



The Corporation of the City of Sault Ste. Marie Council Correspondence

January 12, 2024

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To: Matthew Shoemaker, Mayor, Sault Ste. Marie City Council
Via Email: mayor.shoemaker@cityssm.on.ca
To: Malcolm White, CAO
Via Email: cao.white@cityssm.on.ca
From: Gillan Richards
Via Email: gillan.richards@gmail.com
2024 01 18

Letter of Concern:

Impact of planned generation, distribution and storage of electricity on municipalities in the Algoma District

In 2009, in an attempt to “foster the growth of renewable energy projects, which use cleaner sources of energy, and to remove barriers to and promote opportunities for renewable energy projects and to promote a green economy,” the Ontario government enacted the *Green Energy and Green Economy Act* (<https://www.ontario.ca/laws/statute/09g12>).

The result, according to many analysts, was an escalation of electricity rates in the province which had the effect of discouraging manufacturing in Ontario, creating job losses and “energy poverty,” particularly for seniors and others on fixed income. Successive governments have essentially transferred these excess costs to the provincial debt, increasing the burden further on Ontario citizens.

The *Green Energy Act* removed the ability for municipalities to object to power projects. Approvals for wind and other power projects were given to the provincial government.

Environmental regulations designed to protect wildlife—including endangered species—were “relaxed” in favour of wind turbines.

On January 1, 2019 the *Green Energy Act* was repealed. Although municipalities can now approve such projects and set their own regulations/bylaws for noise limits, setbacks, etc., unresolved issues of concern remain:

Setback Issues

- No changes have been made to the minimum setbacks in Regulation 359-09
- Ministry of Environment, Conservation and Parks (MECP) is not enforcing the requirements of existing Renewable Energy Approvals related to noise audits including the resolution of complaints about noise and well water contamination.

Municipal Support

- Industry is lobbying against mandated support which is considered an “obstacle” to clean energy development.

Independent Electricity System Operator (IESO) Process Problems

- Requests for municipal support are made without full details of a project;
- Community engagement also does not require full project details;
- Minimal requirements for public meetings.

Use of Agricultural land:

- There is pressure to relax the prohibition on use of prime agricultural land for industrial power project.
- Protecting all land used for municipal and provincial agriculture must not be considered an obstacle to clean energy plans.

Extension of Contracts for Existing Power Projects

- Pre-2009 projects are not compliant even with the inadequate 550-metre setbacks required by Regulation 359-09;
- Project operators must demonstrate compliance with the requirements of existing Renewable Energy Approvals (REAs) before any extension or re-powering is granted.

Cost to Ontario citizens/ratepayers:

- Cost-benefit analyses or business case studies must demonstrate local benefits, the effectiveness of wind power and must include costs for back-up power due to intermittency of wind and solar.

Three wind installations are located in Algoma: Prince Wind which was established in Prince Township on private land prior to the *Green Energy Act* requirements; Bow Lake Wind and Goulais Wind which are located in unorganized municipalities on Crown Land and First Nations Territorial Land.

Bow Lake and Goulais projects met with heavy objection from citizens who launched appeals of the project approvals. These citizens could not afford legal expertise and expert witnesses available to wind industry proponents: their appeals were rejected by the Environmental Review Tribunals.

Ontario does not need a replay of the disastrous 2009 *Green Energy Act*. The reality of wind power in Ontario is that production does not synchronize with demand. Wind is prevalent in low-demand seasons of spring and fall. Storage is expensive and limited: the maximum is four hours of stored power. Wind power is a major factor in rising electricity costs. In short, adding more turbines will not dramatically reduce carbon emissions.

In 2024, driven to increase the supply of electricity to meet the needs/demands of increased population, to address climate change concerns (reduction/elimination of fossil fuels) and to focus on renewable energy, the Ontario government has launched yet another bid to increase green energy—without remedying existing problems.

Algoma's 22 Municipal Councils and the communities they represent need to be alert to the implications and impacts of IESO's Long-Term Request for Proposal (LTRFP) initiative on what they value and wish to protect. A review of the websites of each Algoma Municipal Council reveals in pictures and words what residents value. Their Bylaws, Policies and Strategic Plans must protect what they value.

Municipal Bylaws should:

- Support prohibition of wind turbines on prime agricultural land;
- Establish a setback from other land uses (residential); recommend 2,000 metres;
- Establish setbacks from property lines;
- Establish setbacks from any designated growth areas;
- Consider protection of wildlife and environment (e.g., fragile aquifers, landscapes, etc.).

Municipal support requests will begin in the fall of 2024. New bylaws must be in place before projects are announced.

As bylaws and Regulations must be relevant to Ontario's energy policies, Municipal Councils may opt to:

- Create new zoning bylaws;
- Create interim bylaws stating that no support will be considered until bylaws are approved;
- Consider an "Unwilling Host" resolution which states the priorities of the community will not support new industrial scale or grid-scale wind power projects.

Thank you for the work you do in representing the views of the communities of Algoma.

Sincerely



Gillan Richards

Past: Trustee, *Lake Superior Watershed Conservancy*; Communications Officer, *Algoma District Seniors' Health Advisory Committee (SHAC)*; Chair, *Tendercare Family Council*; Trustee, *Davey Home Board of Governors*; Secondary Co-ordinator, *Algoma District School Board*.

Current: Trustee, *Horseshoe Bay Local Roads Board* (Goulais River); Representative, *Save Ontario's Algoma Region (SOAR)*; Executive Board Member, *Wind Concerns Ontario (WCO)*; Member, *Algoma Highlands Conservancy*.

CC: Federation of Northern Ontario Municipalities (fonom.info@gmail.com)

The Hon. Todd Smith - Minister of Energy (MinisterEnergy@ontario.ca)

David Donovan, Chief of Staff, Ministry of Energy (david.donovan@ontario.ca)

Michael Mantha MPP (mmantha-co@ola.org or mmantha-q@ola.org)

