



**PRESCOTT TOWN COUNCIL  
AGENDA**

**October 3, 2022**

**6:00 pm**

**Council Chambers**

**360 Dibble St. W.**

**Prescott, Ontario**

***Our Mission:***

***To provide responsible leadership that celebrates our achievements and invests in our future.***

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**Pages**

**1. Call to Order**

*We will begin this meeting of Council by acknowledging that we are meeting on aboriginal land that has been inhabited by Indigenous peoples.*

*In particular, we acknowledge the traditional territory of the Huron-Wendat, Anishinaabeg, Haudenosaunee, Anishinabek, and the Oneida and Haudenosaunee Peoples.*

**2. Approval of Agenda**

**RECOMMENDATION**

That the agenda for the Council meeting of October 3, 2022 be approved as presented.

**3. Declarations of Interest**

**4. Presentations**

**5. Delegations**

**6. Minutes of the previous Council meetings**

**6.1. September 20, 2022**

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**RECOMMENDATION**

That the Council minutes dated September 20, 2022, be accepted as presented.

**7. Communications & Petitions**

**7.1. South Grenville District High School - Student Leadership Conference Sponsorship**

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**8. Consent Reports**

*All matters listed under Consent Reports are to be considered routine and will be enacted by one motion. Should a member wish an alternative action from the proposed recommendation, the member shall request that the item be moved to the applicable section of the agenda.*

**RECOMMENDATION**

That all items listed under the Consent Reports section of the agenda be accepted as presented.

**8.1. Information Package (under separate cover)**

**8.2. Municipality of Brighton Resolution - Changes to Healthcare System**

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**RECOMMENDATION**

That the resolution of support from the Municipality of Brighton be received; and

That Council of the Town of Prescott supports the resolution; and

That this motion be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Sylvia Jones, Minister of Health, Honourable MPP Steve Clark, the Association of Municipalities of Ontario (AMO), and all municipalities in Leeds and Grenville.

**9. Committee Reports**

**10. Mayor**

**11. Outside Boards, Committees and Commissions**

**12. Staff**

- 12.1. **Staff Report 96-2022 - Bill 3 -Strong Mayors, Building Homes Act, 2022** 13
- RECOMMENDATION**  
For information.
- 12.2. **Staff Report 97-2022 - Electronic Monitoring of Employees** 46
- RECOMMENDATION**  
That Council approved the Electronic Monitoring of Employees Policy as presented in Staff Report 97-2022.
- 12.3. **Staff Report 98-2022 - Appointment of Staff Person for the Approval of Site Plan Control Agreements** 53
- RECOMMENDATION**  
That Council direct Staff to prepare and bring forward a By-Law to the Council meeting of October 17, 2022, to appoint the Chief Administrative Officer as the Staff Person with the Approval Authority for Site Plan Control Agreements between the Town of Prescott and developers and authorize the Mayor and Clerk to sign Approved Site Plan Control Agreements.
13. **Resolutions**
- 13.1. **Bill 109, More Homes for Everyone Act, 2022**
- WHEREAS the Town of Prescott is in receipt of the resolution from the Township of Puslinch and the Town of East Gwillimbury, requesting the Government of Ontario to revisit the provisions of Bill 109 and work with all stakeholders, including municipalities represented by the Association of Municipalities of Ontario to deliver legislation that allows municipalities to plan, grow and deliver communities that adhere to local, provincially-approved Official Plans, rather than strict statutory timelines; and*
- WHEREAS the municipality agrees that the setting of timelines for planning applications to be processed and brought forward to the appropriate approval authority for consideration and decision will help to shorten the process to get developments started sooner; and*
- WHEREAS the Town of Prescott aims to have Rezoning and Combined Official Plan Amendment and Rezoning Applications decided on by the appropriate Committee within 45 days and to Council within 60 days; and*
- WHEREAS Site Plan Applications and Plans of Subdivision under the*

*Provincial Policy Statement require a broad list of plans and studies;  
and*

*WHEREAS the plans and studies are peer reviewed by the municipality  
which often requires several versions to be resubmitted before the  
comments, questions, and concerns are resolved; and*

*WHEREAS the municipality has no control over how long an applicant  
takes to resubmit their plans and studies for further review; and*

*WHEREAS the municipality may not always be the review authority for  
some plans and studies that require Provincial or Regional Body  
approval which the municipality has not control over the time it takes for  
review;*

*THEREFORE BE IT RESOLVED THAT the Council of the Town of  
Prescott requests that Government of Ontario revisit the provisions of  
Bill 109 and work with all stakeholders, including municipalities  
represented by the Association of Municipalities of Ontario to deliver  
legislation that does not hold a municipality responsible for delays in the  
planning application review process for actions that are beyond their  
control; and*

*THAT a copy of this Motion be sent to the Honourable Doug Ford,  
Premier of Ontario, Honourable MPP Steve Clark, the Minister of  
Municipal Affairs and Housing, Association of Municipalities of Ontario  
(AMO), and all municipalities in Leeds and Grenville.*

#### **14. By-laws**

##### **14.1. Sale of Surplus Land - Development Drive**

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#### **RECOMMENDATION**

That By-Law 42-2022, being a by-law to authorize the sale of approximately 10 acres of land, located on Development Drive, immediately west of the Ontario Provincial Police Station by the Corporation of the Town of Prescott to 778584 Ontario Limited, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

#### **15. New Business**

#### **16. Notices of Motion**

#### **17. Mayor's Proclamation**

## **17.1. Fire Prevention Week**

*WHEREAS Prescott is committed to ensuring the safety and security of all those living in and visiting Prescott; and*

*WHEREAS Fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and*

*WHEREAS Smoke alarms detect smoke well before you can, alerting you to danger in the event of fire in which you may have just seconds to escape safely. Working smoke alarms save lives by providing early warning of fire so you and your family can safely escape; and*

*WHEREAS Prescott residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond. Residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and*

*WHEREAS Prescott residents will make sure their smoke and carbon monoxide alarms meet the needs of all their family members, including those with sensory or physical disabilities; and*

*WHEREAS Prescott Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through prevention and public fire safety education; and*

*WHEREAS Prescott's residents are responsive to public education measures and can take personal steps to increase their safety from fire, especially in their homes; and*

*WHEREAS This year is the 100<sup>th</sup> Anniversary of Fire Prevention Week and the 2022 Fire Prevention theme for this period is, "Fire Won't Wait. Plan Your Escape."*

*THEREFORE, the Council of the Corporation of the Town of Prescott does hereby designate October 9 - 15, 2022, as Fire Prevention Week and encourages the residents of Prescott to protect their homes and families by heeding the message that "Fire Won't Wait. Plan Your Escape", and to support the many public safety activities and efforts of the Prescott Fire Department.*

*Dated this 3<sup>rd</sup> day of October, 2022.*

## **17.2. Ontario Public Library Week**

*WHEREAS Canada's libraries are partners in fostering lifelong learning, they play a vital role in helping Canadians of all ages access the*

*information and tools that they need to live, learn and work; and*

*WHEREAS Canada's libraries help Canadians develop the skills required to find and evaluate information in order to adapt and succeed in a knowledge-based economy; and*

*WHEREAS Canadian libraries bolster economic prosperity by providing access to essential decision-making information for organizations and businesses; and*

*WHEREAS libraries in Canada enhance the quality of life for all Canadians, and help ensure that Canadian culture continues to flourish and thrive;*

*THEREFORE, the Council of the Corporation of the Town of Prescott does hereby designate October 16-22, 2022, as Ontario Public Library Week and encourages the residents of Prescott to use the Prescott Public Library during Ontario Public Library Week under the theme "One Card, One Million Possibilities".*

*Dated this 3<sup>rd</sup> day of October, 2022.*

**18. Period for Media Questions**

**19. Closed Session**

**RECOMMENDATION**

That Council move into Closed Session at \_\_\_\_\_ p.m. to discuss matters pertaining to:

19.1 Approval of Closed Session Minutes (September 6, 2022)

19.2 Board Appointments

- Under Section 239(2)(b) of the *Municipal Act* - personal matters about an identifiable individual, including municipal or local board employees; and

That the CAO/Treasurer, Clerk, and Deputy Clerk remain in the room.

**20. Rise and Report**

**21. Confirming By-Law – 43-2022**

**RECOMMENDATION**

That By-Law 43-2022, being a by-law to confirm the proceedings of the Council meeting held on Monday October 3, 2022, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

**22. Adjournment**

**RECOMMENDATION**

That the meeting be adjourned to Monday, October 17, 2022. (Time:   p.m.)



## **PRESCOTT TOWN COUNCIL**

### **MINUTES**

**Tuesday, September 20, 2022**

**6:00 p.m.**

**Council Chambers**

**360 Dibble St. W.**

**Prescott, Ontario**

Present	Mayor Brett Todd, Councillor Leanne Burton, Councillor Lee McConnell, Councillor Mike Ostrander, Councillor Gauri Shankar, Councillor Ray Young
Staff	Matthew Armstrong, CAO/Treasurer, Lindsey Veltkamp, Director of Administration/Clerk, Shawn Merriman, Manager of Building and Bylaw Services, Kaitlin Mallory, Deputy Clerk, Samantha Joudoin-Miller, Manager of Community Services

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#### **1. Call to Order**

Mayor Todd began the meeting by acknowledging that we are meeting on aboriginal land that has been inhabited by Indigenous peoples.

In particular, we acknowledge the traditional territory of the Huron-Wendat, Anishinaabeg, Haudenosaunee, Anishinabek, and the Oneida and Haudenosaunee Peoples.

He then called the meeting to order at 6:05 p.m.

**2. Approval of Agenda**

Motion 205-2022

Moved By Burton

Seconded By McConnell

That the agenda for the Council meeting of Tuesday, September 20, 2022, be approved as amended.

Carried

The agenda was amended by moving Item 12.4 - Staff Report 95-2022 - Bill 109 Resolution for Consideration to follow 17.2 - National Day of Truth and Reconciliation - September 30, 2022.

**3. Declarations of Interest**

Mayor Todd declared a Conflict of Interest on Item 18 - Staff Report 95-2022 - Bill 109 Resolution for Consideration.

**4. Presentations**

There were no presentations.

**5. Delegations**

There were no delegations.

**6. Minutes of the previous Council meetings**

**6.1 September 6, 2022**

Motion 206-2022

Moved By McConnell

Seconded By Young

That the Council minutes dated September 6, 2022, be accepted as amended.

Carried

**7. Communications & Petitions**

There were no items under communications & petitions.

**8. Consent Reports**

Motion 207-2022

Moved By Young

Seconded By Ostrander

That all items listed under the Consent Reports section of the agenda be accepted as presented.

Carried

Councillor McConnell spoke to Item 8.1 - Changes to Health Care and requested that a motion be brought back for consideration to the Council meeting of October 3, 2022.

Councillor Young commented on the River Route Transit and its service continuing until the end of March 2023.

**8.1 Information Package (under separate cover)**

**8.2 Staff Report 90-2022 - River Route Transit Service Partnership Agreement - Final**

Recommended Motion:

That Council direct the Mayor and Clerk of the Corporation of the Town of Prescott to sign the River Route Partnership Agreement.

### **8.3 Staff Report 91-2022 - Water & Wastewater Operations By-Law**

Recommended Motion:

That Council provide feedback to Staff on the draft Water and Sewer Operations By-Law as attached in Staff Report 91-2022 law by October 7, 2022; and

That Staff be directed to present the by-law for further review and discussion at the Council meeting of October 17, 2022.

## **9. Committee Reports**

There were no committee reports.

## **10. Mayor**

Mayor Todd spoke to his attendance at the Terry Fox run held on September 18, and thanked organizers Art Hitsman and Marty Shaw. He referenced the passing of her Majesty Queen Elizabeth II, and the 96-gun salute that took place on September 19. Mayor Todd also spoke to his attendance at the Warden's Banquet held on September 17, the current Warden Roger Haley, and updated Council on the transition at the Prescott Public Library.

## **11. Outside Boards, Committees and Commissions**

Councillor Burton spoke to her attendance at the International Plowing Match and referenced this year's Smile Cookie campaign with proceeds going to the recreation centre.

Councillor McConnell spoke to his attendance at the Community Grants Working Group meeting held on September 13, the Property Guys 15th anniversary celebration held on September 14, a Prescott Public Library Board meeting held

on September 14, and a Walker House Board meeting. Councillor McConnell referenced an upcoming bus trip to the International Plow Match and his scheduled attendance at the International Plowing Match on September 22.

Councillor Ostrander spoke to his attendance at the Queen's Memorial event, the Legion lunch that followed the event, and upcoming attendance at the International Plowing Match on September 22. Councillor Ostrander provided Council with an update on the Ukranian family.

Councillor Shankar spoke to his attendance at the Legion Lunch last week, Dr. Holmes semi-retirement celebration, and his upcoming attendance at the International Plowing Match on September 22.

Mayor Todd spoke to the Legion Awards scheduled to be held September 20, which conflicted with the Council meeting and stated he had provided regrets on behalf of Council.

Councillor McConnell made reference to one of the guns used in the 96-gun salute being the same gun that was used when Her Majesty Queen Elizabeth II visited Prescott in 1984.

## **12. Staff**

### **12.1 Staff Report 92-2022 - Municipal Alcohol Policy for Events**

Motion 208-2022

Moved By Ostrander

Seconded By Burton

That Council receive the draft Municipal Alcohol Policy attached to Staff Report 92-2022 and provide feedback by October 3, 2022; and

That the final Municipal Alcohol Policy be brought back to Council for final consideration and approval.

