hub at Sault College into this project. As the overruns in budget only pertain to the Northern Avenue portion of the construction contract, staff have not included Transit's sections of the work for the purposes of this report.

**Analysis**

Since the award of the construction contract, additional engineering effort has been required to review various alternative bike lane configurations at signalized intersections, design of traffic signals at Sackville Road and Willow Avenue, and to accommodate an extended construction duration causing the need for additional inspection and contract administration. This overrun in engineering requires an additional \$65,000 bringing the total engineering fee limit for Northern Avenue to \$181,400. With the additional fees, the engineering to construction ratio is still approximately 10% which is still slightly lower than what would usually be expected on a project of this size and complexity.

The tendered contract also included an approved contingency allowance of \$200,000 intended to be used in the event of increased costs. This contingency allowance has been exhausted and an increase is also required. Overruns in the contract include extensive curb and sidewalk replacement due to unforeseen deterioration. This overrun is approximately \$155k of the \$200k contingency allowance. Other areas with overruns include additional base asphalt patching required due to inconsistent asphalt thickness encountered after milling, unforeseen storm sewer repairs, variations in estimated tender quantities for

asphalt, supply and installation of new manhole frame assemblies at the request of Public Works and additional traffic signals.

These additional construction and engineering overruns total approximately \$150,000 above the approved project budget and can be covered by part of the \$1.5M budget allowance for the MacDonald Avenue Storm Water Management Pond, which will not be constructed until 2022.

### **Financial Implications**

The additional project costs of \$150k cannot be covered by the project budget. Staff are recommending that approximately \$150K of the \$1.5M budget allowance for the MacDonald Avenue Storm Water Management Pond be used for the overrun on the Northern Avenue Improvements project. The City can designate \$150K from the 2022 Capital Transportation Program to bring the project budget back to \$1.5M for MacDonald Avenue.

### **Strategic Plan / Policy Impact**

This report is linked to the new infrastructure focus area of the strategic plan.

### **Recommendation**

It is therefore recommended that Council take the following action:

Resolved that the report of the Manager of Design and Transportation Engineering, dated November 15, 2021, concerning the Northern Avenue Improvements – Increase Project Budget, be received and Council authorize the engineering fee limit in Kresin Engineering's agreement for the Northern Avenue Improvements be increased by \$65,000; further that \$150,000 be redirected from the MacDonald Avenue Storm Water Management Pond to this project, be approved.

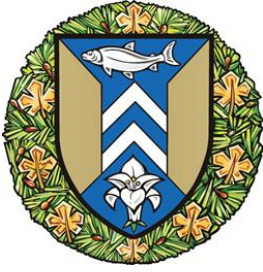
Respectfully submitted,

Carl Rumiell, P. Eng.

Manager of Design and Transportation Engineering

705.759.5379

[c.rumiell@cityssm.on.ca](mailto:c.rumiell@cityssm.on.ca)



The Corporation of the  
City of Sault Ste. Marie  
**COUNCIL REPORT**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Karen Fields, City Solicitor  
DEPARTMENT: Legal Department  
RE: Legal Motion Report

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**Purpose**

The purpose of the report is to respond to a Council resolution. Specifically, the resolution stated:

Whereas City Council has identified Building and By-Law as a pivotal area of focus to improve the approach in dealing with derelict and vacant buildings; and

Whereas City Council has established a Task Force to effect those needed improvements in our system; and

Whereas the Building and By-Law Task Force has identified, among other suggestions, the amendment to the City's Property Standards By-law 2012-9, to improve Part 7 of the By-law dealing with Vacant or Damaged Buildings; and

Whereas these amendments would allow for increased enforcement as a tool that would help to curb the spread of derelict buildings; and

Whereas the Building department writes orders for compliance, and where compliance is not achieved the Legal Department is responsible for the required court proceedings; and

Whereas the implementation of the Integrated Municipal Enforcement Team (IMET) has added to court proceedings being conducted by the Legal Department; and

Whereas the capacity of the Legal Department has been a pinch point for prosecuting charges and drafting the amended Vacant Building section of the Property Standards By-Law; and

Whereas the Legal Department had presented information showing that costs are saved when keeping legal work “in-house” rather than seeking assistance from contracted outside counsel;

Now Therefore Be It Resolved that the Legal Department be asked to prepare a report outlining how an additional lawyer could be funded from a corresponding decrease in the Contracted Legal Counsel budget in 2021, with adjustments for 2022 made as necessary during budget deliberations

### **Background**

In general, the legal department runs too thin. Since I started in 2019 the number of areas of law that we are asked to provide advice on that we never dealt with before, has expanded. There are two full time senior lawyers in legal with no associate or junior lawyer to be able to deal with simple matters nor is there an articling student. Everything then from research to drafting agreements to providing advice is all done through 2 lawyers. Our prosecutor, in the POA branch of the Legal department, deals with the POA court matters, but also manages our Freedom of Information requests, and assists in the department where he can. Matters that he assists with in Legal of course take him away from his work in POA.

With the expansion of City departments, and increased activity through the departments, new by-laws, all property matters (purchases, sales, easements, vestings, Orders for compliance and charges etc.), all City agreements, all damage claims, all lawsuits, all by-laws, all Freedom of Information requests, all of section 11 of the agenda, all requests for advice, are all funneled through the law department. As well, we deal daily with assisting other departments with calls from members of the public with issues that arise, questions about by-laws etc. Although our Noise By-law is enforced by our City Police, these matters have more and more been funneled to Legal to deal with. Service is one of the areas we have tried to improve on over the last three years but with the increase in volume, we are in triage mode most of the time, making decisions to complete work is based on what is most urgent, what has time limits that can't be missed or what are the emergencies. Even with the extra hours being worked including working through vacations, it is simply not enough to service all requests.

### **What have we spent on outside legal counsel?**

One media outlet posted in social media that the legal department spent a specific large amount on outside legal counsel. The statement was not accurate. To clarify, money spent on outside legal counsel over the last few years is as follows:

In POA

Legal Motion  
November 15, 2021  
Page 3.

2018 - \$82,098.82  
2019 - \$40,339.23  
2020 - \$ 3,128.96  
2021 – year to date - \$14,591.37.

In Legal

2018 - \$177,910.84  
2019 - \$51,242.10  
2020 – \$15,433.25  
2021 – year to date - \$34,147.73

### **Costs spent on outside counsel that will not change**

#### **Lawsuits covered by our Insurance**

As the City receives lawsuits for matters covered by insurance, the insurer advises where the law suits are to be sent for the defence of the Claim. We do not have the option of keeping them in-house. The City is required to pay for the defence of the claim, up to the deductible for each law suit and then should the deductible be exceeded, the costs then shifts to the insurance companies to pay. Our deductibles range from the lowest of \$10,000 to the greatest of \$100,000, but are mostly in the range of \$75,000 to \$100,000. We have been able to negotiate that certain insurance law suits be able to be sent to local counsel and we have approval for 2 local firms. So, although we might have some control over who the law suit is sent to for a defence, it is not an option for us to defend the action itself. That will not change. As long as we have claims being made against the City we will be spending that money on outside legal counsel. We currently have 41 such law suits that are being handled by outside counsel and supported by in-house counsel to make sure they have the proper witnesses, materials, documentation etc.

There will also be matters that are new to us, or require an expertise that is not part of our in-house expertise. In those cases, specialized advice may still need to be sought.

### **Costs spent on outside counsel that may change**

With the exception of the above noted insurance claims, we have managed to keep most work in-house. Some work cannot be sent out because of the nature of it, confidentiality issues or the need to liaise with different departments. As we establish depth, we would have the luxury of a lawyer doing the needed research and advising senior counsel so that work can continue to remain in the department.



POA coverage.

We have one prosecutor, there is no backup for him currently, should he become ill, take vacation or find himself in a conflict on a case. In those situations, we have no choice but to secure the services of external counsel to make sure there is coverage for those matters. Should we obtain a third lawyer in Legal, that person could act as a backup when needed for the prosecutor, and thereby reducing the costs of having to hire outside Counsel. As well, with the on-going discussions of the Part 3 matters being downloaded from the Province to the City, with a full-time prosecutor in POA there would not likely be the need to hire an additional prosecutor to cover that work load.

**Costs Savings**

As stated, currently, most work remains in-house. In the last two years we have taken on additional litigation work that in the past would have been sent to outside legal counsel. In the last two years, we have taken on the carriage of litigation in Superior Court, POA court, small claims court, and one file (successfully concluded) in Quebec's jurisdiction; plus, we have had eight (8) matters before four Tribunals. To provide some context for the cost savings of keeping these files in-house one example was a tribunal matter. We were successful in resolving the matter, after filing our pleadings. Had we hired outside counsel who specializes in this work, the costs of meeting with the witnesses, drafting the legal documents, and serving them, and negotiating the resolution, would have cost approximately \$15,000 to \$20,000. These were costs saved because we did the work internally. The matter was successfully resolved at that stage. Had the matter been required to go to a full hearing the costs, (based on a 2 day hearing at \$400 an hour) would have been approximately \$30,000 to \$50,000.

**Revenue Generating**

As well as cost savings by keeping the work in-house as much as possible, there is an opportunity to raise funds by introducing fees for legal fees. We looked at the possibility of instituting municipal charges and fees and looked to see what other municipalities had in place. There are municipalities that charge for agreements, such as encroachment agreements, licences to occupy, leases, and easements, registering of property standard orders, by-laws for heritage and deeming; closing street and lane closings etc.

**Streamlining Processes**

We have also looked at some of the processes that are in place that could be streamlined, and we have reviewed areas where there are no processes and which result in time management issues. For example:

Legal Motion  
November 15, 2021  
Page 5.

We have worked with one department to streamline the approval of a standard contract that we were reviewing repeatedly for each new project. We now have a standard template agreement with agreed upon schedules that match the types of scenarios we regularly come across. The department is able to move the process more efficiently liaising with Legal only when the agreement deviates from the norm or contains information that needs to be discussed and reviewed. This has resulted in efficiencies for that department and freed up reviewing time in Legal.

**Analysis**

Given the above, adding another lawyer to the Legal department increases efficiencies, saves costs and provides some much needed opportunity to work on matters other than what is the most urgent.

**Financial Implications**

The department has provided the information for this years' budget under the Supplementary items. This cost is noted as \$130,250 which is the cost of salary and benefits.

**Strategic Plan / Policy Impact**

This is an operational matter not articulated in the strategic plan.

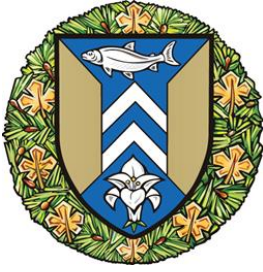
**Recommendation**

It is therefore recommended that Council take the following action:

Resolved that the report of the City Solicitor, dated November 15, 2021 concerning the adding of an additional lawyer be accepted as information.

Respectfully submitted,

Karen Fields  
City Solicitor  
705.759.5407  
[k.fields@cityssm.on.ca](mailto:k.fields@cityssm.on.ca)



The Corporation of the  
City of Sault Ste. Marie  
**COUNCIL REPORT**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Jeffrey King, Solicitor/Prosecutor  
DEPARTMENT: Legal Department  
RE: Acquisition Part Fifth Line East (Parts 2 and 3, 1R10664)

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**Purpose**

The purpose of this report is to request approval from Council for the acquisition of a small portion of Fifth Line East abutting 626, 654, and 668 Fifth Line East for the sum of One (\$1.00) Dollar.

**Attachment**

Attached as Schedule "A" is a map of the subject properties.

**Background**

The subject property, being a small portion of Fifth Line East abuts 626, 654, and 668 Fifth Line East. This property is owned by Esther Robinson Cohen, who passed away in 1963. The City was contacted by Wayne Chorney, Solicitor for the vendors for the sale of 654 Fifth Line East, who has requested that the City acquire this property to be assumed as part of Fifth Line East.

The request was circulated to various City Departments for comments. There were no concerns regarding the City's acquisition of this portion of Fifth Line East.

Public Works and Engineering support the acquisition as the property as it is part of the road and should be assumed.

**Analysis**

Not applicable.

**Financial Implications**

The property is being acquired for a nominal amount of One (\$1.00) Dollar.

**Strategic Plan / Policy Impact**

This is an operational matter and not part of the Strategic Plan.

**Recommendation**

It is therefore recommended that Council take the following action:

Acquisition Part Fifth Line East (Parts 2 and 3, 1R10664)

November 15, 2021

Page 2.

Authorize the acquisition of the portion of Fifth Line East being Parts 2 and 3 on 1R10664 from the Estate Trustee for Esther Robinson Cohen.

By-law 2021-212 authorizing same appears elsewhere on the Agenda and is recommended for approval.

Respectfully submitted,

Jeffrey King  
Solicitor/Prosecutor  
705.759.2662  
[j.king3@cityssm.on.ca](mailto:j.king3@cityssm.on.ca)

JK/tj  
Attachment

\\citydata\LegalDept\Legal\Staff\COUNCIL\REPORTS\2021\Fifth Line East Part Acquisition OPEN.docx

Schedule "A"

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING THE PRECISE POINT POSITIONING SERVICE, UTM ZONE 18, NAD83 (CSRS) (2013), AND ARE TO URBAN ACCURACY PER SEC. 14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
A	5162163.84	705334.72
B	5162235.54	705394.56

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND

■	DENOTES	FOUND EVIDENCE
□	DENOTES	PLANTED MONUMENT
IB	DENOTES	IRON BAR
SSIB	DENOTES	SHORT STANDARD IRON BAR
S	DENOTES	SET
N	DENOTES	MEASURED
M	DENOTES	MARKINGS ILLEGIBLE
P	DENOTES	DEPOSITED PLAN 1R-10856
P1	DENOTES	DEPOSITED PLAN 1R-12263
DSU	DENOTES	D.S. URSO, OLS
FEW	DENOTES	M.F. TULLOCH, OLS
(A)	DENOTES	OBSERVED REFERENCE POINT

BEARINGS ARE UTM GRID, DERIVED BY REAL TIME KINEMATIC OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF ZONE 18 (87 WEST LONGITUDE).

FOR BEARING COMPARISONS, A ROTATION OF 1°56'50" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON UNDERLYING PLAN 1R-10856. NO CONVERSION TO BEARINGS ON PLAN 1R-12263 SINCE THIS PLAN IS REFERRED TO UTM GRID.

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 1.00008054.

PLAN OF SURVEY OF  
PART OF SECTION 8  
GEOGRAPHIC TOWNSHIP OF TARENTORUS  
CITY OF SAULT STE. MARIE  
DISTRICT OF ALGOMA

SCALE: 1 : 500  
0 5 10 15 20 25 METRES

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

PLAN 1R-13032

RECEIVED AND DEPOSITED

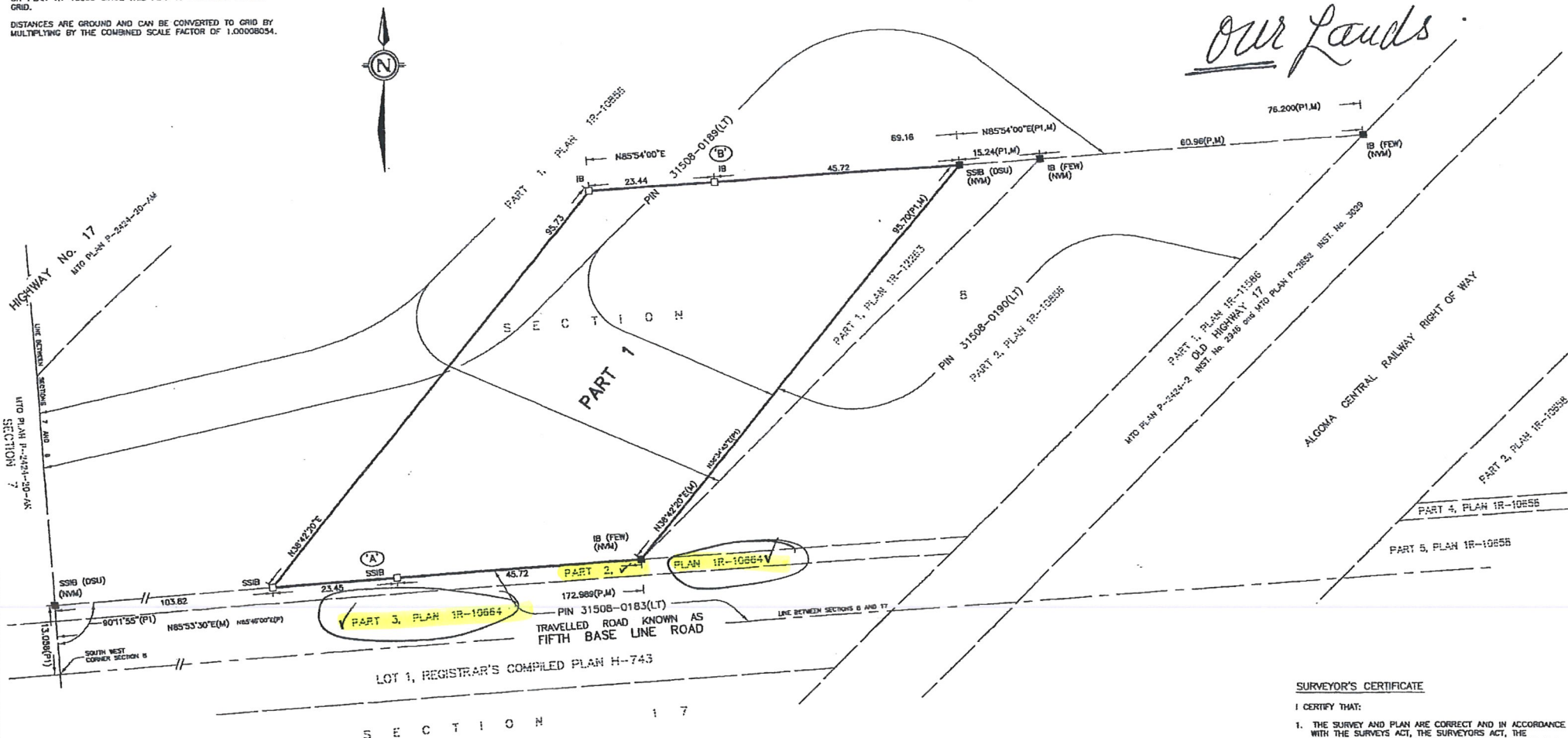
DATE  
November 13th, 2014.  
ROBERT D. HALLIDAY  
ONTARIO LAND SURVEYOR

DATE  
November 12, 2014  
K Hill  
REPRESENTATIVE FOR THE LAND REGISTRAR  
FOR THE LAND TITLES DIVISION OF ALGOMA

SCHEDULE

PART	SECTION	PROPERTY IDENTIFICATION NUMBER
1	PART OF B	PART OF 31508-0189(LT)

GEOGRAPHIC TOWNSHIP OF TARENTORUS



SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON JANUARY 31st, 2014.

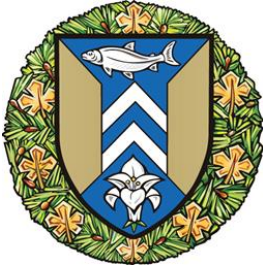
November 13th, 2014.  
SAULT STE. MARIE, ONTARIO

ROBERT D. HALLIDAY  
ONTARIO LAND SURVEYOR

NOTE  
SIB'S NOT POSSIBLE DUE TO CONCERN ABOUT RISK OF DAMAGE TO BURIED UTILITIES

METRIC  
DISTANCES AND COORDINATES SHOWN HEREON ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

	71 BLACK ROAD UNIT 8 SAULT STE. MARIE, ON P6B 0A3	T. 705 948.1457 F. 705 948.9606 866 805.6602
	DRAWN BY: WSM FILE: 13-1565	



**The Corporation of the  
City of Sault Ste. Marie**

**C O U N C I L   R E P O R T**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Stephen Turco, RPP, Senior Planner  
DEPARTMENT: Community Development and Enterprise Services  
RE: Active Transportation Update – Fall 2021

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**Purpose**

The purpose of this report is to provide Council an update on current Active Transportation projects, to advise Council on the proposed re-alignment of the current Hub Trail within the Machine Shop/Gateway district, and to recommend an extension to the City's funding agreement, under the Ontario Municipal Commuter Cycling program.

**Background**

At the April 21<sup>st</sup> Council meeting, staff presented a report on ongoing Active Transportation initiatives. These included the implementation of a number cycling lanes, the construction of a multi-use path and bridge project at the Northern Community Centre, and the construction of a spoke trail into the Machine Shop redevelopment site. At that meeting, Council also endorsed moving forward with a route alignment analysis for a section of the John Rowswell Hub Trail in and around the Machine Shop/Gateway area.

All of the construction associated with the cycling lanes and trail projects is complete. Regarding the route alignment analysis for the Hub Trail, a new alignment is recommended that would create a safer and more intuitive route for users. An analysis of the proposed route is discussed in the next section.

In addition to the above noted projects, staff recently received an extension to the City's Ontario Commuter Municipal Commuter Cycling funding agreement. This extension will allow staff to implement a portion of the re-aligned Hub Trail in 2022.

**Analysis**

WSP, a multi-discipline engineering and design firm was retained to assess the possible re-alignment of the Hub Trail in and around the Machine Shop/Gateway site area. The current Hub Trail route in this area currently uses a combination of on-road facilities for cyclists, and sidewalks for pedestrians and other types of trail users.

The nature of the Bay Street and Huron Street intersection makes the trail experience confusing for users and can be daunting for less experienced cyclists. For this reason, WSP investigated two options for trail improvements in this area (see attached report).

The first option (alignment #1) looked at utilizing the same route – using Canal Drive and Huron Street – and assessing possible improvements that would make the trail user experience more enjoyable. However, this route was rejected for two main reasons. One, without major improvements to the Bay Street/Huron Street intersection, the trail experience would still be confusing and discouraging for users. As well, given the impending relocation of the Bus Terminal to the Huron Street Transit terminal, the number of bus movements in and out of Huron Street would be problematic for trail users.

The second option looked at a new alignment (alignment #2) – using St. Mary's River Drive, continuing north along Andrew Street, and then continuing west on Queen Street to John Street. This option would utilize a new, multi-use path within the boulevard, on the west sides of St. Mary's River Drive and Andrew Street. At Queen, two options were assessed: Using a controlled crossing to facilitate crossing Queen at its intersection with Andrew Street, and then continuing on the north side of Queen to John Street (alternative #2a); or, continuing on the south side of Queen Street to John Street, and then utilizing a PXO crossing at Queen and John Street (alternative #2b).

Both options were assessed using traffic analyses, including signal warrants, as well as intersection capacity and delay assessments. Following these assessments, Alternative #2b was ultimately selected. Placed at a relatively farther distance from the nearest intersection, using a PXO at Queen and John Street provides greater space for vehicular queuing and better accommodates current traffic conditions. There are also good sight-lines for vehicles approaching the PXO at this location. In comparison, crossing Queen at Andrew Street would have required a full traffic signal, which would have required greater capital improvements, and may have caused queuing issues between Andrew and Gore Street.

It is both staff's and WSP's opinion that a new multi-use path, using St. Mary's River Drive, Andrew Street, and Queen Street will provide a comfortable and safe experience for trail users. In addition, this option creates a more seamless transition into the existing John Rowswell Hub Trail system, and establishes key connections to Esposito Park and Pump Track, as well as the Kina Awiiya Secondary Program (former Etienne Brule School).

It should be noted that with the proposed re-alignment, the Mill Market and the newly redeveloped Machine Shop (and tour train depot) will still be connected by the existing waterfront walkway. This section of waterfront path will function as a Hub Trail spoke. In addition, Staff is currently undertaking a pedestrian wayfinding

strategy, and will ensure that signage will be appropriate to guide trail users to this area of the waterfront and the Canal District.

### **Financial Implications**

As part of the City's OMCC agreement with the Province (MTO), \$580,535 has been transferred to the City. The City has approved a contribution of \$145,134, as the agreement is based on an 80/20 cost share arrangement. As a result of interest earned, since the original transfer, the total amount of OMCC funding available is approximately \$752,200.

In addition to the above funding, in 2020, the City was awarded \$145,000 from Trans Canada Trails, towards the Northern Community Centre multi-use path project (\$140,000), and the Queen Street cycling lanes (\$5,000) specifically, as both of those projects align with the Trans Canada Trail route through the city. With this additional funding, the total funding available for the priority active transportation initiatives is \$897,200.

The following is a summary of all projects using the OMCC/TCT funds:

Machine Shop Spoke:	\$128,488 (agreement on June 29, 2020)
Cycling Routes:	\$116,320 (contract approved July 13, 2020)
Cycling Routes Signage:	\$40,000 (budgeted for fabrication, materials)
Cycling Routes Design:	\$14,380
NCC Path Design:	\$36,205 (contract approved May 25, 2020)
NCC Path/Bridge:	\$363,670 (contract approved Sept. 14, 2020)
Hub Trail Realignment Study:	\$9,930 (contract approved April 12, 2021)
	\$708,993 not including HST

As some of the above mentioned project have come under budget, staff estimates that \$174,900 is remaining for other initiatives.

The estimated cost to complete the realigned Hub Trail is \$326,000 (inclusive of HST). Staff can use the remaining funds to initiate the construction of at least half of this trail (possibly more). At this time, it is recommended that Council authorize staff to proceed with the necessary engineering design for the entire project, as well as issue a tender for construction in the Spring/Summer of 2022, to begin implementing a portion of this new section of trail. Staff recommend the portion to be completed in 2022 include a trail that runs along Queen Street West (adjacent to Esposito Park) which will include a PXO pedestrian crossing at John Street along Andrew Street (Queen Street to Bay Street). The tender will be issued with modules to enable the City to do as much as possible with the funds remaining. The remainder of the project will be referred to the 2022 budget. Both the retention of engineering design services, as well as the award of the construction contract will be presented to Council at a future date.

Should Council not approve the entire project at budget time, staff can monitor for future funding opportunities to complete this section of the Hub Trail.



It should also be noted that staff recently received an extension on our OMCC funding agreement. This agreement was set to expire on December 31, 2021. The agreement can now be extended to December 31, 2022, which allows the City to commence the Hub Trail realignment project next spring/summer. A copy of the amending agreement, and the relevant by-law is found elsewhere on Council's agenda.

**Strategic Plan / Policy Impact**

The recommended project aligns with the Corporate Strategic Plan: 2021-2024, specifically the key pillars of Quality of Life and Infrastructure. Active Transportation Implementation is highlighted as a key activity, under the Quality of Life's "Environment" theme.

**Recommendation**

It is therefore recommended that Council take the following action:

Resolved that the report of the Senior Planner dated November 15, 2021 concerning Active Transportation Update be received and that staff be authorized to:

- proceed with engineering design for the re-aligned hub trail;
- issue a tender for construction in spring/summer of 2022 for the section of the John Rowswell Hub Trail that runs along Queen Street West adjacent to Esposito Park; and
- refer the remainder of the project to 2022 budget deliberations.

That Council authorize the CAO and the City Clerk to execute the Amending Agreement, on behalf of the Corporation of the City of Sault Ste. Marie. The relevant By-law 2021-216 is listed under item 11 of the Agenda and will be read with all by-laws under that item.

Respectfully submitted,

**Stephen Turco, RPP**

Senior Planner

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## TECHNICAL MEMORANDUM: ASSESSMENT AND PRELIMINARY DESIGN OF A MISSING LINK IN SAULT ST. MARIE'S HUB TRAIL SYSTEM

**TO:** Steve Turco  
**FROM:** Dave McLaughlin and Abram Braithwaite, WSP  
**SUBJECT:** Sault St Marie HUB Trail Alignment – Proposed Alignment  
**DATE:** October 13<sup>th</sup>, 2021

### EXECUTIVE SUMMARY

This memo documents a technical assessment and preliminary design of a preferred design solution for a proposed extension of Sault St Marie's HUB Trail system, from the city's waterfront to its inner core residential neighbourhoods. Forming a perimeter around much of the municipal area, the HUB trail system is a key and highly valued component of the City's recreational and active transportation network, connecting to various neighbourhoods and destinations. This assessment focuses on a missing segment of the HUB Trail between the central waterfront and Queen Street. Through discussions with city staff and a preliminary review, two potential multi-use pathway facility alignments (each with two different alternatives) were identified and then evaluated. Both alternatives propose replacing the existing concrete sidewalk with an asphalt multi-use pathway [See Figure 1]:



Figure 1; Map of alternative alignments considered for proposed HUB Trail Extension [Google Maps, 2021]

## Figure 1 – Alternatives

### 1. Alignment 1 (Canal/Huron St):

- a. *Alternative 1a*: Multi-use pathway on east side of Canal Drive and east side of Huron St
- b. *Alternative 1b*: Multi-use pathway on the east side of Canal Drive and then along the west side of Huron St

### 2. Alignment 2 (Andrew St/Mary’s River Dr):

- a. *Alternative 2a*: Multi-use pathway on the north side of Queen St, crossing south at the west leg of Queen St and Andrew St and continuing along the west side of Andrew St and St. Mary’s River Dr
- b. *Alternative 2b*: Multi-use pathway that crosses onto the south side of Queen St at the east leg of John St at Queen St, continuing west till Andrew St and then south along the west side of Andrew St and St. Mary’s River Dr.

Following a review of each alternative, relative to the surrounding context and the project’s goals, Alignment 2 was selected as the preferred alternative. It is the study team’s opinion that this option follows a route that best mitigates high volume traffic volumes, crossings over complex intersections and interactions with frequent transit buses entering and exiting the nearby transit garage site. Between the Alignment 2’s two alternatives, Alignment 2b was ultimately selected based off the location and objective to minimize traffic impacts associated with the treatment proposed to cross Queen Street West. Although both were determined to be feasible, placing a PXO at Queen St West at John St rather than Queen St West at Andrew St (Alignment 2a), provided more distance between the nearest existing signal at Queen St and Gore St and would better accommodate localized traffic flows. This location is also consistent with applicable guidance in OTM Book 15 and the context of existing PXOs installed within the city.

The preferred alternative consists of a multi-use pathway (MUP) that parallels the adjacent roadway, at a general width of 3.0m and buffer width of 0.6m between the MUP and road curb. The high-level traffic analysis completed for the surrounding context indicated that the facility could be feasibly accommodated within the existing transportation grid with minimal impacts. To support safety and ease of use by pathway users of all ages and abilities along the corridor, a new controlled pedestrian crossing signal (PXO) is recommended just before the east leg of the intersection of Queen St West at John St.

Utilizing high-level unit prices for this facility type at a design concept level, we have estimated the total cost for implementing the facility at \$326k CAD, assuming a contingency of 20%. Broken down, this figure includes \$140,000 to install the 550m long facility, \$59,000 for general traffic works, \$13,000 for catch basin works, and \$90,000 to install the recommended controlled pedestrian crossing signal (PXO) just before the east side of the intersection of Queen St West at John St.

## TECHNICAL ASSESSMENT

### CONTEXT

Stretching nearly 22.5km long, the John Rowsell HUB Trail (HUB Trail) system forms an extensive active transportation (primarily off road) recreational and commuting multi-use pathway loop which covers much of the Sault St Marie area (see Figure 2). The pathway segment assessed in this study would fulfill an important gap found within a section of “Carmen’s Way”, south of Queen St W, which currently operates as only an informal on-road signed route. A brief description of all the segments that comprise the HUB Trail, including notable destination connections, facility types, and surrounding land area is provided below:

- **The Boardwalk:** The Boardwalk segment intersects the core of the city’s water’s edge, directly in front of the commercial downtown core. Key destinations located along this section include the Mill Market and Station Mall. Most of this segment is designed as a multi-use trail facility, both paved and wood paneled.
- **Historic District:** The Historic District segment traverses the city’s oldest neighbourhoods, travelling along the water’s edge just east of the commercial downtown core. Key destinations located along this section include the James L. McIntyre Centennial Library, Ermatinger Clergue National Historic Site and Canadian Bushplane Heritage Centre. Most of this segment is designed as a wide paved public promenade.
- **East Neighbourhood:** The East Neighbourhood segment covers many of the city’s inner residential areas and provides a direct connection to the Algoma University campus. Most of this segment is designed as an in-boulevard multi-use pathway that parallels the adjacent roadway, with select segments traversing through local parks.
- **Finn Hill:** The Finn Hill segment travels further north, almost entirely through an undeveloped woodlot. This section features some of the HUB trails most difficult terrain, due to its notable elevation changes. Most of this segment is designed as a paved multi-use trail system.
- **Northern Corridor:** The Northern Corridor segment traverses along the City’s northern urban area. Key destinations located along this section include St Mary’s College Campus and the Sault Area Hospital. Most of this segment is designed as a paved multi-use trail system that parallels the adjacent road network. This excludes a section along Old Garden Rd, which is designed as a protected on-road facility.
- **Fort Creek:** The Fort Creek segment crosses through the Fort Creek conservation area, featuring several notable elevation changes and complete natural immersion. While designed as a paved multi-use trail, the facility features several connections to informal naturalized trails that criss-cross the conservation area. Most of this segment is designed as a paved multi-use trail system.