Attachment: FONOM Communication Chart

Federation of Northern Ontario Municipalities Algoma District						
Blind River	Town	Sally Hagman	MAYOR	POR 1B0	sally.hagman@blindriver.ca	http://www.blindriver.ca
Bruce Mines	Town	Lory Patteri	Mayor	POR 1C0	info@brucemines.ca	http://www.brucemines.ca/
		Judy Davis	Municipal Administrator			
Dubreuilville	Township	Beverly Nantel	Mayor	POS 1B0	bnantel@dubreuilville.ca township@dubreuilville.ca	http://www.dubreuilville.ca
Elliot Lake	City	Andrew Wannon	Acting Mayor	P5A 1X5	www.elliottlake.ca	http://www.cityofelliottlake.com
		Mel McInnes	Administrative Assistant to CAO		Email Us	
Hilton Beach	Village Township	Robert Hope	Mayor	POR 1G0	sedanbridgebob@gmail.com	http://www.hiltonbeach.com
		Jillian Hayes	Clerk-Treasurer		jillian@hiltonbeach.com	
Hilton	Township	Rodney Wood	Reeve	POR 1G0	admin@hiltontownship.ca	http://www.hiltontownship.ca/
		Mary Lynn Duguay	Clerk/Treasurer/ Administrator			
Hornepayne	Township	Cheryl Fort	Mayor	POM 1Z0	cheryltfort@gmail.com info@hornepayne.ca	http://www.townshipofhornepayne.ca
			CAO		cao@hornepayne.ca	
Huron Shores	Municipality	Matthew Seabrook	Mayor	POR 1H0	m.seabrook@huronshores.ca	http://www.huronshores.ca
		Natashia Roberts	Chief Administrative Officer		Clerknatashia@huronshores.ca	
Jocelyn	Township	Mark Henderson	Reeve	POR 1G0	ReeveHenderson@jocelyn.ca	http://www.jocelyn.ca/
		Kari Ujanen	Clerk		KariUjanen@jocelyn.ca	
		DeeDee Thompson	Office/Admin		admin@jocelyn.ca	
Johnson	Township	Reg McKinnon	Mayor	POR 1E0	mayormckinnon@johnsontownship.ca	http://www.johnsontwp.ca/
Laird	Township	Shawn Evoy	Mayor	POS 1C0	info@lairdrownship.ca	http://www.lairdtownship.ca/

MacDonald, Meredith & Aberdeen Add'l	Township	Lynn Watson	Mayor	P0S 1C0	lynnwatson@ontera.ca	http://www.echobay.ca
		Lacey Kastikainen	Clerk Administrator		laceyk@ontera.ca	
North Shore	Township	Tony Moor	Mayor	P0R 1A0	mayor@townshipofthenorthshore.ca	http://www.townshipofthenorthshore.ca
			Clerk		municipalclerk@townshipofthenorthshore.ca	
Plummer Additional	Township	Beth West	Mayor	P0R 1C0	bethwest@plummertownship.ca	http://www.plummertownship.ca/
		Lars Moffatt	CAO/Clerk-Treasurer		info@plummertownship.ca	
Prince	Township	Enzo Palumbo	Mayor	P6A 6K4	epalumbo@princetwp.ca	http://www.princetwp.ca
		Steve Hemsworth	CAO/Clerk		adminassist@princetwp.ca	
Sault Ste. Marie	City	Matthew Shoemaker	Mayor	P6A 5Y5	mayor.shoemaker@cityssm.on.ca mayorsoffice@cityssm.on.ca	http://www.cityssm.on.ca
		Malcolm White	CAO		cao.white@cityssm.on.ca	
Spanish	Town	Karen Von Pickartz	Mayor	P0P 2A0	karenonpickartz@townofspanish.com	http://www.town.spanish.on.ca/
			Clerk		info@townofspanish.com	
St. Joseph	Township	Jody Wildman	Mayor	P0R 1J0	j.wildman@sympatico.ca	http://stjosephtownship.com/
			Clerk		clerkadmin@stjosephtownship.com	
Tarbutt & Tarbutt Additional	Township	Lennox Smith	Mayor	P0R 1E0	lenniegsmith1@gmail.com	http://www.tarbutttownship.com/
			Clerk		clerk@tabutt.ca	
Thessalon	Town	Bill Rosenberg	Mayor	P0R 1L0	b.rosenberg@thessalon.ca	http://townthessalon.ca/
		Debbie Rydall	Clerk-Treasurer		debbie@thessaon.ca	
Wawa	Municipality	Melanie Pilon	Mayor	P0S 1K0	www.wawa.cc	http://www.wawa.cc
		Maury O'Neill	CAO/Clerk		moneill@wawa.cc	

White River	Township	Tara Anderson Hart	Mayor	POM 3G0	info@whiteriver.ca	http://www.whiteriver.ca/
		Julie Roy Ward	CAO/Clerk/ Treasurer		cao@whiteriver.ca	



19 Holland Rd W. RR.#1
Kakabeka Falls, ON POT 1W0

www.conmee.com

On December 19th 2023, Council passed the following resolution at its regular meeting:

RESOLUTION 2023-0247

Moved by Councillor Arnold

Seconded by Councillor Halvorsen

WHEREAS duly elected Officials of a Municipality, or a Township are expected to be above reproach and to conduct themselves with integrity, truth, justice, honesty, transparency and courtesy.

AND WHEREAS there are people of dubious character who have a Criminal Record, having been convicted of a Federal Offence of any of the Federal Statutes of Canada, but not limited to the Criminal Code or Narcotic Control Act, who are currently on Council of a Municipality or have let their name stand for election for Mayor, Reeve or Councillor as a municipal candidate.

NOT WITHSTANDING the provisions of the Ontario Human Rights Code

THEREFORE BE IT RESOLVED that the Township of Conmee lobby the Provincial Government to amend The Municipal Act and Municipal Elections Act, as may be, so that people with a criminal record who have not had their record pardoned from the RCMP Data Base by order of the Governor General of Canada, be prohibited from becoming a candidate in municipal elections or holding office in municipal council

AND THAT an elected local government official be disqualified from office upon conviction of a criminal offense and must resign

AND THAT Council of the Township of Conmee direct the Clerk to send a copy of this resolution to the Ontario Premier Doug Ford, Attorney General Doug Downey, Solicitor General Michael Kerzner, Minister of Municipal Affairs Paul Calandra, MPP Kevin Holland, MPP and Leader of the Official Opposition Marit Stiles, MPP and Critic of the Attorney General Kristyn Wong-Tam, MPP and Critic of Solicitor General John Vanthof, MPP and Critic of Municipal Affairs Jeff Burch, Association of Municipalities of Ontario, Rural Ontario



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Municipal Association, Northern Ontario Municipal Association, Thunder Bay District
Municipal League, and all Ontario municipalities

CARRIED



The Honourable Doug Ford
Premier of Ontario
premier@ontario.ca
DELIVERED VIA EMAIL

January 15, 2024

Re: Prohibition of Criminals from Municipal Council

Dear Premier Ford,

Please be advised that at the Regular Council Meeting on January 10th 2024 the Town of Plympton-Wyoming Council supported the resolution from the Township of Conmee regarding the Prohibition of Criminals from Municipal Council.

