



Stratford City Council  
Regular Council Open Session  
AGENDA

**Meeting #:** 4738th  
**Date:** Monday, February 26, 2024  
**Time:** 7:00 P.M.  
**Location:** Council Chamber, City Hall  
**Council Present:** Mayor Ritsma - Chair Presiding, Councillor Beatty, Councillor Biehn, Councillor Briscoe, Councillor Burbach, Councillor Henderson, Councillor Hunter, Councillor McCabe, Councillor Nijjar, Councillor Sebben, Councillor Wordofa  
**Staff Present:** Joan Thomson - Chief Administrative Officer, Tatiana Dafoe - City Clerk, Kim McElroy - Director of Social Services, Tim Wolfe - Director of Community Services, Taylor Crinklaw - Director of Infrastructure Services, Karmen Krueger - Director of Corporate Services, Adam Betteridge - Director of Building and Planning Services, Neil Anderson - Director of Emergency Services/Fire Chief

To watch the Council meeting live, please click the following link:

<https://video.isilive.ca/stratford/live.html>

A video recording of the meeting will also be available through a link on the City's website

<https://calendar.stratford.ca/meetings> following the meeting.

Pages

**1. Call to Order:**

Mayor Ritsma, Chair presiding, to call the Council meeting to order.

Land Acknowledgment

Moment of Silent Reflection

Singing of O Canada

**2. Declarations of Pecuniary Interest and the General Nature Thereof:**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and to otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

3. **Adoption of the Minutes:** 12 - 40
- Motion by  
**THAT the Minutes of the Regular Meeting of Council of The Corporation of the City of Stratford dated February 12, 2024 be adopted as printed.**
4. **Adoption of the Addendum/Addenda to the Agenda:**
- Motion by  
**THAT the Addendum/Addenda to the Regular Agenda of Council and Standing Committees dated February 26, 2024 be added to the Agenda as printed.**
5. **Report of the Committee of the Whole In-Camera Session:**
- 5.1 **The February 26, 2024 Committee of the Whole In-camera Session has been cancelled**
6. **Hearings of Deputations and Presentations:**
- 6.1 **Request for Delegation by Canadian Dairy XPO** 41 - 54
- Representatives from the Canadian Dairy XPO (CDX) have requested to speak to Council about the 2024 Canadian Dairy XPO. The CDX is requesting Council approve their parking plan and request for exemption from the City's Sign By-law. The parking plan has been included as an attachment to Item 7.1
- Motion by  
**THAT the delegation by Jordan Underhill and Taylor Whitney, on behalf of the Canadian Dairy XPO, be heard.**
7. **Orders of the Day:**
- 7.1 **Resolution - CDX Parking Requests 2024 - 2025 (COU24-017)** 55 - 86

Motion by

**Staff Recommendation:** THAT the Alternate Parking Plan Report provided by CDX be received;

THAT temporary angle parking on the north side of McCarthy Road West from Fire Hall 2 to Orr Street for the Canadian Dairy XPO in 2024 and 2025 be considered if the alternate parking locations outlined in the CDX parking report are not feasible options;

AND THAT all costs associated with event parking be the responsibility of the Canadian Dairy XPO.

**7.2 Resolution - Proposed Exemption from Sign By-law #159-2004 for the Canadian Dairy Expo (COU24-019)**

87 - 98

Motion by

**Staff Recommendation:** THAT the Canadian Dairy Expo Sign Variance Application to Sign By-law #159-2004 be approved as follows:

- The nine (9) temporary sidewalk signs and one (1) cow statue be permitted for the temporary period of March 20, 2024 to April 10, 2024, on City property at the following locations:
  - Mornington Street at the City's northerly limits;
  - McCarthy Road West at Mornington Street (2 signs);
  - McCarthy Road East at Romeo Street;
  - Ontario Street at the City's easterly limits (2 signs);
  - Huron Street at the City's westerly limits;
  - Downie Street (Road 112) at the City's southerly limits;
  - Erie Street at Line 32; and
  - Northeast corner of McCarthy Road West and Mornington Avenue (Cow Statue);
- The two (2) banner signs, one (1) cow statue and five (5) directional signs be permitted for the temporary period of April 1, 2024 to April 5, 2024 on the City's Rotary Complex property (353 McCarthy Road West).