- Carmen's Way:** The Carmen's Way segment follows a mostly linear alignment, connecting the HUB trail system back to the City's waterfront. Key destinations located along this section include International Bridge Plaza, Ontario Travel Info Center, and Awiya Secondary. Most of this segment is designed as a paved multi-use pathway that parallels the adjacent roadway. Segments south of Queen St operate as an informal shared facility.

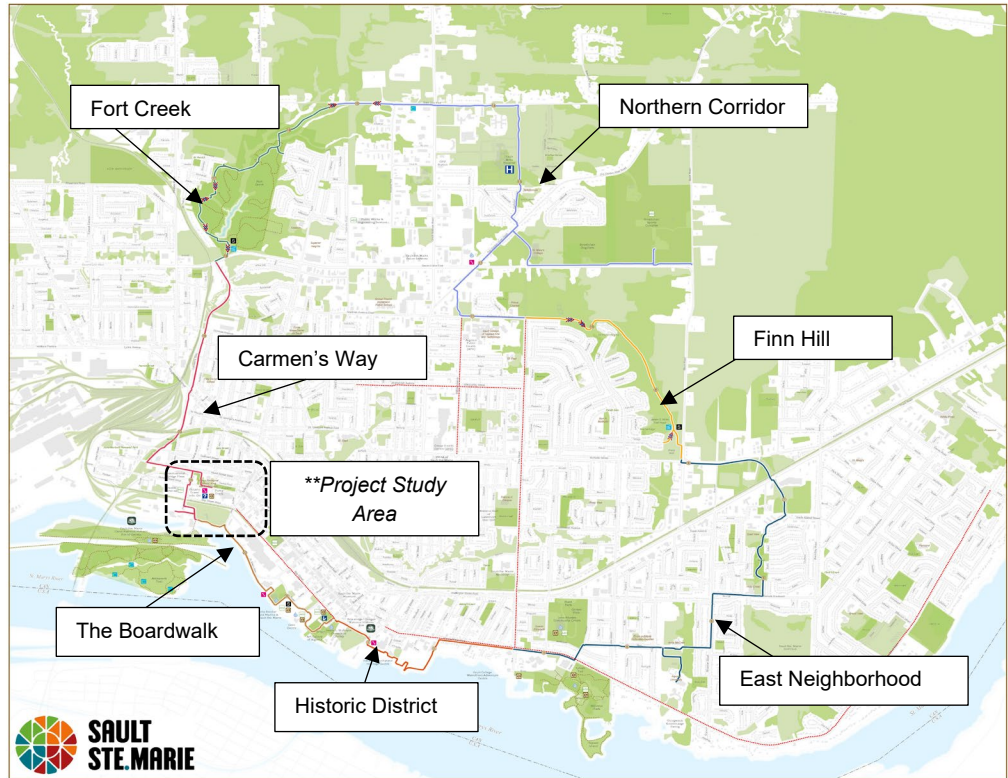


Figure 2; Map of Sault Ste Marie's complete HUB Trail System [Sault Ste Marie, 2021]

The proposed addition to the HUB Trail is not only vital to improving active transportation access to this part of the City of Sault Ste. Marie but, supports a more safe and consistent experience for those travelling along the entire system. Like all existing segments of the system, the following facility must be designed with all users in mind. This includes ensuring the chosen alignment guarantees a comfortable operating experience for users of all ages and abilities while maximizing connectivity to nearby popular tourist destinations.



## PROJECT APPROACH

To inform the selection of an appropriate facility alternative, a comprehensive work plan was developed and approved by city staff. This work plan comprised of a series of technical exercises that led to a recommendation reflecting a thorough understanding of the local context and meaningful application of relevant technical guidelines. Each stage of the project and its associated outcomes are summarized within Table 1 below, with additional detail provided in the following sections.

*Table 1: List of different stages of project work and their associated key outcomes*

	<b>DESCRIPTION OF WORK</b>	<b>OUTCOMES</b>
Assessment of Existing Conditions	Conducted a thorough desktop review of each alignment's surrounding context	Thorough understanding of the local context to inform subsequent planning work
Development of Route Selection Criteria	Developed a set of evaluative criteria to compare and select a preferred alignment	Evaluative matrix of each alignment and confirmation of preferred alignment
Client Consultation	Meeting with city staff to enrich understanding of local context and confirm preferred alignment	Meeting minutes and confirmed preferred alignment
Draft Route Alignment	Develop a preliminary design of the proposed trail extension based on the confirmed alignment	Preliminary design roll plan
Traffic Analysis	Complete a signal warrant and intersection capacity and delay assessment for four different scenarios	Preferred traffic intervention
Project Costing	Develop a high-level cost estimate of the proposed facility alignment	High-level cost figure



## ASSESSMENT OF EXISTING CONDITIONS

To begin the process of identifying a preferred trail alignment, a complete and thorough review of the surrounding context was undertaken. This exercise was vital in understanding both the constraints and opportunities either undermining or strengthening the case of each alignment alternative. Based on our knowledge of the city, input from city staff as well as information derived from utilizing Google Map’s interactive “Streetview” tool, the following elements were identified as either an opportunity or constraint:

### Opportunities

- Location of signalized intersections
- Nearby public lands
- Nearby travel destinations (i.e. recreational sites, commercial areas, key institutions)
- Nearby greenery

### Constraints

- Intersecting high-volume driveways
- Narrow public right-of-way widths
- Uneven operating surfaces (i.e. steep grades, railways)



Figure 3: Annotated map of Alignment 1 [Source Google Earth, 2021]

### Alignment 1 [Figure 3]

1. Existing trail facility (opportunity)
2. Intersecting driveway (constraint)
3. Major auto trip generators – i.e. transit depot and bridge to USA (constraint)
4. Complex unsignalized intersection (constraint)
5. Signalized intersection (opportunity)



Figure 4: Annotated map of Alignment 2 [Source Google Earth, 2021]

### Alignment 2 [Figure 4]

1. Lack of signalized crossing (constraint)
2. Existing signalized crossing (opportunity)
3. Intersecting driveway (constraint)
4. Access local parkland (opportunity)
5. Tree lined corridor (opportunity)

## ROUTE SELECTION CRITERIA

Based off the desktop review, each alignment was then systematically evaluated to determine a preferred alternative. Route selection criteria were identified in consultation with city staff to score each alternative. All criteria included were deliberately chosen to reflect local priorities for active transportation, as documented within the City’s Official Plan and Transportation Master Plan. Items were also chosen to ensure consistency with active transportation planning and design guidance from several guidelines’ sources, including Ontario Traffic Manual Book 18: Cycling Facilities. The results of this evaluation are listed in Table 2 below:

Table 2: List of evaluative criteria used to determine the preferred route alignment

CRITERIA	RANK 1	RANK 2	RANK 3	ALIGNMENT 1	ALIGNMENT 2
<b>Connection to major destinations</b>	Facility provides no connections to key destinations	Facility provides a key connection to a key destination	Facility provides multiple connections to key destinations	2	3
<b>Avoidance of intersecting conflicts</b>	Facility intersects multiple conflict points	Facility intersects some conflict points	Facility intersects no conflict points	2	2
<b>Geometric Feasibility</b>	Facility requires major road reconstruction	Facility requires some road reconstruction	Facility requires no road reconstruction	2	3
<b>User Comfort</b>	Facility located within a high stress operating environment (heavily auto-centric, lack of natural amenity)	Facility located within a moderate stress environment (heavily auto-centric, some natural amenity)	Facility located with a low stress environment (moderately auto-centric, lots of natural amenity)	2	3
<b>Traffic Impact</b>	Facility will incur a considerable traffic impact	Facility will incur some traffic impact	Facility will incur no traffic impact	2	2
<b>Total Score</b>				10	13

Based on the scoring utilizing the selected route selection criteria, Alignment 2 was identified as the preferred alternative. Alignment 2 is the sole option that provides a connection to one of the key destinations (Esposito Park) and avoids potential conflicts between pathway users and bus manoeuvres adjacent to the future transit garage. Alignment 2 is also thought to offer a more comfortable riding experience for visitors to the city. The selection between the alternatives of Alignment 2a and Alignment 2b, relied on the outcomes of a traffic analysis completed to determine where a crossing over Queen St West was better suited. Outcomes of this technical exercise are summarized within the Traffic Analysis section, located later in the report.



## CLIENT CONSULTATION

To confirm the preferred facility alignment as well as to add to our understanding of the local context, a virtual meeting was held with City staff on May 18<sup>th</sup>. Key items on the agenda included confirmation of the two alternatives, as well as what information and data could be made available to complete the design concept stage of the study. Key items raised during this meeting are summarized below, with a complete copy of the formally recorded minutes included as an attachment within Appendix A:

### - Alignment Discussions

- *Alignment 1 (along Huron St)*
  - Intersection at Huron and Bay was identified as having a geometric design that may be difficult for many AT users to navigate through.
  - It was noted that the alignment passes by the transit garage site and possible future city transit terminal (to be confirmed through current EA process). If the transit/bus terminal is developed at this location it is estimated that will service fourteen transit vehicles per hour.
- *Alignment 2 (along Andrew St)*
  - Both WSP and City staff confirmed a preference for Alignment 2 given fewer geometric constraints and greater connectivity to surrounding land uses.
  - This alignment would give access to Esposito Park and its newly built BMX park, but would need to cross Queen St W at Andrew St.
  - Although an existing Transit stop / layby along Andrew St (adjacent to casino) constrains the proposed MUP facility, if necessary, it could be maintained by narrowing the MUP at this location.
  - City staff indicated they would consider some form of signal traffic control enhancement at Queen St W and Andrew, if the analysis recommends it.

## TRAFFIC ANALYSIS

### TRAFFIC INTERVENTION SELECTION

With Alignment 2 selected as the preferred routing for the proposed MUP, two different traffic interventions were then considered to determine the optimal way to cross over Queen Street West. These options were described as follows and determined on which side of Queen Street West (north or south) the proposed MUP would be placed:

- **Alternative 2a:** Controlled crossing along the western leg of Queen St W and Andrew St as an *Intersection Pedestrian Signal (IPS)*
- **Alternative 2b:** Controlled crossing along the eastern leg of Queen St West and John Street as a *controlled pedestrian crossing (PXO)*.

While both options were examined, **Alignment 2b** was ultimately selected. Placed at a relatively farther distance from the nearest intersection, the option provided greater space for vehicular queuing and better accommodates current traffic conditions. With few trail users forecasted to use the proposed crossing, a push actuated controlled pedestrian crossing remained an appropriate facility type. This location is also more consistent with applicable guidance stated within OTM Book 15 and the context of existing PXOs installed within the City. Supplementary of the following technical rationale, this decision was also unanimously supported by all relevant city staff representatives.

### PXO WARRANT ASSESSMENT

The PXO warrant assessment was conducted based on 2015 turning movement counts (TMCs) provide by city staff and using the OTM Book 12 Justification for PXO. In addition, since the 2015 TMCs did not include pedestrian counts, recent pedestrian and cyclist data collected at Huron Street and Albert Street on July 9, 2021 during the weekday A.M. and P.M. peak hours by city staff were assumed to be present at the intersections of Queen Street West at John St. The counts indicate that there are approximately 39 and 50 trail users during the weekday AM and PM peak hours, respectively.

**Justification for the PXO** was based on observed 8-hour vehicular volumes and 8-hour pedestrian and cyclist volumes. The results show that **a PXO should be considered**. Since the speed limit for both streets are below 60 km/h, and there are less than three traffic lanes in each approach, a PXO can be considered for the intersection. The 8-hour vehicular volumes were determined to be 4,909 vehicles, and the 8-hour pedestrian and cyclist volumes combined was 337. The warrant graph is presented in Figure 8 below, and the red dot indicates that the intersecting point of the 8-hour pedestrian/cycling and vehicular volumes is within the justified (gray) zone to recommend an IPS [Figure 5]. As OTM Book 15 indicates that PXO warrant criteria is generally consistent with that needed for an IPS, the following result is assumed to also justify the proposed PXO treatment. Since 2015 traffic counts were used, it is likely that traffic volumes may be higher than those used for the warrant, which would further validate the appropriateness of the proposed PXO.

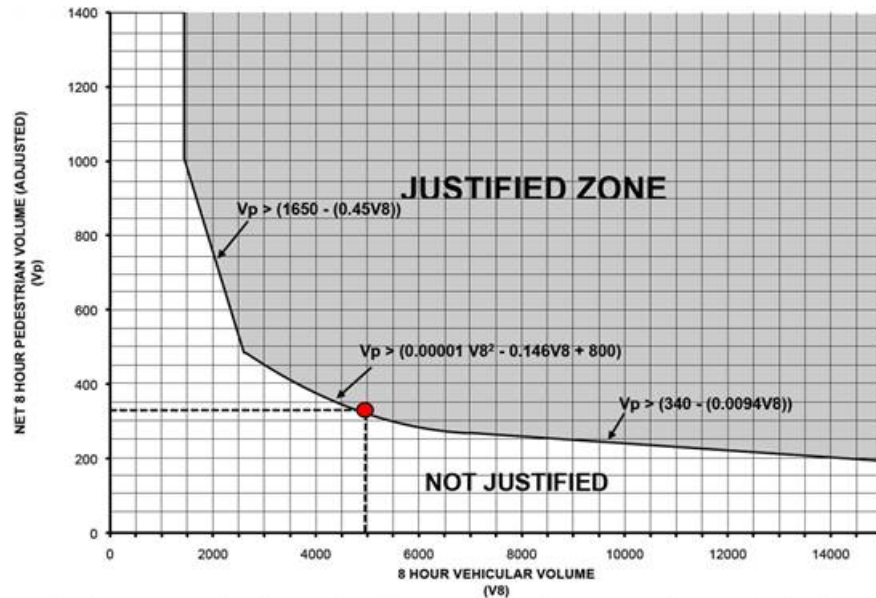


Figure 5: Graph depicting whether an IPS is warranted based off the differences between observed pedestrian and vehicular volumes. As OTM Book 15 generally provides the same warrant criteria for PXOs and IPSs, the result is assumed to support the proposed traffic intervention.

### PXO TYPE SELECTION

Given the characteristics of Queen Street West, which operates as two-lane unidirectional street with a posted speed of 50km/hr and observed 8-hour traffic volume of approximately 4,900, it is recommended that the PXO be designed as a **Level 2 Type C facility** (Figure 6). This recommendation is based off associated OTM Book 15 guidance (Figure 7) and is consistent with the guidelines used to justify similar facilities implemented across the City. An illustration of this recommended facility type is shown within Figure 6, with additional detail provided within OTM Book 15.

Figure 6: Graphic depicting the high-level design details of a Level 2 Type C PXO, taken from OTM Book 15

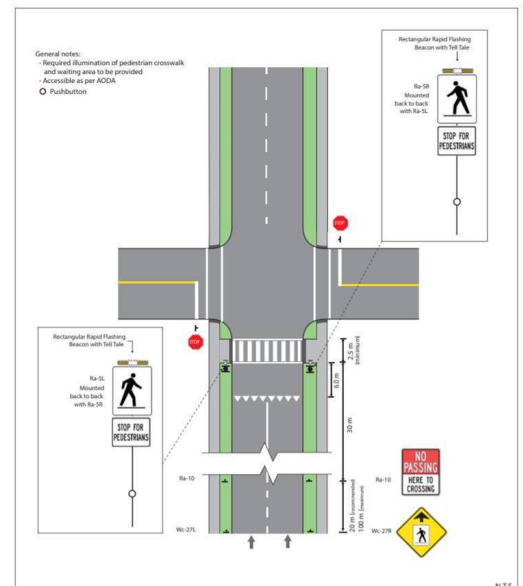


Figure 35: Pedestrian Crossover Level 2 Type C - Intersection (1-way)

Figure 7: Table of the evaluative matrix provided within OTM Book 15 that is used to determine the appropriate type of PXO

Two-way Vehicular Volume			Posted Speed Limit (km/h)	Total Number of Lanes for the Roadway Cross Section <sup>1</sup>			
Time Period	Lower Bound	Upper Bound		1 or 2 Lanes	3 lanes	4 lanes w/raised refuge	4 lanes w/o raised refuge
8 Hour	750	2,250	≤50	Level 2 Type D	Level 2 Type C <sup>2</sup>	Level 2 Type D <sup>2</sup>	Level 2 Type B
4 Hour	395	1,185		Level 2 Type C	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
8 Hour	750	2,250	60	Level 2 Type C	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
4 Hour	395	1,185		Level 2 Type D	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
8 Hour	2,250	4,500	≤50	Level 2 Type D	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
4 Hour	1,185	2,370		Level 2 Type C	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
8 Hour	2,250	4,500	60	Level 2 Type C	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
4 Hour	1,185	2,370		Level 2 Type D	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
8 Hour	4,500	6,000	≤50	Level 2 Type C	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
4 Hour	2,370	3,155		Level 2 Type B	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
8 Hour	4,500	6,000	60	Level 2 Type B	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
4 Hour	2,370	3,155		Level 2 Type C	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 2 Type B
8 Hour	6,000	7,500	≤50	Level 2 Type B	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 1 Type A
4 Hour	3,155	3,950		Level 2 Type B	Level 2 Type B	Level 2 Type C <sup>2</sup>	Level 1 Type A
8 Hour	6,000	7,500	60	Level 2 Type B	Level 2 Type B		
4 Hour	3,155	3,950		Level 2 Type B	Level 2 Type B		
8 Hour	7,500	17,500	≤50	Level 2 Type B	Level 2 Type B		
4 Hour	3,950	9,215		Level 2 Type B	Level 2 Type B		

## ROUTE ALIGNMENT

With the preferred alignment of the missing link confirmed, a preliminary design of the facility was prepared. Key assumptions and design criteria applied in developing this drawing include the following:

- Remain within the existing public right of way and assume no property acquisition;
- Minimize the need for tree or utility removals/relocations where possible;
- Assume a minimum facility width of 3.0m and minimum buffer from the curb of 0.6m at all segments (exceptions where space is constrained);
- The signalized intersection crossing at Bay and Andrew should include a separated cross-ride [see Figure 8]; and
- The recommended crossing over Queen Street West should feature a conventional crosswalk or separated cross-ride, depending on whether a PXO or IPS is implemented, respectively. The unsignalized intersection at John and Queen as well as MUP crossings of all driveways should feature mixed cross-ride treatments [see Figure 9].



Figure 8: (From left to right) A diagram illustrating the dimensions of a Separated Crossride and a photo of the Martin Goodman Trail in Toronto where applied [Source: OTM Book 18 & Google Maps, 2021]

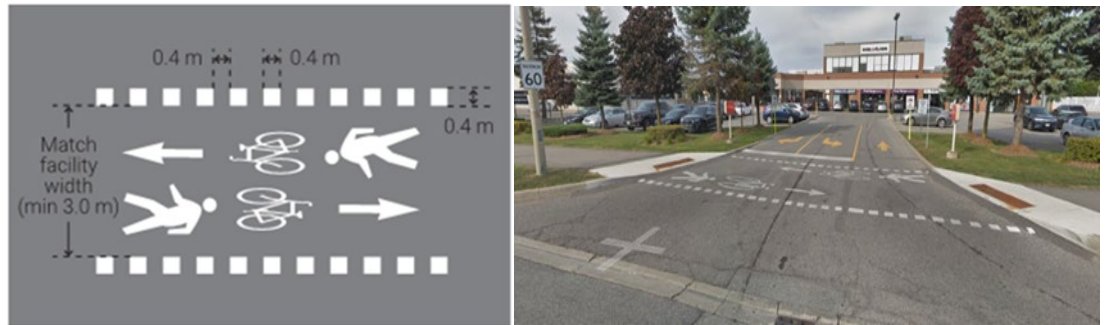


Figure 9: (From left to right) A diagram illustrating the dimensions of a Mixed Crossride and a photo of the MUP facility in Richmond Hill, where applied [Source: OTM Book 18 & Google Maps, 2021]

Key design details descriptive of the proposed facility are provided within sections below, with a higher resolution roll plan included as a separate attachment within Appendix B.

## BOARDWALK TO BAY STREET

Segment # 1 of the trail facility is proposed to be located within the existing public boulevard on the west side of St Mary’s Dr [Figure 10]. The facility will replace the existing sidewalk, meandering to avoid existing utility infrastructure and trees. Once directly adjacent to the roadway, a 0.6m buffer is proposed to enhance user safety. Warning yield (sharks teeth) markings are proposed to be placed in advance of the at-grade rail crossing and the facility will temporary convert into an informal scramble zone just before the crossing.

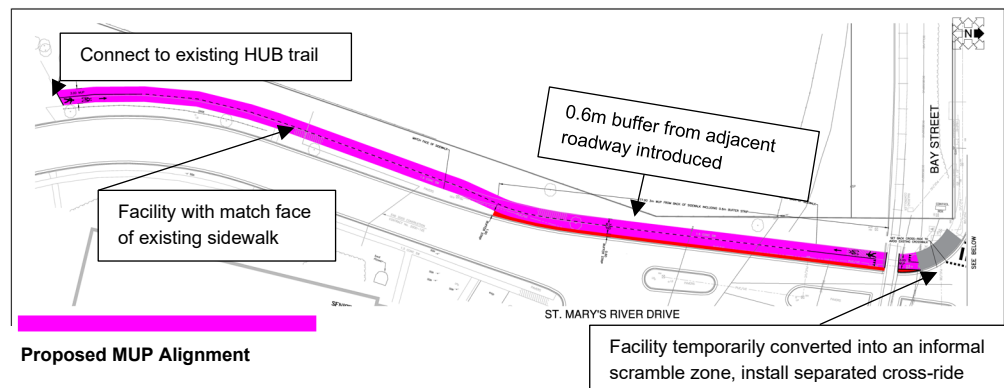


Figure 10: Section of the proposed route alignment’s roll plan, between the Boardwalk and Bay St

## BAY STREET TO QUEEN STREET WEST

Segment # 2 of the trail facility would be located within the existing public boulevard on the west side of Andrew St [Figure 11]. The facility will replace the existing sidewalk and where possible will be aligned around existing utility infrastructure and trees. A mixed cross-ride will be placed along the driveway entrance to Casino Sault Ste Marie to enhance user safety. Just past the driveway, existing vegetation will be cut back to improve sight lines, and the facility width will be narrowed to 2.5m to accommodate a 0.5m buffer within the existing boulevard. The facility width will increase back to 3.0m once past the existing bus layby off Andrew St. After making a left turn, the facility will carry along the southern median of Queen Street West.

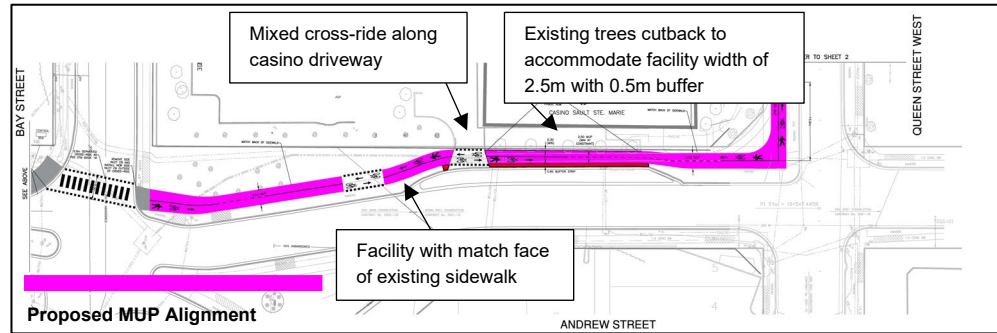


Figure 11: Section of the proposed route alignment's roll plan, between Bay St & Queen St W

### ANDREW ST TO JOHN ST

Segment # 3 of the trail facility will be placed within the existing boulevard on the south side of Queen St West [Figure 12]. The facility will replace the existing sidewalk and continue between the existing tree canopy along the road curb. Along this section the facility will feature a width of 3.0 m with a 0.6m buffer back from the roadway (narrowing to 0.45 m just east of John St). At the eastern leg of John St, a controlled pedestrian crossing (PXO) will be installed to facilitate safer crossings. This will require the installation of an overhead rectangular rapid flashing beacon, with composite Ra-5R sides mounted on both supportive traffic poles (facing oncoming traffic), as per associated guidance within OTM Book 15. Beneath the overhead beacon, a new crosswalk will be installed across the full width of the roadway, with warning yield (sharks teeth) placed in advance of the facility. An additional mixed crossride will then be installed to facilitate crossings over John Street.

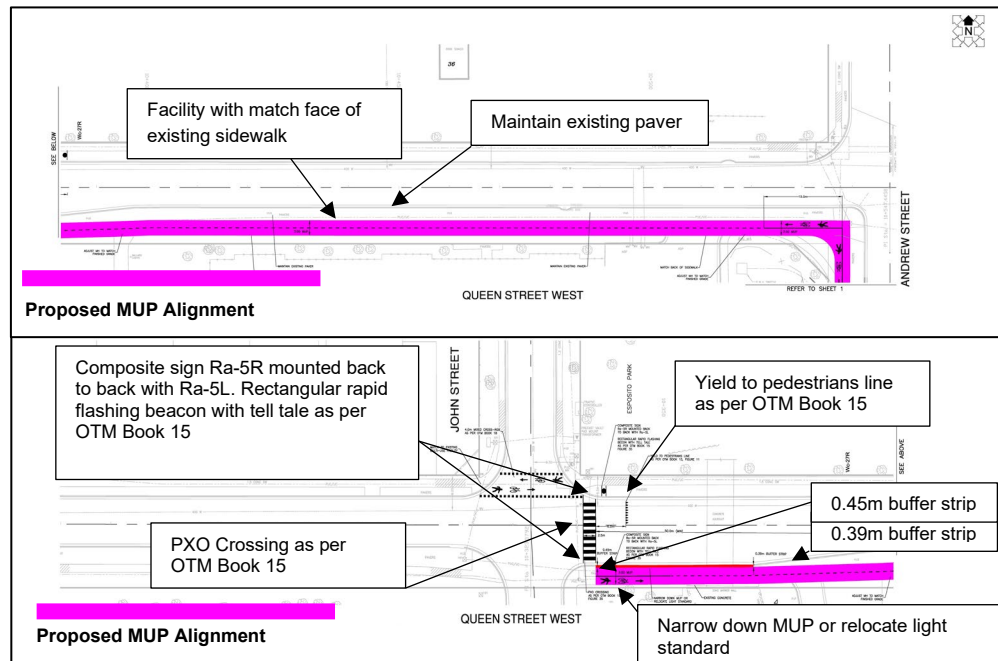


Figure 12: Section of the proposed route alignment's roll plan, along Queen St W between Andrew St and John St



## PREFERRED SOLUTION COST ESTIMATE

Overall, the following preferred design solution is estimated at a total cost of \$326k CAD. Relying on leading in-house facility cost estimates, this figure is broken down by the following items:

- \$140,000 to implement the proposed 550m long facility multi-use pathway facility (i.e. pavement markings, sidewalk removals, new continuity strip);
- \$59,000 for general traffic works (i.e. tasks to enable implementation including road closures and labour);
- \$13,000 for catch basin works (i.e. relocation of side inlet catches basin);
- \$90,000 to install recommended controlled pedestrian crossing (PXO) along the east side of the intersection of Queen St and John St.

All costs were rounded up and are based off a contingency of 20%, to account for the higher degree of uncertainty inherent among preliminary designs. The total also includes an additional 10% of the subtotal cost (before contingency) for eventual detailed design engineering work. This figure does not represent the proposed design solution's final cost but, offers a useful benchmark to reasonably inform costing expectations as the project progresses towards implementation. Additional detail on how this estimate was determined is provided within the costing table, included in Appendix C.

## CONCLUSION

The results of technical analysis support WSP's recommendation that the preferred solution be Alternative 2b. This alignment includes replacing the existing sidewalk and will travel north within the western boulevard of Saint Mary's River Drive /Andrew St, turn west at Queen St W and continue within the southern boulevard till crossing north on the east side of John St, through a newly installed controlled pedestrian crossing (PXO). The facility is designed to be a bidirectional in-boulevard multi-use pathway, with a width of 3.0 m (except along select constrained segments). As part of the design, a Level 2 Type C facility controlled pedestrian crossing is also recommended at the intersection of Queen St West and John St. Selected off applicable OTM Book 15 guidance and discussions with City staff, the facility will enhance the safety of the crossing for all ages and abilities HUB Trail users, while minimizing disruptions to existing vehicular traffic. The cost to implement the preferred solution is estimated at \$326k CAD. This figure includes costs related to implementing the facility, general traffic works, catch basin works and the installation of a new IPS, with a 20% contingency rate assumed.

If the City approves the recommended preferred alternative, city staff should initiate a detailed design for both the in-boulevard multi-use pathway and the proposed Intersection Pedestrian Signal to confirm design feasibility and the initial cost estimate.

The HUB trail system is an integral part of Sault Ste Marie's active transportation network and offers users a comfortable and safe travel experience across the city. It is highly valued by both residents and tourists and should be designed to accommodate all ages and abilities. The recommended design solution presented in this report is consistent with the high standard in design implemented along other sections of the HUB Trail and the most current best practices in bikeway and pedestrian facility design.





## APPENDIX A: CLIENT MEEITNG MINUTES

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<b>JOB TITLE</b>	Hub-Trail Realignment Project		
<b>PROJECT NUMBER</b>	211-05108-00	<b>DATE</b>	May 18 <sup>th</sup> , 2021
<b>TIME</b>	10:00 a.m. – 11:00 a.m.	<b>VENUE</b>	Virtual (TEAMS)
<b>SUBJECT</b>	Kick-off Meeting		
<b>CLIENT</b>	City of Sault Ste Maire		

<b>ATTENDEES</b>			
<b>Name</b>	<b>Company</b>	<b>Phone</b>	<b>Email</b>
Dave McLaughlin (DM)	WSP	905-882-7306	Dave.McLaughlin@wsp.com
Cristina Valente (CV)	WSP	647-730-7154	Cristina.Valente@wsp.com
Jordan Freedman (JF)	WSP	289-982-4580	Jordan.freedman@wsp.com
Abram Braithwaite (AB)	WSP	289-982-4177	Abram.Braithwaite@wsp.com
Steve Turco (ST)	Sault Ste Marie	705-759-5279	S.Turco@cityssm.on.ca
Maggie McAuley (MM)	Sault Ste Marie		M.Mcauley@cityssm.on.ca

**AGENDA**

**ACTION**

<b>1.0 INTRODUCTION AND PROJECT ADMINISTRATION</b>	
<ul style="list-style-type: none"> <li>– Each member of the WSP study team provided an introduction of themselves.</li> <li>– Steve Turco is a Senior Planner with the City whose been involved with several community development initiatives and has experience working with WSP.</li> <li>– Maggie McAuley is an Engineer with the City and has worked on past active transportation projects.</li> <li>– The purpose of this meeting is to gain a better understanding for the context of each alignment identified in WSP’s proposal.</li> </ul>	
<b>2.0 ALIGNMENT DISCUSSIONS</b>	
<p><b>Alignment 1 (Along Huron Street)</b></p> <ul style="list-style-type: none"> <li>– Less preferred given greater perceived safety risks and geometric constraints from intersecting roadways.</li> <li>– This route alignment intersects busy facilities (Gateways Casinos and proposed transit hub), and two busy intersections (Bay St and Huron St, Queen St W and Huron St).</li> <li>– Intersection at Huron and Bay is complex, hard for AT users to navigate through.</li> <li>– This route alignment also passes by the planned transit site which is still undergoing the EA process - assumed that 14 buses will access site per hour from the south of the site.</li> <li>– Entrance off Huron is only for paratransit vehicles, all other would go down Queen and George.</li> </ul> <p><b>Alignment 2 (Along St Mary’s/Andrew St and Queen St W)</b></p> <ul style="list-style-type: none"> <li>– Preference for option 2 alignment given fewer geometric constraints and greater connectivity to surrounding land uses.</li> </ul>	

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 wsp.com

## MEETING NOTES

- Removal of train tracks parallel to Bay St provides additional space to accommodate a MUP along Andrew St/ St Mary's St. City discussing ideas to turn corridor into a new community space (applying a tactical urbanist approach).
- There could be a constraint at the layby along Andrew St - Steve noted that the facility may no longer be needed (will reach out to property manager of casino to see if it's feasible).
- Queen intersection is a bit tricky given the position of existing signal infrastructure. Preferred that signal be relocated onto the west side of the intersection to facilitate one-stage crossings along the trail extension and slow speed along Queen St W.
- Placement of traffic lights downstream of a one-way street diverges from recent precedents but remains feasible.
- Traffic signal could be synchronized with lights upstream along Queen St W to better manage traffic flows.
- Requesting collision data at the intersection of Andrew St and Queen St W to determine whether signalized control is warranted.
- Sensitivity around making changes to traffic system in surrounding areas – intersections along Gore have been modified several times recently due to high collision volumes.
- Have facility then carry along the west along the north side of Queen St W until the existing HUB Trail. Alignment would give access to Esposito Park and its newly built BMX park if it crosses Queen St W at Albert intersection.
- Trail could alternatively carry along the south side of Queen St W and then cross right across from the HUB Trail alignment.