Motion 15

Moved by Councillor Mike Vasey

Seconded by Councillor Kristen Rodrigues

That Council support item 'j' of correspondence from the Township of Conmee regarding Requiring Pardons for Municipal Councillors with Criminal Records (Prohibition of Criminals from Municipal Council.)

Carried.

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

Sincerely,

Erin Kwarciak

Clerk

Town of Plympton-Wyoming

cc: Attorney General - Doug Downey
Solicitor General - Michael Kerzner
Minister of Municipal Affairs – Paul Calandra
MPP – Kevin Holland
MPP / Leader of the Official Opposition – Marit Stiles
MPP and Critic of the Attorney General – Kristyn Wong-Tam
MPP and Critic of Solicitor General – John Vanthof
MPP and Critic of Municipal Affairs - Jeff Burch
Association of Municipalities of Ontario
Rural Ontario Municipal Association
Northern Ontario Municipal Association
All Ontario Municipalities



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Municipal Association, Northern Ontario Municipal Association, Thunder Bay District
Municipal League, and all Ontario municipalities

CARRIED

January 10, 2024

Hon. Todd McCarthy
Ministry of Public and Business Service Delivery
777 Bay Street, 5th Floor
Toronto ON M5B 2H7

SENT ELECTRONICALLY

Todd.McCarthy@pc.ola.org

Re: Cemetery Transfer/Abandonment Administration & Management Support Request

Please be advised that at its meeting of January 9, 2024, the Council of the Corporation of the Township of Wainfleet passed the following motion:

"THAT the Township of Wainfleet receive C-2023-430 from the Township of Clearwater and C-2023-442 from the Township of Tay regarding cemeteries and that we send a resolution of support for their correspondences to all appropriate parties."

Should you have any questions, please contact me at achrastina@wainfleet.ca or 905-899-3463 ext. 224.

Regards,

A handwritten signature in blue ink that reads "A Chrastina".

Amber Chrastina
Deputy Clerk

Cc: Jim Cassimatis, BAO Interim CEO/Registrar
MPP Niagara West, Sam Oosterhoff
Ontario Municipalities



Staff Report

To: Mayor and Council

From: Sasha Helmkey, Clerk/Director of Legislative Services

Date: December 11, 2023

Subject: Report # LS-032-2023 – Cemetery Transfer/Abandonment
Administration & Management Support

Recommendation

Be It Resolved that Council of the Township of Clearview hereby receives Report LS-032-2023 (Cemetery Transfer/Abandonment Administration & Management Support) dated December 11, 2023; and,

Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

Now Therefore Be It Resolved that Council of the Township of Clearview requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Brian Saunderson and all Ontario municipalities.

Background

Under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed.

Over the last decade there appears to be a trend where cemeteries in Ontario are being transferred, whether through abandonment or a mutually agreed upon transfer, to the care and control of municipalities. This is often seen when there is a breakdown in existing cemetery boards and/or when churches cease operations. For many existing private cemetery boards their board members and volunteers are aging and are unable to assist with the operations and maintenance of the cemetery any longer. Finding new members proves to be difficult for these boards to continue. In addition to aging board members, there are other issues that are contributing to the increase in cemetery transfers:

- high maintenance costs
- inaccuracy of records
- lack of financial and human resources to effectively operate and maintain the cemetery

- increased regulatory processes that require ongoing training for selling of interment rights, and the financial operation of the care and maintenance fund, etc.

Township Owned Cemeteries

The Township of Clearview currently owns and operates nine (9) cemeteries within its geographic boundaries. Out of these nine cemeteries, four (4) are considered active meaning that there are still interment rights to be sold, or burials to take place. Below is a chart outlining these cemeteries and their status:

Cemetery Name	Address	Status
Batteau Hill Cemetery	2670 County Road 124, Duntroon	Inactive
Bethel Union Cemetery	2249 Creemore Avenue, New Lowell	Inactive
Dunedin Union Cemetery	9 Turkeyroost Lane, Dunedin	Active
Duntroon Pioneer Cemetery	2870 County Road 124, Duntroon	Inactive
Lavender Cemetery	827103 Mulmur/Nottawasaga Townline, Creemore	Active
Old Zion Presbyterian Church Cemetery	6130 Highway 26, Sunnidale Corners	Inactive
Second Line Nottawasaga Cemetery	2279 County Road 42, Stayner	Active
Stayner Union Cemetery	7661 Highway 26, Stayner	Active
Zion Presbyterian Church Cemetery	12358 County Road 10, Sunnidale Corners	Inactive

For the Dunedin and Stayner Union Cemetery, the Township looks after the maintenance and burials through a third-party contractor. The maintenance and burials for the Lavender Cemetery are conducted through the Board. For the Second Line Nottawasaga Cemetery all the interment rights have been sold, but there remains one burial to be completed. The cost to maintain an active cemetery is expensive. Although burial costs and the installation of markers, etc. are cost recovery through the purchaser, grounds maintenance is not.

Inactive cemeteries still require consistent grounds maintenance, which includes any monument restoration for health and safety, and record searches for the public register.

Comments and Analysis

When analyzing the number of cemeteries that Clearview Township currently owns and operates, maintenance and administration is a large undertaking. To add any additional cemeteries by way of transfer or abandonment will only compound the issues the Township is already facing. In the past year, the Township has been approached by two separate entities regarding possible cemetery transfers. When a board or cemetery transfers ownership to the municipality, the issues are transferred with it. Municipalities are not immune to the same concerns. It becomes a strain on municipal resources, financially, administratively, and operationally.

Administrative Impact

From an administrative perspective the management of four active cemeteries is both time consuming and complex. No interment is the same, and providing good customer service takes time especially for those making arrangements while also dealing with grief. Administrative tasks include but are not limited to: interment right sales and mapping, burial contracts and scheduling, monument placement, historical record searches, plot and monument staking, fees and charges review, family transfers of interment rights and annual reporting to the Bereavement Authority of Ontario (BAO).

- **Incomplete records**

Often the records accepted by the Township from a dissolved cemetery board or church are incomplete and disorganized. This is no fault of the previous board members, as they are also often operating with limited resources. However, it does make it difficult to manage the cemetery post-transfer when records are sparse. Understanding which plots are occupied and by who is critical to the sound management of a cemetery. Unfortunately, this is not made possible in all cases because of incomplete records. In addition, records received during a transfer usually are maintained under different records management standards and are often organized and named inconsistently. Adaptation to Township records keeping practices takes time.