**7.3 Resolution - Zone Change Application Z05-23 for 245 Downie Street in the City of Stratford (COU24-024)**

99 - 116

Following the staff presentation, Brendan Mckenna, member of the ownership group, has requested to speak to Council in support of the application.

Motion by

THAT Brendan Mckenna, member of the ownership group of 245 Downie Street, be heard.

Motion by

**Staff Recommendation:** THAT application Z05-23, to amend the Central Commercial (C3-9) Zone provisions of the City of Stratford Zoning By-law No. 10-2022, and as they apply to lands in the City at 245 Downie Street, BE APPROVED WITH REVISIONS to allow:

The definition of an inn be defined as “a building or portion thereof, used for the purposes of supplying temporary living accommodation to the public, and containing guest rooms, dwelling units or a combination thereof, wherein such dwelling units are not restricted to occupancy by a person as their principal residence.”

All other uses and site-specific provisions in the C3-9 zone.

THAT approval be granted for the following reasons:

1. The request is consistent with the Provincial Policy Statement;
2. The request is in conformity with the policies of the Official Plan;
3. The zone change will facilitate the expansion of a permitted use into an existing mixed-use building that is appropriate for the subject lands;
4. Inclusion and comprehensive analysis of public feedback received during the application circulation and at the public meeting has been appropriately addressed within the Planning Report; and,
5. Public input was received and considered.

AND THAT, in accordance with Section 34(17) of the Planning Act no further notice is required.

**7.4 Resolution - Zone Change Application Z06-23 for 607 and 609 Downie Street in the City of Stratford (COU24-025)**

117 - 134

Motion by

**Staff Recommendation:** THAT application Z06-23 to amend the zoning of 607 and 609 Downie Street from a Neighbourhood Commercial C1 Zone to a Neighbourhood Commercial Special (C1-5) Zone with site specific regulations BE APPROVED to allow:

- The uses of “single detached dwelling”, “motor vehicle repair shop”, “motor vehicle sales or service establishment”, and “business office” to be permitted in addition to the currently permitted C1 uses.



- The definition of motor vehicle repair shop be defined as “a building which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed.”
- Motor vehicle repair shop activities occur within the existing building.
- Motor vehicle sales and rental establishments display areas are only permitted on existing asphalt and gravel parking areas.
- Lighting associated with motor vehicle repair shop or motor vehicle sales and rental establishment, if any, shall not spill onto abutting properties.
- “motor vehicle service station” and “gas bar” be removed from the list of permitted uses.

AND THAT approval be granted for the following reasons:

1. The request is consistent with the Provincial Policy Statement;
2. The request is in conformity with the policies of the Official Plan;
3. The zone change will facilitate the re-purposing of an existing commercial building that is appropriate for the subject lands; and,
4. Inclusion and comprehensive analysis of public feedback received during the application circulation and at the public meeting has been appropriately addressed within the Planning Report.
5. Public Input was received and considered.

7.5 Resolution - 2024 Municipal Budget and By-law Adoption (COU24-018) 135 - 151

Motion by

Staff Recommendation: THAT the draft 2024 Budget as amended, be adopted with a levy increase of \$7,065,862 and total tax levy of \$80,090,376;

AND THAT the 2024 Budget By-law be adopted as presented.

7.6 Resolution - Management Report - Ontario Regulation 284-09 Excluded Expenses (COU24-023) 152 - 154

Motion by

Staff Recommendation: THAT the report dated February 26, 2024, from the Director of Corporate Services regarding legislative requirements of Ontario Regulation 284/09, and the impact of excluded expenses from the City's 2024 budget, be received.

- 7.7 Resolution - Mobile Parking Payment System Contract Extension (COU24-020) 155 - 157

Motion by

**Staff Recommendation:** THAT the Amendment No. 1 to the Software License and Services Agreement with HotSpot Parking Inc. for the provision of a pay by phone municipal parking payment system be authorized for a five (5) year term to March 4, 2029;

**AND THAT** the Mayor and Clerk, or their respective delegates, be authorized to execute the Amendment No. 1 to the Software License and Services Agreement on behalf of The Corporation of the City of Stratford.