### 3.0 DATA REQUEST

#### ***WSP seeking the following information from the City:***

- Traffic analysis previously done along Andrew Street (particularly around Queen Street and the casino) and Huron Street / Bay Street (around the transit facility)
- Traffic history and context of the Andrew / Queen crossing
- Traffic Study for the Huron / Bay transit facility
- Collision history / data around Andrew / Queen and Huron Street
- Traffic counts and TMCs (turning movement counts) along both corridors. ATRs as well, if available
- Property parcels in GIS data along both corridors including information on ownership
- Information of the history of the bus layby along Andrew Street south of Queen Street (adjacent to the casino entrance for employees)
- Information on future planned developments along both corridors e.g. any information on the casino lands (we understand the land and facility is currently owned by Gateway) and lands south of Bay Street between Huron Street and St. Mary's River Drive

These minutes are considered to be accurate recording of all items discussed. Written notice of discrepancies, errors or omission must be given within seven (7) days, otherwise the minutes will be accepted as written.

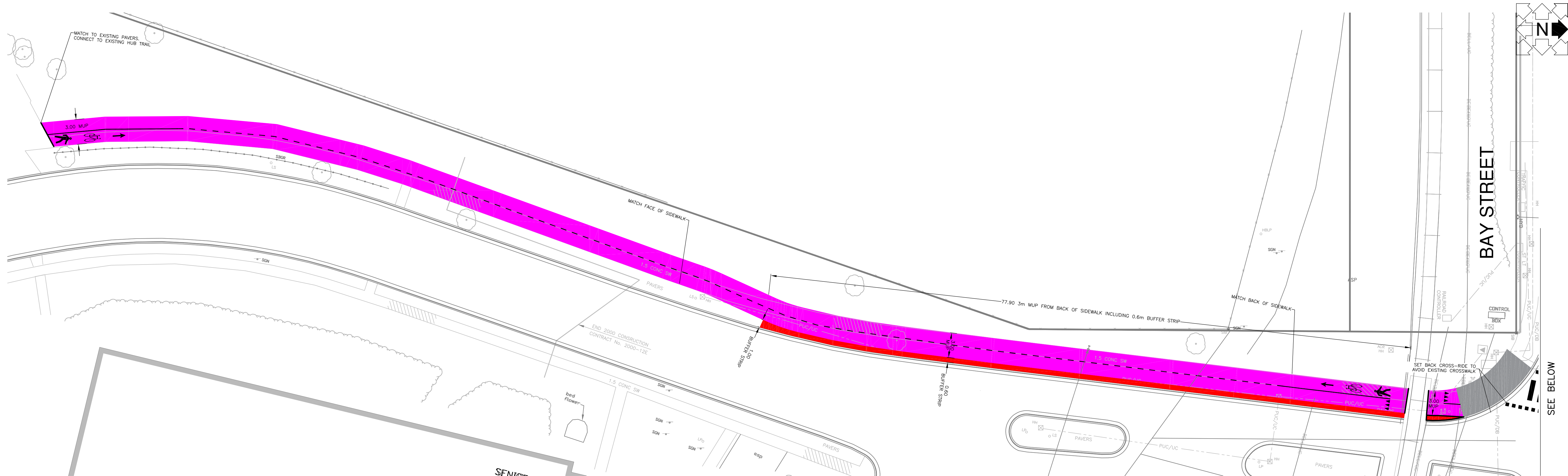
#### **NEXT MEETING**

An invitation will be issued if an additional meeting is required.

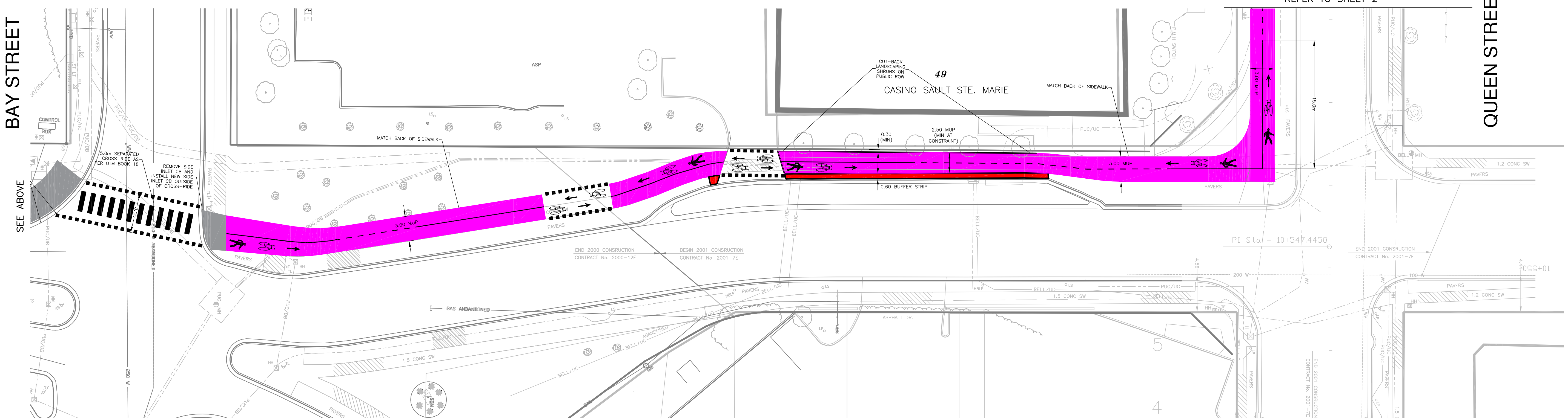


## APPENDIX B: DETAILED ROLL PLAN

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ST. MARY'S RIVER DRIVE



ANDREW STREET

NOTES: 1. ALL DIMENSIONS ARE IN METRES UNLESS NOTED.  
 2. DO NOT SCALE DRAWING.  
 3. LOCATION OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE ONLY, PROVIDED BY CITY.

SERVICE	FROM	TO	DATE	INITIAL	NO.	DESCRIPTION	DATE	INITIAL
					0	CONCEPT DESIGN	07/15/21	M/K
						REVISIONS		



RATIO	HORIZONTAL 1:250
DATE	JULY 2021
DWN. BY	J. FREEDMAN
GEO BM	

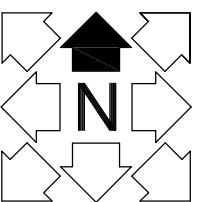
BAY STREET MULTI-USE TRAIL  
 CONCEPT DESIGN PLAN

DON ELLIOTT P. ENG  
 DIRECTOR OF  
 ENGINEERING

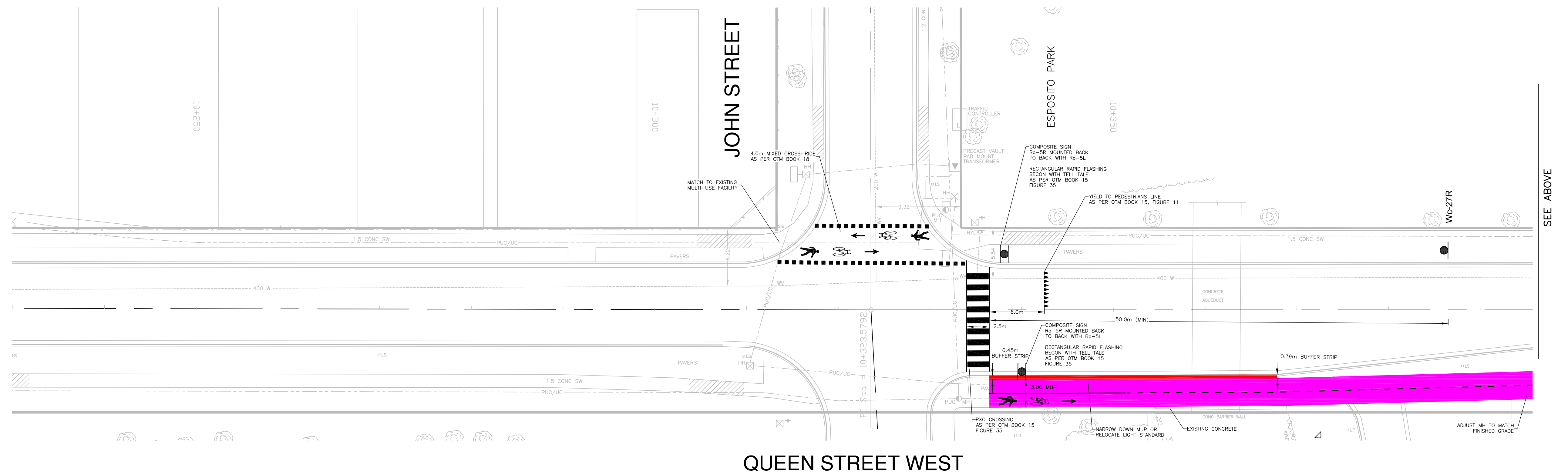
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ALL ELEVATIONS ARE TO BE GEODETIC DATUM





QUEEN STREET WEST



QUEEN STREET WEST

NOTES: 1. ALL DIMENSIONS ARE IN METRES UNLESS NOTED.  
 2. DO NOT SCALE DRAWING.  
 3. LOCATION OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE ONLY, PROVIDED BY CITY.

ALL ELEVATIONS ARE TO BE GEODETIC DATUM

SERVICE	FROM	TO	DATE	INITIAL	NO.	DESCRIPTION	DATE	INITIAL
					0	CONCEPT DESIGN	07/15/21	MK
						REVISIONS		



RATIO	HORIZONTAL 1:250
DATE	JULY 2021
DNW. BY	J. FREDMAN
GEO BM	

QUEEN STREET WEST  
 MULTI-USE TRAIL  
 ANDREW ST. TO JOHN ST.

DON ELLIOTT P. ENG  
 DIRECTOR OF  
 ENGINEERING

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## APPENDIX C: DETAILED COSTING TABLE

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**City of Sault Ste. Marie - Active Transportation Facilities**

**Bay Street and Queen Street HUB Trail Connection - South Alignment  
Preliminary Construction Cost Estimate (September 2021)**

Item	Description	Unit	Quantity	Unit Cost	Total	Comments	
<b>Part A - General</b>							
General	1.00	Construction Layout	L.S.	1	\$ 11,000.00	\$ 11,000.00	Assumes 5% of Section B-D
	1.02	Maintenance of Traffic	L.S.	1	\$ 25,000.00	\$ 25,000.00	Assumes 10% of Section B-D
	1.03	Supply, Install and Maintain Silt Fence for Erosion and Sediment Control	m	500	\$ 25.00	\$ 12,500.00	For length of boulevard works.
Subtotal (Part A - General excluding contingency)					\$ 48,500.00		
20% contingency (Part A)					\$ 9,700.00		
<b>SubTotal (Part A - General)</b>					<b>\$ 58,200.00</b>		
<b>Part B - Road and Boulevard Works</b>							
Road and Boulevard Works	2.01	Remove and Dispose of Existing Concrete Curb and Gutter (All Types)	m	20	\$ 18.00	\$ 360.00	For intersection works
	2.02	Remove and Dispose of Existing Concrete Sidewalk	m2	850	\$ 18.00	\$ 15,300.00	
	2.03	Remove Existing Asphalt Pavement (Full Depth) and granular material to 200mm below final grade and regrade exposed granular	m2	80	\$ 10.00	\$ 800.00	Asphalt replacement at driveways
	2.04	Remove Existing Interlocking Bricks	m2	765	\$ 4.00	\$ 3,060.00	Adjacent to existing sidewalk
	2.05	Pavement Marking Obliterating (15cm lane lines)	m2	40	\$ 8.00	\$ 320.00	Crosswalk lines
	2.06	HL-8 (50mm) Binder Course Asphalt (PG 58-28) - for MUP	m2	1600	\$ 12.00	\$ 19,200.00	Assumes same structure for driveways for high-level costing purposes
	2.07	HL-3 (40mm) Surface Course Asphalt (PG 64-28) - for MUP	m2	1600	\$ 10.00	\$ 16,000.00	Assumes same structure for driveways for high-level costing purposes
	2.08	Supply, Place and Compact 19mm Crusher Run Limestone for Cycle Facility or MUP base	t	600	\$ 28.00	\$ 16,800.00	Assumes 150mm Granular A
	2.09	Construct 150 mm Thick Concrete Sidewalk	m2	100	\$ 70.00	\$ 7,000.00	At intersections
	2.10	Construct 125mm Thick Coloured Concrete Buffer	m2	150	\$ 105.00	\$ 15,750.00	Between MUP and BOC when width is below 1.0m. Typically 0.6m wide
	2.11	Supply and Install Tactile Warning Surface Indicators	ea	30	\$ 300.00	\$ 9,000.00	At intersections
	2.12	Concrete Curb and Gutter per OPSD 600.040	m	20	\$ 100.00	\$ 2,000.00	Intersection works
	2.13	Permanent Durable Pavement Markings-10cm yellow line	m	290	\$ 6.00	\$ 1,740.00	
	2.14	Permanent Durable Pavement Markings - 60cm Stop Lines and for Zebra crossing	m	60	\$ 36.00	\$ 2,160.00	
	2.15	Permanent Durable Pavement Markings - Elephant's feet (40cm x 40 cm)	m	60	\$ 24.00	\$ 1,440.00	
	2.16	Permanent Durable Pavement Markings - Shark teeth (30cm x 45 cm)	ea	15	\$ 35.00	\$ 525.00	
	2.17	Pavement markings - Pedestrian Symbol, Bicycle Symbol, and Arrow	ea	10	\$ 165.00	\$ 1,650.00	
	2.18	Pavement markings - Bicycle Symbol and Arrow	ea	4	\$ 110.00	\$ 440.00	
	2.19	Permanent Roadway Signage	ea	12	\$ 265.00	\$ 3,180.00	Assumes 20 signs per/km per direction+3 at the intersection. Signage to be added in detailed design
SubTotal (Part B - Road and Boulevard Works excluding contingency)					\$ 116,725.00		
20% contingency (Part B)					\$ 23,345.00		
<b>SubTotal (Part B - Road and Boulevard Works)</b>					<b>\$ 140,070.00</b>		
<b>Part C - Watermain and Sewers</b>							
Watermain and Sewers	3.01	Remove Catch Basin including shortening of the leads (if required) and dispose of site	ea	1	\$ 2,500.00	\$ 2,500.00	At Bay Street
	3.02	600mm x 600mm Precast Concrete Single Catch Basin	ea	1	\$ 5,000.00	\$ 5,000.00	At Bay Street
	3.03	Adjust Frames and Covers for Existing Manholes and Valve Chambers to Match Asphalt Elevation	ea	3	\$ 1,000.00	\$ 3,000.00	
SubTotal (Part C - Watermain and Sewers excluding contingency)					\$ 10,500.00		
20% contingency (Part C)					\$ 2,100.00		
<b>SubTotal (Part C - Watermain and Sewers)</b>					<b>\$ 12,600.00</b>		
<b>Part D - Electrical Works</b>							
Electrical Works	4.01	PXO Works	ea	1	\$ 75,000.00	\$ 75,000.00	To be completed in detailed design as required
	SubTotal (Part D - Electrical Works excluding contingency)					\$ 75,000.00	
20% contingency (Part D)					\$ 15,000.00		
<b>SubTotal (Part D - Electrical Works)</b>					<b>\$ 90,000.00</b>		
<b>SubTotal (SSM HUB Trail)</b>					<b>\$ 250,725.00</b>		
10% Detailed Design Engineering					\$ 25,072.50		
20% Contingency					\$ 50,145.00		
<b>Total (SSM HUB Trail)</b>					<b>\$ 325,942.50</b>		

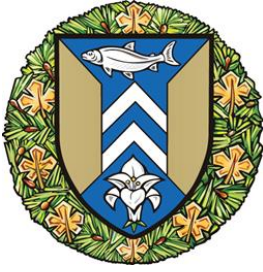
Comments – Single Use Plastics and West End Splash Pad – For November 15, 2021 City Council Meeting – Councilor C. Gardi

Elimination of Plastics (Agenda Item 8.1):

Regrettably, I am unable to attend tonight's (Monday night's) meeting. Had I been in attendance, I would have been happy and proud to support the motion directing City Staff to do what must be done to implement a ban on single use plastics, in Sault Ste. Marie. I am of the understanding that there may be some who may wish to wait until we hear more on the Provincial and/or the Federal Government's plans to do the same. I have mentioned before, that we can't always wait on other levels of government to keep moving our community forward. This, in my opinion, is another one of those times. When dealing with issues as they pertain to the environment, whether it be the Climate Crisis, or protecting it from plastic pollution, we aren't in a position to delay any longer. Governments around the world, including those of Ontario and Canada, often say the right things about Climate and talk of their respective plans, yet they procrastinate, rather than legislate. I believe we are in a position to do our part to address this issue in our community, leading the way and not waiting for others. Will there be challenges as we transition away from single use plastics, of course, but there is no sense in delaying this transition. We as a community; as City Councilors, along with residents and businesses need to act, and we should act now. I believe a majority of Councilors want to protect our natural environment, including the St. Mary's River and the Great Lakes, as well as address the challenges at our local landfill. I expect that this motion will pass, and I am very hopeful that Councilor Hilsinger will receive unanimous support.

West End Splash Pad (Agenda Item 6.7)::

I appreciate the report provided by staff, regarding the establishment of a splash pad in the City's west end. The report was clear as to why its establishment at Manzo Park is the most cost effective. I am supportive of the location at Manzo Park, it will be a great feature for Ward 5 and the entire west end. I look forward to discussing its development during upcoming budget deliberations.



**The Corporation of the  
City of Sault Ste. Marie**

**C O U N C I L   R E P O R T**

November 15, 2021

TO: Mayor Christian Provenzano and Members of City Council  
AUTHOR: Madison Zuppa, Deputy City Clerk  
DEPARTMENT: Corporate Services  
RE: Boards and Committees Review 2021

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**Purpose**

The purpose of this report is to update Council on the progress of the Boards and Committees Review Task Force and to provide recommendations for the consideration of Council.

**Background**

On May 10, 2021 a Boards and Committees Review Task Force was established to:

“Investigate the number of committees and sub-committees of Council and the associated impact on effective decision making and use of resources.

To ensure that the City is maximizing the use of both Council and staff resources, the City may wish to review the mandate of each committee and subcommittee. The purpose of the review would be to determine whether or not their original intent is still being achieved and how it assists in effective decision making” (KPMG Service Delivery Review, 2019).

The Task Force consisted of three members of City Council (Councillors Bruni, Hilsinger and Shoemaker); City Clerk; Deputy City Clerk; City Solicitor; Deputy CAO, Community Development and Enterprise Services; and Manager of Recreation and Culture.

The Task Force met initially on June 16, 2021 to discuss the goals and objectives for the review.

After the initial meeting, the Deputy City Clerk collected information and input from members of Council and City staff related to each board and committee’s: composition; term lengths; establishing by-laws/resolutions; how members are appointed; governing legislation, if applicable; remuneration/per diems; meeting frequency; and budget. This included individual meetings held by the Deputy City Clerk with staff liaisons and several members of Council, as well as written feedback and contributions from Clerks, Legal, and Finance staff.

The Task Force met on October 28, 2021 to review the information and finalize recommendations to Council.

Appendix A provides a high-level summary of boards and committees categorized into legislated, boards/committees established by City Council, ad hoc/task force, external, and municipal associations. Information was pulled from the 2007 review to provide any previous recommendations made to the current list.

### **Analysis**

The Task Force has provided a number of recommendations for Council's consideration that are summarized below:

#### **Legislated**

Dangerous Dog – change composition from 4 to 3 members of Council to reduce the possibility of a tied vote.

Municipal Freedom of Information and Protection of Privacy Act (Head) – no longer require appointment of councillors with the delegation of authority to the City Solicitor.

Sault Ste. Marie District Social Services Administration Board – Regulation currently states 6 members of Council and has not been updated to reflect the reduction of members of Council. Recommend requesting that the regulation be amended to reflect 5 members of Council.

#### **Boards and Committees Established by City Council**

Best for Kids – recommend dissolution. This Committee originated within the City's previous Day Care Division to support early years programs. It was then moved under the Recreation and Culture Division. There are several committees identified by staff throughout the community with similar mandates resulting in duplication of mandates and redundancy. It should be noted that dissolving this committee would not impact the children's programming offered by the City.

Christmas Lighting Award – reduce the number of councillors from 4 to 1.

Conferences and Major Special Events – recommend dissolution. The mandate of this committee is now being performed by the Tourism and Community Development Division.

Finance Committee – discussion related to the Finance Committee has resulted in divergent opinions. The Review Task Force is recommending staff review the Terms of Reference and bring back options for Council's consideration.

Walk of Fame – discussion related to the Walk of Fame has resulted in divergent opinions. The Review Task Force is recommending staff review the Terms of Reference, meet with the Downtown Association, and bring back options for Council's consideration.

#### **Ad hoc/Task Force**

CAO Selection Committee – considered dissolved until required.

Truth and Reconciliation Advisory Committee – transferred to Bawating Advisory Circle.

Community Committee on Graffiti – recommend dissolution. This Committee has been inactive since 2016.

Review of Municipal Parking Operations – recommend dissolution. This Committee has been inactive.

The Committee recommends that after one year of inactivity ad hoc committees be reviewed.

### **External Boards**

Community Theatre Centre (CTC) – the CTC Board provides recommendations to Council for appointment as a requirement of their agreement with ADSB. The recommendation is to request the removal of this requirement from their agreement for future appointments.

St. Mary's River Binational Public Advisory Committee – the City appoints the Land Development and Environmental Engineer to this Committee, but it should be noted in the resolution that City staff is a non-voting agency representative.

### **Municipal Associations**

No changes are recommended.

### **General Recommendations**

Through discussions with members of Council and staff a number of items surfaced that could improve the efficiency and effectiveness of board and committee meetings. It is recommended to:

- have the agendas prepared and distributed with more notice to the board and committee members to achieve more valuable input during the meetings;
- provide training to board and committee members of meeting procedures, and additional training to Chairs to assist with member engagement;
- better address absenteeism from boards and committees with the removal and replacement of those members who continually miss meetings;
- review and amend where possible any by-laws or terms of reference that prescribe meeting dates and time, as it may allow more flexibility and improve attendance by members;
- review and reduce the number of board and committee meetings where possible; and
- complete an annual review of ad hoc committees and task forces is recommended as a regular housekeeping item.

### **Financial Implications**

The recommendations are being made to provide more effective decision-making and use of resources.

During the review process the topic of honoraria for members of Council appointed to boards such as the DSSAB, Conservation Authority, Police Services Board, etc. was discussed. Other members appointed to these boards receive honoraria from the organization. The City's Council remuneration by-law prohibits members of Council from receiving honoraria.

Although outside the scope of the current Boards and Committees Review Task Force, it is recommended that the topic of honoraria be explored further and that the Council remuneration by-law be updated.

### **Strategic Plan / Policy Impact**

These are operational matters not articulated in the corporate Strategic Plan.

### **Recommendation**

It is therefore recommended that Council take the following action:

Resolved that the report of the Deputy City Clerk dated November 15, 2021 concerning Boards and Committees Review 2021 be received and that:

#### Composition:

- Dangerous Dog Committee – members of Council be reduced from four to three
- Councillors no longer need to be appointed under the *Municipal Freedom of Information and Protection of Privacy Act*
- Christmas Lighting Awards Committee – members of Council be reduced from four to one

#### Dissolved:

- Best for Kids Committee
- Conference and Major Special Events Committee Current CAO Selection Committee
- Truth and Reconciliation Committee (transferred to Bawating Advisory Circle)
- Committee to Review Municipal Parking Operations
- Community Committee on Graffiti

#### Request Amendment to Process

- Community Theatre Centre Board (request agreement between CTC and ADSB be amended to remove appointment by City Council)

#### Review and Return with Options:

- Finance Committee – review terms of reference and bring back options for Council's consideration
- Walk of Fame Selection Committee – review terms of reference, meet with Downtown Association and bring back options for Council's consideration

Respectfully submitted,

Madison Zuppa  
Deputy City Clerk  
705.759.5392  
[m.zuppa@cityssm.on.ca](mailto:m.zuppa@cityssm.on.ca)

Legislated	Committees/Boards Established by City Council	Ad Hoc/Task Force	External Boards	Municipal Associations (Membership Fees)
		Ad Hoc		
Algoma Public Health (external) 3 citizens or members of Council 2021 recommendation: N/C 2007 recommendation: N/C 2003 recommendation: N/C	Best for Kids Committee Minimum 8 citizens; 3 members of Council <b>2021 recommendation: dissolution</b> 2007 recommendation: N/C	CAO Selection Committee Mayor; 2 members of Council <b>2021 recommendation: consider dissolved until required</b>	Algoma University Board of Governors Nominate 1 member of Council or staff (under review) 2021 recommendation: N/C 2007 recommendation: No Council Rep 2003 recommendation: No Council Rep	Algoma District Municipal Association Nominate 2 members of Council 2021 recommendation: N/C 2007 recommendation: N/C 2003 recommendation: N/C
Committee of Adjustment Minimum 3 citizens or members of Council 2021 recommendation: N/C 2007 recommendation: N/C 2003 recommendation: N/C	Christmas Lighting Award 4 citizens; 4 members of Council <b>2021 recommendation: reduce members of Council to 1</b> 2007 recommendation: N/C 2003 recommendation: N/C	Procedure By-law Committee Mayor; 2 members of Council; staff 2021 recommendation: N/C	Celebrating International Friendship Committee (Bridgewalk) 1 member of Council 2021 recommendation: N/C 2007 recommendation: N/C 2003 recommendation: N/C	Association of Municipalities of Ontario (AMO) Nominate 1 member of Council 2021 recommendation: N/C 2007 recommendation: N/C 2003 recommendation: N/C
Committee of Revision – Local Improvement 3 or 5 citizens or members of Council 2021 recommendation: N/C 2007 recommendation: N/C 2003 recommendation: N/C	Community Development Award 5 citizens 2021 recommendation: N/C	St. Mary's River Heritage Walk Committee 3 members of Council; staff 2021 recommendation: N/C	Community Theatre Centre Management Board 3 nominations <b>2021 recommendation: ask CTC to remove appointment requirement from ADSB agreement</b> 2007 recommendation: N/C	Federation of Canadian Municipalities (FCM) Nominate 1 member of Council 2021 recommendation: N/C 2007 recommendation: N/C



Dangerous Dog Committee 4 members of Council <b>2021 recommendation: 3 members of Council</b> 2007 recommendation: N/C 2003 recommendation: N/C	Conferences and Major Special Events 4 members of Council; staff <b>2021 recommendation: dissolution</b>	Truth and Reconciliation Advisory Committee <b>2021 recommendation: Transferred to Bawating Advisory Circle</b>	Museum Management Board 1 staff 2021 recommendation: N/C 2007 recommendation: N/C	Federation of Northern Ontario Municipalities (FONOM) Nominate 1 member of Council 2021 recommendation: N/C 2007 recommendation: N/C 2003 recommendation: N/C
		Task Force		
Downtown Business Improvement Area 8 members elected by membership; 1 member of Council 2021 recommendation: N/C 2007 recommendation: No Council Rep 2003 recommendation: N/C	Cultural Vitality Committee 6 citizens; 1 member of Council; 1 MYAC 2021 recommendation: N/C	Board and Committee Nominating Committee 3 members of Council; staff 2021 recommendation: N/C	PUC Inc. PUC Services Inc. PUC recommends directors to shareholder (City) 2021 recommendation: N/C 2007 recommendation: NIC 2003 recommendation: N/C	
Emergency Management Planning Committee Mayor; 2 members of Council; staff 2021 recommendation: N/C 2007 recommendation: N/C 2003 recommendation: N/C	Environmental Sustainability Committee 8 citizens; 1 member of Council 2021 recommendation: N/C	Boards and Committees Review Task Force 3 members for Council 2021 recommendation: N/C	PUC Water Composition not cited; however, for 2020- mid-term appointments, deemed that 5 members is desirable (members of Council or citizens; however, water expertise is preferred) 2021 recommendation: N/C	
Environmental Monitoring Committee (Landfill Site) 1 member of Council 2021 recommendation: N/C 2007 recommendation: N/C	Finance Committee 2 citizens; 3 or 5 members of Council <b>2021 recommendation: review mandate in detail and recommend options</b> 2007 recommendation: N/C	Coalition of Inclusive Municipalities Committee 2 members of Council; staff 2021 recommendation: N/C	St. Mary's River Binational Public Advisory Committee 1 staff <b>2021 recommendation: clarify staff role – non-voting agency rep</b> 2007 recommendation: N/C	

<p>Fence Viewers Committee</p> <p>3 citizens</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: N/C</p> <p>2003 recommendation: N/C</p>	<p>Historic Sites Board</p> <p>Minimum 6 citizens; 1 member of Council</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: N/C</p> <p>2003 recommendation: N/C</p>	<p>Community Committee on Graffiti</p> <p>2 members of Council; staff; various community stakeholders</p> <p><b>2021 recommendation: dissolution</b></p>	<p>Sault Ste. Marie Economic Development Corporation</p> <p>9 members (4 appointed by Council)</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: Nominate 1 member of Council / Mayor ex officio</p> <p>2003 recommendation: N/C</p>	
<p>Municipal Freedom of Information &amp; Protection of Privacy Act (Head)</p> <p>Minimum of 6 members of Council</p> <p><b>2021 recommendation: delegation negates the need to appoint Councillors</b></p> <p>2007 recommendation: N/C</p> <p>2003 recommendation: N/C</p>	<p>Parks &amp; Recreation Advisory Committee</p> <p>8 citizens; 1 members of Council</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: 1 member of Council / Mayor ex officio</p> <p>2003 recommendation: N/C</p>	<p>Huron Central Railway Committee</p> <p>2 citizens</p> <p>2021 recommendation: N/C</p>	<p>Sault Ste. Marie Innovation Centre Board of Directors</p> <p>3 citizens; 1 member of Council; 1 staff</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: Nominate 1 member of Council / Mayor ex officio</p> <p>2003 recommendation: N/C</p>	
<p>Municipal Heritage Committee</p> <p>Minimum 5 members (1 member of Council)</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: N/C</p> <p>2003 recommendation: N/C</p>	<p>Tourism Board</p> <p>9 citizens</p> <p>2021 recommendation: N/C</p>	<p>Noise By-law Review Committee</p> <p>4 members of Council; staff</p> <p>2021 recommendation: N/C</p>		
<p>Ontarians with Disabilities Accessibility Advisory Committee</p> <p>14 citizens; 2 members of Council</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: N/C</p> <p>2003 recommendation: N/C</p>		<p>Property Standards/Yard Maintenance/Sewer By-law Enforcement Task Force</p> <p>3 members of Council; staff</p> <p>2021 recommendation: N/C</p>		

<p>Property Standards Committee</p> <p>3 citizens</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: N/C</p> <p>2003 recommendation: N/C</p>	<p>Walk of Fame Committee</p> <p>2 citizens; 1 member of Council; 3 BIA; 1 Chamber of Commerce</p> <p><b>2021 recommendation: review program in detail and recommend options</b></p> <p>2007 recommendation: N/C</p> <p>2003 recommendation: N/C</p>	<p>Review of Municipal Parking Operations</p> <p>1 member of Council; staff</p> <p><b>2021 recommendation: dissolution</b></p>		
<p>Sault Ste. Marie District Social Services Administration Board</p> <p>5 members of Council (legislation states 6)</p> <p><b>2021 recommendation: ask the DSSAB to request the regulation be amended</b></p> <p>2007 recommendation: N/C</p> <p>2003 recommendation: N/C</p>		<p>Twin Pad Arena Committee (TAC)</p> <p>Mayor; 2 members of Council; staff</p> <p>2021 recommendation: N/C</p>		
<p>Sault Ste. Marie Library Board</p> <p>9 citizens</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: N/C</p>		<p>Downtown Plaza Task Force</p> <p>Mayor; 3 members of Council; staff</p> <p>2021 recommendation: N/C</p>		
<p>Sault Ste. Marie Police Services Board</p> <p>Mayor; 1 members of Council; 1 citizen</p> <p>2021 recommendation: N/C</p> <p>2007 recommendation: N/C</p> <p>2003 recommendation: N/C</p>				

Sault Ste. Marie Region Conservation Authority 4 members of Council or citizens 2021 recommendation: N/C 2007 recommendation: N/C 2003 recommendation: N/C				
Source Protection 1 staff 2021 recommendation: N/C				

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW NO. 2021-201**

**STREET ASSUMPTION**: A by-law to amend Schedule "A" to Street Assumption By-law 2020-120.

**THE COUNCIL** of the Corporation of the City of Sault Ste. Marie, pursuant to the *Municipal Act, 2001*, S.O. 2001, **ENACTS** as follows:

1. **BY-LAW 2020-120 AMENDED**

Schedule "A" to By-law 2020-120 is hereby amended by deleting the following:

**"3. GRAND BLVD.**

PIN 31555-0008 (LT)  
PT LT 5 PL51145 ST. MARY'S PT 3 1R1407; SAULT STE. MARIE".

2. **EFFECTIVE DATE**

The by-law takes effect on the day of its final passing.