- **Lack of human resources**

Cemetery management is a highly regulated professional field, with the responsibility of which is often placed on public sector employees who may have limited knowledge of cemeteries in general. With reduced resources within municipalities especially rural ones, the management of cemeteries often becomes a secondary responsibility to another position. There is also a lack of affordable training available for municipal employees who are required to abide by regulations set out by the FBCSA and the BAO.

- Increased regulatory processes

Annual reporting requirements of the BAO can be extensive and complex. This includes monitoring the number of interments, the transfers to the Care and Maintenance Fund (C&M), and how the C&M fund can be used. There are also regulations pertaining to maintaining a public register, how sales are to be conducted and strict guidelines on Cemetery By-law approvals, and expansions including the erection of columbaria structures.

- Inconsistent cemetery regulations

Cemeteries can have many different regulations related to plot size, number of burials allowed in a given plot, monument size, what types of flowers/shrubs are allowed to be installed near a headstone etc. The transfer of different cemeteries having inconsistent regulations can make it difficult to adapt management practices in order to maintain original cemetery operational standards.

Operational Impact

Similarly, from an operational perspective the grounds maintenance of cemeteries, whether active or inactive, is both time consuming and complex. A key issue when analyzing the maintenance component of cemetery management is the lack of financial resources to support the operation. Cemetery maintenance includes, but is not limited to: grass cutting (whipper snipping around monuments), tree and shrub maintenance, monument and corner stone maintenance, water pipe and washroom monitoring, and general upkeep of cemetery grounds (removal of debris, etc.).

- High maintenance costs

As with many services, there are rising costs to contend with. Municipalities have adopted different models to address the maintenance of such, with third party contractors being commonly used or it becomes the responsibility of an internal department such as Parks & Recreation. Regardless the model, the costs have increased significantly over the last decade with equipment purchases/upgrades, insurance requirements for third-party contractors, and the time it takes to cut the grass and whipper snip around monuments. To put it into perspective, the Stayner Union Cemetery with the expansion is 25 acres with monuments to manoeuvre around during ground care. Other considerations for maintenance includes monument restoration and ensuring that they are not deteriorated to the point where they are unsafe. This is important for older cemeteries where restoration hasn't been provided in the past and there are many deteriorating monuments.

- Cost of cemetery management software

Cemetery Management Software can help municipalities manage cemetery records, including plot sale contracts, interment rights certificates, and regulatory reporting.

However, these software solutions are often expensive and require a large amount of staff time to implement especially with incomplete data and records. These software solutions range in price from \$5,000 to \$100,000 with annual maintenance costs. This investment in software can be a large budget request and one that would need to be supported from taxation with the limited funds in cemetery general accounts.

- **Inadequate Care and Maintenance funds**

When the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) was enacted, it stipulated that a care and maintenance fund for a cemetery shall be established. A cemetery operator is required to make contributions to the fund from the sale of in-ground graves, crypts, tombs, niches, scattering rights and monument installation. The contribution is prescribed under the FBCSA and differs dependant on the interment type. The idea is that the fund (income earned from the fund - interest) pays for maintenance costs after a cemetery has stopped making sales. In reality, this concept does not produce enough funds to maintain a cemetery. Looking at the Stayner Union Cemetery as an example, for the very basics (grass cutting and whipper snipping) the interest from the care and maintenance fund does not provide enough monies to maintain the cemetery for the 7 months it's required. In addition, the care and maintenance fund is also to be utilized for the stabilization, maintenance and security of markers. Cemeteries are not self funding, and maintenance of such is becoming a larger budget concern.

Support Request

Cemetery transfers and abandonments have been an ongoing concern for Clearview Township for many years. When you look at the large geography of the Township there are many cemeteries within the boundaries that have the potential to be transferred. To gauge the concern of other municipalities on this issue, staff addressed it at a Simcoe County Clerks group discussion. Many neighbouring municipalities expressed that they were dealing with the same issues and have also been approached by different external entities on possible transfers.

As result of the discussion, it was agreed that to assist with the real concerns with transfers and abandonments of cemeteries, it's vital that the Province provide assistance to adequately support this infrastructure. Support can be provided in many different forms, with staff making the following recommendations for the Ministry of Public and Business Service Delivery and the BAO:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;

- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

There is not one solution to solve all the issues, but at the very least it's important to identify the concerns and have open and real discussions at the provincial level on what support can be provided.

Clearview's Strategic Plan

The above initiative supports the following strategic pillars:

- Governance

Financial Implications

It is difficult to identify an exact dollar amount that can be attributed to a cemetery transfer/abandonment to the municipality. Every transfer is different and depends on a multitude of factors beginning with the cemetery status (active/inactive), acreage, care and maintenance fund (if any), maintenance of records, etc. What is being recommended by staff by way of support from the province is not meant to erase the costs entirely, but rather, to alleviate the financial burden in some capacity.

Report Appendices

Not applicable.

Approvals

Submitted by:	Sasha HelmKay, B.A., Dipl. M.A., AOMC, Clerk/Director of Legislative Services
Reviewed by:	Krista Pascoe, Deputy Clerk
Financial Implications Reviewed by:	Kelly McDonald, Treasurer
Approved by:	John Ferguson, CAO



Clerk's Department
Township of Clearview
Box 200, 217 Gideon Street
Stayner, Ontario L0M 1S0
clerks@clearview.ca | www.clearview.ca
Phone: 705-428-6230

December 12, 2023

File: C00.2023

Hon. Todd McCarthy
Ministry of Public and Business Service Delivery
777 Bay Street, 5th Floor
Toronto ON M5B 2H7

Sent by Email

RE: Cemetery Transfer/Abandonment Administration & Management Support

Please be advised that Council of the Township of Clearview, at its meeting held on December 11, 2023, passed a resolution regarding Cemetery Transfer/Abandonment Administration & Management Support as follows:

Moved by Councillor Walker, Seconded by Councillor Broderick, Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

Now Therefore Be It Resolved that Council of the Township of Clearview requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries; Page 6 of 7
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Brian Saunderson and all Ontario municipalities. Motion Carried.

For reference, please find attached the Staff Report LS-032-2023 that provides background for the above resolution. If you have any questions, please do not hesitate to contact the undersigned.