Carried

Samantha Joudoin-Miller, Manager of Community Services, spoke to the report. She provided background on the policy, its development, the eligible areas, and facilities for alcohol approved events, proposed safety plans and implementation.

Discussion was held regarding the areas of responsibility, tiered seating requirement for public or private events, and clarification of Town run and Town sponsored events.

Further discussion was held regarding including all eligible areas for private, public, and Town run events, possible eligible areas for licensing in the new recreation facility and ensuring clarity of the expectations transitioning from the old facility to the new facility.

## **12.2 Staff Report 93-2022 - 2022 Community Grant Recommendations - Intake # 2**

Motion 209-2022

Moved By Young

Seconded By McConnell

That Council approve the 2022 Community Grant Allocation Recommendations for Intake #2, totaling \$13,750 as outlined in Staff Report 93-2022.

Carried

Matthew Armstrong, CAO/Treasurer, spoke to the report. He spoke to the Community Grant Intake #1, the applications received in Intake #2, the meeting of the Community Grants Working Group, and the requests received.

Discussion was held regarding the review of the requests, the potential to be under budget with grants, and the applicants that decided not submit applications this intake.

Further discussion was held regarding Connect Youth and the YMCA, the bus programming, and where the left-over funds would be allocated if no further applications were received.

## **12.3 Staff Report 94-2022 - Update on By-law Services Specific to AMPS, VBR, and Property Standards**

Shawn Merriman, Manager of Building & Bylaw, spoke to the report. He referenced the by-law changes that took effect in January, the creation of policy and processes, and creation of a FAQ section on the website. He

spoke to the number of inspections, future letters to be sent requiring inspections, and anticipated date for compliance.

Mr. Merriman spoke to Administrative Monetary Penalty System, the updated ticket books, and referenced how the CGIS system has benefited the building department.

Mr. Merriman spoke to the Property Standards By-law, addressing habitual issues, the expected implications, and whether Council would prefer the department remain passive or be more active.

Discussion was held regarding a notice letter that was distributed to property owners regarding vacant buildings, the comments received from property owners, the purpose behind the by-law, and the penalties approved in the by-law.

Further discussion was held regarding concerns with the penalties expressed early in deliberation, similar fines between industrial and residential vacant buildings, and the potential to raise the fine for industrial or lower residential.

Mr. Merriman spoke to the attempt to keep revenue neutral and purpose to recuperate the cost rather than treat the fines as a penalty.

Discussion was held regarding the CIP program, ongoing conversations with property owners, and property inspections with the Fire Department.

### **13. Resolutions**

There were no resolutions.

### **14. By-laws**

#### **14.1 Joint Audit Committee**

Motion 210-2022

Moved By Burton

Seconded By Ostrander

That By-Law 40-2022, being a by-law to appoint members to an Election Compliance Audit Committee for the Town of Prescott for the Council term dated November 15, 2022 to November 14, 2026, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

Carried

**15. New Business**

There was no new business.

**16. Notices of Motion**

There were no notices of motion.

**17. Mayor's Proclamation**

**17.1 World Alzheimer's Day - September 21, 2022**

Mayor Todd declared September 21, 2022 as World Alzheimer's Day in the Town of Prescott.

**17.2 National Day of Truth and Reconciliation - September 30, 2022**

Mayor Todd proclaimed September 30th, 2022 as National Day of Truth and Reconciliation in the Town of Prescott.

**18. Staff Report 95-2022 - Bill 109 Resolution for Consideration**

Motion 211-2022

Moved By Shankar

Seconded By Burton

That Council direct Staff to bring the resolution concerning Bill 109 as outlined in Staff Report 95-2022 for consideration to the Council meeting of October 3, 2022.

Carried

Matthew Armstrong, CAO/Treasurer, spoke to the report. He provided background on Bill 109, referenced the timelines, and potential delays that were beyond the control of the municipality.

Discussion was held regarding potential hold ups from external agencies, and clarity around when the timelines should begin.

Further discussion was held regarding the fees associated and the ability of staff to meet the current timelines.

**19. Period for Media Questions**

There were no questions from the media.

**20. Closed Session**

There was no closed session.

**21. Rise and Report**

There was no rise and report.

Council Recessed at 7:18 p.m.

Mayor Todd vacated his seat at 7:18 p.m.

Council Resumed at 7:23 p.m.

Deputy Mayor Young assumed the chair at 7:23 p.m.

**22. Confirming By-Law – 41-2022**

Motion 212-2022

Moved By McConnell

Seconded By Ostrander

That By-Law 41-2022, being a by-law to confirm the proceedings of the Council meeting held on September 20, 2022, be read and passed, signed by the Mayor and Clerk, and sealed by the seal of the Corporation.

Carried

**23. Adjournment**

Motion 213-2022

Moved By Shankar

Seconded By Burton

That the meeting be adjourned to Monday, October 3, 2022. (Time: 7:25 p.m.)

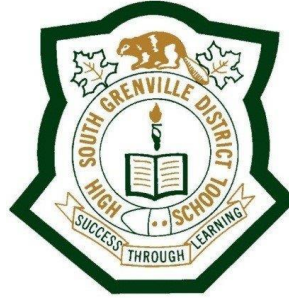
Carried

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Mayor

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Clerk



September 26, 2022

Dear Sir/Madam,

The Ontario Student Leadership Conference is a three-day conference where students and teachers take part in leadership workshops, inspirational talks and bonding exercises that will ignite the leadership passion which in turn they bring back to schools and communities. It is an opportunity to connect with other likeminded leaders and instill the skills necessary to lead a school, a community and in the future, the workplace.

South Grenville DHS has been attending this conference for the last 10 years and this year we are happy to have 9 student leaders, ranging from Grades nine to twelve, ready to experience all that the conference has to offer. Our leaders are an energetic, fun group who love creating an atmosphere at the school that promotes learning, caring, sharing, and excellence. They are eager to return from the conference refreshed and full of ideas for our upcoming year.

The conference this year is from November 6-8<sup>th</sup>, 2022 and we will be taking a bus from SGDHS to the conference. The cost of the bus is approximately \$5000.00, so we are asking for assistance to help our students who are fundraising to help with the cost of the conference/hotel which will be approximately \$550.00 each.

Our students are willing to present their experiences with their sponsors as a thank you as well as evidence that this experience is authentic and meaningful to each and every one of them and they will continue to use their skills wherever they go.

Thank you in advance for your time and we look forward to hearing from you.

Sincerely,

Mrs. Christine Sloan (Teacher/Advisor) & Student leaders of OSLC 2022

Please find below a resolution that was passed September 6, 2022 by Council of the Municipality of Brighton looking for support regarding changes to be made to the Healthcare Connect System for Members of the Canadian Armed Forces.

Resolution No. COU-2022-329

Moved by Councillor Mark Bateman

Seconded by Mayor Brian Ostrander

Whereas Brighton is a community with a significant military population;  
And whereas military personnel are from time to time released from their duties for medical reasons;  
And whereas military personnel are attached to healthcare through the Canadian Armed Forces which ceases after the date of military release;  
And whereas released military personnel are unable to register with Healthcare Connect until after their release date, providing a healthcare gap;  
And whereas the notice for release dates are well in advance of the actual date of release from the Canadian Armed Forces;  
Now therefore be it resolved that the Municipality of Brighton endorse that the Ontario Government change the access rules to Healthcare Connect to permit the registration of military personnel into the Healthcare Connect system once those Canadian Forces Members are provided with a release date;  
And further that this motion is circulated to the Premier of Ontario, the Minister of Health, MPP David Piccini, and all municipalities across Ontario and the Association of the Municipalities of Ontario (AMO) for endorsement.  
Carried

Kind Regards,

Candice Doiron  
Municipal Clerk

Municipality of Brighton  
35 Alice Street  
PO Box 189  
Brighton, ON K0K 1H0  
[cdoiron@brighton.ca](mailto:cdoiron@brighton.ca)

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Oct. 3' 22
Strategic Plan		

## REPORT TO COUNCIL

**Date:** October 3, 2022

**Report No. 96-2022**

**From:** Matthew Armstrong, Chief Administrative Officer & Treasurer

**RE:** Bill 3 – Strong Mayors, Building Homes Act, 2022

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### **Recommendation:**

For information.

### **Background/Analysis:**

On August 10, 2022, the Ontario Government introduced Bill 3, Strong Mayors, Building Homes Act. The Bill was passed on September 8, 2022, and will come into effect on November 15, 2022, the first day of office for new Council.

While the legislation is initially aimed at giving the mayors of Toronto and Ottawa the “ability to move priority projects forward and get more homes built faster”, it contains a provision that will allow it to be applied to any municipality by regulation.

At the Council meeting of September 6, it was requested that additional information be brought back to Council on Bill 3, Strong Mayors, Building Homes Act for further consideration.

The following summary was included in the press release announcing the new legislation.

- hiring the Chief Administrative Officer and municipal department heads, and create and re-organize departments
- appointing chairs/vice-chairs for identified committees and local boards, and establish new identified committees
- bringing matters for council consideration related to provincial priorities (Mayoral power to veto by-laws approved by council and bring items for council consideration would only apply for matters relating to provincial priorities which will be set out in regulations)
- vetoing bylaws approved by council if they relate to matters of provincial priority

		Date Req'd
Information Purposes		
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- proposing the municipal budget

## **New Sections of the Municipal Act**

### **PART VI.1 SPECIAL POWERS AND DUTIES OF THE HEAD OF COUNCIL**

#### **Application**

**284.2** The Minister may, by regulation, designate municipalities to which this Part applies. 2022, c. 18, Sched. 2, s. 1.

#### **Section Amendments with date in force (d/m/y)**

##### **Directions to municipal employees**

**284.3** For the purposes of exercising powers or performing duties under this Part, the head of council may, in writing, exercise the powers of the municipality to direct municipal employees to,

(a) undertake research and provide advice to the head of council and the municipality on policies and programs of the municipality or of the head of council as they relate to the powers and duties under this Part; and

(b) carry out duties related to the exercise of the power or performance of the duty, including implementing any decisions made by the head of council under this Part. 2022, c. 18, Sched. 2, s. 1.

#### **Section Amendments with date in force (d/m/y)**

##### **In writing**

**284.4** (1) If the head of council exercises a power or performs a duty under this Part, the head of council shall do so in writing and in accordance with the regulations, if any. 2022, c. 18, Sched. 2, s. 1.

##### **Making information available**

(2) The head of council shall, in accordance with the regulations, make any prescribed information and documents available to the public and to any other prescribed persons or classes of persons. 2022, c. 18, Sched. 2, s. 1.

		Date Req'd
Information Purposes		
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### **Section Amendments with date in force (d/m/y)**

Powers re chief administrative officer

**284.5** The powers of a municipality under section 229, with respect to the chief administrative officer, are assigned to the head of council. 2022, c. 18, Sched. 2, s. 1.

### **Section Amendments with date in force (d/m/y)**

Powers re organizational structure

**284.6** (1) Subject to subsection (3), the powers of the municipality with respect to determining the organizational structure of the municipality are assigned to the head of council. 2022, c. 18, Sched. 2, s. 1.

Employment matters

(2) Subject to subsection (3) and the regulations, subsection (1) includes the power to hire, dismiss or exercise any other prescribed employment powers with respect to the head of any division or the head of any other part of the organizational structure. 2022, c. 18, Sched. 2, s. 1.

Limitation

(3) The powers assigned under subsection (1) do not include the power to hire, dismiss or exercise any other prescribed employment powers with respect to any of the following persons:

1. The clerk or deputy clerk.
2. A treasurer or deputy treasurer.
3. An Integrity Commissioner.
4. An Ombudsman.
5. An Auditor General.
6. A registrar, as described in section 223.11.
7. A chief building official, as defined in the Building Code Act, 1992.

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8. A chief of police, as defined in the Police Services Act.
9. A fire chief, as defined in the Fire Protection and Prevention Act, 1997.
10. A medical officer of health, as defined in the Health Protection and Promotion Act.
11. Other officers or heads of divisions required to be appointed under this or any other Act.
12. Any other prescribed persons. 2022, c. 18, Sched. 2, s. 1.

#### Transition

(4) Any organizational structure in place in a municipality immediately before being designated under this Part shall continue unless the organizational structure is changed by the head of council under subsection (1). 2022, c. 18, Sched. 2, s. 1.

#### Same

(5) The head of any division or of any other part of the organizational structure who held that position immediately before the municipality was designated under this Part shall continue in that position unless they are dismissed by the head of council under subsection (2). 2022, c. 18, Sched. 2, s. 1.

#### Same

(6) A head of council may exercise a power under subsection (2) with respect to a person regardless of when that person started their employment. 2022, c. 18, Sched. 2, s. 1.

### Section Amendments with date in force (d/m/y)

#### Powers re local boards

**284.7** The power of the municipality to appoint chairs and vice-chairs of local boards is assigned to the head of council for any prescribed local board or local board within a prescribed class of local boards. 2022, c. 18, Sched. 2, s. 1.

### Section Amendments with date in force (d/m/y)

#### Powers re committees

		Date Req'd
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**284.8** Subject to the regulations, if any, the following powers of the municipality with respect to prescribed committees, or committees within a prescribed class of committees, are assigned to the head of council:

1. The power to establish or dissolve committees.
2. The power to appoint chairs and vice-chairs of committees.
3. The power to assign functions to committees. 2022, c. 18, Sched. 2, s. 1.

#### **Section Amendments with date in force (d/m/y)**

Provincial priorities

**284.9** (1) The Lieutenant Governor in Council may, by regulation, prescribe provincial priorities for the purposes of sections 284.10 and 284.11. 2022, c. 18, Sched. 2, s. 1.