**PASSED** in open Council this 15<sup>th</sup> day of November, 2021.

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**MAYOR - CHRISTIAN PROVENZANO**

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**CITY CLERK – RACHEL TYCZINSKI**

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2021-212**

**PROPERTY ACQUISITION**: A by-law to authorize the acquisition of property located abutting civics 626, 654, and 668 Fifth Line East (Estate Trustee for Esther Robinson Cohen).

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **PROPERTY ACQUISITION**

The Corporation shall acquire by purchase the absolute right in fee simple to the lands more particularly described in Schedule "A" attached hereto.

2. **EXECUTION OF DOCUMENTS**

The City Solicitor is hereby authorized by By-law 2018-55 for and in the name of the Corporation to execute and affix the seal of the Corporation to all documents required to complete the said acquisition.

3. **SCHEDULE "A"**

Schedule "A" forms part of this by-law.

4. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 15<sup>th</sup> day of November, 2021.

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**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – RACHEL TYCZINSKI**





**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2021-213**

**AGREEMENT**: (Engineering) A by-law to authorize the execution of the Agreement between the City and TULLOCH Engineering Inc. for engineering services for MacDonald Avenue Drainage Improvements.

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to the Agreement dated November 15, 2021 between the City and TULLOCH Engineering Inc., a copy of which is attached as Schedule "A" hereto. This Agreement is for engineering services for MacDonald Avenue Drainage Improvements.

2. **SCHEDULE "A"**

Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 15<sup>th</sup> day of November, 2021.

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**MAYOR - CHRISTIAN PROVENZANO**

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**CITY CLERK – RACHEL TYCZINSKI**

Association of Consulting Engineering  
Companies | Ontario (ACEC-Ontario) in  
partnership with the  
Municipal Engineers Association (MEA)

CLIENT/ENGINEER AGREEMENT  
FOR  
*PROFESSIONAL CONSULTING SERVICES*

*2020  
(VERSION 3.1)*

*Please enter the title of the project/ assignment*

MacDonald Avenue Drainage Improvements

## Table of Contents

DEFINITIONS .....	4
ARTICLE 1 - GENERAL CONDITIONS .....	5
ARTICLE 2 – SERVICES TO BE PROVIDED .....	12
ARTICLE 3 - FEES AND DISBURSEMENTS .....	13
ARTICLE 4 – FORM OF AGREEMENT .....	17
ARTICLE 5 – SCHEDULES.....	18

**AGREEMENT  
FOR  
PROFESSIONAL CONSULTING SERVICES**

Dated the 15 day of November 20 21

-BETWEEN-

The Corporation of the City of Sault Ste. Marie

Hereinafter called the 'Client'

-AND-

TULLOCH Engineering Inc.

Hereinafter called the 'Engineer'

WHEREAS the Client intends to (Description of Project)

Construct Drainage Improvements on MacDonald Avenue between Pine Street and Campbell Avenue in Sault Ste. Marie, Ontario comprised of the following:

Hereinafter called the 'Project' and has requested the Engineer to furnish professional Services in connection therewith.

**NOW THEREFORE WITNESSETH** that in consideration of the covenants contained herein, the Client and the Engineer mutually agree as follows:

## DEFINITIONS

### 1. Client

Client shall be the party identified herein, and shall mean a municipality within the Province of Ontario or a related municipal organization representing the interests of Ontario municipalities.

### 2. Engineer

Engineer shall be the party identified herein, and shall be properly qualified to provide the professional services prescribed in this Agreement.

### 3. Municipal Engineers Association (MEA)

MEA shall mean the association of public sector Professional Engineers engaged in performing the various functions that comprise the field of municipal engineering in Ontario

### 4. Association of Consulting Engineering Companies | Ontario (ACEC-Ontario) shall mean the industry association created to represent the business interests of member consulting engineering firms, working with all levels of government and other stakeholders to promote fair procurement and business practices to support its member firms as necessary.

### 5. Order of Precedence:

- i. Standard Agreement
- ii. Schedule A: Supplementary Conditions to the Standard Agreement
- iii. Schedule B: Addenda to the Request for Proposals (RFP)
- iv. Schedule C: Request for Proposal (RFP)
- v. Schedule D: Proposal submission document(s) from the Engineer
- vi. Schedule E: Other

## ARTICLE 1 - GENERAL CONDITIONS

### 1.1 **Retainer**

The Client hereby retains the services of the Engineer in connection with the Project and the Engineer agrees to provide the services described in Article 2 (Services to be provided) for the Project under the general direction and control of the Client.

### 1.2 **Compensation**

The Client shall pay the Engineer in accordance with the provisions set forth in Article 3. For purposes of this agreement, the basis of payment shall be as specified in Article 3.2.

### 1.3 **Staff and Methods**

The Engineer shall perform the services under this agreement with the degree of care, skill and diligence normally provided in the performance of such services as contemplated by the agreement at the time such services are rendered and as required by the Professional Engineers Act (RSO 1990, Chapter P.28) and the regulations therein. The Engineer shall employ only competent staff who will be under the supervision of a senior member of the Engineer's staff. The Engineer shall obtain the prior agreement of the Client before making any changes to the staff list after commencement of the Project.

### 1.4 **Drawings and Documents**

Subject to Article 3, drawings and documents or copies thereof required for the Project shall be exchanged between the parties on a reciprocal basis. Documents prepared by the Engineer for the Client may be used by the Client, for the Project herein described, including "record" drawings. Subject to Article 1.5, the Client has ownership of the drawings and the client indemnifies the Engineer for unauthorized use of the documents and deliverables.

### 1.5 **Intellectual Property**

All concepts, products or processes produced by or resulting from the Services rendered by the Engineer in connection with the Project, or which are otherwise developed or first reduced to practice by the Engineer in the performance of his/her Services, and which are patentable, capable of trademark or otherwise, shall be and remain the property of the Engineer.

The Client shall have permanent non-exclusive royalty-free license to use any concept, product or process, which is patentable, capable of trademark or otherwise produced by or resulting from the Services rendered by the Engineer in connection with the Project and for no other purpose or project.

### 1.6 **Records and Audit**

- a) In order to provide data for the calculation of fees on a time basis, the Engineer shall keep a detailed record of the hours worked by staff employed for the Project.
- b) The Client may inspect timesheets and record of expenses and disbursements of the Engineer during regular office hours with respect to any item which the Client is required to pay on a time scale or disbursement basis as a result of this Agreement.

- c) The Engineer, when requested by the Client, shall provide copies of receipts with respect to any disbursement for which the Engineer claims payment under this Agreement.
- d) For seven (7) years after the expiry date or any date of termination of the Agreement, the Engineer shall maintain all necessary records to substantiate i) all charges and payments under the Agreement and ii) that all deliverables were provided in accordance with the Agreement.

### 1.7 **Changes and Alterations and Additional Services**

With the consent of the Engineer, the Client may in writing at any time after the execution of the Agreement or the commencement of the Services delete, extend, increase, vary or otherwise alter the Services forming the subject of the Agreement, and if such action by the Client necessitates additional staff or Services, the Engineer shall be paid in accordance with Section 3.2.2.1 for such additional Services and staff employed directly thereon, together with such expenses and disbursements as allowed under Section 3.2.4, or as otherwise agreed in writing between the parties.

### 1.8 **Delays**

In the event that the start of the project is delayed for sixty (60) days or more for reasons beyond the control of the Engineer, the Engineer shall have the right to renegotiate the agreement before the commencement of the project.

### 1.9 **Suspension or Termination**

The Client may at any time by notice in writing suspend or terminate the Services or any portion thereof at any stage of the project. Upon receipt of such written notice, the Engineer shall perform no further Services other than those reasonably necessary to close out his/her Services. In such an event, the Engineer shall be entitled to payment in accordance with Section 3.2 for any of the Engineer's staff employed directly thereon together with such expenses and disbursements allowed under Section 3.2.

If the Engineer is an individual and deceases before his/her Services have been completed, this Agreement shall terminate as of the date of his/her death, and the Client shall pay for the Services rendered and disbursements incurred by the Engineer to the date of such termination.

### 1.10 **Indemnification**

The Engineer shall indemnify and save harmless the Client from and against all claims, actions, losses, expenses, costs or damages of every nature and kind whatsoever which the Client, his employees, officers or agents may suffer, to the extent the Engineer is legally liable resulting from the negligent acts of the Engineer, his employees, officers or agents in the performance of this Agreement.

The Client agrees to hold harmless, indemnify and defend the Engineer from and against any and all claims, actions, losses, expenses, costs or damages of every nature including liability and costs of defense arising out of or in any way connected with the presence, discharge, release or escape of contaminants of any kind, excluding only such liability as may arise out of the negligent acts of the Engineer in the performance of his/her Services to the Client within this project.

### 1.11 **Insurance**

The Client will accept the insurance coverage amount specified in this clause section (a) or (b), or whichever is applicable to the claim or as specified in the RFP as the aggregate limit of liability of the Engineer for Clients damages.

- a) Comprehensive General Liability and Automobile Insurance



The Insurance Coverage shall be \$\_\_\_\_\_ per occurrence and in the aggregate for general liability and \$\_\_\_\_\_ for automobile insurance. When requested, the Engineer shall provide the Client with proof of Comprehensive General Liability and Automobile Insurance (Inclusive Limits) for both owned and non-owned vehicles.

b) **Professional Liability Insurance**

The Insurance Coverage shall be in the amount of \$\_\_\_\_\_ per claim and in the aggregate. When requested, the Engineer shall provide to the Client proof of Professional Liability Insurance carried by the Engineer, and in accordance with Professional Engineers Act (RSO 1990, Chapter P.28) and Regulations therein.

c) **Additional Coverage**

If the Client requests to have the amount of coverage increased from that detailed in the RFP, or requests other special insurance for this Project then the Engineer shall endeavour forthwith to obtain such additional or special insurance at the Client's expense as a disbursement allowed under Section 3.2.

It is understood and agreed that the coverage provided by these policies will not be changed or amended in any way nor cancelled by the Engineer until (30) days after written notice of such change or cancellation has been delivered to and acknowledged by the Client.

**1.12 Force Majeure**

The Client agrees that the Engineer is not responsible for damages arising directly or indirectly from any delays for causes beyond the Engineer's control. For purposes of this Agreement, such causes include, but are not limited to, strikes or other labour disputes; severe weather disruptions or other natural disasters or acts of God; fires; riots, war or other emergencies; failure of performance by the Client or the Client's contractors or consultants; or discovery of any hazardous substances or differing site conditions.

In addition, if such delays resulting from any such causes increase the cost or time required by the Engineer to perform its services in an orderly and efficient manner, the Engineer shall be entitled to a reasonable adjustment in schedule and compensation.

**1.13 Contracting for Construction**

The Engineer or any person, firm or corporation associated or affiliated with or subsidiary to the Engineer shall not tender for the construction of the Project or have an interest either directly or indirectly in the construction of the Project.

**1.14 Assignment**

Neither party may assign this Agreement or any portion thereof without the prior consent in writing of the other party.

**1.15 Previous Agreements**

This Agreement supersedes all previous agreements, arrangements or understandings between the parties whether written or oral in connection with or incidental to the Project.

**1.16 Approval by Other Authorities**

Unless otherwise provided in this Agreement, where the work of the Engineer is subject to the approval or review of an authority, department of government, or agency other than the Client, such applications for approval or review shall be the responsibility of the Engineer, but shall be submitted through the offices of the Client and unless authorized by the Client in writing, such applications for approval or review shall not

be obtained by direct contact by the Engineer with such other authority, department of government or agency. Costs for all application fees shall be borne by the Client unless otherwise provided for by the Engineer. The foregoing in no way limits the Engineer's responsibility to identify, understand and coordinate any and all approvals and permits required for the Project unless otherwise specified in the RFP or agreed to by the Client.

**1.17 Sub-Consultants**

The Engineer may engage Sub-Consultants for specialized services provided that prior approval is obtained, in writing, from the Client and may add a mark-up of 5 % of the cost of such Services to cover office administration costs when claiming reimbursement from the Client.

**1.18 Inspection (Review by the Client)**

The Client, or persons authorized by the Client, shall have the right, at all reasonable times, to inspect or otherwise review the Services performed, or being performed, under the Project and the premises where they are being performed.

**1.19 Publication**

The Engineer agrees to obtain the consent in writing of the Client before publishing or issuing any information regarding the Project.

**1.20 Confidential Data**

The Engineer shall not divulge any specific information identified as confidential, communicated to or acquired by him/her, or disclosed by the Client in the course of carrying out the Services provided for herein. These obligations of confidentiality shall not apply to information which is in the public domain, which is provided to the Engineer by a third party without obligation of confidentiality, which is independently developed by the Engineer without access to the Client's information, or which is required to be disclosed by law or court order. No such information shall be used by the Engineer on any other project without the approval in writing of the Client.

**1.21 Dispute Resolution**

1) Negotiation

- a) In the event a matter of difference between the Engineer and the Client in relation to the Contract the grieved party shall send a notice in writing of dispute to the other party which contains the particulars of the matter in dispute and the relevant provisions of the Contract Documents. The responding party shall send a reply in writing to the dispute within ten (10) business days after receipt of the notice of dispute setting out particulars of this response and any relevant provisions of the Contract Documents.
- b) The Engineer and the Client shall make all reasonable efforts to resolve their dispute by amicable negotiations and agree to provide, without prejudice, frank, candid and timely disclosure of any and all relevant facts, information, and documents to facilitate these negotiations.

- c) In the event of failure by the Engineer and the Client to reach agreement within ten (10) business days of receipt of the responding party's reply, or if either party concludes that further negotiation is unlikely to result in agreement, the matter shall be referred to mediation as provided in Section 2 herein.

## 2) Mediation

- a) The Engineer and the Client shall jointly select an impartial Mediator who shall be, preferably, properly qualified in the area of work as contemplated by this Contract. In the event that the parties, acting reasonably, cannot agree on a mediator, the candidates selected by the parties shall, acting reasonably, choose a third party to act as the Mediator.
- b) The Mediator shall meet with the parties within ten (10) business days after the selection of the Mediator, or as soon thereafter as is practicable, to attempt to mediate and resolve the dispute. The Engineer and the Client shall observe such reasonable procedures for conducting the mediation as the Mediator may reasonably request.
- c) If no agreement is reached upon mediation, or if either party concludes that further mediation is unlikely to result in agreement, then either the Engineer or the Client may request the Mediator to recommend (and only recommend) a basis, or bases, for resolution of the dispute. The Mediator shall, after consideration of the parties' positions and written submissions (if so requested), issue a written recommendation in this regard. Any recommended basis for resolution shall have absolutely no binding effect upon either party unless both parties agree to accept it and shall be without prejudice to the parties' positions in any further proceeding.
- d) If no agreement is reached either party may refer such matter as is arbitrable to arbitration as provided in Section 3 herein or exercise any legal rights it may have.
- e) All meetings and proceedings shall be held in the municipality of the Client or a reasonable alternate at a time and location as determined by the parties.
- f) The costs and expenses of the Mediator shall be shared equally by the Engineer and the Client.

## 3) Arbitration

- a) In the event that the parties are unable to settle any dispute between them which is under mediation, either party may refer such matter to arbitration as provided herein:
  - i. The Client and the Engineer shall select an arbitrator within ten (10) business days of the submission of a dispute to arbitration under this Section, which arbitrator shall be neutral and independent of the parties. If the parties are unable to agree on an arbitrator, either party shall be at liberty to seek an appointment of an arbitrator upon application under the Arbitration Act, 1991, S.O. 1991, C. 17.
  - ii. The arbitration shall be conducted in accordance with the provisions of the *Arbitration Act, 1991*, S.O. 1991, C.17, unless the parties otherwise agree. If the issue in dispute is particularly time sensitive, the parties shall, in good faith, take such reasonable steps as may be required to expedite the arbitration process. In any event, all disputes shall be submitted to the arbitrator within thirty (30) calendar days of the selection of the arbitrator. All arbitration meetings and proceedings shall be held in the municipality of the Client or a reasonable alternate, at a time and location determined by the parties, but in any event no later than thirty (30) calendar days following the submission of the dispute to the arbitrator.
  - iii. In addition to the examination of the parties by each other, the arbitration panel may examine, in the ordinary course, the parties or either of them and the witnesses in the matter referred to the arbitration panel, and the parties and witnesses, if examined, shall be examined on oath or affirmation.
  - iv. The arbitration panel shall, after full consideration of the issues in dispute, the relevant facts and applicable law, render a decision within thirty (30) calendar days after argument of the issue to the arbitrator, which decision shall be final and binding on the parties and not subject to appeal or challenge, except such limited relief provided under Subsection 45(1) (appeal on a question of law, with leave) or Section 46 (setting aside award) of the *Arbitration Act, 1991*.
  - v. Each party shall bear its own costs and expenses incurred in the arbitration, and the parties shall share equally in the costs and expenses of the arbitrator.

vi. Any award of the arbitration panel may, at the instance of either of the parties to this Agreement and without notice to the other of them, be made an Order of the Superior Court of Ontario, pursuant to the *Arbitration Act, 1991* and the *Courts of Justice Act, R.S.O. 1990, c.C-43*.

4) Adjudication

- a) Nothing in this Agreement shall prevent the right of either the Engineer or the Client to refer to adjudication any dispute which may be adjudicated under the provisions of section 13.5 of the *Construction Act, R.S.O. 1990, c. C-30*.
- b) Any such adjudication shall be governed by the provisions of Part II.1 CONSTRUCTION DISPUTE INTERIM ADJUDICATION of the *Construction Act*.

**1.22 Time**

The Engineer shall perform the Services in accordance with the requirements of Article 2 and shall complete any portion or portions of the Services in such order as the Client may require.

The Client shall give due consideration to all designs, drawings, plans, specifications, reports, tenders, proposals and other information submitted by the Engineer, and shall make any decisions which he/she is required to make in connection therewith within a reasonable time so as not to delay the work of the Engineer.

**1.23 Estimates, Schedules and Staff List**

**1.23.1 Preparation of Estimate of Fees, Schedule of Progress and Staff List**

When requested by the Client, and where payment is calculated on a time basis, the Engineer shall provide, for approval by the Client:

- a) An estimate of the total fees to be paid for the Services.
- b) A Schedule showing an estimate of the portion of the Services to be completed in each month and an estimate of the portion of the fee which will be payable for each such month.
- c) A Staff list showing the number, classifications and hourly rate ranges for staff, Principals and Executives, for which the Engineer will seek payment on a time basis. The Engineer shall relate such information to the particular type of work that such staff is to perform, while employed on the Project. Such list shall designate the member of the Engineer's staff who is to be the liaison person between the Engineer and the Client.

**1.23.2 Subsequent Changes in the Estimate of Fees, Schedule of Progress and Staff List**

The Engineer will require prior written approval from the Client for any of the following changes:

- a) Any increase in the estimated fees beyond those approved under Subsection 1.23.1 (a).
- b) Any change in the schedule at progress which results in a longer period than provided in Subsection 1.23.1 (b).
- c) Any change in the number, classification and hourly rate ranges of the staff provided under Subsection 1.23.1 (c).

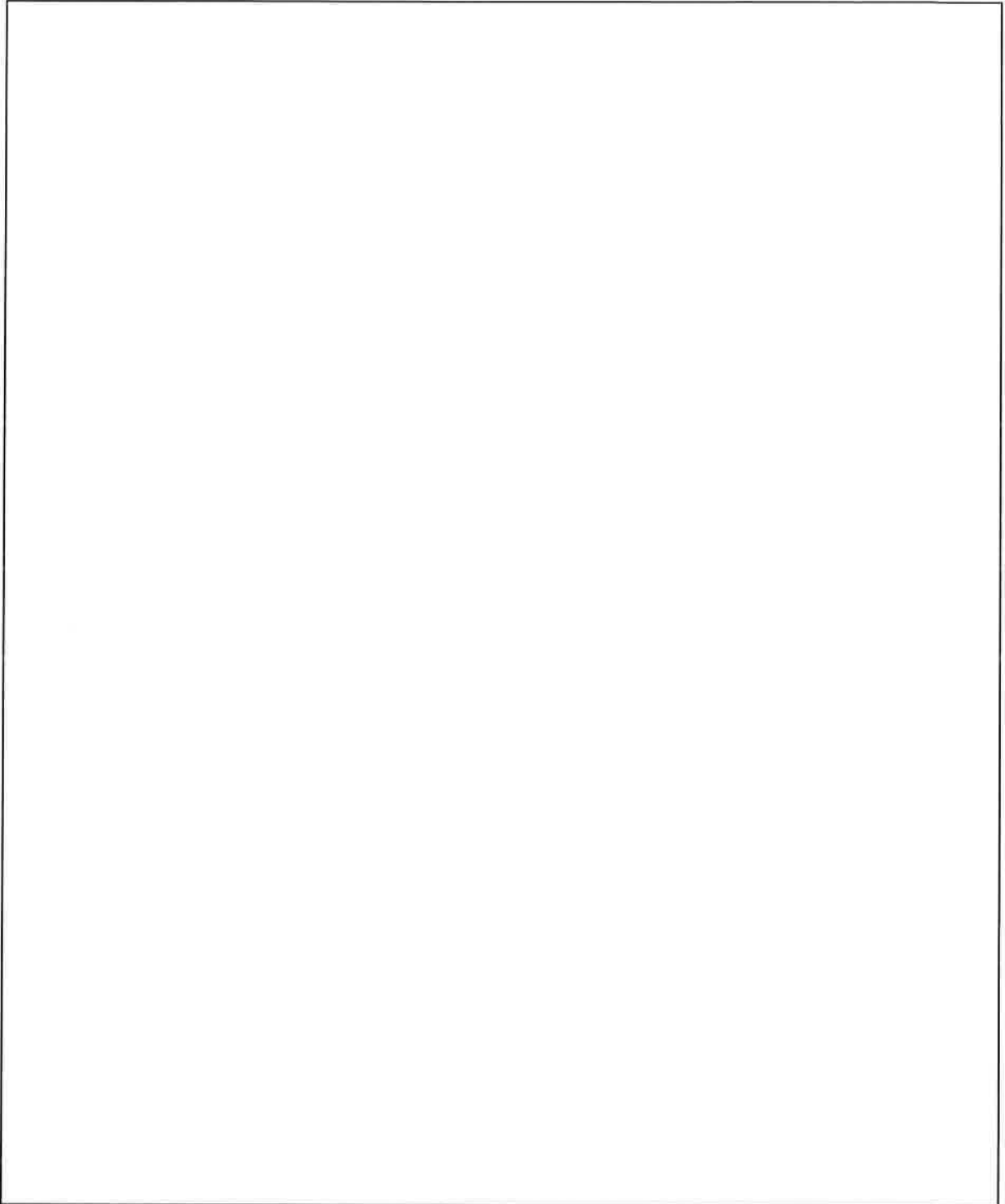
**1.23.3**

**Monthly Reporting of Progress**

When requested by the Client, the Engineer shall provide the Client with a written report showing the portion of the Services completed in the preceding month.

1.24 Additional Conditions

Any requirements regarding insurance, WSIB, permits, approvals, AODA, etc. to be listed here. If there are no additional conditions, then this section is to be left blank. Documentation supporting additional conditions detailed here shall be contained in Article 5.



## ARTICLE 2 – SERVICES TO BE PROVIDED

- 2.1 Services to be provided by Engineer as detailed in the RFP and as provided for in the Engineer's Proposal.

See attached RFP and Proposal.

- 2.2 Services to be provided by Client as detailed in the RFP and as provided for in the Engineer's Proposal.

See attached RFP and Proposal.

## ARTICLE 3 - FEES AND DISBURSEMENTS

### 3.1 Definitions

For the purpose of this Agreement, the following definitions shall apply:

**a) Cost of the Work:**

- i. The "Cost of the Work" shall mean the total construction cost of the Project including all materials, equipment, sales taxes, labour and contractor's overhead and profit, necessary to complete the work for which the Engineer prepares designs, drawings or specifications, for which he/she is responsible. Where sales taxes are not included in the cost of the work, the fee shall be adjusted upwards by the factor equivalent to the sales taxes. The adjusted fee may be computed to the nearest one-tenth of one percent (1/10%).
- ii. Wherever the Client furnishes labour or other service which is incorporated in the work, the current price of labour or other service when the work was executed shall be used to compute the Cost of the Work.
- iii. Whenever used materials or equipment is furnished by or on behalf of the Client, the fair market value of such materials or equipment, as though it was purchased new, shall be used to compute the Cost of the Work.
- iv. In computing the Cost of the Work, no deductions shall be made on account of any penalties or damages claimed by the Client from any contractor or on account of any other sum withheld from any contractor.
- v. The Cost of the Work shall not include any fees and disbursements due to the Engineer, the Client's engineering and office expenses, or cost of land.

**b) Site:**

Site includes the actual work site and other locations where the checking of materials, equipment and workmanship is carried out.

### 3.2 Basis of Payment for this agreement

Fees Calculated on Time



*Note: If you have multiple bases of payment please select "Applies" in the appropriate sections below. If one basis of payment applies, be sure it is the only option selected.*

#### 3.2.1 Fees Calculated on a Percentage of Cost Basis

The Client shall pay the Engineer fees to be calculated as a percentage of the Cost of the Work for normal projects as follows:

#### CALCULATION OF FEE

TYPE OF SERVICE	PERCENTAGE

### 3.2.2 Fees Calculated on a Time Basis

a) Fees

The Client shall pay the Engineer a fee, calculated on a time basis, for that part of the Services described in Article 2. Fees on a time basis for all staff shall be hourly rates based on job classifications as detailed in the Engineer's proposal.

For a project of over one (1) year duration, or for projects which become extended beyond one (1) year in duration, the Engineer may from time to time seek approval from the Client to adjust hourly rates and such approval shall not be unreasonably withheld.

b) Time Expended

All time expended on the assignment, whether in the Engineer's office, at the Client's premises, or elsewhere, and including travel time, shall be chargeable.

### 3.2.3 Upset Cost Limit

- (a) The Engineer shall be paid a fee, calculated on a time basis, for the Services.
- (b) Included in the fee, the Engineer shall be reimbursed at cost plus an administrative charge of 5 % for all reasonable expenses properly incurred by them in connection with the Services, including but not limited to: vehicle use charges, traveling and living expenses, long distance telephone charges, report production costs, photography, special delivery charges, supplies and equipment, field equipment costs, laboratory costs. Computer and office charges are considered part of overhead and shall not be invoiced as disbursements.
- (c) Notwithstanding Subsections (a) and (b) of this Section, the total fees and disbursements paid by the Client to the Engineer for the Services shall not exceed the total upset amount of \$ 178,487.5 plus, applicable taxes made up as follows:
- (i) \$ 178,487.5 plus, applicable taxes for Core Services as described in Schedule A; and,
- (ii) \$ NIL plus, applicable taxes as a Contingency Allowance for Additional Services that may be required but are not included in Schedule A.
- (d) Notwithstanding Subsections (a) and (b) of this Section, the Client, at its sole discretion, may limit the fees and disbursements paid by the Client to the percentage equivalent to the project complete in the opinion of the Client.
- (e) The Engineer must request and receive the written approval of the Client before any Additional Services are carried out that are not included in Schedule A. The Engineer shall not be entitled to any payment from the Contingency Allowance unless the Engineer has satisfied this condition. When approving Additional Services that are not included in Schedule A, the Client, at its sole discretion, may, in writing, set a limit on the monies from the Contingency Allowance that may be permitted for the requested Additional Services.

### 3.2.4 Reimbursable Expenses – Apply to 3.2.1. through 3.2.3. and shall be included in 3.2.5.

In addition to the fee, the Engineer shall be reimbursed at cost plus an administrative charge of 5 %, for all expenses and disbursements properly incurred by the Engineer in connection with the project.

### 3.2.5 Lump Sum Basis

- a) Fees for the scope of work covered under this Agreement will be on a Lump Sum Price Basis, inclusive of labour, disbursements and reimbursable expenses.
- b) Monthly progress invoices will be based on the percentage of project completed or



milestone achieved as detailed in the RFP.

- c) If the project is abandoned or delayed for any reason beyond the Engineer's control, the Client shall pay a fee for services rendered to that date, plus the termination expenses reasonably incurred by the Engineer in winding down the project.

### 3.3 Payment

#### 3.3.1 Fees Calculated on a Time Basis Applies

The Engineer shall submit an invoice to the Client for all Services completed in the immediately preceding month.

#### 3.3.2 Fees Calculated on a Percentage of Cost Basis Does Not Apply

##### a) Monthly Payment

The Engineer shall submit an invoice to the Client for that part of the design of the Project completed in the immediately preceding month calculated upon the basis of the Engineer's estimate of the cost of that part of the Project, and, if the Client agrees with such estimate and that such part has been completed, the Engineer will be paid the amount of the fee so invoiced.

##### b) On Award of Contract

Following the award of the contract for the construction of the Project, the Engineer shall recalculate his/her fee on the basis of the tender quantities and prices on which the contract for the construction of the Project was awarded, plus the estimated cost of materials and other services supplied by the Client and upon such recalculation, the amount paid to the Engineer shall be adjusted to equal the full amount of the recalculated fee including the repayment by the Engineer of any overpayment made to the Engineer.

##### c) Delay of Award of Contract

In the event the contract for construction of the Project is not awarded within \_\_\_\_\_ months of the acceptance of the Design by the Client the final fee for design shall be determined as in paragraph (a) above, and paragraph (b) shall not apply.

Further services for the Project beyond the \_\_\_\_\_ months will be undertaken on a time basis.

##### d) On Completion of the Work

Following Completion of the Work, the Engineer shall recalculate his/her fee on the basis of the actual Cost of the Work and upon such recalculation the amount paid to the Engineer shall be adjusted to equal the full amount of the recalculated fee including the repayment by the Engineer of any overpayment to the Engineer.

### 3.3.3 Lump-Sum Applies

Based on a milestone basis as per the Engineer's proposal.

### 3.3.4 Invoices Generally

#### a) Requirements for a proper invoice

All invoices submitted by the Engineer to the Client under this Agreement shall contain the following information:

- (1) The Engineer's name and address;
- (2) The date of the invoice and the period during which invoiced Services were supplied;
- (3) Information identifying the Agreement under which Services were supplied;
- (4) A description of the services supplied;
- (5) The amount payable for the services supplied, and a statement that payment is due upon receipt;
- (6) The name, title, telephone number and mailing address of the person to whom payment is to be sent; and
- (7) The following additional information (if any):

#### b) Disputed invoices

If the Client intends to dispute any invoice delivered by the Engineer, in whole or in part, the Client shall within 14 calendar days of receiving the invoice, deliver to the Engineer a notice of non-payment in Form 1.1 as prescribed by the *Construction Act*.

Any undisputed portion of any invoice shall remain payable upon receipt in accordance with the terms of payment set out in section 3.3.5.

### 3.3.5 Terms of Payment

The Client will compensate the Engineer in accordance with the fees and charges for services as set out in the proposal or as otherwise mutually agreed.

All fees, irrespective of their basis, shall be exclusive of HST, and HST will be added to each invoice.

All fees and charges will be payable in Canadian funds unless noted otherwise.

Invoices will be due and payable, as presented and without hold-backs, by the Client upon receipt, and in any event no later than 28 days after receiving the proper invoice.

Interest on overdue accounts will be charged at the rate of 12 % per annum.

## ARTICLE 4 – FORM OF AGREEMENT

**ENGINEER:** TULLOCH Engineering Inc.

The signatory shall have the authority to bind the Engineer for the purposes of this agreement.

This \_\_\_\_\_ Day of \_\_\_\_\_, 2021

Signature		Signature	 <small>Digitally signed by John McDonald, P.Eng. DN: cn=John McDonald, P.Eng., o=TULLOCH Engineering, ou=PEO No 100082267, email=john.mcdonald@tulloch.ca, c=CA Date: 2021.06.18 00:59:58 -04'00'</small>
Name	Larry Jackson, P.Eng.	Name	John McDonald, P.Eng.
Title	General Manager of Engineering	Title	Project Manager

**CLIENT:** The Corporation of the City of Sault Ste. Marie.

The signatory shall have the authority to bind the municipality or its agency for the purposes of this agreement.

This \_\_\_\_\_ Day of \_\_\_\_\_, 2021

Signature		Signature	
Name	Christian Provenzano	Name	Rachel Tyczinski
Title	Mayor	Title	City Clerk

## ARTICLE 5 – SCHEDULES

*Copies of Request for Proposal and Proposal Submission documents if required.*

This article includes all schedules, (i.e. Request for Proposal, Proposal Submission, Certificates of Insurance, etc.) as well as any additional information required to form the Agreement, such as supplemental general conditions, etc.

The following schedules form part of:

Schedule A: Supplementary Conditions – attached OR not used

Schedule B: Addenda – attached OR not used

Schedule C: Scope of Services – RFP attached OR not used

Schedule D: Proposal from engineer – attached OR not used

Schedule E: Other

Attached
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

NOTE: Attach all appropriate schedule documents as indicated (✓).