Regards,



Sasha HelmKay-Playter, B.A., Dipl. M.A., AOMC
Clerk/Director of Legislative Services

cc: Jim Cassimatis, BAO Interim CEO/Registrar
MPP Simcoe Grey, Brian Saunderson
Ontario Municipalities

TAY TOWNSHIP

450 Park Street
PO Box 100
Victoria Harbour, Ontario
L0K 2A0



Received December 21, 2023
C-2023-442

December 21, 2023

Hon. Todd McCarthy
Minister of Public and Business Service Delivery
5th Floor
777 Bay St.
Toronto, ON M7A 2J3

sent via email Todd.McCarthy@pc.ola.org

Dear Hon. Todd McCarthy,

Re: Provincial Cemetery Management Support Request – Tay Township

Tay Township Council passed the following resolution during the December 20, 2023 Council Meeting regarding the Provincial Cemetery Management Support Request:

Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

TAY TOWNSHIP

450 Park Street
PO Box 100
Victoria Harbour, Ontario
L0K 2A0



And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

Now Therefore Be It Resolved that Council of the Township of Tay requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amending the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost;

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Jill Dunlop and all Ontario municipalities.

Sent on behalf of Tay Township Council.

Yours truly,

A handwritten signature in black ink, appearing to read "Katelyn Johns".

Katelyn Johns, MPPA
Municipal Clerk

Cc: Jim Cassimatis, BAO Interim CEO/Registrar, Hon. Jill Dunlop, Minister of Colleges and Universities/MPP, and all Ontario municipalities.



The Township of Alnwick/Haldimand

COUNCIL RESOLUTION

Council Meeting Date: January 9, 2024
Council Resolution Number:
Agenda Item Number: 11.4
Agenda Item Title: Provincial Cemetery Management Support Request
Mover: MC. O'Neill
Seconders: M. Answorth

"Whereas the Council of the Township of Alnwick/Haldimand considered the Resolution from Tay Township, regarding a request for Provincial Cemetery Management Support;

Be it resolved that Council hereby provides its support; and

Further be it resolved that Council direct the Deputy Clerk to send a copy of this Resolution to: MPP David Piccini - Minister of Labour, Immigration, Training and Skills Development, and the Ministry of Public and Business Services Delivery, and the Bereavement Authority of Ontario, and all Ontario municipalities."

☒ Carried

☐ Defeated

☐ Deferred

☐ Recorded Vote

A handwritten signature in black ink, appearing to read "John Logel", written over a horizontal line.

Mayor, John Logel

TAY TOWNSHIP

450 Park Street
PO Box 100
Victoria Harbour, Ontario
L0K 2A0



December 21, 2023

Hon. Todd McCarthy
Minister of Public and Business Service Delivery
5th Floor
777 Bay St.
Toronto, ON M7A 2J3

sent via email Todd.McCarthy@pc.ola.org

Dear Hon. Todd McCarthy,

Re: Provincial Cemetery Management Support Request – Tay Township

Tay Township Council passed the following resolution during the December 20, 2023 Council Meeting regarding the Provincial Cemetery Management Support Request:

Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

TAY TOWNSHIP

450 Park Street
PO Box 100
Victoria Harbour, Ontario
L0K 2A0



And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

Now Therefore Be It Resolved that Council of the Township of Tay requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amending the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost;

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Jill Dunlop and all Ontario municipalities.

Sent on behalf of Tay Township Council.

Yours truly,

Katelyn Johns, MPPA
Municipal Clerk

Cc: Jim Cassimatis, BAO Interim CEO/Registrar, Hon. Jill Dunlop, Minister of Colleges and Universities/MPP, and all Ontario municipalities.



The Honourable Todd McCarthy
Ministry of Public and Business Service Delivery
777 Bay Street, 5th Floor
Toronto, ON M5B 2H7
DELIVERED VIA EMAIL

January 15th 2024

Re: Cemetery Transfer/Abandonment Administration & Management Support

Dear Minister McCarthy,

Please be advised that at the Regular Council Meeting on January 10th 2024, the Town of Plympton-Wyoming Council passed the following motion, supporting the resolution from Clearview Township regarding Cemetery Transfer/Abandonment Administration & Management Support.

Motion 13

Moved by Councillor Bob Woolvett

Seconded by Councillor John van Klaveren

That Council support item 'k' of correspondence from Clearview Township regarding Cemetery Transfer/Abandonment Administration & Management Support.

Carried.

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

Sincerely,

Erin Kwarciak
Clerk
Town of Plympton-Wyoming

cc: Jim Cassimatis, BAO Interim CAO / Registrar
Bob Bailey, MPP – Sarnia-Lambton
All Ontario Municipalities



Clerk's Department
Township of Clearview
Box 200, 217 Gideon Street
Stayner, Ontario L0M 1S0
clerks@clearview.ca | www.clearview.ca
Phone: 705-428-6230

December 12, 2023

File: C00.2023

Hon. Todd McCarthy
Ministry of Public and Business Service Delivery
777 Bay Street, 5th Floor
Toronto ON M5B 2H7

Sent by Email

RE: Cemetery Transfer/Abandonment Administration & Management Support

Please be advised that Council of the Township of Clearview, at its meeting held on December 11, 2023, passed a resolution regarding Cemetery Transfer/Abandonment Administration & Management Support as follows:

Moved by Councillor Walker, Seconded by Councillor Broderick, Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

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And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

Now Therefore Be It Resolved that Council of the Township of Clearview requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries; Page 6 of 7
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Brian Saunderson and all Ontario municipalities. Motion Carried.

For reference, please find attached the Staff Report LS-032-2023 that provides background for the above resolution. If you have any questions, please do not hesitate to contact the undersigned.

Regards,



Sasha HelmKay-Playter, B.A., Dipl. M.A., AOMC
Clerk/Director of Legislative Services

cc: Jim Cassimatis, BAO Interim CEO/Registrar
MPP Simcoe Grey, Brian Saunderson
Ontario Municipalities



The Honourable Doug Ford
Premier of Ontario
premier@ontario.ca
DELIVERED VIA EMAIL

January 15th 2024

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of 'Employer'

Dear Premier Ford,

Please be advised that at the Regular Council Meeting on January 10th 2024, the Town of Plympton-Wyoming Council passed the following motion, supporting the resolution from the City of Greater Sudbury re. Amendment to the Occupational Health & Safety Act to Clarify the Definition of 'Employer'.

Motion 14

Moved by Councillor Bob Woolvett

Seconded by Councillor Kristen Rodrigues

That Council support item 'L' of correspondence from the City of Greater Sudbury re. Amendment to the Occupational Health & Safety Act to Clarify the Definition of 'Employer'.

Carried.