Same

(2) For greater certainty, sections 284.10 and 284.11 only apply if the Lieutenant Governor in Council prescribes provincial priorities. 2022, c. 18, Sched. 2, s. 1.

#### **Section Amendments with date in force (d/m/y)**

Powers re meetings

284.10(1) Despite any procedure by-law passed by the municipality under subsection 238 (2), if the head of council is of the opinion that considering a particular matter could potentially advance a prescribed provincial priority, the head of council may require the council to consider the matter at a meeting. 2022, c. 18, Sched. 2, s. 1.

Interpretation

(2) In this section,

“meeting” has the same meaning as in subsection 238 (1). 2022, c. 18, Sched. 2, s. 1.

#### **Section Amendments with date in force (d/m/y)**

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Oct. 3' 22
Strategic Plan		

Veto powers

Application

**284.11** (1) This section applies with respect to by-laws under,

- (a) this Act and the regulations, other than under any prescribed section;
- (b) the Planning Act and its regulations, other than any prescribed section; and
- (c) any other prescribed Act or regulation or prescribed section of an Act or regulation. 2022, c. 18, Sched. 2, s. 1.

By-law for consideration

(2) Despite any procedure by-law passed by the municipality under subsection 238 (2) and subject to subsection (3) of this section, if the head of council is of the opinion that all or part of a by-law that is subject to this section could potentially interfere with a prescribed provincial priority, the head of council may provide written notice to the council of the intent to consider vetoing the by-law. 2022, c. 18, Sched. 2, s. 1.

Same, timing

(3) If the head of council intends to consider vetoing the by-law, the head of council shall provide the written notice described in subsection (2) on or before the earlier of two days after the day council voted in favour of the by-law or the prescribed deadline, if any. 2022, c. 18, Sched. 2, s. 1.

By-law commencement

(4) Despite any other Act, a by-law that is subject to this section shall be deemed not to have been passed by council until,

- (a) if notice has not been given under subsection (3), the earlier of,
  - (i) the day written approval of the by-law is given by the head of council to the municipality, and
  - (ii) two days after the day council voted in favour of the by-law or the prescribed deadline, as the case may be; or

		<b>Date Req'd</b>
<b>Information Purposes</b>		
<b>Policy / Action Req'd</b>	<b>X</b>	<b>Oct. 3' 22</b>
<b>Strategic Plan</b>		

(b) if notice has been given under subsection (3), the earlier of,

(i) the day written approval of the by-law is given by the head of council to the municipality, and

(ii) 14 days, or such other prescribed time period, after the day the council voted in favour of the by-law. 2022, c. 18, Sched. 2, s. 1.

#### Veto powers

(5) Subject to subsection (6), if the head of council is of the opinion that all or part of the by-law could potentially interfere with a prescribed provincial priority, the head of council may veto the by-law by providing to the clerk, on the day of the veto, a written veto document that includes the veto and the reasons for the veto. 2022, c. 18, Sched. 2, s. 1.

#### Same, timing

(6) The head of council shall not veto a by-law after giving approval under subclause (4) (b) (i) or after the expiry of the time period described in subclause (4) (b) (ii), as the case may be. 2022, c. 18, Sched. 2, s. 1.

#### Duties of clerk

(7) If the head of council vetoes a by-law the clerk shall,

(a) by the next business day after the clerk receives the written veto document under subsection (5), provide each member of council, other than the head of council, a copy of the written veto document; and

(b) make the written veto document available to the public in accordance with the regulations, if any. 2022, c. 18, Sched. 2, s. 1.

#### Effect of veto

(8) If the head of council vetoes a by-law, clause (4) (b) does not apply and the by-law shall be deemed not to have been passed by council. 2022, c. 18, Sched. 2, s. 1.

#### Override of veto

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(9) Within 21 days, or such other prescribed time period, after the day the clerk provides the written veto document to the members of council under clause (7) (a), council may override the head of council's veto if two-thirds of the members of council vote to override the veto. 2022, c. 18, Sched. 2, s. 1.

Head of council may vote

(10) For greater certainty, the head of council may vote as a member of council in a vote to override a veto. 2022, c. 18, Sched. 2, s. 1.

Effect of override

(11) If the council overrides the veto, subsection (8) does not apply and the by law shall be deemed to have passed on the day the council votes to override the veto. 2022, c. 18, Sched. 2, s. 1.

No notice

(12) The head of council shall not give notice under subsection (3) after giving approval under subclause (4) (a) (i). 2022, c. 18, Sched. 2, s. 1.

### **Section Amendments with date in force (d/m/y)**

Vacancy, head of council

**284.12**(1) Despite section 263, if a vacancy occurs in the office of the head of council, the municipality shall, subject to subsection (3) and in accordance with the regulations, if any, require a by-election to be held, in accordance with the Municipal Elections Act, 1996, to fill the vacancy. 2022, c. 18, Sched. 2, s. 1.

Rules applying to filling vacancy

(2) Subject to subsection (3) and the regulations, if any, the following rules apply to filling a vacancy in the office of head of council:

1. Within 60 days after the day a declaration of vacancy is made under section 262 with respect to the vacancy, the municipality shall pass a by-law requiring a by-election be held to fill the vacancy.
2. Despite paragraph 1, if a court declares the office of head of council to be vacant, the council shall act under subsection (1) within 60 days after the court makes its declaration.

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3. Despite subsection (1), if the vacancy occurs within 90 days before voting day of a regular election, the municipality is not required to fill the vacancy. 2022, c. 18, Sched. 2, s. 1.

Vacancy after March 31 in the year of a regular election

(3) Subject to the regulations, if any, if a vacancy in the office of head of council occurs after March 31 in the year of a regular election,

(a) within 60 days after the day a declaration of vacancy is made under section 262 with respect to the vacancy, the municipality shall fill the vacancy by appointing a person who has consented to accept the office if appointed; and

(b) the municipality is deemed not to be prescribed for the purposes of this Part for the remainder of the term of the head of council appointed under clause (a). 2022, c. 18, Sched. 2, s. 1.

Vacancy — upper-tier municipalities

(4) The Minister may, by regulation, prescribe the procedures, rules and other matters pertaining to vacancies in upper-tier municipalities that will apply despite anything in this section. 2022, c. 18, Sched. 2, s. 1.

Section Amendments with date in force (d/m/y)

Delegation

284.13 (1) Subject to the prescribed limitations, if any, the head of council may delegate their powers and duties under the following sections:

1. Section 284.5 (chief administrative officer).
2. Section 284.6 (organizational structure).
3. Section 284.7 (local boards).
4. Section 284.8 (committees). 2022, c. 18, Sched. 2, s. 1.

Same

(2) The rules in subsection 23.1 (2) apply with necessary modifications to a delegation under subsection (1). 2022, c. 18, Sched. 2, s. 1.

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### Section Amendments with date in force (d/m/y)

#### Immunity

**284.14** A decision made, or a veto power or other power exercised, legally and in good faith under this part shall not be quashed or open to review in whole or in part by any court because of the unreasonableness or supposed unreasonableness of the decision or exercise of the veto power or other power. 2022, c. 18, Sched. 2, s. 1.

### Section Amendments with date in force (d/m/y)

#### Transition

**284.15** (1) A person who held one of the following positions immediately before the municipality was designated under this Part shall continue in that position unless they are dismissed or their appointment is revoked, as the case may be, by a head of council:

1. Chief administrative officer.
2. Chair or vice-chair of a local board.
3. Chair or vice-chair of a committee. 2022, c. 18, Sched. 2, s. 1.

#### Same

(2) A head of council may dismiss or revoke the appointment of a person set out in subsection (1) regardless of when that person started in their position. 2022, c. 18, Sched. 2, s. 1.

### Section Amendments with date in force (d/m/y)

#### Powers and duties re. budget

**284.16**(1) In accordance with this section and subject to the regulations, the powers and duties of a municipality with respect to proposing and adopting a budget are assigned to the head of council of the municipality. 2022, c. 18, Sched. 2, s. 1.

#### Proposed budget

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(2) The head of council shall, in accordance with the regulations, prepare a proposed budget for the municipality and provide the proposed budget to the council for the council's consideration. 2022, c. 18, Sched. 2, s. 1.

Council may adopt or amend budget

(3) After receiving the proposed budget, council may, in accordance with the regulations, pass a resolution making an amendment to the proposed budget. 2022, c. 18, Sched. 2, s. 1.

Veto power

(4) The head of council may, in accordance with the regulations, veto a resolution passed under subsection (3). 2022, c. 18, Sched. 2, s. 1.

Override of veto

(5) Council may, in accordance with the regulations, override the head of council's veto under subsection (4) if two-thirds of the members of council vote to override the veto. 2022, c. 18, Sched. 2, s. 1.

Adoption of budget

(6) The budget for the municipality shall be adopted in accordance with the regulations. 2022, c. 18, Sched. 2, s. 1.

Same

(7) For greater certainty, the regulations may provide for the circumstances in which the budget is deemed to be adopted. 2022, c. 18, Sched. 2, s. 1.

## **Section Amendments with date in force (d/m/y)**

### **Regulations**

**284.17(1)** The Minister may make regulations for the purposes of this Part, including,

- (a) designating municipalities for the purposes of section 284.2;
- (b) requiring a head of council to make information and documents available to the council, the public and other persons or classes of persons and prescribing the information and documents to be made available;

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- (c) respecting the form, manner and timing in which information and documents are to be made available to the council, the public or other persons or classes of persons;
- (d) respecting procedures and rules a head of council is required to follow in exercising a power or performing a duty under this Part;
- (e) respecting the powers assigned to the head of council in connection with committees, for the purposes of section 284.8;
- (f) governing by-elections with respect to the office of head of council for the purposes of section 284.12;
- (g) respecting procedures, rules and other matters in connection with filling a vacancy in the office of head of council;
- (h) providing for such transitional matters as the Minister considers necessary or advisable in connection with the implementation of this Part;
- (i) defining, for the purposes of this Part and any regulations under this Part, any word or expression not defined in section 1 of this Act, and in so doing may define a word or expression differently for different provisions;
- (j) respecting the use of powers and performance of duties under this Part, including respecting conditions and limits with respect to their use or performance;
- (k) providing that a head of council cannot use a power or perform a duty, assigning those powers and duties to a council and prescribing procedures, rules and other matters in connection with such circumstances;
- (l) prescribing provisions of the Act or any other Act that apply or do not apply for the purposes of this Part and providing for such modifications to those provisions as the Minister considers appropriate;
- (m) prescribing deadlines, dates and time periods for the purposes of this Part. 2022, c. 18, Sched. 2, s. 1.

Same

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(2) Subject to subsection 284.9 (1), the Minister may make regulations prescribing anything that, under this Part, may or must be prescribed. 2022, c. 18, Sched. 2, s. 1.

Regulations, budget

(3) The Minister may, for the purposes of section 284.16, make regulations,

(a) respecting the powers and duties of the head of council and of the council in connection with preparing and adopting a budget in a municipality;

(b) respecting procedures, rules and other matters in connection with preparing and adopting a budget in a municipality; and

(c) providing for the circumstances in which a budget is deemed to be adopted. 2022, c. 18, Sched. 2, s. 1.

Retroactive

(4) A regulation under this section may be retroactive to a date not earlier than six months before the date the regulation was made. 2022, c. 18, Sched. 2, s. 1.

### **Alternatives**

None

### **Financial Implications:**

None

### **Environmental Implications:**

None

### **Attachments:**

- Association of Municipal Managers, Clerks, and Treasurers of Ontario re Bill 3, Strong Mayors, Building Homes Act, August 10, 2022



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- Town of Wasaga Beach Re: Strong Mayors, Building Homes Act – August 19, 2022
- Kingsville Ontario Town of Kingsville Council Resolution #336-08292022 in opposition to Bill 3, Strong Mayors, Building Homes Act, 2022 – September 1, 2022
- Town of Plympton-Wyoming Re: Strong Mayors Building Homes Act – September 9, 2022
- Township of Lucan Biddulph RE: STRONG MAYORS BUILDING HOMES ACT – September 14, 2022
- Municipality of Huron Shores Re: Res. #22-21-23 – Town of Wasaga Beach – Request for Support re: Strong Mayors, Building Homes Act – September 15, 2022
- Gravenhurst RE: TOWN OF GRAVENHURST RESOLUTION – STRONG MAYORS – September 23, 2022

*Submitted by:*

---

Matthew Armstrong  
Chief Administrative Officer & Treasurer

August 10, 2022

Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay St 17th Floor  
Toronto, ON M5G 2C8

Dear Minister,

Our Association and our members watched with great interest your introduction of Bill 3, *Strong Mayors, Building Homes Act*, today in the Ontario Legislature.

As an organization that represents over 2,000 municipal staff including many Chief Administrative Officers (CAOs) and senior municipal leaders, our members are proud of the work they do for their councils and communities. CAOs and senior management provide professional management, leadership and non-partisan advice to municipal councils.

The changes proposed in Bill 3 run the significant risk of threatening the neutrality of the municipal public service and politicizing local government leadership. We are concerned with portions of the Bill, such as the mayoral powers to hire the CAO/certain department heads and restructure municipal departments. The Bill does little to enhance municipal accountability, with no evidence to even suggest that these proposed changes will help achieve the goals your government has provided as rationale for this legislation.

We would like to take this opportunity to remind you that AMCTO has long held the position that there remain opportunities to strengthen municipal administration through clarifying the roles and responsibilities between council and staff, and in particular the role of the CAO. What has been proposed in Bill 3 will do the very opposite, further blurring the lines between political and administrative responsibilities.