## Schedule A – Supplementary Conditions

Insurance and Indemnity provisions and considerations for use with the “Association of Consulting Engineering Companies/Ontario (ACEC-Ontario) in Partnership with the Municipal Engineers Association (MEA)” - “Client/Engineer Agreement for Professional Consulting Services 2020 (Version 3.1)”

~~**Option A** (The following language to be used with contracts not involving any excavating, digging, drilling, core sample removal etc.):~~

~~Notwithstanding the Order of Precedence as set out in the M.E.A./C.E.O. CLIENT/ENGINEER AGREEMENT, the Indemnification and Insurance sections below take precedence over anything to the contrary contained in the aforesaid Agreement.~~

~~Remove sections “**1.10 Indemnification**” and “**1.11 Insurance**” in their entirety and replace with the following:~~

### ~~**1.10 Indemnification**~~

~~The Engineer shall indemnify and hold harmless the City, its officers, Council members, partners, agents and employees from and against:~~

- ~~(a) — all actions, claims, demands, losses, costs, damages, suits or proceedings whatsoever which may be brought against or made upon the City; and~~
- ~~(b) — all losses, liabilities, judgements, claims, suits, demands or expenses which the City may sustain, suffer or be put to,~~

~~provided that same results from or arises out of the Engineer’s failure to exercise reasonable care, skill or diligence or the Engineer’s omissions in the performance or rendering of any work or service required hereunder to be performed or rendered by the Engineer, its agents, officials and employees. This indemnification shall include any legal costs incurred by the City on a substantial indemnity basis, including those incurred to defend any criminal prosecutions against the City resulting from the actions of the Engineer.~~

### ~~**1.11 Insurance**~~

~~Without restricting the generality of the requirement to indemnify the City, the Engineer shall obtain, maintain, pay for and provide evidence of insurance coverage, taken out with insurance companies licensed to transact business in the Province of Ontario and acceptable to the City’s Risk Manager. Listed below are the minimum insurance requirements deemed necessary for the Contract by the City’s Insurance and Risk Manager.~~

#### ~~**Commercial General Liability Insurance**~~

~~Commercial General Liability (“CGL”) insurance must include the City as an Additional Insured, with limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily and personal injury, death and damage to property including loss of use. The CGL insurance will include Cross Liability and Severability of~~

~~Interest Clauses, Products and Completed Operations coverage (twelve (12) months) and Standard Non-Owned Automobile liability endorsement.~~

**Automobile Liability Insurance**

~~Automobile Liability Insurance in respect of licensed vehicles must have limits of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property. Coverage shall be in the form of a standard owner's form automobile policy providing third party liability and accident benefits insurance and covering licensed vehicles owned and/or leased or operated by or on behalf of the Engineer.~~

**Professional Liability Insurance**

~~Professional Liability Insurance coverage must have limits of not less than two million dollars (\$2,000,000.00) inclusive per claim, covering services or activities that are professional in nature and excluded under the CGL policy.~~

~~The City will accept in place of the above mentioned insurance coverage, a combination of primary liability limits and umbrella insurance or excess liability limits which meet the CGL and/or Automobile Liability coverage limits noted above.~~

~~Such coverage must in all respects be satisfactory to the City's Insurance and Risk Manager and shall be maintained continuously by the Engineer from either the commencement of the Services or the signing of the Contract, whichever is earliest. The policies must be endorsed to provide the City with not less than thirty (30) days' written notice in advance of cancellation, or any change or amendment restricting coverage.~~

~~All of the above insurance must be evidenced, by the Engineer only upon Contract award, on the C.S.I.O. standard Certificate of Insurance form or if on another form, one that is satisfactory to the City.~~

**Option B** *(The following language to be used if the work involves any excavating, digging, drilling, core sample removal etc., and the Engineer is performing that work themselves (rather than a separate contract for those tasks):*

Notwithstanding the Order of Precedence as set out in the M.E.A./C.E.O. CLIENT/ENGINEER AGREEMENT, the Indemnification and Insurance sections below take precedence over anything to the contrary contained in the aforesaid Agreement.

Remove sections "**1.10 Indemnification**" and "**1.11 Insurance**" in their entirety and replace with the following:

**1.10 Indemnification**

The Engineer shall indemnify and hold harmless the City, its officers, Council members, partners, agents and employees from and against:

- (a) all actions, claims, demands, losses, costs, damages, suits or proceedings whatsoever which may be brought against or made upon the City; and

- (b) all losses, liabilities, judgements, claims, suits, demands or expenses which the City may sustain, suffer or be put to,

provided that same results from or arises out of the Engineer's failure to exercise reasonable care, skill or diligence or the Engineer's omissions in the performance or rendering of any work or service required hereunder to be performed or rendered by the Engineer, its agents, officials and employees. This indemnification shall include any legal costs incurred by the City on a substantial indemnity basis, including those incurred to defend any criminal prosecutions against the City resulting from the actions of the Engineer.

### **1.11 Insurance**

Without restricting the generality of the requirement to indemnify the City, the Engineer shall obtain, maintain, pay for and provide evidence of insurance coverage, taken out with insurance companies licensed to transact business in the Province of Ontario and acceptable to the City's Risk Manager. Listed below are the minimum insurance requirements deemed necessary for the Contract by the City's Insurance and Risk Manager.

#### **Commercial General Liability Insurance**

Commercial General Liability ("CGL") insurance must include the City as an Additional Insured, with limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily and personal injury, death and damage to property including loss of use. The CGL insurance will include Cross Liability and Severability of Interest Clauses, Products and Completed Operations coverage (twelve (12) months) and Standard Non-Owned Automobile liability endorsement. Sudden and Accidental pollution coverage with limits of not less than two million dollars (\$2,000,000) per occurrence (can also be provided under a separate Environmental Impairment or Pollution policy).

#### **Automobile Liability Insurance**

Automobile Liability Insurance in respect of licensed vehicles must have limits of not less than two million dollars (\$2,000,000.00) inclusive per occurrence for bodily injury, death and damage to property. Coverage shall be in the form of a standard owner's form automobile policy providing third party liability and accident benefits insurance and covering licensed vehicles owned and/or leased or operated by or on behalf of the Engineer.

#### **Professional Liability Insurance**

Professional Liability Insurance coverage must have limits of not less than two million dollars (\$2,000,000.00) inclusive per claim, covering services or activities that are professional in nature and excluded under the CGL policy.

The City will accept in place of the above-mentioned insurance coverage, a combination of primary liability limits and umbrella insurance or excess liability limits which meet the CGL and/or Automobile Liability coverage limits noted above.

Such coverage must in all respects be satisfactory to the City's Insurance and Risk Manager and shall be maintained continuously by the Engineer from either the commencement of the Services or the signing of the Contract, whichever is earliest. The policies must be endorsed to provide the City with not less than thirty (30) days' written notice in advance of cancellation, or any change or amendment restricting coverage.

All of the above insurance must be evidenced, by the Engineer only upon Contract award, on the C.S.I.O. standard Certificate of Insurance form or if on another form, one that is satisfactory to the City.

**Additional Insurance considerations:**

If the work involves any technology or IT aspects, Cyber coverage may be warranted – please forward these to Legal for review.

If any subconsultant is to be engaged (once approved by the City as per section 1.17) they will be required to place the same insurance coverages as outlined in section 1.11





**The Corporation of the City of Sault Ste. Marie**  
99 Foster Drive, Sault Ste. Marie, Ontario P6A 5X6  
saultstemarie.ca | 705.759.2500 | info@cityssm.on.ca

## **Request for Proposal**

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements  
Consulting Engineering

July 8, 2021

**REQUEST FOR PROPOSAL**

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements

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1. INFORMATION TO PROPONENTS..... 2

    1.1. Introduction ..... 2

    1.2. Date, Place and Methodology for Submitting Proposals..... 2

    1.3. Errors, Omissions, Clarifications ..... 3

    1.4. Withdrawal/Decline of Proposal ..... 3

    1.5. Informal Proposals ..... 3

    1.6. Proposal Evaluation ..... 4

    1.7. Conditions and Requirements of Work..... 5

    1.8. Proposal Left Open ..... 5

    1.9. Schedule ..... 5

    1.10. Incurred Costs ..... 6

    1.11. Alterations to Documents ..... 6

    1.12. Confidentiality & Post-Award Comment ..... 6

    1.13. Municipal Freedom of Information & Protection of Privacy Act..... 6

    1.14. Indemnification ..... 7

2. TERMS OF REFERENCE ..... 8

    2.1. Background ..... 8

    2.2. Scope ..... 8

    2.3. Legislation ..... 9

**APPENDICES**

APPENDIX A- Preferred Conveyance and Storage Alternative

## REQUEST FOR PROPOSAL

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements

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### 1. INFORMATION TO PROPONENTS

#### 1.1. Introduction

The City of Sault Ste. Marie is requesting proposals from Vendors of Record (VOR) within the Hydrology Category to solicit the services of an established consulting firm with the experience and technical abilities to provide consulting engineering services for the City of Sault Ste. Marie in relation to drainage improvements to the MacDonald Avenue area. Other items as may be reasonably assumed to form part of the scope of work shall be included.

#### 1.2. Date, Place and Methodology for Submitting Proposals

All proposals must be delivered electronically to:

[proposals.engineering@cityssm.on.ca](mailto:proposals.engineering@cityssm.on.ca)

with this subject line:

**Proposal – Electronic Submission - MacDonald Avenue Drainage Improvements Consulting Engineering Services Project No. A-21-08**

By the following date and time:

**Date: July 23, 2021**

**Time: 11:00:00 a.m. local time**

**Late submissions will not be accepted.**

The contact person for this RFP will be:

Catherine Taddo, P. Eng

Land Development and Environmental Engineer

[c.taddo@cityssm.on.ca](mailto:c.taddo@cityssm.on.ca) or (705) 759-5380

Electronic submissions must be in pdf format only. Links to drop boxes or other forms of cloud storage are not acceptable. Emails including the Proposal are limited to 10 MB or less for mailing purposes. If submission is larger than 10MB, send in multiple emails marked as 1 of #; 2 of #; etc. Electronic submissions must be complete in every way meeting the requirements of printed submission; save and except the provision of multiple copies. The date stamp provided by the City's email server will be the official time of receipt. Proponents should recognize that delays may develop during delivery of electronic submissions of a proposal and submit their proposal well in advance of the time and date set for closing. The City accepts no responsibility for these delays.

## **REQUEST FOR PROPOSAL**

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements

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The email address to be used for the submission shall be provided by July 13, 2021, in order that it may be whitelisted. It's the responsibility of the proponent to confirm receipt by the City, and it is recommended that this be completed well in advance of the deadline.

Proponents agree to submit a printed original version of their electronically submitted Proposal including all attachments immediately, upon request only, by mail, courier or hand delivery.

Proposals should be limited to twenty (20) pages, single sided including appendices.

The Corporation reserves the right to reject any or all Proposals and the lowest or any Proposal will not necessarily be accepted.

It will be the proponent's responsibility to clarify any questions before submitting a proposal. A written addendum issued by the City of Sault Ste. Marie is the only means of changing, amending or correcting this RFP. The proposal shall confirm receipt of any addendums issued. In the process of responding to this RFP, the proponent should not utilize any information obtained outside this protocol.

### **1.3. Errors, Omissions, Clarifications**

During the period for Proposal preparation, any questions concerning the Terms of Reference requirements or intent of this Request for Proposal should be addressed to Ms. Catherine Taddo, P. Eng., Land Development and Environmental Engineer, telephone 705-759-5380, e-mail [c.taddo@cityssm.on.ca](mailto:c.taddo@cityssm.on.ca).

General proposal process inquiries should be directed (by email preferred) to Ms. Karen Marlow; Manager of Purchasing; telephone 705-759-5298; email [k.marlow@cityssm.on.ca](mailto:k.marlow@cityssm.on.ca).

### **1.4. Withdrawal/Decline of Proposal**

Proponents will be permitted to withdraw their Proposal, unopened, after it has been deposited, if such a request is received by the City prior to the time specified for the opening of Proposals.

### **1.5. Informal Proposals**

Proposals are to conform to the terms and conditions set out herein. Proposals which are incomplete, conditional or obscure, or which contain additions not called for, erasures, alterations, errors, or irregularities of any kind, may be rejected as informal. All Proposals must be legibly signed in ink by an authorized officer of the Proponent's firm.

## REQUEST FOR PROPOSAL

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements

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### 1.6. Proposal Evaluation

The successful consultant will be selected based on evaluation of the proposal utilizing our rating system which considers the requirements mentioned below. A committee composed of City staff will be used in the selection process. The proponent shall outline:

- 1) Consulting Team's ability outlining corporate profile in drainage improvements and municipal road construction, and have proven project management experience.
- 2) Relevant past experience on similar projects;
- 3) Qualifications and experience of the Project Manager, senior engineers and key members of the project team, including sub-consultants, with the estimated number of days that they will be committed to the project;
- 4) Their perceptions of the major obstacles, risks and other factors that will affect the success of this project and indicate how they plan to overcome these challenges. The key factors for measuring progress and success should be identified.
- 5) Detailed proposed work program methodology;
- 6) A detailed schedule recognizing critical deliverables, progress meetings and timelines;
- 7) A fee schedule indicating the name, role and rate of pay for each individual assigned to the project. The total cost of the engineering assignment shall include work up to and including construction, and shall be limited by a fee estimate which the consultant will include in its proposal. No further payment will be made above this figure unless authorized in advance by the City. The successful consultant will be required to enter into a MEA/CEO agreement for engineering services subject to Article 5 amendments. These terms of reference will form part of that agreement; and
- 8) Proponents are required to include a Letter of Introduction with the Proposal that **states that** the Signee is authorized to bind the Proponent to the contents of the Proposal including pricing, in addition to **confirmation of receipt** of specified addendums where applicable.

The letter shall **also include** the following statement:

I/We confirm that the Corporation, its Officers and Directors; and Supervisory staff have not been convicted of an Offence under the Occupational Health and Safety Act, nor the Workplace Safety and Insurance Act: Yes \_\_\_ No \_\_\_

## **REQUEST FOR PROPOSAL**

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements

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The above list of criteria represents areas which are to be specifically addressed in the proposal. The evaluation process will not necessarily be limited to these areas. Other criteria not specifically listed above may also receive consideration. The order in which the criteria are listed does not indicate the weighting of the evaluation.

The City reserves the right, in its sole and absolute discretion, to select a preferred Proponent with which to negotiate a final contract, terminate the proposal call or reject any and all Proposals.

The City will endeavor to complete the evaluation process within a reasonable time frame. The City reserves the right to contact Proponents to seek clarification of the proposals, as submitted, to assist in the evaluation process. Interviews may be required.

### **1.7. Conditions and Requirements of Work**

Proponents are required to submit their proposals upon the conditions that they shall satisfy themselves by personal examination of the location of the proposed works, or by such other means, as they may prefer, as to the actual conditions and requirements of the work.

The successful Proponent and any Subcontractor (if applicable) is required to comply with the requirements of the City's Contractor Pre-Qualification Program prior to the start of any onsite work on this Contract. These requirements include but are not limited to WSIB Coverage, Liability Insurance Coverage, Accessibility Training, and Safe Work Practices. Details regarding compliance with this requirement may be obtained by contacting Adam Shier, Risk Manager 705-759-5768 or by email to a.shier@cityssm.on.ca. Responsibility for compliance with this requirement by any Subcontractor is the responsibility of the successful Proponent.

### **1.8. Proposal Left Open**

The Proponent shall keep their Proposal open for acceptance for ninety (90) days after the closing date.

### **1.9. Schedule**

- (A) Release of RFP: July 8, 2021
- (B) Question Close: July 16, 2021
- (C) Submission of Proposal: July 23, 2021
- (D) Recommendation: August 2021
- (E) Signing of Agreement: September 2021
- (F) Commencement of Services: September 2021

## REQUEST FOR PROPOSAL

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements

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(G) Completion: December 2022

The City reserves the right to alter the scheduling of items B to F. Proponents are asked to designate one contact person to whom any additional information deemed to be relevant to the proposal may be communicated. Complete contact coordinates including email address shall be included in the Proposal.

### 1.10. Incurred Costs

The City will not be liable for, nor reimburse any Proponent for costs incurred in the preparation of proposals or any other costs such as preparation for, and attendance at interviews that may be required as part of the evaluation process.

Whenever possible, at the sole determination of the City, additional information and/or clarifications will be obtained by telephone or other electronic means.

### 1.11. Alterations to Documents

No electronic reproduction or alteration of the original document will be permitted under any circumstance. The Proponent shall not change the wording of the proposal after submission; and no words or comments shall be added to the general conditions or detailed specifications unless requested by the City for the purpose of clarification.

### 1.12. Confidentiality & Post-Award Comment

No Proponent shall have the right to review or receive any information with respect to a proposal, documentation, or information submitted by any other Proponent. The content of the proposal, and all documentation, and information shall be held in confidence by the City subject only to the provision of freedom of information and privacy legislation, including without limitation, the *Municipal Freedom of Information and Protection of Privacy Act*.

Post-Award Comment by the City regarding this Request for Proposal will be limited to written notification to all Proponents of the successful Proponent's name and address only – no further debriefing will be provided. **In submitting a Proposal, Proponents acknowledge and agree to this provision.**

### 1.13. Municipal Freedom of Information & Protection of Privacy Act

The Corporation of the City of Sault Ste. Marie is governed by the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*. All documents submitted to the City in response to this Request for Proposal become the property of the City and as such will be subject to the disclosure provisions of the *Act*. The *Act* gives persons a right of access to information held by the municipality. The right of access is subject to exemptions contained in the *Act*.

## **REQUEST FOR PROPOSAL**

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements

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### **1.14. Indemnification**

The successful Proponent will indemnify and save harmless the City against and from all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer, incur, become liable for, or be put to by reason of any damage to property or injury or death to persons by reason of, arising out of or in consequence of breach, violation of non-performance by the successful Proponent of any provision of the agreement, or by reason of or arising out of the use of the premises or in connection with the work covered by this contract, or by reason of or arising out of any act, neglect or default by the successful Proponent or any of its agents or employees or any other person or persons, in, on, or about the premises.

The Proponent further covenants that the indemnity herein contained shall extend to all claims, loss, cost and damages by reason of or arising out of improper field inspection practices in connection with this Agreement by the Proponent, its servants or agents, whether or not these have been approved by the City, its servants or agents. The rights to indemnity contained in this paragraph shall survive any termination of this agreement, anything in this agreement to the contrary notwithstanding.



## **REQUEST FOR PROPOSAL**

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements

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## **2. TERMS OF REFERENCE**

### **2.1. Background**

The City completed a Municipal Class Environmental Assessment for MacDonald Avenue Drainage Improvements in 2016. The EA was completed in order to review the issue of both surface flooding and basement flooding in the MacDonald Avenue area, and assess solutions to reduce the frequency of flooding being experienced. The preferred solution includes the following two activities:

- The construction of a new storm sewer on MacDonald Avenue from Campbell Avenue easterly, to the outlet into the ravine, and;
- The construction of a storm water management facility in the natural ravine between MacDonald Avenue and Ontario Avenue.

In addition to the construction of these storm water conveyance and storage facilities, it was recommended that private property owners continue to flood proof buildings in the study area through the various techniques described.

The EA document can be located at the following link:

<https://saultstemarie.ca/Cityweb/media/Engineering-and-Planning/Engineering%20and%20Construction/Class%20EA/MacDonaldESR.pdf>

Previous to the EA, a Storm Sewer Capacity Analysis and Condition Assessment was completed in 2012 for the area, and is available upon request.

### **2.2. Scope**

The City of Sault Ste. Marie is requesting proposals for engineering services associated with recommended works for drainage improvements to improve surface flooding and basement flooding in the MacDonald Avenue area, in accordance with City guidelines. Engineering services required for this project include the design, approvals, contract administration, field inspection, and topographic survey. The successful proponent will collect and analyze information to develop recommendations, the associated design, prepare tender documents and administer contracts for the construction of the proposed works. The proponents should consider geotechnical and hydrologic requirements, as well as dewatering and permits or approvals required for construction, as may be applicable.

### **Key Deliverables**

The Consultant shall ensure the following key requirements and deliverables are met:

1. Liaise with key stakeholders.

## **REQUEST FOR PROPOSAL**

City of Sault Ste. Marie

MacDonald Avenue Drainage Improvements

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2. Participate in project meetings throughout the project including, but not limited to: project initiation, and monthly progress updates as required.
3. Topographic survey
4. Preliminary design reports
5. Production and distribution of public notices
6. Preparation of design and construction drawings
7. Approval and permit applications and packages
8. Preparation of all contract documents
9. Tender administration
10. Contract administration

### **2.3. Legislation**

The Consultant will ensure that all requirements related to the project under federal and provincial legislation are met in full.

**APPENDIX A- Preferred Conveyance and Storage Alternative**

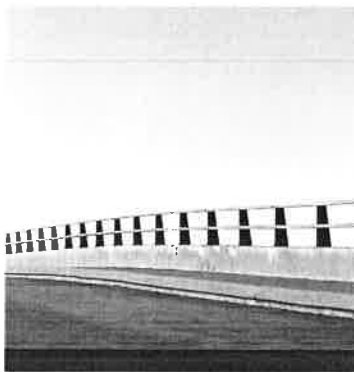




## The City of Sault Ste Marie

Proposal for Engineering Services  
Project No. A-21-08  
MacDonald Avenue Drainage Improvements

July 15, 2021  
TULLOCH Project #: 21-0001





## TABLE OF CONTENTS

### Table of Contents

1.	Introduction	1
1.1	Background and Scope of Work	1
1.2	Key Considerations	1
2.	Consultant Team	1
2.1	TULLOCH Corporate Overview	2
3.	Key Staff	2
3.1	Project Organizational Chart	2
3.2	Staff Bio's	3
4.	Relevant Past Project Experience	4
5.	Work Program	4
5.1	Project Initiation	4
5.2	Preliminary Design	5
5.2.1	Topographic Survey	5
5.2.1	Development of Base Drawings	5
5.2.2	Hydrologic and Hydraulic Analysis	5
5.2.3	Geotechnical Investigation and Site Screening for Excess Soils (O.Reg 406/19)	5
5.2.4	Impacts to Existing Municipal Infrastructure	6
5.2.5	Coordination with Public Works and Transportation	6
5.3	Detailed Design, Specifications and Tendering	6
5.3.1	Detailed Design Drawings and Specifications	6
5.3.2	Approvals	7
5.3.3	Tendering	7
5.4	Construction Services	7
5.4.1	Construction Contract Administration and Quality Assurance Inspections	7
6.	Schedule	8
7.	Fee Estimate	8

### ENCLOSURES

Work Program Schedule

Time/Task/Fee Matrix

## 1. INTRODUCTION

### 1.1 Background and Scope of Work

Due to the regular occurrence of flooding in the MacDonald Avenue area east of Pim Street, the City of Sault Ste. Marie engaged the expertise of TULLOCH to complete a Schedule C Municipal Class Environmental Assessment to investigate alternatives to alleviate the flooding. The preferred alternative was the replacement of a new storm sewer on MacDonald Avenue from Campbell Avenue easterly to the outlet into a ravine east of Alworth Place on the south side of MacDonald Avenue, and the construction/conversion of the ravine to a storm water management pond between MacDonald Avenue and Ontario Avenue.

This proposal is for engineering services related to the design and construction of the storm sewer replacement on MacDonald Avenue easterly to the outlet into the ravine, and the conversion of the ravine into a storm water management pond with a small dam and control structure located near Ontario Avenue. Replacement of the sewer and construction of the pond is tentatively planned for 2022.

### 1.2 Key Considerations

There are many important aspects to a project of this magnitude. Based on our existing detailed knowledge of the assignment and review of existing documentation, it is our opinion that effectively dealing with the following key considerations will be critical to the success of the project:

- **Constructability:** Based on our existing knowledge of the project, deep excavations are anticipated. Thus, the design must take this into account to ensure the project is constructible.
- **Sound Design Principles:** The design must not only be technically correct but it must also minimize environmental impacts, maintenance requirements and life cycle costs.
- **Robust Design:** Works such as large size sewers are very expensive to build and maintain and their construction is very disruptive. Therefore, the works must be designed to last for several decades and to minimize maintenance requirements.
- **Minimize Disruption during Construction:** The proposed storm sewer alignment passes very near to residential property. The planning and construction of the project must incorporate all reasonable measures to minimize this disruption and limit the inconvenience to these properties.
- **Maintaining Overland Major Flow Routes:** The current 375 mm diameter storm sewer on MacDonald Avenue was installed in 1955, before major drainage system routes were considered. Attention must be provided to ensure a suitable overland major flow path is established to mitigate impact to surrounding private property.
- **Maintenance:** The design of the control structure must consider and reduce required maintenance as a result of debris build-up and potential sedimentation to the greatest extent practical.
- **Downstream Protection:** The design of the storm water management pond must protect against downstream hydraulic overloading of the existing storm sewer. In addition, the preferred solution is to build the storm water management pond to accommodate a 1 in 100 year storm in order to provide increased protection to the downstream area during major storm events.

The TULLOCH team is well equipped to deal with these key considerations to ensure the right solution is implemented with as little disruption as possible.

## 2. CONSULTANT TEAM

The team assembled for this assignment combines the technical expertise demonstrated in several similar assignments with extensive knowledge of Sault Ste. Marie's transportation systems, geotechnical



and hydrogeological characteristics, roadway infrastructure design, hydrologic and hydraulic modelling and analysis, geometrics, structural design and the management of complex construction projects.

### 2.1 TULLOCH Corporate Overview



TULLOCH is a progressive consulting firm providing integrated land development, surveying and engineering services throughout Canada. The key focus of our company is to provide our clients with services for renewable energy development, environmental protection, infrastructure design, and the administration of capital construction projects.

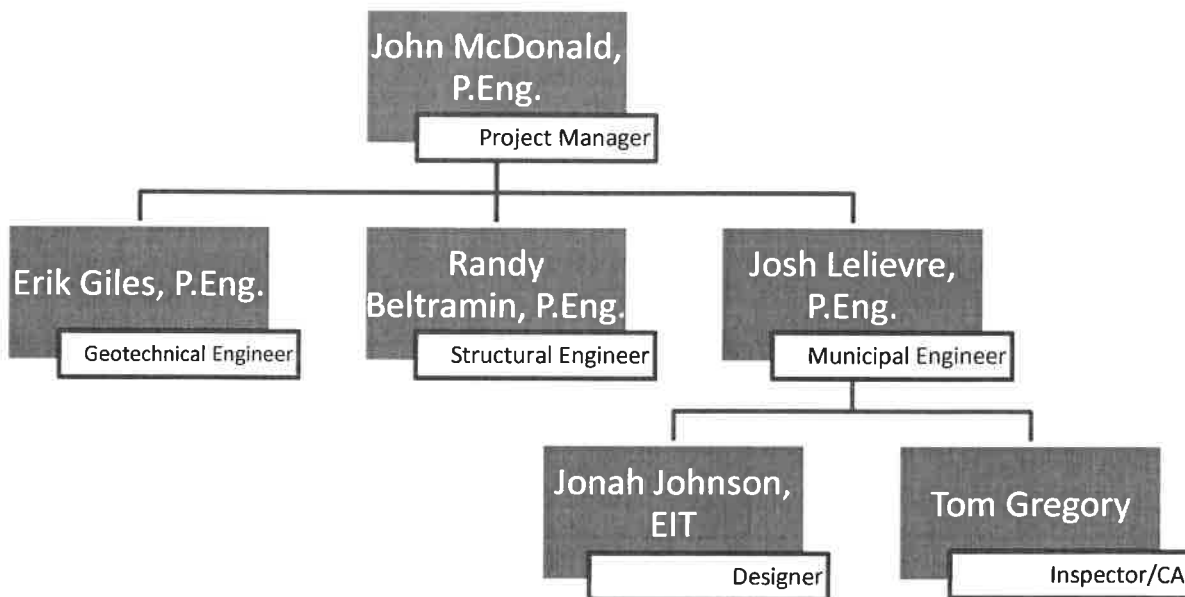
The team assembled for this assignment combines the technical expertise demonstrated in several similar assignments with extensive knowledge of the City and area. The team has extensive experience in roadway design, stormwater management infrastructure design, culvert and box culvert crossings and bridge designs, hydrologic and hydraulic modeling, erosion and sediment control, geotechnical investigations and the management of large infrastructure projects.

TULLOCH Engineering is also very familiar with the City of Sault Ste. Marie and their design and construction requirements having completed or in the process of completing several similar assignments.

### 3. KEY STAFF

TULLOCH has assembled a highly qualified and experienced technical team comprised of all local staff. Our experience and knowledge of local issues, geotechnical conditions, drainage characteristics, water crossings and infrastructure and our highly skilled technical abilities makes us an ideal team to undertake this project. An organizational chart and brief bio's of key staff are as follows.

#### 3.1 Project Organizational Chart





### 3.2 Staff Bio's

#### **John McDonald, P.Eng. – Project Manager.**

John McDonald, P.Eng., will be the Project Manager for this assignment. John is a professional engineer with more than 18 years of experience in all aspects of municipal infrastructure design including stormwater management, culvert and bridge repairs and replacements, road design, and municipal servicing. John also has extensive experience in the completion of engineering surveys, construction materials, construction project management and municipal asset management. John will provide overall direction on the assignment and liaise directly with the City and key stakeholders. He will oversee all aspects of the project.

**Josh Lelievre, P.Eng. – Municipal Engineer.** Josh Lelievre, P.Eng., will be a design engineer on this assignment and assist the design team. Josh is a professional engineer with more than 10 years of experience in all aspects of municipal infrastructure design including stormwater management, culvert repairs and replacements, road design, land development/subdivision design and municipal servicing. Josh will be responsible for the detailed design and compilation of the Contract Documents.

**Randy Beltramin, P.Eng. –Structural Engineer –** Randy Beltramin P.Eng., will be the Structural and Construction Engineer for this assignment. He is an experienced structural specialist, having acquired a broad field of expertise during his 30+ years in the consulting field. Randy has worked with timber, steel, concrete, and masonry structures ranging from apartments, office complexes and schools to industrial crane runways, mill buildings, and heavy civil works such as retaining walls and bridges. He also uses this extensive range of experience to complete structural and building envelope forensics for insurance companies and building condition assessments for public and private clients. Randy's responsibilities in these projects have included design, cost estimates, feasibility studies, project management, field review, reports, drawings, specifications, and assessments of damaged and deteriorated structures.

**Erik Gilles, P.Eng. – Geotechnical Engineer –** Erik Giles P.Eng., is a Geotechnical Engineer with a wide range of experience within the mining and geotechnical sector. Erik has worked on numerous geotechnical field investigations including both large and small infrastructural projects. He has managed and overseen construction quality control and quality assurance programs for both the mining and public sectors. He is proficient in safe field-based execution and supervision having supervised the drilling of over 1,000 boreholes on both remote sites and busy public sites such as the 401. Erik has also been responsible for complicated field-based programs supervising junior field staff. His consulting assignments have included work with clients across Canada.

**Tom Gregory – Contract Administrator.** Tom is a Contract Administrator with TULLOCH Engineering, with more than 9 years of experience performing municipal design, inspection, and contract administration services for infrastructure projects within Sault Ste. Marie. Tom was recently the Contract Administrator on the Boardwalk Scour Remediation Project and the Fort Creek (Wellington St. component) Aqueduct Reconstruction Project. The projects were completed on-time and on-budget with great praise. Tom's responsibilities for this project will commence with assisting in the design and preparation of contract documents to Contract Administration duties. Tom will be responsible for assisting in the administration of the contract and quality assurance.

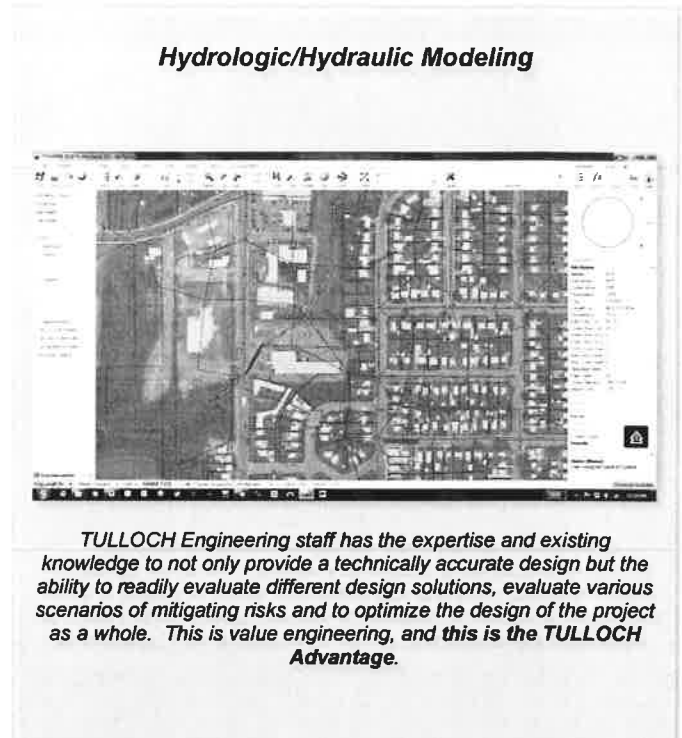


*TULLOCH's extensive experience with local governments includes planning, design, and construction management of public infrastructure projects.*

**Jonah Johnson, E.I.T. – Engineering Intern.** Jonah Johnson is an Engineering Intern with TULLOCH. Jonah graduated with a Bachelor of Applied Science in Civil Engineering with specialization in Structural Engineering in December 2019 from Lakehead University. Jonah commenced his career with TULLOCH over two years ago. Jonah has experience with stormwater management and storm sewer design. Jonah will be responsible for assisting in the initial site review, preliminary and detailed design, preparation of contract documents and contract administration.