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

Sincerely,

Erin Kwarciak
Clerk
Town of Plympton-Wyoming

cc: Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development
Honourable Paul Calandra, Minister of Municipal Affairs and Housing
Bob Bailey, MPP – Sarnia-Lambton
Association of Municipal Affairs and Housing
Ontario's Big City Mayors
Mayors and Regional Chairs of Ontario
Council of Ontario Construction Associations
Ontario Chamber of Commerce
All Ontario Municipalities

December 12, 2023

Sent Via Email

Municipalities of Ontario

Re: Amendment to the Occupational Health and Safety Act to Clarify the Definition of "Employer"

PO BOX 5000 STN A
200 BRADY STREET
SUDBURY ON P3A 5P3

The following resolution was passed by Council of the City of Greater Sudbury on December 5, 2023:

CP 5000 SUCCA
200, RUE BRADY
SUDBURY ON P3A 5P3

CC2023-303: WHEREAS in 2015 the City of Greater Sudbury (the "City") entered into a contract with a contractor experienced in road construction projects to complete a project on Elgin Street in the City's downtown core;

AND WHEREAS the contract provided that the contractor would be the constructor for the project as that term is defined in the Occupational Health and Safety Act (the "Act");

AND WHEREAS an employee of the constructor operating a grader on the project struck and killed a pedestrian;

AND WHEREAS the City was charged with offences under the Act as the constructor and the employer;

AND WHEREAS after being acquitted at trial and on appeal, the Ontario Court of Appeal, in a decision issued on April 23, 2021, found the City to be liable for contraventions of the Construction Regulations as an employer as it employed quality control inspectors to monitor the quality of work on the project from time-to-time;

AND WHEREAS the Supreme Court of Canada, in a decision issued on November 10, 2023, was evenly divided 4-4 on the issue resulting in dismissal of the City's appeal;

AND WHEREAS the consequence of this decision is that municipalities in Ontario, as well as all other owners of property in the province, who wish to undertake construction, are subject to being charged and convicted as an employer for offences in relation to project sites for which they have no control and have, in accordance with the Act, contracted with an entity to assume plenary oversight and authority over the work on such site as the constructor; AND WHEREAS the potential of an owner being charged as an employer as that term is defined in the Act in circumstances where it has engaged a constructor disregards and renders meaningless the owner-constructor provisions contained in the Act and presents an unacceptable level of increased risk and confusion for owners and contractors throughout the province;

705.671.2489

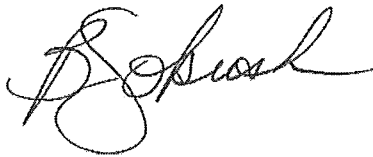
www.greatersudbury.ca
www.grandsudbury.ca

AND WHEREAS the City believes that the safety of workers is paramount however the safety of workers on construction projects in Ontario is not increased by placing liability on parties that do not have control of and are not responsible for the conduct of the work on such sites;

NOW THEREFORE BE IT RESOLVED THAT the Council for the City of Greater Sudbury requests that the province amend the Occupational Health and Safety Act to clarify the definition of "employer" to exclude owners that have contracted with a constructor for a project;

AND BE IT FURTHER RESOLVED THAT this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable David Piccini, Minister of Labour, Immigration, Training and Skills Development, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, France Gelin, MPP for Nickel Belt, Jamie West, MPP for Sudbury, the Association of Municipalities of Ontario, the Federation of Northern Ontario Municipalities, Ontario's Big City Mayors, Mayors and Regional Chairs of Ontario, Northern Ontario Large Urban Mayors, the Council of Ontario Construction Associations, the Ontario Chamber of Commerce and all Ontario municipalities.

Yours truly,

A handwritten signature in black ink, appearing to read 'Brigitte Sobush', with a stylized, flowing script.

Brigitte Sobush
Manager of Clerk's Services/Deputy City Clerk

- c. Members of City Council
Eric Labelle, City Solicitor and Clerk



Sent via email: premier@ontario.ca
minister.mto@ontario.ca

January 15, 2024

Hon. Doug Ford
Premier of Ontario

Hon. Prabmeet Sarkaria
Minister of Transportation

Dear Premier Ford and Minister Sarkaria:

On January 9th, 2024, Council for the Town of Mono passed the following resolution declaring a **Road Safety Emergency**, calling on the province to take action to address traffic safety through measures including public education, increased Highway Traffic Act fines and expanded use of Automated Speed Enforcement.

Resolution #4-I-2024

Moved by Elaine Capes, Seconded by Melinda Davie

WHEREAS road safety is of continuing and increasing concern to Ontarians;

AND WHEREAS, the number of traffic collisions, injuries and fatalities are at unacceptable levels[i];

AND WHEREAS, recent statistics and media reports show increasing fatalities and police roadway activities[ii];

AND WHEREAS, speeding is a leading contributing factor in many accidents including fatalities[iii];

AND WHEREAS, fines for basic speeding have not increased for three decades or more thus losing at least 50% of their deterrent value through inflation;

AND WHEREAS, over 60% of all other Highway Traffic Act (HTA) Set Fines remain at \$85, an amount also suggesting no increase in decades[iv];

AND WHEREAS, municipalities are frustrated in their attempt to roll out Automated Speed Enforcement (ASE) with current rules that restrict it to less than 80 km/h speed zones and make it contingent upon declaring Community Safety Zones where not warrant except to use ASE;

AND WHEREAS, Administrative Monetary Penalties (AMPs) are the logical and efficient means of dealing with offences including parking violations, red light camera infractions and ASE charges, the Regulations involving its use are mired in red tape leading to unnecessary complexity and cost.

BE IT RESOLVED that we call on other municipalities and the Province of Ontario to recognize a Road Safety Emergency and take the following actions;

1. Launch a province wide road safety educational program to be funded from a portion of monies currently spent by the Ontario Lottery and Gaming Corporation (OLG) to advertise games of chance and lotteries in Ontario.
2. Review and increase all HTA fines and penalties to reflect a deterrent amount and consequence that sends a message that driving is a privilege subject to conditions.
3. Permit municipalities to deploy ASE in 80 km/h zones or less without having to declare Community Safety Zones and without onerous conditions.
4. Establish a Working Group with municipalities to identify and recommend elimination of regulatory red tape associated with the use of ASE and AMPs.
5. Develop mechanisms that ensure POA fines and penalties do not lose their deterrent effect over time.
6. Work with municipalities to create better means of collecting outstanding POA fines and Victim Surcharge monies estimated to exceed \$1 billion as far back as 2011 ^[v].

"Carried"

^[i] The Preliminary 2022 Ontario Road Safety Annual Report indicates a total of 25,165 fatal and personal injury collisions and of that, some 530 fatal collisions (3.9 persons per 100,000 in Ontario).