The November 2022 implementation of changes proposed by Bill 3 will cause additional administrative burden for municipalities, an issue of great importance to AMCTO and our members. While this burden will be experienced in many areas of the cities, it will be most pressing for those responsible for holding the municipal elections in October.

While the legislative solutions proposed in Bill 3 are concerning, what we believe is most disappointing is that no effort was made to consult associations like AMCTO when the interests and integrity of municipal professionals in large centres like Toronto and Ottawa is clearly being affected.

AMCTO would have welcomed the opportunity to lend our expertise and that of our members to a constructive dialogue to meet your government's objectives. As an Association whose mission is to support and strengthen the knowledge, skills and capabilities of municipal professionals, and in the spirit of collaboration, we want to discuss better legislative solutions.

We look forward to your response and will be following Bill 3 through the legislative process, continuing to strongly represent and communicate the interests of our members where appropriate.

Sincerely,



Elana Arthurs, CMO, AOMC  
President, AMCTO

CC: Hon. Doug Ford, Premier of Ontario  
Michelle Di Emmanuele, Secretary of Cabinet, Head of the Ontario Public Service  
Kate Manson-Smith, Deputy Minister, MMAH  
Brian Rosborough, Executive Director, AMO



August 19, 2022

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street  
17<sup>th</sup> Floor  
Toronto ON  
M7A 2J3

Dear Minister Clark:

**Re: Strong Mayors, Building Homes Act**

Please be advised that the Council of the Town of Wasaga Beach, during their August 18, 2022 Council meeting adopted the following resolution:

"That Council receive the letter dated August 10, 2022 from the Ministry of Municipal Affairs and Housing pertaining to Strong Mayors, Building Homes Act, for information;

And further that a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and other matters, and that the motion be circulated to all Ontario municipalities."

The Town of Wasaga Beach Council does not support the Strong Mayors, Building Housing Act as the proposed changes will not demonstratively speed up the construction of housing and will erode the democratic process at the local level where members of Council have to work together to achieve priorities. What is needed to speed up construction of housing is greater authority for local municipalities to approve development without final clearances from outside agencies after they have been given reasonable time to provide such clearances.

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at [mayor@wasagabeach.com](mailto:mayor@wasagabeach.com) or (705) 429-3844 Ext. 2222.

Yours sincerely,

Nina Bifulchi  
Mayor

c. Members of Council  
All Ontario Municipalities

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



234-2022-3540

August 10, 2022

Dear Head of Council:

As Ontarians face the rising cost of living and a shortage of homes, our government was re-elected with a strong mandate to help more Ontarians find a home that meets their needs.

Our government also made an election promise to build 1.5 million new homes for the people of Ontario over the next 10 years to address the housing supply crisis.

I am pleased to inform you that our government introduced the proposed Strong Mayors, Building Homes Act on August 10, 2022, that, if passed, would make changes to the *Municipal Act, 2001*, *City of Toronto Act, 2006*, and the *Municipal Conflict of Interest Act*. These amendments would empower mayors in the City of Toronto and City of Ottawa to deliver on shared provincial-municipal priorities and get more homes built faster.

If passed, the proposed changes impacting the City of Toronto and City of Ottawa are intended to take effect on November 15, 2022, which is the start of the new municipal council term. Other growing municipalities could follow at a later date.

If you have any comments or feedback regarding these proposed changes, you may submit them to the Ministry of Municipal Affairs and Housing at:  
[StrongMayors@ontario.ca](mailto:StrongMayors@ontario.ca).

Sincerely,

Steve Clark  
Minister



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

COPY VIA EMAIL ([Premier@ontario.ca](mailto:Premier@ontario.ca))

September 1, 2022

The Hon. Doug Ford, Premier of Ontario  
Legislative Building  
1 Queen's Park  
Toronto, ON M7A 1A1

Dear Premier Ford:

**RE: Town of Kingsville Council Resolution #336-08292022 in opposition to  
Bill 3, Strong Mayors, Building Homes Act, 2022**

---

At its Special Meeting held August 29, 2022 Council of The Corporation of the Town of Kingsville passed a Resolution against Bill 3 as follows:

**Resolution #336-08292022**

Moved by Councillor Kimberly DeYong  
Seconded by Councillor Laura Lucier

**"WHEREAS** the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

**AND WHEREAS** this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

**AND WHEREAS** this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

**AND WHEREAS** this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

**AND WHEREAS** these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

**AND WHEREAS** these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council.

**THEREFORE**, this Council of the Town of Kingsville, passes this resolution to petition the Government of Ontario that:

1. These changes to the *Municipal Act, 2001*, are unnecessary and will negatively affect the Town of Kingsville;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing.

Council further directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Kingsville's MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RECORDED VOTE – Carried Unanimously

	YEA	NAY
Deputy Mayor Gord Queen	X	
Councillor Kimberly DeYong	X	
Councillor Tony Gaffan	X	
Councillor Laura Lucier	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	6	0

If you have any questions or comments please contact Paula Parker at [pparker@kingsville.ca](mailto:pparker@kingsville.ca).

Yours very truly,



Paula Parker  
Town Clerk, on behalf of Kingsville Council

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
([Steve.Clark@pc.ola.org](mailto:Steve.Clark@pc.ola.org))  
Standing Committee on Heritage, Infrastructure and Cultural Policy; Attn.: Committee Clerk  
Isaiah Thorning ([schicp@ola.org](mailto:schicp@ola.org))  
Anthony Leardi, MPP – Essex ([Anthony.Leardi@pc.ola.org](mailto:Anthony.Leardi@pc.ola.org))  
Association of Municipalities of Ontario (AMO) ([amo@amo.on.ca](mailto:amo@amo.on.ca))  
All Ontario Municipalities



Nina Bifulchi, Mayor  
Town of Wasaga Beach  
30 Lewis Street  
Wasaga Beach, ON  
L9Z 1A1  
[mayor@wasagabeach.com](mailto:mayor@wasagabeach.com)

September 9<sup>th</sup> 2022

**Re: Strong Mayors Building Homes Act**

Dear Mayor Bifulchi,

Please be advised that at the Regular Council Meeting on August 31<sup>st</sup> 2022, the Town of Plympton-Wyoming Council passed the following motion, supporting the resolution from the Council of the Town of Wasaga Beach regarding *Strong Mayors, Building Homes Act*.

***Motion 11***

*Moved by Councillor Netty McEwen*

*Seconded by Councillor Tim Wilkins*

*That Council directs staff to send a letter in support of item 'H', Resolution- Town of Wasaga Beach re Strong Mayors, Building Homes Act*

***Motion Carried.***

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

Sincerely,

Denny Giles  
Deputy Clerk  
Town of Plympton-Wyoming

cc: All Ontario Municipalities



August 19, 2022

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street  
17<sup>th</sup> Floor  
Toronto ON  
M7A 2J3

Dear Minister Clark:

**Re: Strong Mayors, Building Homes Act**

Please be advised that the Council of the Town of Wasaga Beach, during their August 18, 2022 Council meeting adopted the following resolution:

"That Council receive the letter dated August 10, 2022 from the Ministry of Municipal Affairs and Housing pertaining to Strong Mayors, Building Homes Act, for information;

And further that a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and other matters, and that the motion be circulated to all Ontario municipalities."

The Town of Wasaga Beach Council does not support the Strong Mayors, Building Housing Act as the proposed changes will not demonstratively speed up the construction of housing and will erode the democratic process at the local level where members of Council have to work together to achieve priorities. What is needed to speed up construction of housing is greater authority for local municipalities to approve development without final clearances from outside agencies after they have been given reasonable time to provide such clearances.

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at [mayor@wasagabeach.com](mailto:mayor@wasagabeach.com) or (705) 429-3844 Ext. 2222.

Yours sincerely,

Nina Bifulchi  
Mayor

c. Members of Council  
All Ontario Municipalities

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



234-2022-3540

August 10, 2022

Dear Head of Council:

As Ontarians face the rising cost of living and a shortage of homes, our government was re-elected with a strong mandate to help more Ontarians find a home that meets their needs.

Our government also made an election promise to build 1.5 million new homes for the people of Ontario over the next 10 years to address the housing supply crisis.

I am pleased to inform you that our government introduced the proposed Strong Mayors, Building Homes Act on August 10, 2022, that, if passed, would make changes to the *Municipal Act, 2001*, *City of Toronto Act, 2006*, and the *Municipal Conflict of Interest Act*. These amendments would empower mayors in the City of Toronto and City of Ottawa to deliver on shared provincial-municipal priorities and get more homes built faster.

If passed, the proposed changes impacting the City of Toronto and City of Ottawa are intended to take effect on November 15, 2022, which is the start of the new municipal council term. Other growing municipalities could follow at a later date.

If you have any comments or feedback regarding these proposed changes, you may submit them to the Ministry of Municipal Affairs and Housing at:  
[StrongMayors@ontario.ca](mailto:StrongMayors@ontario.ca).

Sincerely,

Steve Clark  
Minister



# Township of Lucan Biddulph

270 Main Street  
P.O Box 190, Lucan, Ontario N0M 2J0  
Phone (519) 227-4491; Fax (519) 227-4998; E-mail ([info@lucanbiddulph.on.ca](mailto:info@lucanbiddulph.on.ca))

September 14, 2022

Town of Wasaga Beach  
30 Lewis Street  
Wasaga Beach, ON  
L9Z 1A1  
[eamc@wasagabeach.com](mailto:eamc@wasagabeach.com)

AND TO:

Town of Kingsville  
2021 Division Road North  
Kingsville, ON  
N9Y 2Y9  
[jsettingerton@kingsville.ca](mailto:jsettingerton@kingsville.ca)

## RE: STRONG MAYORS BUILDING HOMES ACT

Please be advised that at the Regular Council Meeting on September 6, 2022, the Township of Lucan Biddulph Council passed the following motion, supporting the resolutions from the Council of the Town of Wasaga Beach and Town of Kingsville regarding *Strong Mayors, Building Homes Act*.

### **Resolution No. 2022 - 203**

***Moved by D. Regan***

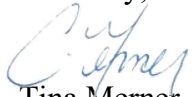
***Seconded by D. Manders***

***That Council of the Township of Lucan Biddulph supports the following resolutions regarding opposition to Bill 3, Strong Mayors, Building Homes Act, 2022:***

- *Town of Kingsville dated September 1, 2022*
- *Town of Wasaga Beach dated August 19, 2022*

Should you have any questions regarding the above motion, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tina Merner', is positioned above the printed name.

Tina Merner  
Deputy Clerk

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing ([Steve.Clark@pc.ola.org](mailto:Steve.Clark@pc.ola.org))  
Monte McNaughton, MPP – Lambton, Kent, Middlesex ([Monte.McNaughtonco@pc.ola.org](mailto:Monte.McNaughtonco@pc.ola.org) )  
Association of Municipalities of Ontario (AMO) ([amo@amo.on.ca](mailto:amo@amo.on.ca))  
All Ontario Municipalities



August 19, 2022

The Honourable Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street  
17<sup>th</sup> Floor  
Toronto ON  
M7A 2J3

Dear Minister Clark:

**Re: Strong Mayors, Building Homes Act**

Please be advised that the Council of the Town of Wasaga Beach, during their August 18, 2022 Council meeting adopted the following resolution:

"That Council receive the letter dated August 10, 2022 from the Ministry of Municipal Affairs and Housing pertaining to Strong Mayors, Building Homes Act, for information;

And further that a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and other matters, and that the motion be circulated to all Ontario municipalities."

The Town of Wasaga Beach Council does not support the Strong Mayors, Building Housing Act as the proposed changes will not demonstratively speed up the construction of housing and will erode the democratic process at the local level where members of Council have to work together to achieve priorities. What is needed to speed up construction of housing is greater authority for local municipalities to approve development without final clearances from outside agencies after they have been given reasonable time to provide such clearances.

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at [mayor@wasagabeach.com](mailto:mayor@wasagabeach.com) or (705) 429-3844 Ext. 2222.

Yours sincerely,

Nina Bifulchi  
Mayor

c. Members of Council  
All Ontario Municipalities

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M7A 2J3  
Tel.: 416 585-7000

**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M7A 2J3  
Tél. : 416 585-7000



234-2022-3540

August 10, 2022

Dear Head of Council:

As Ontarians face the rising cost of living and a shortage of homes, our government was re-elected with a strong mandate to help more Ontarians find a home that meets their needs.

Our government also made an election promise to build 1.5 million new homes for the people of Ontario over the next 10 years to address the housing supply crisis.

I am pleased to inform you that our government introduced the proposed Strong Mayors, Building Homes Act on August 10, 2022, that, if passed, would make changes to the *Municipal Act, 2001*, *City of Toronto Act, 2006*, and the *Municipal Conflict of Interest Act*. These amendments would empower mayors in the City of Toronto and City of Ottawa to deliver on shared provincial-municipal priorities and get more homes built faster.

If passed, the proposed changes impacting the City of Toronto and City of Ottawa are intended to take effect on November 15, 2022, which is the start of the new municipal council term. Other growing municipalities could follow at a later date.

If you have any comments or feedback regarding these proposed changes, you may submit them to the Ministry of Municipal Affairs and Housing at:  
[StrongMayors@ontario.ca](mailto:StrongMayors@ontario.ca).