#### 4. RELEVANT PAST PROJECT EXPERIENCE

- McNabb/Poplar Park/Pim St Storm Sewer and Stormwater Management Facility, Sault Ste. Marie
- McNabb St. Drainage Assessment Schedule 'C' Municipal Class Environmental Assessment.
- MacDonald Ave. Drainage Assessment Schedule 'C' Municipal Class Environmental Assessment.
- Reconstruction of Canal Drive, Sault Ste. Marie.
- North Street Reconstruction
- Black Road Reconstruction
- Trunk Road Widening
- Second Ave Reconstruction
- Wellington Street Fort Creek Aqueduct
- Panel Mine Road Culverts, Elliot Lake.
- Government Road, Precast Concrete Box Massey On.
- Third Line Box Culvert, Sault Ste. Marie, On.
- SWM facilities for numerous private developments
- Allens Side Road, Box Culvert, Sault Ste. Marie, On
- Trunk Road Drainage Assessment



#### 5. WORK PROGRAM

Based on the request for proposal and key project considerations identified within, we have developed a work program to satisfy the objectives of the assignment. The individual project tasks are briefly described below.

##### 5.1 Project Initiation

The initial phase of the project includes TULLOCH immersing ourselves into the details of the project. We will assemble and review available background information for reference. We will attend a project initiation meeting with the City to introduce the key personnel involved, to review the proposed scope of work and schedule to ensure that it meets their objectives, and to establish a concise design criterion.

## 5.2 Preliminary Design

### 5.2.1 Topographic Survey

The topographic survey will be completed by TULLOCH's in-house surveying team and will obtain all necessary topographic information prior to the design phase. Additionally, if not specifically provided, TULLOCH will obtain basement elevations of structures within the project extents.

### 5.2.1 Development of Base Drawings

At the conclusion of field work operations, TULLOCH will begin preparation of base drawings. This phase is the time in which the raw data, the design considerations and our experience start to merge. We take into account the owner's requirements and desires, the budget, the site, restrictions and covenants, local codes and standards, and other criteria that will affect the project.

From this information we prepare design drawings showing removal plans, staging plans, plans and profiles of new construction geometrics, site orientation, standard and non-standard details, right of way cross sections and traffic layouts. These drawings will then be presented to the City for their approval. The actual drawings included will depend on the particular project circumstances.

### 5.2.2 Hydrologic and Hydraulic Analysis

Through our previous work on this project, TULLOCH Engineering has determined design flows, and hydraulic grade lines throughout the watershed in addition to stage/storage/discharge curves for the storm water management pond in the ravine. We have employed multiple methods in our analysis, including traditional manual calculation methods, and multiple computer modeling techniques such as Hydro-CAD, OTTHYMO and PCSWMM. Using this data and our detailed PCSWMM hydraulic model, TULLOCH can readily confirm and verify any proposed pipe cross section, or ravine storage design to allow for an innovative, non-disruptive and cost effective method of replacing this critical piece of infrastructure.

### 5.2.3 Geotechnical Investigation and Site Screening for Excess Soils (O.Reg 406/19)

TULLOCH has extensive knowledge and existing geotechnical data throughout the City of Sault Ste. Marie. Led by Erik Giles, P.Eng., TULLOCH will conduct a geotechnical subsurface exploration program to clearly identify the subsurface strata and characteristics. This data and report will be utilized by both the design team in the detailed design phase and included within the final Tender documents as constructability information for contractors.

Upon completion of the geotechnical evaluation, TULLOCH will prepare a geotechnical engineering report in accordance with the latest edition of the Canadian Foundation Engineering Manual. Geotechnical design and construction recommendations will be provided following the completion of borehole drilling. The final engineering report will be signed and sealed by a licensed Professional Engineer registered in the Province of Ontario.

In conjunction with the Geotechnical Investigation, TULLOCH Engineering will complete site pre-screening and soil quality sampling of the existing on-site soils for compliance with Ontario Reg. 406/19 Disposal of Surplus Material and Excess Soil Management and include the pertinent information in the tender for construction.

#### 5.2.4 *Impacts to Existing Municipal Infrastructure*

It is anticipated the project will have limited impact to other utilities and municipal infrastructure with the exception of the storm sewer road crossing locations. In consultation with the City of Sault Ste. Marie, PUC Services Inc. and other utilities, we will assess the need for, coordinate, and carefully design any required replacement or relocations to minimize disruption and cost.

#### 5.2.5 *Coordination with Public Works and Transportation*

TULLOCH, in consultation with the City of Sault Ste. Marie Public Works and Transportation division, will propose a design to ensure the control structure is accessible from Ontario Avenue and the ravine itself are as maintenance free as possible throughout their service life. Additionally, the structures themselves will be designed to ensure that in the event cleaning or other maintenance work is required, it can be completed as efficiently as possible.

### 5.3 **Detailed Design, Specifications and Tendering**

Detailed design is the phase where the design is refined and plans, specifications and estimates are created. This phase is where the full cost of the project is identified. Over the years it has been proven that detailed design and engineering is the key phase in which a project's costs are defined and set. Detailed design is the stage at which savings can be realized. By adhering to the following work plan, TULLOCH will mitigate project risks and provide a robust, cost effective design.

#### 5.3.1 *Detailed Design Drawings and Specifications*

During the detailed design of the project, TULLOCH will address the complexities associated with this project. Some of the key design factors and ways we intend to address these issues are as follows;

- **Disruption to Residential Properties** - In order to mitigate and reduce impact to local properties, TULLOCH will hold regular meetings with the City to determine alternate access locations, provisional parking areas and design/construction measures intended to reduce construction duration.
- **Easement Requirements** - TULLOCH and our in-house Ontario Land Surveyors will work with the City early in the design phase to identify and assist in dealing with property owners in obtaining or expanding easements as needed for municipal services.
- **Hydraulic Design and Drainage** - The hydraulic design will not only consider the proper sizing of underground drainage infrastructure, but also grading and surface drainage design. Our design will control and direct major overland flow routes along municipal right of ways and through impacted parking lots/properties to minimize surface flooding, reduce the potential for flooding of buildings, maximize inlet capacity and properly control major overland surface drainage paths. The minor drainage system will be designed with the goal of minimizing losses and minimizing surcharging during major storm events to reduce likelihood of building flooding.
- **Environmental Constraints** - The work required for allowing the existing ravine to function as a storm water retention pond has inherent environmental impacts which must be mitigated. Key factors include; invasive vegetation species, migratory birds nesting and fish habitat. TULLOCH's Environmental group has the design knowledge and permitting experience to successfully mitigate environmental impacts.

TULLOCH will prepare the contract drawings that meet the client's requirements and in accordance with City standards. Drawings will clearly differentiate between original conditions and new construction, with all prominent features clearly labeled and design features identified by appropriate legend. The detailed design will include all such elements as may be required for the construction of the project and may include the following;

- site plans;
- geometric design;
- road crossing design;
- pavement design;
- typical cross-sections;
- design cross-sections;
- grading;
- structural design;
- drainage-quality and quantity, and storm sewer/flood conveyance design;
- utilities;
- hydrotechnical design;
- barriers, railings, expansion joints; bearings, protection systems;
- traffic staging and detours property requirements;
- control structure and emergency overflow design;
- slope stability and ravine alterations;
- sewer outfalls;
- property/easement requirements;

Contract specifications will be prepared to provide instructions to contractors. Special provisions will be used to address specific construction practices, materials and methods of measurement for payment. In preparing the specifications, TULLOCH will utilize Ontario Provincial Standard Specifications as much as possible. Quantity and cost estimates will be updated throughout the detailed design phase and significant cost escalation items will be reported to the City as they arise.

### 5.3.2 Approvals

TULLOCH will apply for and obtain all necessary approvals required for the project potentially including but not limited to Environmental Compliance Approvals (ECA's) from the Ontario Ministry of Environment and Climate Change, and, Department of Fisheries and Oceans approvals under the Fisheries Act. TULLOCH will further consult with the Sault Ste. Marie Region Conservation Authority with respect to storm water quality and quantity management requirements and obtain approvals under O.Reg 176/06.

### 5.3.3 Tendering

In addition to the preparation of construction specifications and contract documents, TULLOCH will administer the Tendering process on behalf of the City of Sault Ste. Marie in accordance with the City's procurement by-law. Enquiries during the tender period will be addressed by TULLOCH by addendum. TULLOCH will be present during the closing of the bid process and evaluate the bids for completeness, accuracy, experience and cost. A tender review report including recommendations will be provided to the City and TULLOCH staff will make themselves available to City Council to address any questions and concerns they may have.

## 5.4 Construction Services

### 5.4.1 Construction Contract Administration and Quality Assurance Inspections

TULLOCH is a recognized leader in providing contract administration and support services for the construction industry. We have built an impressive portfolio by providing construction management services for all levels of government and private industry. Our professional staff lead the industry in a variety of project delivery methodologies.

#### **Pride In Our Work**

*Pim Street Storm Sewer Upgrades*



*TULLOCH Engineering staff takes pride in the work we do. After all, it is the communities in which we live and raise our families that we are building to serve into the future.*

*Gladstone Ave. Stormwater Management Pond Control Structure*



*"...my dad referenced a phrase that I have never forgotten. Now, I've come to realize that it is somewhat of a familiar saying, but that night was the first time that I heard it, and it completely resonated with myself, and it has stuck with me these past 14 years. And it's simply this... Opportunity is often disguised in the form of hard work."*

**Mark TULLOCH, P.Eng.,  
 O.L.S. CEO, TULLOCH  
 Engineering**



TULLOCH's expertise in the area of contract management provides an assurance the contract will be administered in a fair and transparent manner in accordance with the contract documents and governing law. We are committed to completing projects successfully, expeditiously, and on budget.

## **6. SCHEDULE**

TULLOCH is committed to the delivery of the project on time and on budget. We have prepared the attached schedule in accordance with our work plan. TULLOCH confirms we have sufficient resources to complete the project as proposed herein. For the purposes of providing a upset limit price, we have assumed a construction duration of 16 weeks, requiring on average of 45 hours a week of inspection and contract administration services.

## **7. FEE ESTIMATE**

Engineering fees corresponding to the different project tasks are provided in the attached Task-Cost Matrix. We are prepared to treat the enclosed Total Engineering Fee as an Upset Limit in the amount of \$178,487.50 excluding HST. It will not be exceeded unless authorized in writing by the City of Sault Ste. Marie.

## Deborah Agliani

---

**From:** David Salewski  
**Sent:** Friday, October 29, 2021 7:34 AM  
**To:** Deborah Agliani  
**Cc:** Orsalina Naccarato  
**Subject:** Re: Local Improvement By-law 2021-202 - Bloor St. West - Lyons to Patrick By-law 2021-203 Dufferin Street - Grosvenor Ave to Trelawne Ave and By-law 2021-203 Cedar St - Wilson St to Tancred St

Hello

We still need to set the open house date; I will advise once finalized

Thanks

**David Salewski, C.E.T.**  
Engineering Technologist, Engineering Division  
Public Works and Engineering Services  
705.541.7155 [d.salewski@cityssm.on.ca](mailto:d.salewski@cityssm.on.ca)

**CITY OF SAULT STE. MARIE**  
99 Foster Drive, Sault Ste. Marie, ON P6A 5X6  
[saultstemarie.ca](http://saultstemarie.ca)



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**From:** Deborah Agliani <[d.agliani@cityssm.on.ca](mailto:d.agliani@cityssm.on.ca)>  
**Sent:** Thursday, October 28, 2021 4:17 PM  
**To:** David Salewski <[d.salewski@cityssm.on.ca](mailto:d.salewski@cityssm.on.ca)>  
**Cc:** Orsalina Naccarato <[o.naccarato@cityssm.on.ca](mailto:o.naccarato@cityssm.on.ca)>  
**Subject:** Local Improvement By-law 2021-202 - Bloor St. West - Lyons to Patrick By-law 2021-203 Dufferin Street - Grosvenor Ave to Trelawne Ave and By-law 2021-203 Cedar St - Wilson St to Tancred St

Would you please advise when the ad for the Notices for these by-laws will be placed in the Sault Star.

Thank you.

**Deborah Agliani**  
Legal Clerk  
Legal Department  
705.759.5402 [d.agliani@cityssm.on.ca](mailto:d.agliani@cityssm.on.ca)

**CITY OF SAULT STE. MARIE**  
99 Foster Drive, Sault Ste. Marie, ON P6A 5X6  
[saultstemarie.ca](http://saultstemarie.ca)



**SAULT  
STE. MARIE**



**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW NO. 2021-214**

**STREET ASSUMPTIONS:** A by-law to assume for public use and establish as public streets various parcels of land conveyed to the City.

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **STREETS ESTABLISHED AND ASSUMED**

The Corporation of the City of Sault Ste. Marie hereby assumes for public use and establishes as public streets, the streets or parts of streets more particularly described in Schedule "A" attached to this by-law.

2. **SCHEDULE "A"**

Schedule "A" hereto forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the date of its final passing.

**PASSED** in open Council this 15<sup>th</sup> day of November, 2021

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**MAYOR - CHRISTIAN PROVENZANO**

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**CITY CLERK - RACHEL TYCZINSKI**

## SCHEDULE "A" TO BY-LAW 2021-214

### 1. BLACK ROAD

PIN 31505-0156 (LT)  
PART LOT 20, RCP H735, PART 1 1R13452 TARENTORUS; SUBJECT  
TO AN EASEMENT IN GROSS OVER PART 1, 1R-13525 AS IN  
AL204218; CITY OF SAULT STE. MARIE

### 2. CADDY AVENUE

PIN 31500-0014 (LT)  
PCL 8399 SEC AWS; BLK B PL M353 ST. MARY'S; S/T T28986; SAULT  
STE. MARIE

PIN 31500-0089 (LT)  
PCL 8468 SEC AWS; CADDY AV PL M359 ST. MARY'S; SAULT STE.  
MARIE

PIN 31500-0039 (LT)  
PCL 8200 SEC AWS; CADDY AV PL M353 ST. MARY'S; SAULT STE.  
MARIE

### 3. GRAND BOULEVARD

PIN 31555-0010 (LT)  
FIRSTLY: GRAND BLVD PL H475 ST. MARY'S; GRAND BLVD PL 51145  
ST. MARY'S; SECONDLY: PT LT 5 PL 51145 ST. MARY'S PT 5, 6 1R1407  
BTN STRAND AVE PL H475 & LT 140 PL H475; SAULT STE. MARIE

### 4. OLD GOULAIS BAY ROAD

PIN 31566-0681 (LT)  
PART SECTION 24 KORAH PART 2 AND 3 PLAN 1R13682; SUBJECT  
TO AN EASEMENT OVER PART 3 PLAN 1R13682 AS IN T263093;  
SUBJECT TO AN EASEMENT OVER PART 3 PLAN 1R13682 AS IN  
T133814; CITY OF SAULT STE. MARIE

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2021-215**

**MEDAL OF MERIT COMMITTEE:** A by-law to amend By-law 93-8 (being a by-law to establish a “Medal of Merit Committee” and to provide awards in the form of medals by the Corporation of the City of Sault Ste. Marie to persons or groups of persons in recognition of outstanding achievement) and to repeal By-law 2001-198.

THE COUNCIL of The Corporation of the City of Sault Ste. Marie, pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, ENACTS as follows:

1. **BY-LAW 93-8 AMENDED**

Section 3 (1) of By-law 93-8 is amended as follows:

Delete: “The Council of the Corporation of the City of Sault Ste. Marie shall award a medal of merit, which shall be known as “The Sault Ste. Marie Medal of Merit”, for outstanding athletic, cultural or academic achievement or other outstanding contribution to the community, to a person who:” . and

Insert: “The Council of the Corporation of the City of Sault Ste. Marie may award a medal of merit, which shall be known as “The Sault Ste. Marie Medal of Merit”, for outstanding athletic, cultural or academic achievement or other outstanding contribution to the community, to a person who:” .

2. **BY-LAW 2001-198 REPEALED**

By-law 2001-198 is hereby repealed.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 15<sup>th</sup> day of November, 2021.

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**MAYOR - CHRISTIAN PROVENZANO**

---

**CITY CLERK – RACHEL TYCZINSKI**

LEGAL\STAFF\COUNCIL\BY-LAWS\2021\2021-215 AMENDING MEDAL OF MERIT BY-LAW 93-8.DOCX

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2021-216**

**AGREEMENT**: A by-law to authorize the execution of the Amending Agreement between the City and Her Majesty the Queen in Right of Ontario as Represented by the Minister of Transportation for the Province of Ontario for the Ontario Municipal Commuter Cycling Program.

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to the Agreement dated November 15, 2021 between the City and Her Majesty the Queen in Right of Ontario as Represented by the Minister of Transportation for the Province of Ontario, a copy of which is attached as Schedule "A" hereto. This Agreement is for the Ontario Municipal Commuter Cycling Program funding.

2. **SCHEDULE "A"**

Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 15th day of November, 2021.

---

**MAYOR - CHRISTIAN PROVENZANO**

---

**CITY CLERK - MALCOLM WHITE**

**AMENDING AGREEMENT NO. 2 TO THE ONTARIO MUNICIPAL COMMUTER  
CYCLING (OMCC) PROGRAM  
TRANSFER PAYMENT AGREEMENT**

This Amending Agreement No. 2 to the Ontario Municipal Commuter Cycling (OMCC) Program Transfer Payment Agreement (this "**Amending Agreement**") is effective as of the date of signature by the last signing party to this Amending Agreement.

**BETWEEN:**

**Her Majesty the Queen in right of Ontario**  
as represented by the Minister of Transportation for the Province of Ontario

(the "**Province**")

- and -

**The Corporation of the City of Sault Ste. Marie**

(the "**Recipient**")

**BACKGROUND**

The Province and the Recipient entered into the Ontario Municipal Commuter Cycling (OMCC) Program Transfer Payment Agreement effective as of 21<sup>st</sup> day of March 2018 (the "**Agreement**").

The Agreement, pursuant to Section 4.1 (Amendments) of the Agreement, may only be amended by a written agreement.

The Parties have agreed to extend the Term of the Agreement by one year and make any necessary changes to the Agreement to capture their intent.

**IN CONSIDERATION** of the mutual covenants and agreements contained in this Amending Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Parties agree as follows:

1. Capitalized terms used in this Amending Agreement have the meanings ascribed to them in the Agreement.

2. Section A1.2 (Definitions) of the Agreement is hereby amended by:
  - a) replacing “March 31, 2022” with “March 31, 2023” in the definition of Expiry Date;
  - b) replacing “December 30, 2021” with “December 31, 2022” in the definition of Projects End Date; and
  - c) replacing “December 30, 2021” with “December 31, 2022” in the definition of “Substantial Completion”.
3. Section A4.10 (Inability to Complete Eligible Projects) of the Agreement is hereby amended by replacing “December 30, 2021” with “December 31, 2022”.
4. Section C2.1 (Timelines) of the Agreement is hereby amended by replacing “December 30, 2021” with “December 31, 2022”.
5. Sub-schedule “D.1” (Table of Annual Allocations) of the Agreement is hereby amended by adding “2022-2023” after “2021-2022” in the 1<sup>st</sup> column (Funding Year)/ 5<sup>th</sup> row of the table.
6. Paragraph E3.3 (d) of the Agreement is hereby amended by replacing “December 30, 2021” with “December 31, 2022”.
7. Section F3.1 (Final Report) of the Agreement is hereby amended by replacing “February 28, 2022” with “February 28, 2023”.
8. Paragraph F5.2 (b) of the Agreement is hereby amended by replacing “December 30, 2021” with “December 31, 2022”.
9. Paragraph F5.3 (f) of the Agreement is hereby amended by replacing “December 30, 2021” with “December 31, 2022”.
10. Paragraph 3 of Sub-schedule “J.1” (Ontario Municipal Commuter Cycling (OMCC) Program Form of Annual Funding Certificate) of the Agreement is hereby amended by replacing “December 30, 2021” with “December 31, 2022”.
11. Except for the amendments provided for in this Amending Agreement, all provisions in the Agreement will remain in full force and effect.
12. This Amending Agreement may be executed and delivered by scanning the manually signed Agreement as a PDF and delivering it by email to the other Party.
13. This Amending Agreement is conditional upon, on or before the effective date of this Amending Agreement, the Recipient providing the Province with:

- (a) if not addressed under the by-law(s) and, if applicable, any council resolution(s) provided to the Province for the Agreement, a copy of the by-law(s) and, if applicable, any council resolution(s) authorizing this Amending Agreement and naming authorized signing officer (s) for this Amending Agreement; and
- (b) an insurance certificate or other proof as the Province may request for the Project pursuant to section A10.2 (Proof of Insurance) of the Agreement.

**- SIGNATURE PAGE FOLLOWS -**

The Parties have executed this Amending Agreement on the dates set out below.

**Her Majesty the Queen in right of Ontario**  
as represented by the Minister of Transportation for  
the Province of Ontario

Signature: \_\_\_\_\_

Name: James Pearce

Title: Director, Municipal Programs  
Branch, Agencies Oversight and  
Partnerships Division

Date of Signature: \_\_\_\_\_

**The Corporation of the City of Sault Ste. Marie**

Signature: \_\_\_\_\_

Name: Christian Provenzano

Title: Mayor

Date of Signature: \_\_\_\_\_

I have authority to bind the Recipient.

Signature: \_\_\_\_\_

Name: Rachel Tyczinski

Title: City Clerk

Date of Signature: \_\_\_\_\_

I have authority to bind the Recipient.



## THE CORPORATION OF THE CITY OF SAULT STE. MARIE

### BY-LAW 2021-217

**CEMETERIES:** A by-law to amend By-law 2012-129 (being a by-law to provide regulations for the operation of all municipal crematoriums, mausoleums, and cemeteries owned by the City of Sault Ste. Marie).

THE COUNCIL of the Corporation of the City of Sault Ste. Marie pursuant to the Funeral, Burial and Cremation Services Act, 2002, as amended, and the regulations made pursuant to the said Act, ENACTS as follows:

#### **BY-LAW 2012-129 AMENDED**

1. Section 3.4 e) to By-law 2012-129 is amended as follows:

Insert:

“The Corporation does not buy back interment rights except:

1. When the purchaser is purchasing interment rights of a greater value than those currently owed;
2. When, at the sole discretion of the Manager, a grave is unusable, or would benefit the cemetery to re-acquire the interment rights.”

2. Section 4.2 a) to By-law 2012-129 is amended as follows

Delete:

“Only one (1) interment of cremated remains shall be permitted in a single niche in a columbarium.” and

Insert:

“A single columbarium niche is intended for interment of one (1) cremated remains. Interment of two (2) or more cremated remains, or co-mingled cremated remains, is not permitted.”

Section 4.2 b) to By-law 2012-129 is amended as follows:

Delete:

“A maximum of two (2) interments of cremated remains shall be permitted in a companion niche in a columbarium.” and

Insert:

“A companion columbarium niche is intended for interment of two (2) cremated remains: one (1) per side. Interment of more than one (1) cremated remains per side, or co-mingled cremated remains, is not permitted.”

Section 4.5 d) to By-law 2012-129 is amended as follows:

Insert:

“Disinterment of a body in a mausoleum crypt is not permitted.”

3. By-law 2012-129 is amended by inserting the following section after item 5:

**“6A. RULES AND REGULATIONS RESPECTING MUSLIM BURIALS**

There is a dedicated Muslim section in New Greenwood Cemetery.

6A.1 Muslim interments require the dedicated leadership appointee of the specific Muslim group communicate to the Manager or designate the intent to inter at the cemetery. The Manager shall receive at least 24-hours notice for the time and date of all interments. The Manager retains the right to refuse any interment request that provides less than 24-hours notice.

6A.2 The Manager will work with the Muslim cultural group to recognize their cultural beliefs while maintaining necessary health and safety practices and operational capacities. Except as set out in this By-law, the decision of the Manager under this section regarding any permitted activities or memorials shall be final.

6A.3 Cremation interment is not permitted in the Muslim section.

6A.4 Notwithstanding section 4.1(g) of this by-law, remains may be interred in a grave in the Muslim section in a shroud or casket.”

4. Section 9.2 to By-law 2012-129 is amended as follows:

Insert: “,flower or cross” after the word “vase”

5. Section 10.6 to By-law 2012-129 is amended as follows:

Insert:

“Aggregates (stone, gravel, etc.) are not allowed within flower beds, or as an adornment on the ground surrounding a monument, or anywhere on the grave itself. These materials can present a safety hazard to patrons and workers alike as they can become projectiles when mowing equipment comes into contact with them.”

6. Section 13.17 to By-law 2012-129 is amended as follows:

Insert:

“where appropriate (with the exception being flat marker sections and urn gardens with cremation burials” at the end of the first sentence.

7. Section 15.4 to By-law 2012-129 is amended as follows:

Amend the section title to read “**Vases, Flowers or Crosses on a Crypt in a Mausoleum**”.

Insert:

(a) “,flower or cross” after the word “vase”

(b) “,flowers or crosses” after the word “Vases”

(c) “Flower must be Biondan bronze flower ART.2581; cross must be Biondan cross ART.2943” after the word “Vases”

8. Section 15.5 a) is amended as follows:

Delete “inverted” and insert “inserted”.

9. Schedule “D” Specifications for Markers is replaced with amended Schedule “D” Specifications for Markers attached.

10. **EFFECTIVE DATE**

No part of this by-law comes into force until the Cemeteries Branch of the Ministry of Government and Consumer Services has approved the same.

**PASSED** in open Council this 15th day of November, 2021.

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**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – RACHEL TYCZINSKI**

**Schedule "D" to By-law 2012-129  
Specifications for Markers**

	<b>Maximum total height</b>	<b>Minimum thickness</b>	<b>Maximum thickness</b>	<b>Maximum length of base</b>	<b>Maximum width of base</b>	<b>Maximum length of monument</b>	<b>Maximum width of monument</b>
<b>Cemeteries:</b>							
<b>Greenwood (New and Old), Holy Sepulchre, "West Section", Pine Grove, West Korah</b>							
Single grave	1.4m(54")	0.15m(6") for monuments up to 1.07m (42") high 0.2m (8") over 1.07m (42")		0.8m(32")	0.8m (3") beyond marker base	0.8m(32")	
Double grave	1.4m(54")	0.15m(6") for markers up to 1.07m (42") high 20cm (8") over 1.07m (42") high		1.6m(63")	0.8m (3") beyond monument base	1.6m(63")	
Triple grave or higher	1.4m(54")	0.15cm(6") for markers up to 1.07m (42") high 0.2m (8") over 1.07m (42")		2.0m(78")	0.8m (3") beyond monument base	2.0m(78")	
<b>Foot markers</b>	Flush with ground		.1m(4")	n/a	n/a	n/a	n/a
<b>Wooden crosses</b>	0.9m(36")	0.1m(4")	0.15m(6")	n/a	n/a		.6m(24")
<b>Holy Sepulchre</b>							
<b>Flat Area</b>							
Single grave	Flush with ground	0.1m(4")	0.15m(6")	n/a	n/a	0.8m(30")	0.5m(20")
Double grave	Flush with ground	0.1m(4")	0.15cm(6")	n/a	n/a	1.0m(39")	0.5m(20")
Triple grave or higher	Flush with ground	10cm(4")	0.15cm(6")	n/a	n/a	1.82m(72")	0.5m(20")

	<b>Maximum total height</b>	<b>Minimum thickness</b>	<b>Maximum thickness</b>	<b>Maximum length of base</b>	<b>Maximum width of base</b>	<b>Maximum length of monument</b>	<b>Maximum width of monument</b>
<b>Baby Shrine</b>							
Single lot	Flush with ground	n/a	n/a	n/a	n/a	.36m(14")	0.25m(10")
Double lot	Flush with ground	n/a	n/a	n/a	n/a	0.5m(20")	0.46m(18")
<b>Urn Area</b>							
Single	1.07m (42")		0.15m (6")	0.6m (24")	0.6m (24")		
Companion	1.07m (42")		0.15m (6")	0.8m (32")	0.6m (24")		
<b>New Greenwood</b>							
<b>Legion Hill Veterans' Section</b>	0.8m(32")	0.08m (3")	0.8m(3")	0.74m(29")	0.5m (20")	0.38m(15")	
<b>Veterans' Section</b> Upright Flat	1.0m (39")	0.08m (3")	0.08m(3")	0.74m(29")	0.5m (20")	0.38m(15")	
Per Veterans' Affairs Canada (Last Post) standards	0.31m (12.25")	0.1m(4")				0.5m(20")	0.38m(15")
<b>Children's Section</b>	0.6m(24")		0.1m(4")	0.51m(20")	0.2m(8")		
<b>Urn Garden</b>							
Single	Flush with ground	0.1m(4")	0.1m(4")				
Companion	Flush with ground	0.1m(4")	0.1m(4")			0.5m(20")	0.45m(18")
<b>Cremation Hill</b>							
Single	0.71m(28")		0.15m(6")	0.6m(24")	.45m(18")		
Companion	0.71m(28")		0.15m (6")	0.8m(32")	.45m (18")		
<b>West Korah</b>							

	Maximum total height	Minimum thickness	Maximum thickness	Maximum length of base	Maximum width of base	Maximum length of monument	Maximum width of monument
Legion Veterans' Section	0.71m(28")		0.15m(6")	0.6m(24")	.45m(18")		
Legion Veterans Cremated Section	Flush with ground	0.1m(4")				0.36m(14")	.25cm(10")

Slant markers must be on a 10cm (4") concrete slab.

Pillow markers (covering all reasonable sizes, and in all City cemeteries) may be installed without a poured concrete foundation. A concrete pad is acceptable in these cases.

A poured concrete foundation is not a requirement unless requested by the customer.

#### Foundation types and thicknesses

Single grave:	concrete pad at least 4" thick
Double grave	concrete pad at least 5" thick
Triple grave or higher	concrete pad at least 5" thick
Wooden crosses	n/a
Cremation interment sections (excluding flat sections):	
Single:	concrete pad at least 4" thick
Companion	concrete pad at least 4" thick
Legion Hill Veterans Section	concrete pad at least 4" thick
Childrens' Section	concrete pad at least 3" thick
Cremation Hill	concrete pad at least 4" thick
West Korah:	rules for single, double and triple graves apply

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2021-218**

**AGREEMENT**: A by-law to authorize the execution of the Collective Agreement between the City and Sault Ste. Marie Professional Firefighters Association (Local 529) for the term commencing February 1, 2019 to January 31, 2021.

**THE COUNCIL** of The Corporation of the City of Sault Ste. Marie, pursuant to section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, **ENACTS** as follows:

1. **EXECUTION OF DOCUMENT**

The Mayor and City Clerk are hereby authorized for and in the name of the Corporation to execute and affix the seal of the Corporation to the Collective Agreement dated February 1, 2019, between the City and Sault Ste. Marie Professional Firefighters Association (Local 529), a copy of which is attached as Schedule "A" hereto. This Collective Agreement is for the term commencing February 1, 2019 to January 31, 2021.

2. **SCHEDULE "A"**

Schedule "A" forms part of this by-law.

3. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 15<sup>th</sup> day of November, 2021.

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**MAYOR - CHRISTIAN PROVENZANO**

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**CITY CLERK – RACHEL TYCZINSKI**

**AGREEMENT**

**between**



**THE CORPORATION OF THE CITY OF  
SAULT STE. MARIE**

**-and-**

**SAULT STE. MARIE PROFESSIONAL FIREFIGHTERS ASSOCIATION  
(Local 529)**



**February 1, 2019 to January 31, 2021**



## INDEX

<u>Article</u>		<u>Page No.</u>
1	Purpose.....	1
2	Scope.....	1
3	Recognition .....	2
4	Managements' Rights.....	2
5	Hours of Work .....	3
6	Vacations .....	6
7	Specified Paid Holidays .....	7
8	Leave of Absence .....	8
9	Seniority .....	9
10	Promotions and Layoffs .....	10
11	Welfare.....	10
12	Grievance Procedure .....	14
13	Strikes and Lockouts.....	15
14	Clothing and Turn-out Gear.....	15
15	Schedule of Wages .....	16
16	Contracting Out.....	17
17	Technological Change .....	17
18	General .....	17
19	Clerical Positions.....	19
20	Term of Agreement .....	19
Schedule "A" .....		22
Letters of Understanding:		
	Transfer of Personnel.....	27
	Communications Operator .....	28
	Health & Safety Committee .....	29

**SCHEDULE "A" TO BY-LAW**

AGREEMENT entered into as of  
February 1, 2019

THE CORPORATION OF THE CITY OF SAULT STE. MARIE  
(Hereinafter called the "EMPLOYER")

OF THE FIRST PART

- AND -

THE SAULT STE. MARIE PROFESSIONAL FIREFIGHTERS ASSOCIATION  
(Hereinafter called the "ASSOCIATION") (Local 529)

OF THE SECOND PART

1:00 PURPOSE

1:01 Whereas the Association has established to the satisfaction of the Employer that all full-time employees of its Fire Services except the Fire Chief, Deputy Chief – Operations, Deputy Chief – Education, Prevention & Emergency Management and the Assistant Chief - Support Services and Office Supervisor, are members of the Association and that it is therefore entitled to represent the said employees as their bargaining agent.