^[ii] https://www.caledonenterprise.com/news/map-fatal-collisions-nearly-doubled-in-caledon-in-2023/article_3131acaf-acae-5b21-bee4-a67a33600c33.html. Since publication of this article, the number of Caledon fatalities has increased to nearly 20 last year. The Town of Mono has experienced an explosion of traffic stop occurrences, up over 300% since 2019.

^[iii] Speeding convictions account for over 50% of all HTA convictions - see <https://www.ontariocourts.ca/ocj/statistics/>.

^[iv] <https://www.ontariocourts.ca/ocj/provincial-offences/set-fines/set-fines-i/schedule-43/>.

^[v] <http://oapssb.ca/wp-content/uploads/2021/05/OAPSB-POA-WHITE-PAPER-FINAL-1-Nov-2011.pdf>. This report, prepared by the Ontario Association of Police Services Boards,

suggests a number of effective mechanisms to collect unpaid fines including garnishment of Federal income tax refunds and other payments as is currently done in other provinces.

Respectfully,

Fred Simpson

Digitally signed by Fred Simpson
Location: Town of Mono
Date: 2024-01-15 13:56-05:00

Fred Simpson, Clerk

Copy: Minister of Finance
Honourable Sylvia Jones, Dufferin-Caledon MPP
Association of Municipalities of Ontario
All Ontario municipalities



MISSISSAUGA

RESOLUTION 0001-2024
adopted by the Council of
The Corporation of the City of Mississauga
at its meeting on January 17, 2024

0001-2024

Moved by: D. Damerla

Seconded by: M. Reid

WHEREAS the administration of residential tenancies in Ontario is generally the prerogative of the Provincial Government;

AND WHEREAS Mississauga has over 71,000 tenant households and 27% of its population are tenants;

AND WHEREAS the Landlord and Tenant Board (LTB) is an adjudicative tribunal created by the Provincial Government to resolve disputes between landlords and tenants through mediation or adjudication, resolve eviction applications from co-ops, and provide information to landlords and tenants about their rights and responsibilities;

AND WHEREAS the LTB offered in-person services at its regional location at 3 Robert Speck Parkway in Mississauga, offering daily on-site mediation, tenant duty counsel services, counter staff services for Mississauga residents, and hearings were scheduled for addresses located in Mississauga and Brampton five days per week;

AND WHEREAS the LTB moved to a remote service model in September 2020 and two months later decided to permanently remove all in-person services post pandemic;

AND WHEREAS this decision has created a digital divide for people living in rural and remote areas, people living with poverty who do not have sufficient broadband or devices to participate, people who do not speak French or English, survivors of intimate partner violence where home is not a safe space to conduct a hearing, and individuals with disability, literacy, or numeracy challenges, with the Advocacy Centre of Tenants Ontario finding in 2021 that 55.6% of tenants participated by phone compared to only 26% of landlords;

AND WHEREAS the LTB in 2018 allowed the terms of experienced adjudicators to elapse which created an adjudicator shortage creating delays that drew the Ombudsman of Ontario to investigate the Board such that in January 2020, landlords were waiting 7 weeks and tenants 8 weeks for their hearings;

AND WHEREAS the backlog was 22,803 cases when the investigation was announced in January 2020, the removal of in-person services and other operational decisions increased the backlog to 53,057 cases by March 2023. Some of those operational decisions included;

1) Removing regional scheduling and having disputes from across the province heard at every hearing block which precluded adjudicators from understanding the local

housing conditions and becoming familiar with the parties in order to issue just decisions;

- 2) Toronto and Ottawa matters are heard most often at the LTB with Mississauga applications given less priority, and homelessness prevention programs could no longer efficiently help residents without a hearing block dedicated to them;
- 3) The permanent closure of the regional office in Mississauga and elsewhere has slowed the LTB's ability to address urgent matters, parties cannot easily access documents without overcoming several digital barriers, and residents can not ask questions from knowledgeable and experienced staff to ensure that simple mistakes are caught prior to the day of their hearing;
- 4) Only select virtual hearing blocks are assigned mediators and moderators (virtual concierge helps participants on the day of their hearing to navigate the process) leaving adjudicators by themselves to manage the virtual waiting area, move people to breakout rooms and adjudicate the complex matters before them;
- 5) Where there are multiple applications regarding the same address they are heard in separate hearing blocks and assigned to different adjudicators which is both inefficient and creates a situation where unfair and inconsistent outcomes may arise;
- 6) Hallway conversations that used to resolve a large number of applications before proceeding to adjudication are no longer possible with virtual hearings with most matters proceeding directly for adjudication and increasing the Board's backlog;

AND WHEREAS the Ombudsman released its report in May 2023 and found that

- 1) "A significant number of tenants, in contrast to landlords, do not have access to video technology and must participate in hearings by phone," while the landlord and the adjudicators are in a video hearing room. Some tenants lack access to phones, rendering their participation in virtual hearings impossible without accommodation (Ombudsman's report, para. 198);
- 2) Virtual hearings are "chaotic," with participants struggling and sometimes failing to join their hearing, or "losing audio connection part way through." Adjudicators reported being unable to find and share documents on screen during a hearing. People are inappropriately placed on mute. Tenants cannot review documents when the landlord presents them and cannot share their screen if they have relevant evidence to rebut the landlord's evidence (Ombudsman's report, para. 215-220);
- 3) Delays in issuing Orders. The former Associate Chair admitted, "this is not ideal – let me be clear. We used to do 4 [days to issue orders], now we're at 30. We have a serious problem." (Ombudsman's report, para. 238);
- 4) Landlord applications took an average of 6 to 9 months to be heard but tenant applications about maintenance and tenants' rights issues took up to 2 years with some applications from 2017 yet to be resolved. (Ombudsman's Report, para. 6);
- 5) It was unconscionable to permit tenant applications to lie dormant for up to six years. "The official said the Board generally prioritized scheduling of landlord applications to reduce the backlog, because it could hear more applications in the available time. While tenant applications may be more time intensive, this does not justify shelving them in order to process landlord matters that can be more expeditiously disposed of. The Board should immediately triage the outstanding tenant matters"; (Ombudsman's report, para. 148);

AND WHEREAS the Ombudsman concluded that “[d]espite the dozens of specific recommendations I have already made, addressed at improving efficiencies ... at virtually every stage, I believe that more is required...Over the past few years, the Board has proven itself unequipped for the task of reducing its extraordinary backlog of applications...[the] Board is fundamentally failing in its role of providing swift justice to those seeking resolution of residential landlord and tenant issues.” (para. 306)