Sincerely,

Steve Clark  
Minister



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

COPY VIA EMAIL ([Premier@ontario.ca](mailto:Premier@ontario.ca))

September 1, 2022

The Hon. Doug Ford, Premier of Ontario  
Legislative Building  
1 Queen's Park  
Toronto, ON M7A 1A1

Dear Premier Ford:

**RE: Town of Kingsville Council Resolution #336-08292022 in opposition to  
Bill 3, Strong Mayors, Building Homes Act, 2022**

---

At its Special Meeting held August 29, 2022 Council of The Corporation of the Town of Kingsville passed a Resolution against Bill 3 as follows:

**Resolution #336-08292022**

Moved by Councillor Kimberly DeYong  
Seconded by Councillor Laura Lucier

**"WHEREAS** the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

**AND WHEREAS** this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

**AND WHEREAS** this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

**AND WHEREAS** this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;

**AND WHEREAS** these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

**AND WHEREAS** these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council.

**THEREFORE**, this Council of the Town of Kingsville, passes this resolution to petition the Government of Ontario that:

1. These changes to the *Municipal Act, 2001*, are unnecessary and will negatively affect the Town of Kingsville;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing.

Council further directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Kingsville's MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RECORDED VOTE – Carried Unanimously

	YEA	NAY
Deputy Mayor Gord Queen	X	
Councillor Kimberly DeYong	X	
Councillor Tony Gaffan	X	
Councillor Laura Lucier	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	6	0

If you have any questions or comments please contact Paula Parker at [pparker@kingsville.ca](mailto:pparker@kingsville.ca).

Yours very truly,



Paula Parker  
Town Clerk, on behalf of Kingsville Council

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
([Steve.Clark@pc.ola.org](mailto:Steve.Clark@pc.ola.org))  
Standing Committee on Heritage, Infrastructure and Cultural Policy; Attn.: Committee Clerk  
Isaiah Thorning ([schicp@ola.org](mailto:schicp@ola.org))  
Anthony Leardi, MPP – Essex ([Anthony.Leardi@pc.ola.org](mailto:Anthony.Leardi@pc.ola.org))  
Association of Municipalities of Ontario (AMO) ([amo@amo.on.ca](mailto:amo@amo.on.ca))  
All Ontario Municipalities



**Municipality of Huron Shores**  
7 Bridge Street, PO Box 460  
Iron Bridge, ON P0R 1H0  
Tel: (705) 843-2033 Fax: (705) 843-2035

September 15, 2022

Minister of Municipal Affairs and Housing  
Attn: The Honourable Steve Clark  
777 Bay Street  
17th Floor  
Toronto, ON M7A 2J3

Re: Res. #22-21-23 – Town of Wasaga Beach – Request for Support re: ***Strong Mayors, Building Homes Act***

The Council of the Corporation of the Municipality of Huron Shores passed Resolution #22-21-23 at the Regular Meeting held Wednesday, September 14th, 2022, as follows:

“BE IT RESOLVED THAT the Council of the Municipality of Huron Shores supports, in principle, the Town of Wasaga Beach's opposition of the Strong Mayors, Building Homes Act;

AND THAT a copy of this resolution be sent to the Minister of Municipal Affairs and Housing, and all Ontario municipalities.”

Should you require anything further in order to address the above-noted resolution, please contact the undersigned.

Yours truly,

Natashia Roberts

Chief Administrative Officer (CAO)/Clerk  
NR/KN

Cc: Minister of Municipal Affairs and Housing and all Ontario municipalities



***Sent via Email***

September 23, 2022

**RE: TOWN OF GRAVENHURST RESOLUTION – STRONG MAYORS**

At the Town of Gravenhurst Committee of the Whole meeting held on September 20, 2022, the following resolution was passed:

**BE IT RESOLVED THAT** the Correspondence from the Town of Wasaga Beach regarding Strong Mayors be received for information.

**AND THAT** a letter be sent to the Minister of Municipal Affairs and Housing outlining these proposed powers are not appropriate and to outline other ways for the province to institute housing and others matters.

**AND FINALLY THAT** this motion be circulated to all Ontario municipalities.

Sincerely,

*J. G.*

Jacob Galvao  
Administrative Clerk II – Legislative Services  
Town of Gravenhurst

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Oct. 3 '22
Strategic Plan		

## STAFF REPORT TO COUNCIL

Report No. 97-2022

**Date:** October 3, 2022

**From:** Matthew Armstrong, Chief Administrative Officer & Treasurer

**RE:** Electronic Monitoring of Employees Policy

---

### **Recommendation:**

That Council approved the Electronic Monitoring of Employees Policy as presented in Staff Report 97-2022.

### **Background:**

The information outlined below is from the Canadian Federation of Independent Businesses on the introduction of the Electronic Monitoring of Employees Policy.

*As of April 11, 2022, Ontario businesses with 25 or more employees are required to have a written employee electronic monitoring policy for their workplace. Affected Ontario businesses must have the policy in place by October 11, 2022, or risk a fine. This policy does not supersede existing employment standards or privacy rules/legislation.*

### **What does “electronic monitoring” mean?**

*Electronic monitoring includes all forms of employee monitoring that is done electronically during working hours. Examples include tracking employee movements through access cards and GPS devices on delivery vehicles, and tracking employee website visits, emails, and online chats.*

### **What must the policy contain?**

*The policy must state whether your business electronically monitors employees. If the answer is yes, your policy must include:*

- *A statement that your business electronically monitors employees.*
- *A description of how and in what circumstances your business may electronically monitor employees.*

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Oct. 3 '22
Strategic Plan		

- *The purposes for which the information obtained through electronic monitoring may be used by your business.*
- *The date the policy was prepared.*
- *The date any changes were made to the policy.*

***When does the policy have to be in place?***

*Affected businesses must have their first policy in place by October 11, 2022 or risk a fine. Starting in 2023, employers with 25 or more employees in Ontario on January 1 of any year must have the policy in place before March 1 of that year.*

***If I don't electronically monitor my 25+ employees, do I still need the policy?***

*Yes. In this case, the policy must specifically state that your business does not electronically monitor employees. You should also note that your policy could change in the future and if/when you decide to use electronic monitoring, reasonable notice will be provided to all staff.*

***How am I required to communicate the policy in the workplace?***

- *All employees must receive a copy of the policy within 30 days of October 11, 2022.*
- *Moving forward, a new copy must be provided to all employees within 30 days of any changes being made to the policy.*
- *All new employees are entitled to a copy of the policy within 30 days of their start date.*
- *Policies may be provided to employees in printed hard copies or digitally, providing the employee has the ability to print the policy*

***Which employees do I count to determine if I need the policy?***

*The count must include all your business's employees in Ontario, such as full-time, part-time and casual, as well as management, executives and shareholders if they are employees under the Employment Standards Act.*



		Date Req'd
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***What happens if my business doesn't comply?***

*You could be fined for non-compliance (e.g., \$250 for the first contravention, multiplied by the number of employees affected).*

***What are the record-keeping requirements?***

*You must keep a copy of every policy for three years.*

**Analysis:**

The Town of Prescott employs more than 25 individuals and as such is required to have an Electronic Monitoring of Employees Policy in place by October 11, 2022.

The recommended policy attached to this report is based on the policy developed by the Township of Leeds and the 1000 Islands.

This policy does not override or supersede other employment standards or privacy rules/legislation but works in conjunction with them as an identification of the types of electronic monitoring occurs, the purpose, and for how it could be used.

**Alternatives:**

As this is a policy mandated by the Province of Ontario, which is required to be in place by October 11, 2022, the result of not adopting a policy would put the municipality at the risk of a fine.

This does not however preclude modifying the recommended policy as Council sees fit.

**Financial Implications:**

None

**Environmental Implications:**

None



		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Oct. 3 '22
Strategic Plan		

**Attachments:**

- Electronic Monitoring of Employees Policy

*Submitted by:*

---

Matthew Armstrong  
Chief Administrative Officer & Treasurer



**Policy Type:** Human Resources

**Policy #:** HR-200-13

**Approved by Council on:**

## **Human Resources – Electronic Monitoring of Employees**

### **Purpose**

This policy has been established to provide transparency on the use and purpose of electronic monitoring of employees and assets by the Corporation of the Town of Prescott ("Town") as required by the Province of Ontario.

### **Scope**

This policy applies to all Town employees, Council, Board, and Committee Members, and volunteers, who as part of their role with the Town, are provided with or access to technology supplied by the Town.

### **Definitions**

**Electronic monitoring** means using all forms of employee and asset monitoring that is done electronically such as technological, electronic, or digital means to track, observe, or monitor actions.

**Personal information** means any factual or subjective information about an identifiable individual.

### **Guidelines**

The Town collects information through electronic monitoring to protect the Town's legal and business interests as well as to ensure employee safety and compliance with Town policies. The Town electronically monitors the following activities:

- Global Positioning Systems (GPS) in Town vehicles - to monitor location, route, and appropriate operation of vehicles
- Electronic sensors for building security - to monitor and control building access



**Policy Type:** Human Resources

**Policy #:** HR-200-13

**Approved by Council on:**

## **Human Resources – Electronic Monitoring of Employees continued**

- Computers, cellular and desktop phones issued by the Town - to ensure security of Town issued assets and compliance with approved use of Town assets
- Activity using Town internet and WIFI - to ensure compliance with approved use of Town assets and in compliance the Town's Appropriate Use, Care and Security of Electronic Resources Policy
- Emails and websites utilizing Town issued computers, phones, and tables - to ensure compliance with approved use of Town assets
- Security cameras – to ensure safety of employees and security of assets
- Town provided software whether working on Town premises or conducting work at home - to ensure compliance with approved use of Town assets

Information obtained through electronic monitoring may be used in consideration of verification of events, insurance claims, disciplinary decisions, and legal action.

## **Privacy and Confidentiality**

The Town's monitoring is aimed at collecting information related to its business. However, some information collected by electronic monitoring may be considered personal information. When personal information is under Town control, it is the responsibility of the Town to protect it.

All information collected through electronic monitoring will be securely stored and protected. If any personal information is collected, its use and disclosure will be limited to achieve the stated purpose of its collection. The Town will adhere to all privacy and confidentiality legislation that applies to the collection, use, and disclosure of personal information obtained by electronic monitoring.



**Policy Type:** Human Resources

**Policy #:** HR-200-13

**Approved by Council on:**

## **Human Resources – Electronic Monitoring of Employees continued**

### **Associated Legislation and Policies**

This policy works in conjunction with the associated legislation and policies including but not limited to the ones identified below.

- Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56
- Employment Standards Act, 2000, S.O. 2000, c. 41
- Employee Code of Conduct Policy
- Employee Confidentiality Policy
- Appropriate Use, Care, and Security of Electronic Resources Policy
- Employee Discipline Policy
- Employee Termination Policy
- Investigation Procedure Policy

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Oct. 3 '22
Strategic Plan		

## STAFF REPORT TO COUNCIL

Report No. 98-2022

**Date:** October 3, 2022

**From:** Matthew Armstrong, Chief Administrative Officer & Treasurer

**RE:** Appointment of Staff Person for the Approval of Site Plan Control Agreements

### Recommendation:

That Council direct Staff to prepare and bring forward a By-Law to the Council meeting of October 17, 2022, to appoint the Chief Administrative Officer as the Staff Person with the Approval Authority for Site Plan Control Agreements between the Town of Prescott and developers and authorize the Mayor and Clerk to sign Approved Site Plan Control Agreements.

### Background:

The background below was provided by the City of Ottawa on Bill 109 Implementation.

*On April 14, 2022, the Province's Bill 109 received royal assent providing legislative direction to implement the More Homes for Everyone Act, 2022. Through Bill 109, the province mandated a series of changes that affect de development application review process including:*

- *Site Plan Control approvals appointed to Staff*
- *Removing Council as approval authority for Site Plan Control*
- *Removes the ability of Cities to refuse Site Plan Control*
- *Modifying Site Plan Control timelines to 60 days and Reducing Zoning By-law Amendment applications (ZBLA) timelines to 90 days*
- *Requiring refunds of fees for Site Plan Control and Zoning By-Law Amendments that don't meet the timelines*
- *Introduces appeal rights to clients related to complete applications*

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Oct. 3 '22
Strategic Plan		

- *Allows the Minister to suspend timelines for approval, and send approval for a new Official Plan to the Ontario Land Tribunal (OLT)*

The purpose of this report is for Council to consider and appoint a Staff Person who will have the authority to approve Site Plan Control Agreements between the Corporation of the Town of Prescott and a developer.

### **Analysis:**

With the passage of Bill 109, Section 41(4.0.1) of the *Planning Act* now states that if Council enacts a site plan by-law authorizing the use of site plan control to regulate development, then Council shall appoint an officer, employee, or agent of the municipality as an “authorized person” for the purposes of approving site plans and conditions.

The Town has in place a By-law that requires site plan control to regulate certain developments within the Town of Prescott.

This change to the approval authority is applicable to all Site Plan Control applications received after July 1, 2022.

The table below shows the current Site Plan Control Agreement process and how it would occur with the changes required by Bill 109.