NOW THEREFORE THIS AGREEMENT WITNESSETH:

1:02 The employees shall at all times co-operate with the Employer and the Chief of the Fire Services to the fullest extent to provide an efficient firefighting organization for the benefit of the City and the inhabitants thereof.

2:00 SCOPE

2:01 The terms of this agreement shall apply to all full-time employees of the Sault Ste. Marie Fire Services and the Association shall have the right to bargain for the purpose of defining, determining and providing for remuneration, pensions and working conditions for all full-time employees of the Fire Services except the Fire Chief, Deputy Chief - Operations, Deputy Chief - Education, Prevention & Emergency Management and the Assistant Chief - Support Services and Office Supervisor.

2:02 To insure the safe and efficient operation of the Fire Services, management staff in the positions of Deputy Chief - Education, Prevention & Emergency Management and Assistant Chief - Support Services shall be allowed to perform the duties of employees under their command as may be required from time to time.

2:03 Every new employee, on joining the Department shall become a member of the Association. All employees who are now or who in future become members of the Association shall as a condition of employment, maintain such membership in good standing.

2:04 The employer shall deduct from the salary of each employee, the Association contributions (dues), assessments, and remit by cheque or direct deposit each month to the Treasurer of the Association, the full amount so collected.

3:00 RECOGNITION

3:01 The Employer recognizes the Association as the bargaining agent for all said full-time employees (as provided in the Fire Protection and Prevention Act, 1997) of the Sault Ste. Marie Fire Services.

3:02 The Chief of the Fire Services shall meet with a committee of the Association on reasonable notice to discuss any subject or matter which may be deemed of mutual benefit to the employees and the City or the inhabitants thereof.

3:03 The Association agrees to notify the Commissioner of Human Resources in writing, with a copy to the Fire Chief, of the names of all the Association representatives and the committees upon which such representatives will serve. The Association will also be responsible for notifying the employer of any changes to the list of Association representatives.

The City shall not be required to recognize any Association representative until such time as the Commissioner of Human Resources has been notified in writing by the Association as outlined above.

3:04 When employees are involved in a meeting with Senior Management that may become disciplinary in nature, Senior Management shall ensure that the member will have representation from the Association Executive. Please note that discipline "must be forthcoming" for this to take place.

4:00 MANAGEMENTS' RIGHTS

4:01 The Association acknowledges the exclusive right of the Employer to maintain order, discipline and efficiency to establish and enforce rules and regulations necessary to the efficient and safe operation and generally to govern the conduct of employees. To hire, discharge, promote, demote, layoff, classify or suspend or discipline employees. The employer agrees that these functions shall be exercised in a manner consistent with the general purpose and intent of this agreement and subject to the right of an employee to lodge a grievance as set forth herein.

4:02 The Association further recognizes that it is the right of the Employer to operate and manage the Fire Services in all respects and in accordance with all its

commitments coming within its jurisdiction: the equipment to be used, the methods to be employed and the number of persons to be employed are exclusively the responsibility of the Employer.

- 4:03 The Association also recognizes that it is the right of the Employer to delegate any of its functions, rights, duties, or powers, subject to this agreement or otherwise, to the Fire Chief, or such persons or committees as the Employer may deem advisable subject to the terms of the Fire Protection and Prevention Act, 1997.
- 4:04 All employees should maintain good physical condition and in accordance with their commitment to protect the public all employees are urged to make every effort to meet this requirement.
- 4:05 All employees and probationers shall be governed by the Rules and Regulations of the Employer as from time to time established and published after prior notice to the Association. Where the "Rules" are in conflict with the provisions of this agreement, the provisions of the agreement shall apply. The Employer will encourage the study of advanced firefighting techniques by any employee if such studies are approved by a recognized school of instruction.
- 4:06 Disciplinary action against any employee may result in discharge or suspension if the cause is grave enough to warrant such action. Such causes shall include incompetence, neglect of duty, reporting for duty under the influence of liquor, bringing intoxicants into a fire hall, refusal to comply with an order, disorderly conduct or conduct unbecoming an employee, absence from duty without proper leave and any offense sufficiently grave to warrant disciplinary action or discharge. The employer shall record an employee's offense to both the employee and the Secretary of the Association.
- 4:07 Discipline of an employee shall be removed from the employee's disciplinary record after twenty-four months (24) provided there has been no further discipline given to the employee within such twenty-four (24) month period. This requirement to remove discipline does not apply to discipline related to substance abuse.

5:00 HOURS OF WORK

5:01 (a) The working hours for the employees shall be a forty-two (42) hour work week in accordance with the Fire Protection and Prevention Act, 1997 (2 – 4 platoon system) and shall consist of 10 hour day shifts, 8:00 A.M. to 6:00 P.M. and 14 hour night shifts 6:00 P.M. to 8:00 A.M. as per Schedule "B" attached and forming a part of this agreement.

(b) The working hours of work for the Training Division and Mechanical Division shall be from 7:30 a.m. to 4:00 p.m., Monday to Thursday inclusive, 7:30 a.m. to 3:30 p.m. Friday with one-half (½) hour paid lunch.

The working hours of the Training officer shall be from 8:00 a.m. to 6:30 p.m. Tuesday to Friday with one-half (½) hour paid lunch. It is further understood and agreed that Training Division personnel may conduct training outside these hours or be called out to assist at incidents. Training division personnel will receive lieu-time off at straight pay for such hours.

The working hours for the Mechanics within the Support Services Division and Public Education Officer(s) within the Public Education Prevention Division shall consist of a 42-hour work week shall be Monday to Thursday 8:00 a.m. to 4:30 p.m., Friday 8:00 a.m. to 3:30 p.m. with one-half (½) hour paid lunch.

By the nature of public education work, flexibility to work weekends and nights is expected. As such, only articles 5:03 and 5:04 will apply to overtime hours worked and will not be subject to Article 5:02, unless an 'emergency call back' is actually required in excess of regular flex schedule 42 hours.

When required to work weekends or nights, the City will offer a 'flexible shift' in daily schedule to accommodate the event. This will be offered 48 hours in advance of the event (example – Fire Prevention Week, Tapp-C clients, Community Involvement programs, Partnership meetings, etc.) and will not exceed regular 42 hour work week.

The hours of work for the Administrative Assistants shall be from 8:30 a.m. to 4:30 p.m., Monday to Friday with one (1) hour unpaid lunch.

Notwithstanding the provisions of Articles 5:00, 14:00 and 15:02, the Administrative Assistants shall work a 35 hour week and shall not be entitled to uniform allowance or service pay.

(c) The Fire Prevention Division shall be rotation of Friday/Monday (off day) every four (4) months unless otherwise mutually agreed to by both parties.

A vacation or sick day will be a 10.5 hour deduction from the appropriate bank (vacation or sick leave bank).

Specifically:

The working hours for the Fire Prevention Division shall be an average 42 hr. work week within a 2 platoon system as follows;

Platoon A (2-FPO's) – 7:00 a.m. to 5:00 p.m. Monday through Thursday.

Platoon B (2-FPO's) – 7:00 a.m. to 5:00 p.m. Tuesday through Friday.

Each officer making up the remaining ½ hour per day, by providing 24/7 on call for Fire Investigation beginning Tuesday – 5:00 pm to Tuesday – 5:00 pm the following week.

- 7:00am to 5:00pm Mon./Thurs. or Tues./Fri.
- 8 hrs in lieu of on call time for one week every 4 weeks
- One half (1/2) hour paid lunch

- 1) Each Fire Prevention Officer agrees to one (1) week on call (24/7, Tuesday to Tuesday or agreed upon other day to day which encompasses one weekend) to perform Fire Investigation, within the 4 week rotation. A vehicle shall be made available to FPO's to take home when on call. When a call in occurs, articles 5:02, 5:03 and 5:04 of the Collective Agreement will apply.
- 2) Determination concerning specific on call week(s) for upcoming year, shall be decided and agreed upon by FPO's, after holiday signings are determined the previous fall. If FPO's cannot determine week, management reserves the right to schedule the on call week.
- 3) One lieu time or sick time day, will be calculated at a rate of 10.5 hours per day.
- 4) Outside of scheduled 4 day work week, only one FPO, at a time, is permitted vacation during the week. Additional requests for vacation and/or lieu time shall be at the discretion of the Assistant Chief – Prevention. If the statutory holiday is the FPO's normal day off, the FPO's regularly scheduled day following or preceding the holiday will be the FPO's day off in lieu of that day.
- 5) When any scheduled training, including Ontario Fire College courses occurs, affecting an FPO's schedule, the FPO shall be reverted to a five (5) day work week. Said FPO will receive 30 days' notice of schedule change and vacation schedules will not be affected.
- 6) When the regularly schedule stand-by FPO calls in sick, the stand-by time outside of regular working hours, will be offered by seniority to the remaining FPO's, at the following rates:
  - 14 hr. stand-by shift shall be compensated at 1.5 hours pay or 2 hours' lieu time
  - 24 hr. stand-by shift shall be compensated at 3 hours pay or 4 hours' lieu time

5:02 All employees may be subject to off-shift call back at the discretion of the Chief of the Fire Services. When off-shift employees are called back they will be paid a minimum of three (3) hours pay at the rate of time and one-half.

5:03 Employees authorized to work more than their regular shifts will be paid at the rate of time and one-half their regular rate for the overtime worked calculated in quarter-hour segments.  
Employees are not considered relieved from duty until they have arrived back at their respective fire station and authorized to leave by an officer.

5:04 When at the discretion of the Fire Chief it is possible, employees will have the option of taking straight time off in lieu of overtime worked.

5:05 Employees shall be allowed to change shifts with other employees at any of the fire stations provided such employees are qualified to perform the duties and that such change of shifts are done when an employee is on a recognized day off or on holidays.

(a) Employees wishing to change shifts will apply for a change to the officer in charge of the shift. Officer in charge of the shift shall mean the officer in charge on the day of the change of shift.

- (b) Twenty-four hours' notice must be given for a change to be given any consideration, except in the case of an extreme emergency when a good reason must be given for a requested change of shift.
- (c) Employees requesting a change of shift will see the officer concerned while the employee is on duty at the Fire Hall, except in the case of an emergency.
- (d) Employees having a day off due to having exchanged a shift must not work for gain or pay on such a day off. Any employee of the Association working for gain or pay on exchange shift will be immediately suspended from the department.
- (e) Captains or Acting Captains in charge of shifts will ensure that all changes of shift are duly recorded in the daily report sheets.
- (f) Employees, who have promised to work for another employee and then become sick or injured, shall be solely responsible to have that shift filled by another qualified member of the Association able to do the job. Any employee who has promised to work for another employee of the Association and fails to report for duty on the day the employee is scheduled to work for another employee, shall forfeit three days pay.
- (g) All officers in charge of shifts will ensure that paragraph (b) is adhered to. Failure to comply will result in the loss and forfeiture of pay for one scheduled shift.

5:06 Definitions

"Overtime (OT)" shall be defined as the practice of calling in off-duty employees for the purposes of filling vacancies for the on-duty Platoon that would otherwise bring that Platoon complement below minimum staffing levels.

"Up-staffing" shall be defined as the practice of calling in off-duty employees for the purposes of increasing the on-duty complement of the current on-shift Platoon.

"Meeting" shall be defined as the practice of calling in off-duty employees to attend any meeting pertaining to City or Fire Services business.

6:00 VACATIONS

6:01 Each employee shall be entitled to vacations with pay as provided hereunder, namely:

- (a) All employees who have completed one year of continuous service but less than five years shall receive two (2) weeks annual vacation with pay.



- (b) All employees who have completed five years of continuous service but less than ten years shall receive three (3) weeks annual vacation with pay.
  - (c) All employees who have completed ten years of continuous service but less than fifteen years shall receive four (4) weeks annual vacation with pay.
  - (d) All employees who have completed fifteen years of continuous service but less than twenty-two years shall receive five (5) weeks annual vacation with pay.
  - (e) All employees who have completed twenty-two years of continuous service shall receive six (6) weeks annual vacation with pay.
- 6:02 Employees who are absent from work without pay for 30 days or more due to a leave of absence, suspension, or layoff, shall have their vacation entitlement reduced in proportion to such time absent from work.
- 6:03 One week of vacation as referred to herein shall mean four consecutive working shifts except for employees who normally work a regular day shift.
- 6:04 The period at which employees may take vacation shall run from the 1st day of January to the 31st day of December annually.
- 6:05 Any employee having become entitled to regular vacation as defined in Sections (a), (b), (c), (d) and (e) of Article 6:01 and who, before receiving such vacations, terminates employment voluntarily with the City's Fire Services shall become entitled to cash payment in lieu of such vacations as the employee had become entitled to at the rate of 1/182 of the annual wage for each vacation day for the respective rank at the time the employee ceased to be an employee of the City's Fire Services.
- 6:06 Vacations shall be arranged by the Chief of the Fire Services and shall be given to employees in accordance with seniority. Employees will be granted a maximum of two weeks' vacation at any one signing.
- 7:00 SPECIFIED PAID HOLIDAYS
- 7:01 Each employee shall be entitled to the following specified paid or declared holidays, namely, New Year's Day, Family Day (3<sup>rd</sup> Monday in February), Victoria Day, Good Friday, Easter Monday, Canada Day, Civic Holiday, Labour Day, Remembrance Day, Thanksgiving Day, Christmas Day and Boxing Day, occurring in the remainder of the calendar year in and after which three months continuous service has been attained.
- 7:02 Each Firefighter is entitled, subject to the terms hereof, to 12 paid off-duty days in lieu of specified paid holidays.

The following procedure will be used to schedule vacations and specified paid holidays:



- (i) Subsequent to September 1st, the platoon lists shall be posted.
- (ii) Subsequent to the posting of the platoon lists, a vacation list shall be posted that shall include sufficient space allocation to provide for the scheduling of all vacations, specified paid holidays and confirmed Ontario Fire College attendance, and other Fire Services course offerings. Upon completion of the vacation selection process the remaining unused allotments shall be blocked out and considered void.
- (iii) Each employee shall be entitled to select vacation and specified paid holidays in blocks of **two-week periods only**, except where an employee has a period to be selected of less than two weeks.
- (iv) No employee shall be permitted to select a period of time off outside the space allocated in the posted vacation and specified paid holidays list.

7:03 An employee who is absent without pay due to a leave of absence, suspension, or layoff during the period when a specified paid holiday occurs shall have off duty days in lieu of such holiday reduced accordingly.

8:00 LEAVE OF ABSENCE

8:01 The employer may grant leave of absence without pay and without loss of seniority for a period up to six months to any employee requesting such leave for good and sufficient cause. Applications for such leave shall be made in writing to the Chief of the Fire Services and such leave must be approved by the Chief and the City's Chief Administrative Officer. During the period of such leave of absence, the total cost of the benefits set out in Articles 11:08 and 11:09 will be payable by the employee. Notwithstanding the provisions of this article, leave of absence will not be granted an employee for the purpose of working at alternative employment.

8:02 When death occurs in an employee's immediate family, the employee shall be entitled to a maximum of four (4) consecutive working days' compassionate leave with pay, that fall between the day of the death and the day following the funeral. The pay shall be on a straight time basis and for only such of the four days as are working days.

"Immediate family" means the employee's spouse, daughter, son, father, mother, sister, brother, grandparent, mother-in-law or father-in-law, grandchild.

"Straight time" means the rate of the job at which the employee would have worked on the employee's scheduled working days.

"Leave of Absence without loss of pay for one day shall be granted to an employee to attend the funeral of the employee's brother-in-law or sister-in-law, son-in-law, and daughter-in-law."

8:03 The City shall pay to the Association an annual allowance in February of each year the amount of twelve thousand (\$12,000) for the Association to pay duly

appointed or elected officials for attendance at Association conventions, education programs or other Association business. This shall be understood to encompass all union related attendance at meetings, inclusive of, but not limited to negotiations, grievances, investigation and discipline meetings. Any required back-fill for such meetings will be at the expense of the Association.

8.04 Quarantine

Should an employee be quarantined by the Medical Officer of Health as a result of work duties, the City will maintain the employee's pay for the scheduled shifts that the employee was unable to work during the quarantine period.

9:00 SENIORITY

9:01 Seniority shall be established on the basis of an employee's service with the employer, calculated from the date upon which the employee commenced full time employment with the Fire Services.

9:02 The first twelve (12) months service shall be classed as a probationary period and the termination of employment during such period shall not be the subject of a grievance.

9:03 A seniority list shall be prepared and approved by the Fire Chief and the Executive Committee of the Association and such a list shall be posted for a period of thirty (30) days in each Fire Station of the City of Sault Ste. Marie on the fifteenth day of January of each year.

9:04 Errors or omissions in a list posted in accordance with Article 9:03 shall be corrected on application of the Association or the employee concerned provided:

- (1) such error or omission relates to the period subsequent to the date of the previous list, and
- (2) the error or omission is brought to the attention of the Fire Chief within fifteen (15) days of the employee's first reasonable opportunity to see the list.

9:05 Once a seniority list has been finalized the only protest which will be considered against the next posted list shall be protests relative to deletions and additions occurring since the date of the previous list.

9:06 (a) An employee transferring from one division to another may return to their former position within six (6) months from the date of the employee's transfer without loss of divisional seniority. Once an employee has completed six (6) months in that division, a employee may request a transfer to the employee's former division and such transfer will be at the discretion of the Chief. However, if the transfer is to the Fire Suppression Division it shall be a rank not higher than a first class firefighter.

(b) Divisional seniority lists shall be prepared and approved by the Chief and the Executive Committee of the Association and such lists shall be posted

for a period of 30 days in each fire station on the 15th day of January each year.

10:00 PROMOTIONS AND LAYOFFS

- 10:01 In the event a permanent position in the Fire Suppression Division under the jurisdiction of the Association becomes vacant, such position shall be filled by the next senior employee in line for such position within thirty (30) days, provided such employee has the qualifications and ability to perform the job. Where a vacancy occurs in other than the Fire Suppression Division, the job will be posted and preference will be given to the senior applicant with the qualifications and ability to perform the job.
- 10:02 An employee who is promoted shall remain on probation for a period of six (6) months. If found unsuitable for this position by the Chief during the aforementioned periods such employee shall revert to their former position.
- 10:03 In the event that an employee is required to temporarily take over the duties of another whose position is a higher paid position, the employee filling in shall be paid at the higher rate of pay for the hours so employed.
- 10:04 It is understood and agreed that in all cases of promotion to a higher job class, decreases in forces and recall after layoffs, the following factors shall be considered:
- (1) Seniority
  - (2) Qualifications and ability to perform the work.

11:00 WELFARE

- 11:01 The schedule of sick allowance shall be as follows:
- (a) Upon completion of three months of service, sick leave will be accumulated at the rate of one and one-half (1 1/2) days per month from the date of employment.
  - (b) Sick leave will be reduced on the basis that one shift off sick will result in one day deduction from sick leave.
  - (c) Sick leave accumulation in 11:01 (a), (b), shall commence as of January 1, 1983. Accumulation up to December 31, 1982 shall be converted to days and fixed at that amount in the employee's sick leave bank.
- 11:02 Sick leave means the period of time any employee is permitted to be absent from duty with full pay by virtue of being disabled or sick, or because of accident, or illness for which compensation is not payable under the Workplace Safety and Insurance Act, 1996. The foregoing accumulated sick allowance shall be used entirely as sick leave and not have any monetary value at the completion of an employee's service with the City whether retiring voluntarily or dismissed for cause.

Notwithstanding the provisions of this article, sick leave will not be paid to an employee who is absent due to an injury/illness suffered while employed by another employer covered by the Workplace Safety and Insurance Act, 1996. The employee is obligated under this clause to notify both WSIB and the Employer of any such circumstances. If the injury occurred at another employer, SSMFS is not obligated to offer any accommodated work.

- 11:03 The length of service shall be calculated from the date of employment and such service must be continuous from said date of employment.
- 11:04 Such sick leave to be cumulative, but in no case shall such sick leave exceed a period of two hundred and forty days. An employee who is absent due to illness or leave of absence for the major portion of the employee's regularly schedule hours in any month shall not accumulate sick leave as provided in article 11:01, in that month.
- 11:05 Recognized days off shall not be deducted from accumulated sick leave.
- 11:06 No employee shall draw during his or her active service with the Fire Services, accumulated sick leave benefits if the absence from work is not due to illness as attested by the certificate of a medical practitioner, if requested by the Employer. If a certificate is requested by the Employer
- i) for absences of three (3) working days or less, or
  - ii) for a second or more certificates for an absence of three (3) working days or more, the cost of such certificate or certificates, if any, shall be paid by the employer up to a maximum of sixty dollars (\$60) upon presentation of an invoice from the medical practitioner. The City's Injury/Illness Status form shall be used for this request, with the direction that the medical practitioner only complete the form as applicable.
- 11:07 An employee in receipt of W.S.I.B. benefits for injuries or illness suffered during the course of employment shall receive full net salary and benefits during such period. During the period an employee received full net salary, all compensation payments shall be deposited with the City. A member's sick bank or vacation credits shall not be reduced while in receipt of W.S.I.B. benefits.
- 11:08 Each employee shall be provided with the Ontario Health Insurance Plan, Green Shield Semi-Private and Green Shield Extended Health Care - vision care to include laser eye surgery and/or eye examination of \$500.00 every two (2) years (effective first of the month following ratification of the Memorandum of Settlement), 100% of the cost of such plan to be contributed by the Employer.

Green Shield Extended Health Care - Drug Plan co-insurance reinstated to 90% employer /10% employee. Drug Plan to provide for the dispensing of generic drugs unless a physician prescribes a brand name. Overage Dependent Coverage is applied to the Green Shield Extended Health Care. Each employee shall be provided with the Out-of-Province Travel Plan, 100 % of the cost of such plan will be contributed by the Employer and will not be available to retirees.

Reimbursements for standard hearing aids, repairs or replacement parts up to a lifetime maximum of \$1,000. Batteries are not eligible.

No OTC drug coverage with the exception of those deemed by the insurer to be "life sustaining". This also applies to those employees who retire after June 1<sup>st</sup>, 2011 on an O.M.E.R.S. unreduced early retirement pension.

Paramedical Benefit:

- Full chiropractic, physiotherapy, massage therapy and naturopath coverage shall be provided by the employer, from the first visit, to a combined maximum per person per calendar year of \$1,200.00

Psychological Benefit:

- Psychologist or Master of Social Work: up to a combined maximum of \$1,000 per calendar year

Professional Services are only eligible when the practitioner rendering the service is a member in good standing with their provincial regulatory agency or an active member of a professional association, either of which must be recognized by GSC. Please contact the GSC Customer Service Centre to confirm eligibility when in doubt.

Each employee shall be provided with the Great West Life Long Term Disability Plan, 100% of the cost will be contributed by the Employer with coverage to a maximum \$7,500 monthly.

Each employee shall be provided with the Green Shield #9 Dental Plan, Rider 3C, (Lifetime Maximum \$3,000), based on current O.D.A. Schedule minus one (1) year, 100% of the cost of the plan will be contributed by the Employer.

Each employee shall be provided with restorative dental coverage, 80% to be paid by the employer and 20% by the employee, based on current O.D.A. schedule minus one year to a maximum of \$2,000 per person per year.

Dental recall for adults (over age 16) to be nine (9) months. Children (age 16 and younger) shall be subject to a six (6) month dental recall.

Overage Dependent Coverage is applied to the Green Shield Dental Plan.

- 11:09 Each employee shall be provided with Group Life Insurance of two times the employee's salary to the nearest \$1,000.00 with double indemnity: 100% of the cost of such plan will be paid by the Employer. The payment of such benefit shall be in accordance with the terms and conditions of the applicable plan "Great West Life policy #320925."

11:10 The Employer shall have the right to select the carrier for such plans. All refunds, reductions in premiums, dividends, etc., shall become and remain the sole property of the Employer. Benefits under any such plan or plans shall not be changed or reduced by the Employer without the consent of the Association.

11:11 The Corporation agrees to pay any employee covered by this agreement the difference in regular salary and witness fees when required to act as a Court witness on matters relating to the Employer's business. In addition, when an employee is required to attend Court as a witness on matters relating to the Employer's business during off duty time, such employee shall be paid at the rate of one and one-half times his regular rate, with a minimum of 4 hours at the premium rate, for time so spent. The employee shall provide proof of services, including proof of time spent and amount of payment received. Failure to provide satisfactory proof shall disqualify the employee from such payment or time off.

11:12

- (i) The City agrees to enter into an agreement with the Ontario Municipal Employees Retirement System (O.M.E.R.S.) to provide an O.M.E.R.S. Type 1, 2% formula supplementary pension for all eligible employees. Such pension shall be effective February 1, 1979 and the City shall pay for all prior service costs.

The parties agree that employees covered under O.M.E.R.S. for normal retirement age 60 shall retire no later than the end of the month in which they reach age 60.

Those employees covered under O.M.E.R.S. for normal retirement age 65 shall retire no later than the end of the month in which they reach 65.

- (ii) The parties agree that eligibility for LTD benefits, as set out in 11:08 shall cease when the employee becomes eligible for an OMERS unreduced retirement pension.

11:13 The employer agrees to pay the cost of, the Ontario Hospital Insurance Plan, and the Green Shield Extended Health Care Plan - :

Cap Orthotics/Orthopedic shoes at one (1) pair and \$400/year; vision care to include laser eye surgery and an eye examination may be included with the vision care amount to a maximum of \$500.00 every two years effective the 1<sup>st</sup> of the month following ratification of the memorandum of settlement, 100% of the cost of such plan will be contributed by the Employer. Green Shield Extended Health Care -

Drug Plan co-insurance at 90% employer/10% employee; a cap on dispensing fees - \$10.00 maximum per prescription; Drug Plan to provide for the dispensing of generic drugs unless a physician prescribes a brand name. Overage Dependent Coverage is applied to the Green Shield Extended Health Care.

Paramedical Benefit - Full chiropractic, physiotherapy and massage therapy



coverage shall be provided by the employer, from the first visit, to a combined maximum per person per calendar year of \$1200.00. These benefits are provided for employees who retire on an O.M.E.R.S. unreduced early retirement pension. Such benefits shall be paid for the retired employee to age 65. Such benefits shall not apply to a retired employee who is employed elsewhere.

Such benefits shall be paid for a deceased member's surviving spouse and dependent children for a period of twenty-four (24) months following the member's death or until the date as of which the retiree would have attained age 65 or until the surviving spouse remarries, whichever occurs first.

12:00 GRIEVANCE PROCEDURE

12:01 Grievances shall be dealt with in the following manner provided such grievances are filed in writing within 15 working days of the occurrence of the incident which gave rise to the matter in dispute. Any employee or group of employees of the Fire Services covered by this agreement who is of the opinion that the employee has been unjustly disciplined, suspended, superseded, discharged, or unreasonably denied leave of absence, shall have the right to have the case investigated and to be represented by a Committee of the Association.

STEP 1: The employee assisted by an officer of the Association shall discuss the case with the Fire Chief within 15 working days of filing the grievance, barring any unforeseen circumstances for either party. The Fire Chief shall render his decision in writing together with the reason therefore, within five (5) working days of the hearing.

STEP 2: If the Committee considers that a satisfactory settlement was not reached at Step 1, it may within five (5) working days of receipt of the Step 1 reply request a hearing within 15 days of the request, barring any unforeseen circumstances by either party, by the Commissioner of Human Resources, or designated representative. Such request shall state the reason or reasons the answer at Step 1 was unsatisfactory and in what manner the City's interpretation of the contract clause in question is disputed. The Commissioner of Human Resources or his designated representative shall render a decision within five (5) working days of the hearing.

STEP 3: If the Committee considers that a satisfactory settlement was not reached at Step 2, it may within five (5) working days of receipt of the Step 2 reply, request a hearing by the Chief Administrative Officer. This hearing shall be held within 15 working days of the request, barring any unforeseen circumstances by either party. The Chief Administrative Officer shall render a decision within five (5) working days of the hearing.

STEP 4: If the Committee considers that a satisfactory settlement was not reached at Step 3, it may within five (5) working days of receipt of the Step 3 reply, request that the grievance be referred to Arbitration pursuant to the Fire Protection and Prevention Act 1997.

12:02 In the event that any employee or group of employees who have been unjustly discharged or suspended shall be reinstated as the result of such settlement of any disagreement as aforesaid, such reinstatement shall be made without loss of time, pay or seniority to such employee.

12:03 No employee shall be discharged or disciplined except for just and sufficient cause. In any discharge or discipline grievance, an Arbitration Board or single Arbitrator shall have the power to dispose of the grievance by any arrangement, which in the opinion of the Arbitration Board or single Arbitrator, it is deemed to be just and equitable.

12:04 Any employee or group of employees having a grievance which the employee wishes the Committee of the Association to represent for such employee shall put the grievance in writing on the grievance form adopted by the Association. The Committee of the Association shall abide by the steps on the grievance form.

12:05 In the matter of a grievance a Board of Arbitration or Arbitrator shall not alter, modify or amend any part of this agreement or make any decision inconsistent with its provisions, or the provisions of the Fire Protection and Prevention Act, 1997.

### 13:00 STRIKES AND LOCKOUTS

The Association agrees that they will at no time enter into or participate in any strike or join any sympathetic strike with or for any other organization.

### 14:00 CLOTHING AND TURN-OUT GEAR

14:01 The following articles of clothing and wear apparel shall be supplied to each employee in the Fire Suppression Division, the Support Services Technician and the Training Instructor:

- 1 Uniform which includes one tunic and one pair of pants (every 5 years) starting 1995 and every five years thereafter.
- 1 - Pair Coveralls (as required)
- 1 - Sweater (every 2 year) starting 1993
- 4 - Uniform shirts (annually)
- 2 - T-Shirts - navy blue (annually)
- 2 - Pair Station Wear Pants (annually)
- 1 All-Season coat (every 5 years) starting 2001
- 1 - Tie (every 2 years) starting 1992



- 1 - Uniform Cap (every 5 years if required by employee) starting 1992
- 1 - Winter Hat (every 4 years) starting 1992
- 1 - Casual Cap - Fire Dept. Approved (every 2 yrs) starting 1992 - to be worn as directed by the Fire Chief. The same as other items of clothing issued are governed.
- 1 - \$180.00 boot allowance to the Support Services Mechanic, Training Officer & Fire Suppression Division (every 2 calendar years)

14:02 The City agrees to provide NFPA standard equipment when required at the discretion of the Chief or designate as follows:

- Gloves
- Boots
- Helmet
- Turnout Gear
- Balaclava

14:03 The Fire Prevention and Public Education Division will be provided the following articles of clothing and wearing apparel:

- 1 - Uniform Cap (annually)
- 1 - Casual Cap (every 2 year) starting 1992
- 1 - Winter Hat (every 4 years) starting 1992
- 1 - Sweater (every 2 years) starting 1993
- 1 - Boot Allowance of \$90.00 (annually)
- 1 - Uniform which includes 2 pair pants (annually)
- 1 - All Season coat (every 5 years) starting 2001
- 1 - Pair coveralls (as required)
- 4 - Dress shirts (annually)
- 1 - Tie (every 2 years) starting 1992

Fire Prevention and Public Education Officers shall be provided a dry-cleaning allowance of \$115.00 (annually).

14:04 It is a desire of the Sault Ste. Marie Professional Firefighters Association and the Sault Ste. Marie Fire Services that when an employee is not in need of a new portion of the uniform clothing package, the employee is encouraged to notify the Platoon Chief or the Office, of such employee's clothing requirements for the upcoming year.

15:00 SCHEDULE OF WAGES

15:01 The Schedule of Wages shall be provided in Schedule "A" attached to and forming part of this agreement.

15:02 RECOGNITION PAY

Effective April 15, 2016, employees in the Mechanic Division staff and Training Division staff of the Sault Ste. Marie Fire Services will be paid recognition pay of 3/6/9 after 8/17/23 years of service. It is understood that Mechanical and Training staff will not receive service pay once recognition pay is implemented.

15:03 All employees in the Suppression Division working on a Statutory Holiday will be paid at a rate of 1.5x (one and a half times their regular rate of pay) for twelve (12) hours. The Block of time agreed to constitute the statutory holiday commences at 8:00 A.M. the day of the statutory holiday and ends at 8:00 P.M. the same day for those firefighters (suppression group) actively at work at that time.

It is agreed and understood that any call out on a Statutory Holiday will only be compensated at 1.5x (one and a half their regular rate of pay).

16:00 CONTRACTING OUT

16:01 Except to the extent and to the degree agreed upon by the parties, and except in the case of an emergency, no work customarily performed by an employee covered by this agreement shall be performed by another employee or a person who is not an employee of the Corporation.