AND WHEREAS delivering computers or flip phones to parties and introducing an IT support line this year is insufficient to overcome the digital divide experienced by self-represented tenants when in-person services were taken away from their communities;

AND WHEREAS we have a housing crisis that is evidenced by the following:

- 1) In Canada, more than 235,000 people experience homelessness in any given year, and 25,000 to 35,000 people may be experiencing homelessness on any given night;
- 2) From 2022 to 2023, “Asking Rents” have increased across Ontario by from 10% to 35%, with 31.4% of Ontario’s renters being in core housing need;
- 3) In Mississauga, 39% (compared to 38% in Ontario) of renters spend more than 30% of their household income on rent, 17% (compared to 15% in Ontario) spend more than 50% of their household income on rent;
- 4) There has been an increase in all notices of eviction because of rapidly escalating rental prices, vacancy decontrol, and the impact of financialized housing;
- 5) Hearing delays at the LTB create larger arrears, which results in tenants being ineligible for accessing rent banks and other programs for support. Larger rental arrears also increase operating debts for social housing providers placing their rent-geared-to-income program in jeopardy;
- 6) With the LTB in disarray, and our housing and preventing homelessness supports restricted due to the LTB’s dysfunction, sustainable tenancies are lost. If a tenant is evicted from an affordable unit, that affordable unit is lost forever from the community because of vacancy decontrol;

AND WHEREAS homelessness and the housing crisis is felt most at the level of local government and the residents that they serve;

AND WHEREAS the LTB has failed and continues to fail in its stated role and process which has had an impact on residents across the province and on municipal human services which cannot compensate for the services and gaps created by the tribunal;

AND WHEREAS the Ministries of the Attorney General and of Municipal Affairs and Housing, the Premier of Ontario, and all Members of Provincial Parliament are mandated to provide a fair and efficient landlord and tenant adjudicative process that does not contribute to increased homelessness, but supports all tenants and in particular low-income residents, vulnerable people, and other equity-seeking individuals escape poverty, precarious housing, and systemic disadvantage;

AND WHEREAS in 2019 the Provincial government cut Legal Aid Ontario funding in the amount of \$130 million;

NOW THEREFORE IT BE RESOLVED

- 1) Council send a letter to Mississauga MPPs, the Attorney General, the Minister of Municipal Affairs and Housing, the Premier of Ontario (and all municipalities in Ontario), Tribunals Ontario, and the Landlord and Tenant Board highlighting the impact that the LTB's decision to remove all in-person services has had on Mississauga residents and the current housing crisis;
- 2) Request that the Government of Ontario immediately move forward on all 61 recommendations of the Ombudsman's Report;
- 3) Request that Tribunals Ontario bring back in-person hearings to ensure effective access to justice for all participants, at the same time permitting digital access where both parties are agreeable;
- 4) Request that the LTB bring back regional scheduling to improve access to housing and homelessness supports, to provide better service for people living with poverty who do not have sufficient broadband or devices to participate in virtual hearings, people who do not speak French or English, survivors of intimate partner violence where home is not a safe space to conduct a hearing, and individuals with disability, literacy, or numeracy challenges, and so that Adjudicators will have increased familiarity with the community;
- 5) Request that the LTB reopen counter service at 3 Robert Speck Parkway and all LTB regional offices so that LTB staff can provide parties with documents on the day of the hearing, can provide immediate support to parties for emergency matters, can minimize delays as documents can be reviewed for minor errors when they are filed, and can provide support for applicants and respondents in-person and can refer parties to appropriate resources;
- 6) Request that LTB operations are improved by revising LTB Forms and Notices to ensure they are written in plain language, by mailing correspondence to parties in a timely manner as an alternative to logging on to the portal, by improving website navigation, by reinstating the essential participation of mediators at every LTB session, and by improving back-office processes to ensure relevant documents are included in the LTB Portal promptly;
- 7) Request that the LTB create a Navigator Program to assess remote hearing suitability, to inform tenants of Tenant Duty Counsel and other community supports (such as interpreters and homelessness prevention programs), and to offer mediation services prior to the LTB hearing, and;
- 8) Request that the LTB conduct an annual review of all of its processes to ensure that is providing fair and accessible services, and to publicly post the findings in a transparent manner.
- 9) That the Provincial government re-instate funding to Ontario Legal Aid services in the amount of \$130 million.

Recorded Vote	YES	NO	ABSENT	ABSTAIN
Councillor S. Dasko	X			
Councillor A. Tedjo	X			
Councillor C. Fonseca	X			
Councillor J. Kovac	X			
Councillor C. Parrish	X			
Councillor J. Horneck	X			
Councillor D. Damerla	X			
Councillor M. Mahoney	X			
Councillor M. Reid	X			
Councillor S. McFadden			X	
Councillor B. Butt	X			

Carried (10, 0, 1 Absent)

**Municipality of Tweed Council Meeting
Council Meeting**



Resolution No.

3.

Title:

Councillor J. Flieler

Date:

Tuesday, January 9, 2024

Moved by

J. Flieler

Seconded by

P. Valiquette

WHEREAS the decision to eliminate licence plate renewal fees was made with the intention of easing the financial burden on hardworking Ontario Residents;

AND WHEREAS while the elimination of renewal fees has provided relief to residents, it has simultaneously deprived our Ontario infrastructure of vital funding, exacerbating the pressing issues we face;

AND WHEREAS the burden placed on our four hundred and forty-four Ontario municipalities is escalating, pushing them further into debt as they struggle to address critical infrastructure needs without the necessary financial support;

AND WHEREAS the elimination of these fees has resulted in the removal of over six billion dollars over six years, funds urgently needed for our failing Ontario infrastructure;

AND WHEREAS the burden on all four hundred and forty-four Ontario municipalities is pushing them further into debt;

AND WHEREAS reinstating licence plate renewal stickers (fees) and distributing the collected monies to all Ontario municipalities would significantly benefit the urgently required infrastructure upgrades and replacements;

AND WHEREAS redistributed licence plate renewal sticker fees divided equally among all four hundred and forty-four Municipalities would total \$2,252,252.25 every year for each Municipality;

NOW THEREFORE BE IT RESOLVED THAT we request that the Licence Plate Renewal system be reinstated to allocate these six billion lost infrastructure dollars where they rightfully belong;

AND FURTHER, we propose that all monies collected through the reinstated Licence Plate Renewal system be used in the best interests of all Ontarian's for infrastructure improvements, ensuring long-term prosperity and safety of our communities;

AND FURTHER, we trust that the Provincial Government will carefully consider this proposal and take the necessary steps to address the critical infrastructure needs that our Municipality currently faces.

Carried