<b>Site Plan Control Agreement Process Step</b>	<b>Current</b>	<b>New</b>	<b>Change</b>
Developer requests a pre-consultation with the Town to review a proposed development	Staff meets with a potential developer providing preliminary comments on the proposed development and identifying what plans, studies, and reports should be included with the Site Plan Application	Staff meets with a potential developer providing preliminary comments on the proposed development and identifying what plans, studies, and reports should be included with the Site Plan Application	None

		<b>Date Req'd</b>
<b>Information Purposes</b>		
<b>Policy / Action Req'd</b>	<b>X</b>	<b>Oct. 3 '22</b>
<b>Strategic Plan</b>		

Developer submits a Site Plan Application	Site Plan Application is reviewed for completeness	Site Plan Application is reviewed for completeness	None
Complete Site Plan Application forwarded to applicable third parties and internal departments for review	Site Plan Application that has been deemed complete is sent to relevant third parties and internal departments for review and feedback	Site Plan Application that has been deemed complete is sent to relevant third parties and internal departments for review and feedback	None
Studies, Reports, and Plans sent for Peer Review	The reports, plans, and studies that were submitted with the Site Plan Application are sent to the appropriate qualified firms to peer review the reports on behalf of the Town identifying any, deficiencies, concerns, or areas requiring revision.	The reports, plans, and studies that were submitted with the Site Plan Application are sent to the appropriate qualified firms to peer review the reports on behalf of the Town identifying any, deficiencies, concerns, or areas requiring revision.	None
Studies, Reports, and Plans agreed to and finalized the Developer	The information received by the Town as part of the peer review is evaluated and provided to the Developer for comment, modifications, and revisions. This process continues until all deficiencies, concerns and areas requiring revisions have been address by the developer to the satisfaction of the Town and the peer reviewer.	The information received by the Town as part of the peer review is evaluated and provided to the Developer for comment, modifications, and revisions. This process continues until all deficiencies, concerns and areas requiring revisions have been address by the developer to the satisfaction of the Town and the peer reviewer.	None

		Date Req'd
Information Purposes		
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Site Plan Control Agreement is developed	A draft Site Plan Control Agreement is developed by the Town that incorporates the final studies, reports, and plans. This will also include all requires, and stipulations required by the Town that must be satisfied for the development to proceed.	A draft Site Plan Control Agreement is developed by the Town that incorporates the final studies, reports, and plans. This will also include all requires, and stipulations required by the Town that must be satisfied for the development to proceed.	None
Site Plan and Site Plan Control Agreement are taken to the Planning Advisory Committee	The Site Plan and Site Plan Control Agreement are taken to the Planning Advisory Committee for feedback and a recommendation to Council to approve.	The Site Plan and Site Plan Control Agreement are taken to the Planning Advisory Committee as an information item to provide feedback,	Feedback versus Feedback and recommend Council to approve
Site Plan and Site Plan Control Agreement are taken to Council	The Site Plan and Site Plan Control Agreement are taken to Council for approval.	The Site Plan and Site Plan Control Agreement are taken to Council for information on the Consent Agenda.	For information versus approval
Site Plan Control Agreement Approved	Approved by Council	Approved by Authorized Staff Person	Approved by Authorized Staff Person versus Council
Approved Site Plan Control Agreement enacted	By-law is passed by Council enacting the approved Site Plan Control Agreement	Approved Site Plan Control Agreement is signed by the Mayor and Clerk	Signed versus signed through By-law

		Date Req'd
Information Purposes		
Policy / Action Req'd	X	Oct. 3 '22
Strategic Plan		

Site Plan Control Agreements are largely a technical process that ensures that the Official Plan, Zoning By-law, Planning Act, Ontario Building Code, Fire Code, Environmental legislation and regulations, and other applicable legislation and regulations are being contemplated and adhered by the new development. Site Plan Control Agreements are an agreement between the Town and the developer. They cannot be used to approve minor variances, site specific zoning, or enact Official Plan amendments, as there are other processes and procedures that must be followed for their approval.

The Town currently uses a team approach when reviewing and processing a Site Plan Control application and agreement. Throughout the process, the Town assembles the Operations, Economic Development, Fire, and Building and Bylaw departments, along with the Town's Planning resources, and Engineering firm to work with the developer. This will not change with the appointment a Staff Person to approve Site Plan Control Agreements.

#### **Alternatives:**

Council could choose a different officer, employee, or agent of the Corporation of the Town of Prescott as opposed to the Chief Administrative Officer.

#### **Financial Implications:**

None

#### **Environmental Implications:**

None

#### **Attachments:**

None

*Submitted by:*

---

Matthew Armstrong  
Chief Administrative Officer & Treasurer

# THE CORPORATION OF THE TOWN OF PRESCOTT

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## BY-LAW NO. 42-2022

**A BY-LAW TO AUTHORIZE THE SALE OF APPROXIMATELY 10 ACRES OF LAND  
LOCATED ON DEVELOPMENT DRIVE, IMMEDIATELY WEST OF THE ONTARIO  
PROVINCIAL POLICE STATION BY THE CORPORATION OF THE TOWN OF  
PRESCOTT TO 778584 ONTARIO LIMITED.**

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**A By-law to authorize the sale of approximately 10 acres of land, located on  
Development Drive, immediately west of the Ontario Provincial Police Station by  
the Corporation of the Town of Prescott to 778584 Ontario Limited.**

**WHEREAS** that pursuant to the Corporation of the Town of Prescott By-Law 16-1995, the Council of the Corporation of the Town of Prescott, declared the real property located at Development Drive, immediately west of the Ontario Provincial Police Station, Town of Prescott; as surplus to the needs of the Corporation of the Town of Prescott; and

**WHEREAS** the Corporation of the Town of Prescott gave public notice of the intended sale of Surplus Land, as per By-Law 16-1995; and

**WHEREAS** the Corporation of the Town of Prescott has agreed to sell approximately 10 acres of land, those lands being the following property, located on Development Drive, immediately west of the Ontario Provincial Police Station Prescott, Ontario; and

**WHEREAS** it is deemed desirable to sell the said lands to 778584 Ontario Limited;

**NOW THEREFORE** the Council of the Corporation of the Town of Prescott enacts as follows:

1. That the Mayor and Clerk be authorized, on behalf of the Corporation of the Town of Prescott, to sell approximately 10 acres of land, those lands located on Development Drive, immediately west of the Ontario Provincial Police Station, Prescott, Ontario, to 778584 Ontario Limited.
2. That the Agreement of Purchase and Sale dated October 3, 2022, between 778584 Ontario Limited and the Corporation of the Town of Prescott, and all related amendments, Notices of Fulfillment of Condition, and Waivers are hereby ratified and approved, and authorized to be signed by the Clerk.
3. That the Mayor and Clerk are hereby authorized to sign any and all other

documents required to complete the sale transaction.

4. This by-law shall come into force and take effect upon final passage.
5. That any other By-Laws, resolutions or actions of the Council of the Corporation of the Town of Prescott that are inconsistent with the provisions of this By-Law are hereby rescinded.

**READ AND PASSED, SIGNED AND SEALED THE 3<sup>rd</sup> DAY OF OCTOBER, 2022.**

---

**Mayor**

---

**Clerk**

**TOWN OF PRESCOTT LANDS**  
**AGREEMENT OF PURCHASE AND SALE**

**BETWEEN:**

**778581 ONTARIO LIMITED**

(the "Purchaser")

**OF THE FIRST PART**

**AND:**

**THE CORPORATION OF THE TOWN OF PRESCOTT**

(the Town")

**OF THE SECOND PART**

**1.1 STANDARD FORM AGREEMENT**

- 1.1.1 The Purchaser acknowledges that this is the Town's standard form of agreement of purchase and sale for industrial land. Any addition, deletion or alteration made to this agreement by the Purchaser shall be clearly shown by highlighting or strikeout and initialed by the Purchaser, failing which this agreement shall be read as though such addition, deletion or alteration had not been made.

**1.2 DEFINITIONS**

1.2.1 In this agreement,

"Additional Terms" shall mean those additional terms to this Agreement as set out on Schedule "C" to this Agreement and that shall form a part of this Agreement;

"Closing Date" shall mean the date more particularly described in the Table of Critical Dates on which the purchase and sale of the Lands is to be completed;

"Deposit" shall mean the sum more particularly described in Schedule "A" to be tendered with this offer on account of the Purchase Price;

"Irrevocable Date" shall mean the date more particularly described in the Table of Critical Dates until this offer to purchase is open for acceptance by the Town;

"Lands" shall mean those lands owned by the Town more particularly described in Schedule "A";

"Option to Repurchase Agreement" means the agreement between the Purchaser and Town in the form of agreement more particularly described in the Schedule "D";

“Permitted Encumbrances” means those agreements, easements, rights of way, or other restrictions, limitations, conditions or encumbrances affecting title to the Lands more particularly described in Schedule “A” that are now or will be at the Closing Date registered against title to the Lands;

“Purchase Price” shall mean the price to be paid by the Purchaser for the Lands as more particularly described in Schedule “A”;

“Purchaser’s Conditions” means those conditions as more particularly set out in Schedule “B” inserted in this agreement for the sole benefit of the Purchaser;

“Schedules” means Schedules “A”, “B”, “C” and “D” to this agreement that are to be read with and form a part hereof;

“Table of Critical Dates” means the following table of dates:

EVENT	TIMING	SECTION
Irrevocable Date	October 3, 2022	Section 1.4.1
Town delivers copy of any existing studies within its possession i.e. environmental assessment, archaeological, geotechnical studies	No later than 14 days from the date this Agreement is executed by the Purchaser	Section 1.10.1
Purchaser commences construction on first 2.5-acre parcel	Maximum 24 months after Closing	Section 1.7.1
Purchaser commences construction on second 2.5-acre parcel	Maximum 36 months after Closing	Section 1.7.1
Purchaser waives Purchaser’s conditions	No later than January 1 <sup>st</sup> , 2023	Schedule “B”
Date for examining title	14 days prior to Closing date	Section 1.13.2

Closing Date

Within 30 days following the Section 1.14  
purchasers waiving of  
conditions

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### **1.3 OFFER TO PURCHASE**

1.3.1 The Purchaser hereby offers to purchase the Lands from the Town for the Purchase Price.

### **1.4 IRREVOCABLE OFFER**

1.4.1 This offer to purchase shall be irrevocable by the Purchaser and remain open for acceptance by the Town until 4:00 p.m. on the Irrevocable Date

1.4.2 If this offer to purchase is not accepted by the Town on or before 4:00 p.m. on the Irrevocable Date, it shall immediately terminate and the Purchaser shall be entitled to the return of the Deposit in full without interest or deduction.

### **1.5 PAYMENT OF PURCHASE PRICE**

1.5.1 The Purchaser shall pay the Purchase Price as follows:

- (a) the Deposit shall be tendered with this offer to purchase and shall be credited on account of the Purchase Price on the Closing Date; and
- (b) the balance of the Purchase Price shall be paid on the Closing Date, subject to all usual and proper adjustments, with the day of closing apportioned to the Purchaser.

1.5.2 All payments on account of the Purchase Price shall be made in lawful money of Canada, payable to the Town, or as it may otherwise direct in writing, and shall be by bank draft or cheque certified by a chartered bank, trust company, Province of Ontario Savings Office, credit union or caisse populaire.

### **1.6 HARMONIZED SALES TAX ("HST")**

1.6.1 The Purchaser acknowledges that this transaction is subject to HST and that such tax and any other type of value-added or sales tax payable in connection therewith shall be in addition to the Purchase Price and shall be paid by the Purchaser.

1.6.2 The Town will not collect HST if the Purchaser provides to the Town on the Closing Date a warranty that the Purchaser is registered under the Excise Tax Act ("ETA"), together with a copy of the Purchaser's ETA registration, a warranty that the Purchaser shall self-assess, remit the HST payable and file the prescribed form,

and shall indemnify the Town in respect of any HST payable. The foregoing warranties shall not merge but shall survive the completion of the transaction.

## **1.7 CONSTRUCTION COMMENCES**

- 1.7.1 The purchaser agrees to commence construction on one 2.5-acre parcel within 24 months and on a second 2.5 acre parcel within 36 months. For clarity, construction will have been considered commences once Site Plan approval, Building Permit issuance and the pouring of footings has started.
- 1.7.2 If this provision is not satisfied within the time or times prescribed on the Table of Critical Dates and if both parties do not agree in writing to an extension, the Town's Option to Re-Purchase as set out in section 1.12.1 and Schedule "D" shall be triggered; provided that the Town may agree to such reasonable requests from the Purchaser for extensions to the times prescribed above if the Town, acting reasonably, determines that the Purchaser is making a diligent effort to satisfy the condition and has been delayed for reasons beyond the Purchaser's control. This condition shall survive the completion of this transaction and cannot be waived by either party.
- 1.7.3 The Purchaser shall have the right at any time or times prior to the Closing Date to enter on the Lands, by itself or with its contractors or agents, to conduct at its own expense and risk such further investigations or assessments of the Lands as the Purchaser deems necessary, provided the Purchaser restores the Lands to their original condition upon completion of such investigations.
- 1.7.4 This provision does not merge and shall survive closing.

## **1.8 PURCHASER'S CONDITIONS**

- 1.8.1 This Agreement shall be conditional on the Purchaser's Conditions being satisfied within the time and in the manner described therein. The Purchaser's Conditions are inserted for the sole benefit of the Purchaser and may be waived by the Purchaser in writing at any time. If the Purchaser fails or refuses to waive the Purchaser's Conditions approval within the time prescribed on the Table of Critical Dates, this agreement shall be at an end and the Purchaser shall be entitled to the return of the Deposit without interest or deduction and neither the Purchaser nor the Town shall have any further obligations under it.

## **1.9 ADDITIONAL TERMS**

- 1.9.1 The Additional Terms set out on Schedule "C" to this Agreement shall form part of this Agreement and shall be enforceable by the parties in accordance with the terms and conditions set out therein.

## **1.10 TOWN'S REPRESENTATIONS AND WARRANTIES**

- 1.10.1 The Town represents and warrants to the Purchaser as follows:

- (a) The Town has the lawful authority to sell the Lands and all Council approvals have been given and all corporate authority exists for the Town to complete the transaction in accordance with its terms;
- (b) The Town to the best of the Seller's knowledge and belief that during the period of his ownership of the property, that all environmental laws and regulations have been complied with, no hazardous conditions or substances exist on the land, no limitations or restrictions affecting the continued use of the property exist, other than those specifically provided for herein, no pending litigation respecting Environmental matters, no outstanding Ministry of Environment Orders, investigations, charges or prosecutions regarding Environmental matters exist, there has been no prior use as a waste disposal site, and all applicable licenses are in force. The Seller agrees to provide to the Purchaser upon request, all documents, records, and reports relating to environmental matters that are in the possession of the Seller. The Seller further authorizes the Ministry of Environment to release to the Purchaser, the Purchaser's Agent, or Solicitor, any and all information that may be on record in the Ministry office with respect to the said property. The Parties agree that this representation and warranty shall form an integral part of this Agreement and survive the completion of this transaction, but apply only to circumstances existing at completion of this transaction.