17:00 TECHNOLOGICAL CHANGE

17:01 At least 90 days prior to the introduction or implementation of substantial technological changes or mechanization affecting employees, the Corporation shall, by written notice, furnish the Association with full information of the planned change or changes.

Such prior notice shall contain relevant information respecting the nature and degree of change, the date or dates on which the Corporation plans to effect the change, and the location or locations involved.

- (a) Within 15 days after the foregoing notice has been given, the Corporation shall make disclosure to the Association of the effects of the change or changes on any employee.
- (b) Following the said disclosure, representatives of the parties shall meet forthwith for the purpose of negotiating with a view to resolving any issue, which may concern the employment status of any employee.
- (c) If agreement has not been reached within 15 days after disclosure by the Corporation of the effects of the change or changes on any employee, either party may submit any outstanding issue to a Board of Arbitration which shall be constituted in the manner provided for by the Fire Protection and Prevention Act, 1997. The Board of Arbitration shall have full remedial powers to deal with any unresolved issue.

18:00 GENERAL

- 18:01 All fire trucks on active duty shall have an officer in charge of them at all times, unless this is prevented by accident to or sickness of Fire Services Personnel.
- 18:02 Once in each year the employee may notify the Fire Chief in writing in which Fire Hall they prefer to work. Notwithstanding this provision the implementations of such requests shall be at the discretion of the Fire Chief and/or Deputy Fire Chief.
- 18:03 Throughout the term of the Collective Agreement the employer will continue its general Municipal liability coverage in the form and upon the terms expressed in the current Royal Insurance Policy #5988612, or its equivalent.
- 18:04 Where the employee of the SSM Fire Services is charged with criminal or statutory offense flowing from the employee's duties and is subsequently acquitted of such charges, the employee shall be reimbursed for any reasonable legal expenses that have been taxed pursuant to the Solicitor's Act and incurred as a result of such charges. The Corporation further agrees that it will continue the coverage under its present existing general liability insurance or equivalent coverage as specified in article 18:03 herein.
- 18:05 An employee who is authorized to use their vehicle on city business shall be reimbursed on the basis of the current mileage rate paid to other city employees.
- 18:06 Employees scheduled to attend Ontario Fire College or other course offerings shall be compensated one day shift in lieu of for each day which falls on a regularly scheduled day off.
- I. Employees shall also be granted equivalent lieu time for travel days to attend Ontario Fire College or other course offerings, only when such travel days fall on a regularly scheduled day off.
  - II. Lieu time referred to herein shall be taken on the next regularly scheduled rotation of day shifts, immediately following completion of the course, and shall be taken consecutively.
  - III. Such scheduled lieu days shall be approved by the Fire Chief or designate.
  - IV. The City agrees to pay three hundred dollars (\$300.00) to employees who utilize their personal vehicle to attend the Ontario Fire College to participate in educational programs as approved by the Chief.
- 18:07 Effective February 1, 2000 the Employer agrees to provide a \$100.00 weekly expense allowance to each employee attending the Ontario Fire College or other out of town offerings as approved by the Fire Chief.

In addition, the Employer agrees to pay \$145.00 for a return trip home from the Fire College, provided that:

- (i) The employee attends the Fire College for a period of two consecutive weeks or more.

- (ii) The employee does come home and returns to the College.
- (iii) The employee uses their own vehicle to make that trip.
- (iv) The employee files a claim for the payment on completion of the course at the Fire College.
- (v) The above amount will be adjusted as necessary to maintain the same level of payment as provided by the Ontario Fire College.

18:08 The employer will provide a copy of the "Master Policy" of all benefits to the Association.

18:09 The Employer agrees to pay the cost of DZ medical examinations for Employees up to a maximum of \$100.00 per examination. Employees are required to provide receipts for payment.

19:00 TERM OF AGREEMENT

19:01 This agreement shall be effective from February 1<sup>st</sup>, 2019 to January 31<sup>st</sup>, 2021, and from year to year thereafter unless either party notifies the other in writing not more than ninety (90) days and not less than thirty-one (31) days before the thirty-first day of January in any year, of its desire to amend the Agreement.

19:02 If either party desires a change in the agreement, said party shall give written notice of the proposed change to the other party not less than 30 days before the 31<sup>st</sup> day of January in any year and both parties shall thereupon negotiate in good faith with respect to the matters referred to in the notice.

IN WITNESS WHEREOF the parties have duly executed this agreement.

SIGNED, SEALED AND DELIVERED **THE CORPORATION OF THE CITY  
OF SAULT STE. MARIE**

\_\_\_\_\_  
CHRISTIAN PROVENZANO, MAYOR


\_\_\_\_\_  
RACHEL TYCZINSKI, CITY CLERK

**THE SAULT STE. MARIE  
PROFESSIONAL FIREFIGHTERS  
ASSOCIATION - LOCAL 529**

  
\_\_\_\_\_  
PRESIDENT

  
\_\_\_\_\_  
SECRETARY

  
\_\_\_\_\_  
TREASURER

  
\_\_\_\_\_  
VICE-PRESIDENT



**SCHEDULE "A"**

RANK	Feb. 1, 2019		Aug. 2, 2019	
	Annual	Hourly	Annual	Hourly
<b>Platoon Chief</b>				
0% (0 – 8 years) Base Rate	\$123,775	\$56.674	\$124,619	\$57.060
3% (9 – 17 years)	\$126,746	\$58.034	\$127,610	\$58.429
6% (18 – 23 years)	\$129,716	\$59.394	\$130,600	\$59.799
9% (24 + years)	\$132,687	\$60.754	\$133,591	\$61.168
<b>Captain</b>				
0% (0 – 8 years) Base Rate	\$115,853	\$53.047	\$116,643	\$53.408
3% (9 – 17 years)	\$118,824	\$54.407	\$119,634	\$54.778
6% (18 – 23 years)	\$121,795	\$55.767	\$122,625	\$56.147
9% (24 + years)	\$124,765	\$57.127	\$125,616	\$57.516
<b>Training Officer</b>				
0% (0 – 8 years) Base Rate	\$123,775	\$56.674	\$124,619	\$57.060
3% (9 – 17 years)	\$126,746	\$58.034	\$127,610	\$58.429
6% (18 – 23 years)	\$129,716	\$59.394	\$130,600	\$59.799
9% (24 + years)	\$132,687	\$60.754	\$133,591	\$61.168
<b>Public Educator</b>				
	\$108,922	\$49.873	\$109,665	\$50.213
<b>Fire Prevention Officer</b>				
0% (0 – 8 years) Base Rate	\$108,922	\$49.873	\$109,655	\$50.213
3% (9 – 17 years)	\$111,893	\$51.233	\$112,655	\$51.582
6% (18 – 23 years)	\$114,863	\$52.593	\$115,646	\$52.952
9% (24 + years)	\$117,834	\$53.953	\$118,637	\$54.321
FPO – 2 <sup>nd</sup> Class	\$98,030	\$44.886	\$98,699	\$45.192
FPO – 3 <sup>rd</sup> Class	\$87,138	\$39.898	\$87,732	\$40.170
FPO – 4 <sup>th</sup> Class	\$76,245	\$34.911	\$76,766	\$35.149
FPO – Probationer	\$65,353	\$29.924	\$65,799	\$30.128
<b>Fire Prevention &amp; Planning</b>				
	\$74,265	\$34.004	\$74,771	\$34.236
<b>Firefighter - 1<sup>st</sup> Class</b>				
0% (0 – 8 years) Base Rate	\$99,020	\$45.339	\$99,695	\$45.648
3% (9 – 17 years)	\$101,991	\$46.699	\$102,686	\$47.017
6% (18 – 23 years)	\$104,961	\$48.059	\$105,677	\$48.387
9% (24 + years)	\$107,932	\$49.420	\$108,668	\$49.756
Firefighter – 2 <sup>nd</sup> Class	\$89,118	\$40.805	\$89,726	\$41.083
Firefighter - 3 <sup>rd</sup> Class	\$79,216	\$36.271	\$79,756	\$36.518
Firefighter - 4 <sup>th</sup> Class	\$69,314	\$31.737	\$69,787	\$31.954
Firefighter – Probationer	\$59,412	\$27.203	\$59,817	\$27.389
Firefighter Cadet 3 <sup>rd</sup> year	\$69,314	\$31.737	\$69,787	\$31.954
Firefighter Cadet 2 <sup>nd</sup> year	\$64,363	\$29.470	\$64,802	\$29.671
Firefighter Cadet 1 <sup>st</sup> year	\$59,412	\$27.203	\$59,817	\$27.389
<b>Mechanical Officer</b>				
3% (9 – 17 years)	\$116,844	\$53.500	\$117,640	\$53.865
6% (18 – 23 years)	\$119,814	\$54.860	\$120,631	\$55.234



9% (24+ years)	\$122,785	\$56.220	\$123,622	\$56.604
Level 4 (0 – 8 years)	\$113,873	\$52.140	\$114,649	\$52.495
Level 3	\$110,902	\$50.780	\$111,658	\$51.126
Level 2	\$105,951	\$48.513	\$106,674	\$48.843
Level 1	\$101,000	\$46.246	\$101,689	\$46.561
<b>Support Services Mechanic</b>				
3% (9 – 17 years)	\$99,020	\$45.339	\$99,695	\$45.648
6% (18 – 23 years)	\$101,991	\$46.699	\$102,686	\$47.017
9% (24+ years)	\$104,961	\$48.059	\$105,677	\$48.387
Level 4 (0 – 8 years)	\$96,049	\$43.979	\$96,704	\$44.279
Level 3	\$91,098	\$41.712	\$91,719	\$41.996
Level 2	\$86,147	\$39.445	\$86,735	\$39.714
Level 1	\$81,196	\$37.178	\$81,750	\$37.431
Administrative Clerk – Level 3	\$56,441	\$31.012	\$56,826	\$31.223
Administrative Clerk – Level 2	\$53,471	\$29.380	\$53,835	\$29.580
Administrative Clerk – Level 1	\$50,500	\$27.747	\$50,844	\$27.937

"Any Firefighter assigned or transferred to the Fire Prevention Division will be placed in the corresponding FPO class level equivalent to his/her Firefighter class level."

**\*Schedule A 2020: wage adjustment for 2020 for a First Class Firefighter is equal to Police less \$100 of a First Class Constable (police parity). At time of Collective Agreement printing, Police have not settled 2020 wages.**



**SCHEDULE "B"**

**2019 Work Schedule (Continued) – 24 Hour Shifts**

**PLATOON**



**JANUARY**

SUN	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
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**FEBRUARY**

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**MARCH**

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**APRIL**

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**MAY**

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**JUNE**

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**JULY**

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**AUGUST**

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**SEPTEMBER**

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**OCTOBER**

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**NOVEMBER**

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**SCHEDULE "B"**

**2020 Work Schedule – 24 Hour Shifts**

**PLATOON**



**JANUARY**

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**MARCH**

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**APRIL**

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**JUNE**

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**JULY**

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**AUGUST**

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**SEPTEMBER**

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**OCTOBER**

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**NOVEMBER**

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**DECEMBER**

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**SCHEDULE "B"**

**2021 Work Schedule – 24 Hour Shifts**

**PLATOON**



**JANUARY**

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**FEBRUARY**

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**MARCH**

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**APRIL**

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**JUNE**

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**JULY**

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**AUGUST**

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**SEPTEMBER**

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**OCTOBER**

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**NOVEMBER**

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**DECEMBER**

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## LETTER OF UNDERSTANDING

### Transfer of Personnel

1. The Corporation agrees to the annual realignment of platoons for the purpose of vacation selection and acting ranks in accordance with a employees seniority.
2. The Corporation shall have the right to temporarily transfer the junior man in each platoon who is on duty at the time the reassignment is required.
3. In the application of this right to temporary transfer it is agreed it will apply only to transfers from Platoon A to B or Platoon B to A or from Platoon C to D or Platoon D to C.
4. In the application of a transfer from Platoon A or B to Platoon C or D, or vice versa, such transfers shall only occur when the absence is known to be for a period of three weeks or more.
5. It is agreed that prior to implementing such transfer as outlined in 4 above, the Chief will meet with the Association and provide the necessary information related to such transfer.
6. It is agreed that where an employee on temporary transfer is required to work more than his regularly scheduled hours such employee will be granted lieu time off with pay for such extra time worked.

Such time off will be scheduled when sufficient personnel is available and once such time off is scheduled it shall not be changed with less than one (1) calendar week notice except by agreement of the employee and the department.

Employees shall be paid out by January 31<sup>st</sup> at their regular straight time rate of pay for any unused lieu time hours from previous calendar year.

7. It is agreed that no more than two employees from any one platoon will be on temporary transfer at any one time.
8. It is agreed that an employee on temporary transfer shall be allowed to take his vacation as scheduled.

AGREED TO THIS 17th DAY OF March, 2014

ON BEHALF  
THE ASSOCIATION

"Robert Greve"

"Marty Kenopic"

"Richard Bishop"

"David Kochanowski"

ON BEHALF OF  
THE CITY

Peter Niro

"Marcel Provenzano"

"Frank Brescacin"

"Paul Milosevich"

LETTER OF UNDERSTANDING

Communications Operator

The City agrees to establish a cadet system to perform the duties of Communications Operator which shall be the entry position into the Firefighting services.

As it is the interest of the City to utilize cadets as both Communications Operators and as firefighters, as necessary, the entry requirements for a cadet will be the same as applied to firefighters.

The City agrees to hire cadets to fill the Communications position at the following rates:

- 1<sup>st</sup> year - 60% of 1<sup>st</sup> class firefighter rate
- 2<sup>nd</sup> year - 65% of 1<sup>st</sup> class firefighter rate
- 3<sup>rd</sup> year - 70% of 1<sup>st</sup> class firefighter rate

An employee shall remain as a Communications Operator until such time as a vacancy occurs for a firefighter and then the senior qualified communications operator shall be assigned as a fourth class firefighter.

A new employee shall be on probation for the first twelve months of employment; a maximum of six (6) months shall be served as Probationary Communication Operator and the remainder of the twelve (12) months as a Probationary Firefighter.

The termination of employment during any such probation periods shall not be the subject of a grievance.

Communications operators will be assigned to firefighting duties to fill temporary vacancies as required and shall be paid at their regular rate of pay.

A regular firefighter who is capable of performing light duty shall be assigned temporarily to the Communications Operator position at his regular rate of pay. In the event of a dispute over the ability of a employee to perform such duties, the final determination will be based on medical evidence.

AGREED TO THIS 16<sup>th</sup> DAY OF April, 2016

ON BEHALF  
THE ASSOCIATION

"Rob Greve"

"Richard Bishop"

"Murray McGrath"

ON BEHALF OF  
THE CITY

"Marcel Provenzano"

"Frank Brescacin"

"Peter Niro"

## LETTER OF UNDERSTANDING

### Health & Safety Committee

It is mutually agreed that the parties will co-operate to the fullest extent in the prevention of accidents and in the promotion of safety and health of the employees.

The City will make all reasonable provision for the safety and protection of the health of the employees.

The Union agrees that a Worker Representative(s) will be selected for participation in the Joint Health and Safety Committee in accordance with the Occupational Health and Safety Act.

The Union agrees Worker members of the Committee will attend and participate in Joint Health and Safety meetings in accordance with the Occupational Health and Safety Act.

**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2021-219**

**TRAFFIC:** (T2) A by-law to amend Schedule “A” and Schedule “V” of Traffic By-law 77-200.

**THE COUNCIL** of the Corporation of the City of Sault Ste. Marie, pursuant to the provisions of section 10 of the *Municipal Act, 2001*, S.O., 2001 c.25 and amendments thereto, **ENACTS** as follows:

**1. SCHEDULE “A” OF BY-LAW 77-200 AMENDED**

Schedule “A” of By-law 77-200 is amended by deleting the following:

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>	<u>TIMES OR DAYS</u>
Simpson Street	east	Wellington Street	30 m south of Wellington St.	any time
Simpson Street	west	Queen Street East	270 m north of Queen St. E.	0900 hrs to 1000 hrs 1500 hrs. to 1600 hrs.
Simpson Street	east	54 m south of Wellington St.	Queen Street	any time
Simpson Street	east	30 m south of Wellington St.	54 m south of Wellington St.	Nov. 1 <sup>st</sup> to Apr. 30 <sup>th</sup>
Simpson Street	west	Wellington Street	65 m south of Wellington St.	any time
Simpson Street	west	6 m south of north limit of Civic No. 175	10 m north of north limit of Civic No. 175	any time
Simpson Street	west	Queen Street East	104 m north of Queen St.	any time

Schedule “A” of By-law 77-200 is amended by inserting the following:

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>	<u>TIMES OR DAYS</u>
Simpson Street	east	Wellington Street	Queen Street	any time

**2. SCHEDULE “V” OF BY-LAW 77-200 AMENDED**

Schedule “V” of By-law 77-200 is amended by deleting the following:

<u>STREET</u>	<u>SIDE</u>	<u>FROM</u>	<u>TO</u>	<u>PERIOD</u>
Simpson Street	east	a point 30 m south of Wellington Street	a point 54 m south	15 minutes Apr. 1st to Oct. 1st

**3. EFFECTIVE DATE**

This by-law is effective on the day of its final passing.

**PASSED** in open Council this 15<sup>th</sup> day of November, 2021.

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**MAYOR – CHRISTIAN PROVENZANO**

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**CITY CLERK – RACHEL TYCZINSKI**



**THE CORPORATION OF THE CITY OF SAULT STE. MARIE**

**BY-LAW 2021-221**

**PARKING**: A by-law to appoint Municipal Law Enforcement Officers to enforce the by-laws on various private properties and to amend Schedule “A” to By-law 90-305.

**THE COUNCIL** of the Corporation of the City of Sault Ste. Marie pursuant to Section 15 of the *Police Services Act*, R.S.O. 1990, chapter P.15 and amendments thereto, **ENACTS** as follows:

1. **SCHEDULE “A” TO BY-LAW 90-305 AMENDED**

Schedule “A” to By-law 90-305 is hereby repealed and replaced with Schedule “A” attached to this by-law.

2. **EFFECTIVE DATE**

This by-law takes effect on the day of its final passing.

**PASSED** in open Council this 15th day of November, 2021.

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**MAYOR - CHRISTIAN PROVENZANO**

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**CITY CLERK – RACHEL TYCZINSKI**

BADGE	SPECIAL CONSTABLE	EMPLOYER	PROPERTY LOCATION
25		FLEMING & SMITH	378 QUEEN ST E & APARTMENTS & 27 KING ST
30		ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
151		NORPRO SECURITY	DAVEY HOME/QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/GE ECOMPLEX/JOHN RHODES/726 QUEEN ST
163		ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
196		ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
253		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
267		NORPRO SECURITY	DAVEY HOME/QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/GE ECOMPLEX/JOHN RHODES/726 QUEEN ST
276		G4S SECURE SOLUTIONS	SAULT AREA HOSPITAL
334		CITY OF SAULT STE MARIE	TRANSIT SERVICE AREA
344		HOLIDAY INN	320 BAY ST
346		CITY OF SAULT STE MARIE	BELLUVUE MARINA & PARK/ BONDAR MARINE & PARK/STRATHCLAIR DOG PARK&SPORTS COMPLEX/GE SPORTS COMPLEX
366		G4S SECURE SOLUTIONS	SAULT HOSPITAL
370		ONT FINNISH HOME ASS	725 NORTH ST
372		ONT FINNISH HOME ASS	725 NORTH ST
374		CITY OF SAULT STE MARIE	TRANSIT SERVICE AREA
397		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
411		NORPRO SECURITY	DAVEY HOME/QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/GE ECOMPLEX/JOHN RHODES/726 QUEEN ST
443		NORPRO SECURITY	DAVEY HOME/QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/GE ECOMPLEX/JOHN RHODES/726 QUEEN ST
446		SAULT COLLEGE	443 NORTHERN AVE
456		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
459		G4S SECURE SOLUTIONS	SAULT AREA HOSPITAL
460		G4S SECURE SOLUTIONS	SAULT AREA HOSPITAL
463		CORPS OF COMM	GREAT LAKES FOREST RESEARCH CENTRE
464		2220917 ONT INC	489 BAY ST/535 QUEEN ST E
465		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
484		CITY OF SAULT STE MARIE	BELLUVUE MARINA & PARK/ BONDAR MARINE & PARK/STRATHCLAIR DOG PARK&SPORTS COMPLEX/GE SPORTS COMPLEX/JOHN RHODES COMMUNITY CENTRE/ NORTHERN COMMUNITY CENTRE
486		GT NORTH RETIREMENT	760 NORTHERN RD
487		GT NORTH RETIREMENT	760 NORTHERN RD
488		GT NORTH RETIREMENT	760 NORTHERN RD
489		GT NORTH RETIREMENT	760 NORTHERN RD
490		GT NORTH RETIREMENT	760 NORTHERN RD
493		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
516		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
517		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
541		ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
547		ALGOMA CENTRAL PROP	STATION MALL/STATION 49/STATION TOWER
548		CITY OF SAULT STE MARIE	99 FOSTER DR (CIVC CENTRE)
556		CORPS OF COMM	SAULT AIRPORT
565		NORPRO SECURITY	DAVEY HOME/QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/GE ECOMPLEX/JOHN RHODES/726 QUEEN ST
566		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
588		CORPS OF COMM	SAULT AIRPORT
574		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
599		CB HOME INSTALLATIONS	321 JOHN ST /342.346 ST GEORGE'S AVE
601		NORPRO SECURITY	DAVEY HOME/QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/GE ECOMPLEX/JOHN RHODES/726 QUEEN ST
602		GREENWOOD HARDWARD	41 ALBERT ST W
603		CITY OF SAULT STE MARIE	TRANSIT SERVICE AREA
607		CITY OF SAULT STE MARIE	TRANSIT SERVICE AREA
608		ALISATS RUST PROOFING	24 QUEEN ST W
609		ALISATS RUST PROOFING	24 QUEEN ST W
611		WENDY'S	1 QUEEN ST W
619		GATEVIEW REALTY INC	304-310 ALBERT ST/420A&B MCNABB/715 DOUGLAS/67 ELGIN/47 PRINCESS/18 FERGUSON
622		CITY OF SAULT STE MARIE	JOHN RHODES/ESSAR CENTRE/MCKEEN CENTRE/NORTHERN COMMUNITY CENTRE
623		CITY OF SAULT STE MARIE	JOHN RHODES/GFL MEMORIAL GARDENS/MCKEEN CENTRE/NORTHERN COMMUNITY CENTRE
624		CITY OF SAULT STE MARIE	JOHN RHODES/GFL MEMORIAL GARDENS/MCKEEN CENTRE/NORTHERN COMMUNITY CENTRE
627		STANDARD PARKING	ONTARIO REALTY CORP/ROBERTA BONDAR PLACE/426 QUEEN ST E/BREWERY BLOCK
633		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
634		STANDARD PARKING	ONTARIO REALTY CORP/ROBERTA BONDAR PLACE/426 QUEEN ST E/BREWERY BLOCK
637		LOU'S AUTOMOTIVE	317 ALBERT ST E
638		AIRPORT	1-475 AIRPORT RD
643		CITY OF SAULT STE MARIE	BELLUVUE MARINA & PARK/ BONDAR MARINE & PARK/STRATHCLAIR DOG PARK&SPORTS COMPLEX/GE SPORTS COMPLEX
644		CITY OF SAULT STE MARIE	JOHN RHODES/ESSAR CENTRE/MCKEEN CENTRE/NORTHERN COMMUNITY CENTRE
646		CITY OF SAULT STE MARIE	JOHN RHODES/ESSAR CENTRE/MCKEEN CENTRE/NORTHERN COMMUNITY CENTRE
649		FENGATE PROPERTY	248 NORTHERN AVE
653		AIRPORT	1-475 AIRPORT RD
659		STRICTLY CONFIDENTIAL INC	RJ'S MARKET
664		STRICTLY CONFIDENTIAL INC	RJ'S MARKET
665		NORTHLAND ANIMAL HOSP	695 TRUNK RD
666		G4S SECURITY	SAULT HOSPITAL
669		CITY OF SAULT STE MARIE	BELLUVUE MARINA & PARK/ BONDAR MARINE & PARK/STRATHCLAIR DOG PARK&SPORTS COMPLEX/GE SPORTS COMPLEX
670		REGENT PROPERTY	402/302 BAY ST/390 BAY/RIVERWALK CONDOS
671		REGENT PROPERTY	402/302 BAY ST/390 BAY/RIVERWALK CONDOS
674		CORPS OF COMM	SAULT AIRPORT
676		CORPS OF COMM	SAULT AIRPORT
677		CORPS OF COMM	SAULT AIRPORT
678		CORPS OF COMM	SAULT AIRPORT
679		CORPS OF COMM	SAULT AIRPORT
686		CITY OF SAULT STE MARIE	PUBLIC WORKS PLOWING AREAS
687		CITY OF SAULT STE MARIE	PUBLIC WORKS PLOWING AREAS
688		CITY OF SAULT STE MARIE	PUBLIC WORKS PLOWING AREAS
689		DAYS INN	332 BAY ST
694		NORTH EAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington Street West
695		CITY OF SAULT STE MARIE	PUBLIC WORKS PLOWING AREAS
696		CITY OF SAULT STE MARIE	PUBLIC WORKS PLOWING AREAS
697		CITY OF SAULT STE MARIE	PUBLIC WORKS PLOWING AREAS
698		CITY OF SAULT STE MARIE	PUBLIC WORKS PLOWING AREAS
707		NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/GE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W

708	POWLEY, CHAD	G4S SECURITY	SAULT AREA HOSPITAL
711	MASON, STEPHEN	Riversedge Developments	503 BAY ST
712	KOOSTACHIN, ANDREW	Ontario Finnish ResHome	725 North St
713	Cho, Linda	Jennex Cho Enterprises	129 Second Line West
714	DESANDO, ALEXANDER	G4S SECURITY	SAULT AREA HOSPITAL
715	MITCHELL, SPENCER	NORPRO SECURITY	DAVEY HOME-QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/QE ECOMPLEX/JOHN RHODES/726 QUEEN ST
717	GUY, AMY	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
718	SCOTLAND, KEVIN	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
723	ROCCA, ANTHONY	NORPRO SECURITY	DAVEY HOME-QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/QE ECOMPLEX/JOHN RHODES/726 QUEEN ST
724	ROULEAU, MICHEAL	CORPS OF COMM	SAULT AIRPORT
725	PAAT, EMMA LEE	AIRPORT	SAULT AIRPORT
727	CLARK, DYLAN	G4S SECURITY	SAULT AREA HOSPITAL
731	NOTT, REGINALD	CORPS OF COMM	SAULT AIRPORT
733	GREGORCHUK, CATHERIN	REAL ESTATE STOP INC	2 QUEEN STREET WEST
735	KEMP, ROBERT	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
736	BLAIR, BRENT	PROPERTY ONE	421 BAY ST
737	MARTONE, DONATO	PROPERTY ONE	421 BAY ST/COMMUNITY FIRST CREDIT UNION
738	MARTELLA, JOSEPH	PEAK INVESTMENT SERVICE	68 MARCH ST. 485 QUEEN ST E (REAR)
740	VERMA, ABBISHEK	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
741	DEGASPARRO, SHERRI	AIRPORT	SAULT AIRPORT
742	VOWELS-WING, LAURIE	NORTH 44 PROPERTY MGT	844 & 860 QUEEN ST E, 524,524A,536 & 536A GOULAIS AVE
743	MILNE, GEORGE	CROATIAN VILLAGE	80 SACKVILLE RD
744	MCLEAN, JEFF	SKYLINE LIVING	SKYLINE PROPERTIES/621 MACDONALD AVE
745	QUESNELLE, TIMOTHY	PROPERTY ONE	421 BAY ST/COMMUNITY FIRST CREDIT UNION
746	BELANGER, CARL	PERZIA GROUP	70 EAST ST/ 700 BAY ST
747	SCOTT, RYAN	YMCA	235 MCNABB STREET
748	GRAHAM, TIMOTHY	PINE/ALLARD APTS	751/769 PINE STREET/171 WILLOW AVE/94/108 ALLARD STREET
750	NEVEAU, ERIC	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
751	BRETON, JULIEN	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
752	HARTEN, ARYANNA	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
753	DISANO, RONALD	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
754	DAVIES, RHONDA	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
755	HEIDT, TERRY	NORPRO SECURITY	DAVEY HOME-QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/QE ECOMPLEX/JOHN RHODES/726 QUEEN ST
756	MCCOY, ROBERT	NORPRO SECURITY	DAVEY HOME-QUEENSCENTRE/HURON ST PROPERITES/ALGOMA PUBLIC HEALTH/556 QUEEN STRATHCLAIR DOG& SPORTS/QE ECOMPLEX/JOHN RHODES/726 QUEEN ST
757	WERTH, KARL	KC SECURITY	CONTRACTED CLIENTS ON PRIVATE PROPERTY
759	FITTON, MATTHEW	G4S SECURITY	SAULT AREA HOSPITAL
760	FARKAS, DARIEN	G4S SECURITY	SAULT AREA HOSPITAL
761	SLATER, KYLE	KC SECURITY	CONTRACTED CLIENTS ON PRIVATE PROPERTY
762	MACKENZIE, JENNA	G4S SECURITY	SAULT AREA HOSPITAL
763	CIOTTI, MARK	DSSAB	SSM HOUSING PROPERTIES Bellevue Park/Manna Strathclair Park, James Elliot Park, Roberta Bondar Park/Marina Pointe Des Chenes, PWT, 556 Queen St E, ADS/58 HSC/58-B All Locations Notre Dame Du Saull, Bushplane Museum, 116 Industrial Park Cres, Public Libraries, NCC, YMCA, Haldimand Coop, 60 Pim St, 331 Korah Rd & 149A Trunk Rd/275 Second Line W
764	PARDY, NATHAN	KC SECURITY	Bellevue Park/Manna Strathclair Park, James Elliot Park, Roberta Bondar Park/Marina Pointe Des Chenes, PWT, 556 Queen St E, ADS/58 HSC/58-B All Locations Notre Dame Du Saull, Bushplane Museum, 116 Industrial Park Cres, Public Libraries, NCC, YMCA, Haldimand Coop, 60 Pim St, 331 Korah Rd & 149A Trunk Rd/275 Second Line W
765	LAPRADE, DANIEL	KC SECURITY	
766	PALARO, DONALD	CITY OF SAULT STE MARIE	JOHN RHODES/IGFL MEMORIAL GARDENS/MCMEEKEN CENTRE/NORTHERN COMMUNITY CENTRE
767	JOHNSON, DREW	CITY OF SAULT STE MARIE	ROBERTA BONDAR PARK & BELLEVUE MARINA
768	TULLOCH, BRANDON	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
769	WEST, NADINE	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
770	BHARDWAJ, RISHABH	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
771	JANKAR, PAVAN	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
772	SINGH, ARSHPREET	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
773	VERMA, PUNEET	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
774	GILL, HARPREET	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
775	KUMAR, ANKUR	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
776	FRANCE, ADAM	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT
777	LONG, CHRISTYNE	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT
778	SEWELL, CAROLYN	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT
779	BONIN, THOMAS	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT
780	SINGH, GURPREET	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT
781	PATEL, JANKI	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT
782	PATEL, PARAS	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT
783	THOROLD, EDWARD	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT
784	MORIN, KEVIN	KC SECURITY	CONTRACTED CLIENTS ON PRIVATE PROPERTY
785	SULLIVAN, KASSANDRA	G4S SECURITY	SAULT AREA HOSPITAL
786	DUDGEON, JAMIE	KC SECURITY	CONTRACTED CLIENTS ON PRIVATE PROPERTY
787	HINZ, MIKAELA	NORTHEAST SECURITY	S COLLEGE/A UNIVERSITY & RES /ESSAR CENTRE/GHC/CAMBRIAN MALL/TENARIS/JOHN RHODES/QE SPORTS COMPLEX/Algoma Public Health/314 Wellington St W
788	LAPISH, ALEXANDER	ALGOMA STEEL	LOTS OFF WEST & PATRICK ST, KORAH RD, GOULAIS AVE
789	BRUNI, MICHAEL	G4S SECURITY	SAULT AREA HOSPITAL
790	GREGO, JOSHUA	166721 ONTARIO INC	DOCTORS BUILDING - 955 QUEEN ST E
791	SGOURADITIS, RENEE	UNIT PARK	420 QUEEN ST E, 70 FOSTER DR
792	CHAPMAN, DANIEL	ALGOMA STEEL	LOTS OFF WEST & PATRICK ST, KORAH RD, GOULAIS AVE
793	DEEVEY, CODY-LEE	KC SECURITY	CONTRACTED CLIENTS ON PRIVATE PROPERTY
794	CHAISSON, VIOLOA	WILLIAMS MCDANIEL	GARDEN COURTS APARTMENTS - 721/731 PINE ST, 62/76 ALLARD ST
795	PLAUNT, DOUGLAS	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT
796	SINGH, RAMANDEEP	NEPTUNE SECURITY	SAULT STE MARIE AIRPORT