All of the Town's representations and warranties shall survive closing.

## **1.11 PURCHASER'S REPRESENTATIONS AND WARRANTIES**

- 1.11.1 The Purchaser represents and warrants to the Town as follows:

- (a) The Purchaser has inspected the Lands and agrees that upon acceptance of this offer there shall be a binding agreement of purchase and sale between Purchaser and Town;
- (b) The Purchaser has made such inquiries and conducted such investigations as the Purchaser deems necessary and is satisfied that:
  - (i) the Purchaser's intended use of the Lands is a permitted use under the current zoning of the Lands;

- (ii) there are now or will be at such time as the Purchaser requires them such services available to the Lands having sufficient capacity as needed for the Purchaser's intended use of the Lands;
- (c) The Purchaser will be solely responsible for any present and/or future costs required to install/construct/modify services as may be required to satisfy the Purchaser's particular needs. Further, the Purchaser expressly acknowledges that the Town shall have no obligation to improve and/or extend municipal services to the Lands and that any future installation or extension of municipal services in the area shall be determined solely at the discretion of the municipality;
- (d) The Purchaser will be solely responsible for the cost of installing/constructing/connecting any and all services related to the development of the Lands and to any subsequent building(s) constructed on the Lands;
- (e) The Purchaser will be responsible for obtaining the approval of any other utility needed to service the Lands;
- (f) Prior to obtaining an occupancy permit for the building or buildings on at least two of the four 2.5 acre parcels, the Purchaser shall not transfer the Lands or any part thereof to any third person without the prior written consent of the Town, which consent may be arbitrarily refused unless such transfer is for the purpose of securing the Lands in favour of a *bona fide* commercial lender in connection with a builder's mortgage; and
- (g) Unless occupancy permits are obtained for a building or buildings on at least two of the four 2.5 acre parcels, the Purchaser shall not transfer any portion of the Lands unencumbered by a building to any third person prior to the 10-year anniversary of the date of registration of the Transfer for the Lands without the prior written consent of the Town, which consent may be arbitrarily refused.

1.11.2 All of the Purchaser's representations and warranties shall survive closing.

## **1.12 OPTION TO REPURCHASE AGREEMENT**

1.12.1 This agreement shall be conditional on the Purchaser and Town entering into the Option to Repurchase Agreement prior to the Closing Date and the Option to Repurchase Agreement being registered against title to the Lands immediately following registration of the Transfer for the Lands from the Town to the Purchaser with no intervening registrations or the creation of any intervening rights in the Lands. This condition is inserted for the sole benefit of the Town and may be waived by it in writing at any time prior to the Closing Date.

## **1.13 TITLE TO THE LANDS**

1.13.1 Title to the Lands as at the Closing Date shall be good and marketable and free from encumbrances of every nature or kind, except for:

- (a) any restrictions, limitations or conditions contained in the original grant from the Crown;
- (b) any restrictions, limitations or conditions imposed by any applicable building and zoning by-laws;
- (c) any minor easements for hydro, gas, telephone or like services to the Lands;
- (d) the Option to Repurchase Agreement; and
- (e) the Permitted Encumbrances.

1.13.2 The Purchaser shall have until 4:00 p.m. on the date for examining title to the lands as prescribed on the Table of Critical Dates within which to examine the title of the Lands and to submit requisitions with respect thereto. If the Town is unable or unwilling to remove or remedy any requisition, and if the Purchaser will not waive the requisition, then this agreement, despite any intermediate acts or negotiations in respect of any such objections, shall be at an end and the Deposit shall be returned to the Purchaser without interest or deduction and neither the Town nor the Purchaser shall be liable to the other for any matter in connection with this agreement. Save as to any valid objection made within the times above limited, and except for any objection going to the root of the title of the Town, the Purchaser shall be conclusively deemed to have accepted the Town's title to the Lands.

1.13.3 The Purchaser shall not call for the production of any title deed, abstract of title, proof or evidence of title, or survey, except as may be expressly permitted or required under the terms of this agreement.

#### **1.14 CLOSING**

1.14.1 This transaction shall be completed by no later than 4:00 p.m. on the Closing Date, provided that if on such day the Registry or Land Titles Office is not open, closing shall occur on the next day thereafter on which such office is open. Upon completion, vacant possession of the Lands shall be given to the Purchaser unless otherwise provided in this agreement.

#### **1.15 TENDER**

1.15.1 Any tender of documents or money required by this agreement may be made upon either of the parties or their respective solicitors on the Closing Date.

## **1.16 DOCUMENT PREPARATION**

1.16.1 The Transfer shall be prepared in registerable form by and at the expense of the Town. The Purchaser at the Purchaser's expense shall prepare the land transfer tax affidavit. Unless any reasonable objection to doing so is made by the Town or Town's solicitor, the Town and Town's solicitor shall complete, at the request of the Purchaser, the statements contemplated by Section 50(22) of the *Planning Act*, R.S.O. 1990, as it may be amended and renumbered from time to time.

## **1.17 NOTICE**

1.17.1 Any notice required by or permitted to be given under this agreement shall be in writing. Any notice to the Purchaser shall be given to the Purchaser at the address or facsimile number hereafter set forth, and any notice to the Town shall be given to the Town's solicitor at the address or facsimile number hereafter set forth.

1.17.2 Any notice forwarded by mail shall, if posted in Ontario, be deemed to have been received on the fourth day, excluding Saturdays, Sundays and statutory holidays, after its post mark and any notice forwarded by facsimile shall be subject to actual receipt by the party to whom it is directed, with evidence of confirmation of transmission by the sender of such notice being sufficient evidence of receipt by the party to whom it is addressed. If transmission is completed on a Saturday, Sunday or statutory holiday, or after 5:00 P.M. on any other day, it shall be deemed to have been received on the next day which is not a Saturday, Sunday or statutory holiday.

## **1.18 TIME OF THE ESSENCE**

1.18.1 Time shall be of the essence of this agreement provided that any day established by or pursuant to this agreement for the doing of an act by any party or by which a condition is to be satisfied which falls on a Saturday, Sunday or statutory holiday shall be extended to the next day thereafter which is not a Saturday, Sunday or statutory holiday.

## **1.19 PLANNING ACT**

1.19.1 This Agreement shall be effective to create an interest in the property only if Town complies with the subdivision control provisions of the Planning Act by completion and Town covenants to proceed diligently at his expense to obtain any necessary consent by completion.

## **1.20 ENTIRE AGREEMENT**

1.20.1 The parties agree that there is no representation, warranty, collateral agreement or condition affecting this agreement or the Lands or other assets referred to herein nor is there any such representation, warranty, collateral agreement or condition which induced the Purchaser to enter into this agreement, other than expressed herein in writing. Severability.

#### **1.21 SEVERABILITY**

1.21.1 Any Article, Section, Subsection or other subdivision of this Agreement or any other provision of this Agreement which is, or becomes, illegal, invalid or unenforceable shall be severed from this Agreement and be ineffective to the extent of such illegality, invalidity or unenforceability and shall not affect or impair the remaining provisions hereof or thereof.

#### **1.22.0 AMENDMENTS**

1.22.1 This Agreement may only be amended, modified or supplemented by a written agreement signed by all the parties to such agreement.

#### **1.23.0 ASSIGNMENT**

1.23.1 The Purchaser shall have the right to assign this agreement to another entity, (the "Assignee"). Upon assigning this Agreement and upon giving notice to the Town of such assignment, the Assignee shall be entitled to the benefits and subject to the liabilities of the Purchaser under this Agreement as if it were the original party executing the Agreement. The Purchaser acknowledges that it shall not be released from the Purchaser's obligations hereunder.

#### **1.24.0 WAIVER**

1.24.1 No waiver of any of the provisions of this Agreement shall be deemed to constitute a waiver of any other provision (whether or not similar), nor shall such waiver constitute a waiver or continuing waiver unless otherwise expressly provided in writing duly executed by the party to be bound thereby.

#### **1.25.0 ENUREMENT**

1.25.1 This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective personal representatives, successors and assigns.

Executed under seal by the Purchaser at Prescott, Ontario on the \_ \_\_\_\_ day of \_\_\_\_\_, 2022.

**778581 ONTARIO LIMITED**

\_\_\_\_\_  
Name: George Pollman

Title: President

I have authority to bind the corporation

The Town accepts this offer by executing the same under seal at Prescott, Ontario on the day of \_\_\_\_\_, 2022

**THE CORPORATION OF THE TOWN OF  
PRESCOTT**

Per:

\_\_\_\_\_  
Name: Brett Todd

Officer: Mayor

\_\_\_\_\_  
Name: Lindsey Veltkamp

Officer: Clerk

We have authority to bind the Corporation.

## **ADDRESSES FOR NOTICES**

Purchaser:

778581 Ontario Limited  
George Pollman

Telephone No:

Facsimile No:

Purchaser Solicitor:

Tobin Grenkie, LLP  
257 King Street West  
Prescott, ON K0E 1T0  
Facsimile No: 613-925-5741

Mr. Matthew Armstrong  
Chief Administrative Officer  
The Corporation of the Town of Prescott  
360 Dibble Street West  
Prescott, ON  
K0E 1T0  
Telephone No: 613-925-2812 ext. 6220  
Facsimile No: 613-925-4381

Town Solicitor:

David C. Munday  
Cunningham, Swan,  
Smith Robinson Building  
Suite 300 – 27 Princess Street  
Kingston Ontario K7L 1A3  
Facsimile No: 542-9814

## SCHEDULE "A"

### Lands:

Frontage: \_\_\_\_\_ metres more or less

Depth: \_\_\_\_\_ metres more or less

Area: 10 acres more or less

Municipal Street: Development Drive

Legal Description: TBD

As shown highlighted on Schedule A1 to this Agreement and to be confirmed by Reference Plan of Survey, subject to such adjustments to the location of the boundaries as the Town may, acting reasonably, require.

**Purchase Price:** Two Hundred and fifty thousand dollars (\$250,000.00).

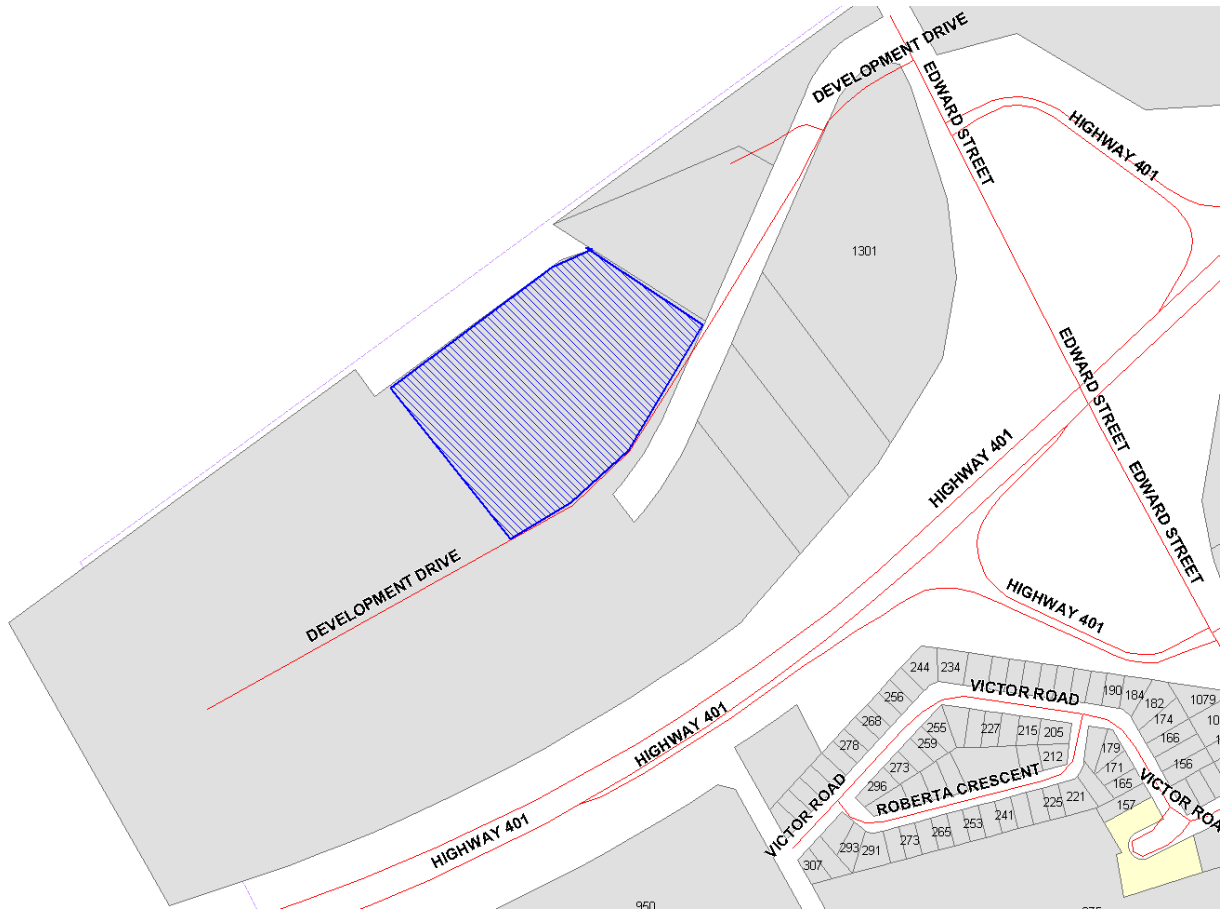
**Deposit: Five Thousand Dollars (\$5,000.00),** which the Purchaser acknowledges will be non-refundable, unless otherwise noted as part of this Agreement, if the Purchaser fails to complete this transaction for any reason whatsoever.

**Permitted Encumbrances:** *list other agreements, easements, rights of way, or other restrictions, limitations, conditions or encumbrances affecting title and surviving closing*

1. Option to Repurchase Agreement;
2. Any municipal utility easements required as a condition of site plan approval;

## SCHEDULE "A1"

Property Highlighted Below (approximation)



## **SCHEDULE “B”**

### **Purchaser’s Conditions**

This Agreement is conditional on the following conditions being satisfied within the applicable time prescribed on the Table of Critical Dates:

1. The Seller shall, at its expense, arrange for the Property to be severed into four parcels, each being approximately 2.5 acres. The Purchaser may designate another entity to take title to two of the four parcels.
2. The Seller shall, at its expense, arrange for the Property to be zoned for both industrial and commercial use.

For the purpose of the Purchaser satisfying itself in respect of the foregoing Purchaser’s Conditions, the Town shall provide the Purchaser, its officers, employees, contractors and agents, with reasonable access to the Lands.

These conditions are inserted for the sole benefit of the Purchaser and may be waived by the Purchaser at any time.

If the Purchaser fails or refuses to waive the Purchaser’s Conditions within the time prescribed on the Table of Critical Dates, this agreement shall be at an end and the Purchaser shall be entitled to the return of the Deposit without interest or deduction and neither the Purchaser nor the Town shall have any further obligations under it.

**SCHEDULE "C"**  
**ADDITIONAL TERMS**

1. The Purchaser acknowledges there shall be no obligation on the part of the Seller to extend or improve municipal services to the site and the request or demand of the Purchaser.
2. The Purchaser agrees that the Seller may continue to deposit fill on the site until the Closing Date or such later date as agreed to in writing by the Purchaser and Seller.

**SCHEDULE "D"**

**Option to Repurchase Agreement**

*(For information purposes only)*

**THIS OPTION TO REPURCHASE AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_**

**BETWEEN:**

**778581 ONTARIO LIMITED**

(the "Optionor")

**OF THE FIRST PART**

**AND:**

**THE CORPORATION OF THE TOWN OF PRESCOTT**

(the Town")

**OF THE SECOND PART**

WHEREAS the Optionor purchased from the Town those industrial lands more particularly described in Schedules "A" and "A1" to this Agreement (the "Lands");

AND WHEREAS for the purpose of selling the Lands, the Town relied on representations made by the Optionor that:

- (i) the Optionor would begin construction within on one 2.5-acre parcel of land within 24 months and begin construction on a second 2.5-acre parcel of land within 36 months;
- (ii) the Optionor would not sell, transfer or otherwise dispose of all or any part of the Lands prior to completion of the building or buildings without the prior written consent of the Town, except for the purpose of securing the Lands in favour of a *bona fide* commercial lender in connection with a builder's mortgage;

AND WHEREAS for the purpose of securing its obligations, the Optionor has agreed to grant an option to repurchase the Lands to the Town in accordance with the terms of this agreement.

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the parties agree each with the other as follows:

In this agreement,

1. The Optionor hereby grants to the Town an option to repurchase the Lands (the "Option").

2. The Town may exercise the Option if:
  - (a) the Optionor fails to begin construction (construction will have been considered commences once Site Plan approval, Building Permit issuance and the pouring of footings has started) within on one 2.5-acre parcel of land within 24 months and fails to begin construction on a second 2.5-acre parcel of land within 36 months;
  - (b) Prior to beginning construction of a building (construction will have been considered commences once Site Plan approval, Building Permit issuance and the pouring of footings has started) the time frame noted in sub-paragraphs (a), the Purchaser shall not sell, transfer or otherwise dispose of the Lands or any part thereof to any third person without the prior written consent of the Town, except for the purpose of securing the Lands in favour of a *bona fide* commercial lender in connection with a builder's mortgage; or
  - (c) In the case of a sale, transfer or other disposition of the Lands contrary to sub clause 2(b) above, at any time within 60 days from the date on which the Town is notified in writing that the Optionor has sold, transferred or otherwise disposed of the Lands.
3. If the Town has the right to exercise the Option in accordance with Clause 2 above, it may exercise its right by written notice delivered to the Optionor and any other person who may appear from the abstract of title for the Lands to have an interest in the Lands.
4. The purchase price to be paid by the Town if it exercises the Option shall be an amount equal to one hundred percent (100%) of the purchase price paid by the Optionor to originally acquire the Lands from the Town, pro-rated based upon the amount of acreage then remaining.
5. The purchase transaction shall close 30 days following the date the Town delivers notice exercising the Option (the "Closing Date").
6. The Town shall have the right, subsequent to delivery of notice exercising the Option to enter onto the Lands, by itself or by its agents or contractors, to conduct such environmental assessment of the Lands as the Town may, at its cost, determine necessary or prudent and, if dissatisfied with the results of such assessment, the Town shall have the right to not proceed with the purchase of the Lands.
7. The Optionor shall indemnify and save harmless the Town from any and all claims of every nature and kind which may be made against the Town whether for damages or otherwise as a result of the Lands containing as at the Closing Date any contaminant or pollutant within the meaning of the *Environmental Protection Act* (Ontario), or any other substances which may be considered hazardous or dangerous to the health of persons or to the environment under any other

legislation of the Province of Ontario or Canada applicable therein. Without limiting the obligation of the Optionor aforesaid, such obligation to indemnify shall exist with respect to claims against the Town for damages to persons or property or for the costs of complying with any orders for clean-up of the Lands which may be issued under any legislation or by any Court of competent jurisdiction in respect of any contamination existing at the Closing Date. This obligation of the Optionor to indemnify the Town shall survive the Closing Date.

8. The Town shall take title to the Lands at the time of closing free of all mortgages, liens and encumbrances existing against the Lands that were registered subsequent to the registration of this Option to Repurchase Agreement; provided that the Town shall pay the Option Price,
  - (a) Firstly, on account of any unpaid property taxes, interest and penalties for the Lands
  - (b) Secondly, to all persons, other than the Optionor, having an interest in the Lands according to their priority at law; and
  - (c) Thirdly, to the Optionor.
9. The Transfer of Land shall, except for the Land Transfer Tax Affidavit, be prepared in registerable form by and at the expense of the Optionor.
10. If the Town tenders the Option Price on the Closing Date and the Optionor fails or refuses for any reason to deliver to the Town a deed to the Lands in registerable form, the Town may deposit the Option Price with the solicitors for the Town for and on behalf of and in the name of the Optionor. Upon the deposit being made, the Town shall be deemed conclusively to be the owner of the land, and the Optionor hereby irrevocably constitutes and appoints the Chief Administrative Officer of the Town as its lawful attorney to execute all deeds and other documents necessary to complete the purchase and sale of the Lands.
11. It is the intention of the parties that the foregoing rights to re-purchase in favour of the Town shall create an interest in the Lands and, despite any decision by the Town to not exercise its right at a particular time, shall continue and be binding on all subsequent owners of the land until the rights expire at the prescribed time.
12. This agreement shall enure to the benefit of and be binding upon the parties hereto and their respective personal representatives, successors and assigns.

IN WITNESS WHEREOF the parties hereto have entered into this agreement as at the date first set out above.

SIGNED, SEALED AND DELIVERED

in the presence of :

**778581 ONTARIO LIMITED**

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**THE CORPORATION OF THE TOWN OF  
PRESCOTT**

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Brett Todd - Mayor

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Lindsey Veltkamp - Clerk

## **SCHEDULE "A"**

### **Lands:**

**Frontage: \_\_\_\_\_metres more or less**

**Depth: \_\_\_\_\_metres more or less**

**Area: 10 more or less**

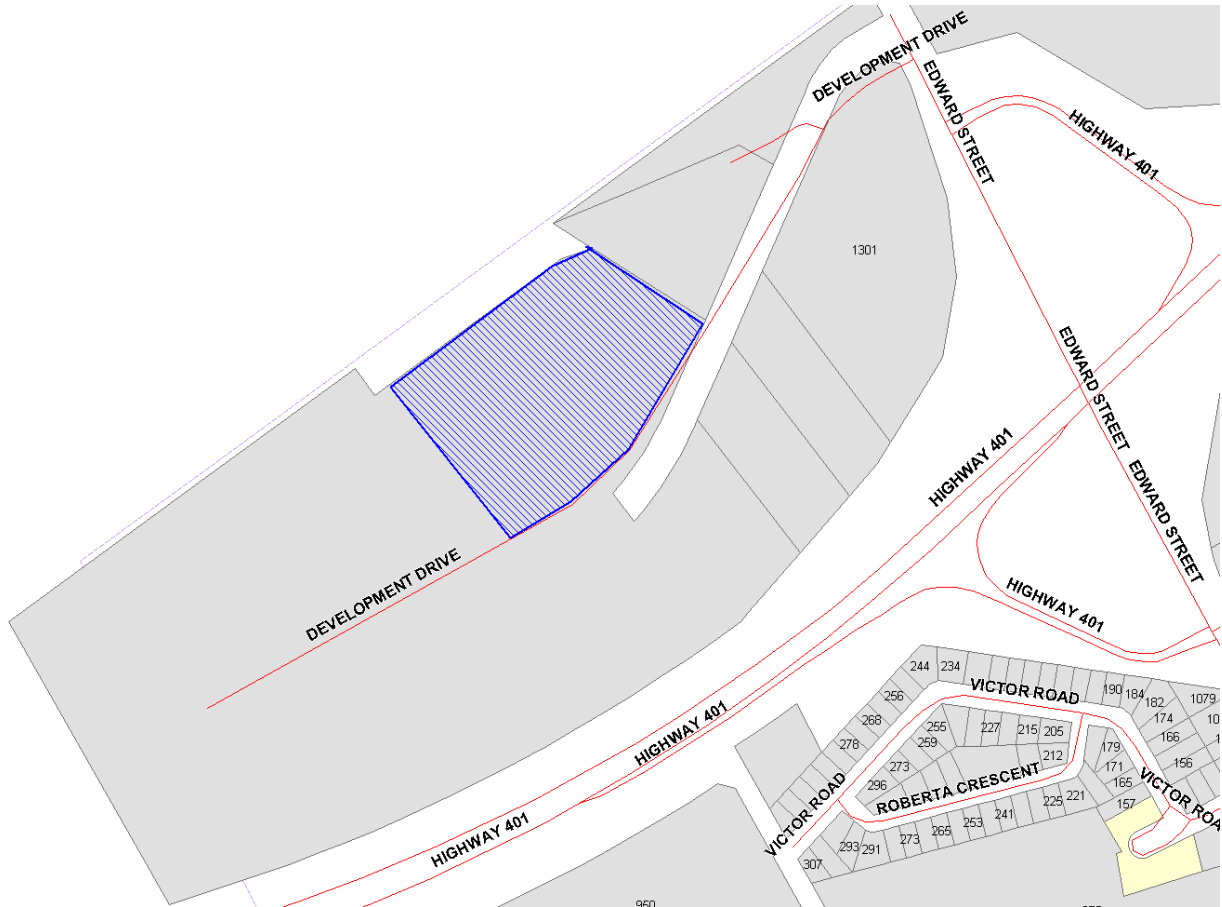
**Municipal Street: Development Drive**

**Legal Description: TBD**

**As shown highlighted on Schedule A1 to this Agreement and to be confirmed by Reference Plan of Survey, subject to such adjustments to the location of the boundaries as the Town may, acting reasonably, require.**

## SCHEDULE "A1"

Property Highlighted Below (approximation)



**THE CORPORATION OF THE  
TOWN OF PRESCOTT**

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**BY-LAW NO. 43-2022**

**A BY-LAW TO ADOPT THE PROCEEDINGS OF THE COUNCIL  
MEETING HELD ON OCTOBER 3, 2022**

---

**WHEREAS**, Section 5(3) of *the Municipal Act, 2001 S.O. 2001, c.25, as amended*, provides that Council's powers shall be exercised by by-law; and

**WHEREAS** certain actions of Council do not require the enactment of a specific by-law;

**NOW THEREFORE BE IT RESOLVED THAT**, the Council of the Corporation of the Town of Prescott enacts as follows:

1. Subject to Paragraph 3 of this by-law, the proceedings of the above-referenced Council meeting, including all Resolutions, By-laws, Recommendations, Adoptions of Committee Reports, and all other motions and matters decided in the said Council Meeting are hereby adopted and confirmed, and shall have the same force and effect, as if such proceedings were expressly embodied in this by-law.
2. The Mayor and Clerk are hereby authorized to execute all such documents, and to direct other officials of the Town to take all other action, that may be required to give effect to the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law.
3. Nothing in this by-law has the effect of conferring the status of a by-law upon any of the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.
4. Any member of Council who complied with the provisions of Section 5 of the Municipal Conflict of Interest Act, R.S.O. 1990, Chapter M.50 respecting the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law shall be deemed to have complied with said provisions in respect of this by-law.

**READ AND PASSED, SIGNED AND SEALED THE 3<sup>rd</sup> DAY OF OCTOBER, 2022.**

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**Mayor**

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**Clerk**