- 7.8 Resolution - Municipal Accommodation Tax (MAT) Update 2023 (COU24-022) 158 - 162

Motion by

**Staff Recommendation:** THAT the report titled, "Municipal Accommodation Tax (MAT) Update 2023" (COU24-22), dated February 26, 2024, be received for information.

- 7.9 Resolution - 2024 Household Hazardous Waste Agreement (COU24-028) 163 - 164

Motion by

**Staff Recommendation:** THAT The Corporation of the City of Stratford enter into an agreement with The Corporation of the Township of Perth East for the disposal of Household Hazardous Waste generated in the Township at the City's Household Hazardous Waste Events for a 2-year term commencing April 15, 2024, and terminating May 15, 2026;

**AND THAT** the Mayor and Clerk, or their respective delegates, be authorized to execute the agreement on behalf of The Corporation of the City of Stratford.

- 7.10 Resolution - Ontario DriveON Digital Vehicle Inspection Stations Program Changes (COU24-026) 165 - 178

Motion by

**Staff Recommendation:** THAT the Ontario DriveON Program Performance Contract for Private Fleet Vehicle Inspection Centres with His Majesty the King in Right of Ontario as represented by the Director of Vehicle Inspection Standards, Ministry of Transportation, be entered into for a term until May 26, 2028;

**AND THAT** the Director of Infrastructure Services for the City be authorized to execute the Contract on behalf of the municipal

corporation.

### 7.11 Resolution - Stratford Live Music & Food

Organizers of the Stratford Live Music & Food event (formally Stratford Blues and Ribfest) have requested designation of the 2024 event to be held June 21, 22 and 23, 2024, held around the Veteran's Drive band Shell and in the York Street Parking Lot, as a municipally significant event for the purpose of obtaining required permits as related to the liquor license application.

Comments received from departments and agencies include:

- no concerns from Corporate Services Department;
- no concerns from Huron Perth Public Health;
- as of February 13, 2024 no comments received from Building Division, Fire Prevention or Stratford Police.

Motion by

**THAT City Council hereby designates the 2024 Stratford Live Music & Food event to be held June 21, 22 and 23, 2024 around the Veteran's Drive Band Shell and in the York Street Parking Lot, as having municipal significance for the purpose of obtaining liquor licenses from the AGCO, subject to compliance with the City's Municipal Alcohol Risk Policy and the required certificates of insurance being provided.**

### 7.12 Proclamation - International Women's Day

179 - 180

Motion by

**THAT Stratford City Council hereby proclaims March 8, 2024 as "International Women's Day" in the City of Stratford to mark the economic, political, cultural and social achievements of women.**

### 7.13 Proclamation - Epilepsy Awareness Month

181

Motion by

**THAT Stratford City Council hereby proclaims March as "Epilepsy Awareness Month" in the City of Stratford in recognition of the 1 in 100 people living with epilepsy and the approximate 1 in 10 people who will have a single seizure in their lifetime.**

### 7.14 Correspondence - Resignation from Committee of Adjustment

Motion by

**THAT the resignation of Peter Moreton from the Committee of**

**Adjustment be accepted.**

**7.15 Resolution - Closed Meeting Investigation Reports (COU24-027) 182 - 307**

Motion by

**Staff Recommendation: THAT the Closed Meeting Investigation Reports dated February 20, 2024, be received;**

**AND THAT the recommendations contained in the Closed Meeting Investigation Reports be referred to staff and legal counsel for review and to prepare a report for consideration at a future Regular Council meeting.**

**8. Business for Which Previous Notice Has Been Given:**

None noted

**9. Reports of the Standing Committees:**

**9.1 Report of the Infrastructure, Transportation and Safety Committee:**

Motion by

**THAT the Report of the Infrastructure, Transportation and Safety Committee dated February 26, 2024, be adopted as printed.**

**9.1.1 Stratford Landfill Public Input Invited December 2023 (ITS24-001) 308 - 313**

THAT Council consider any comments received;

AND THAT the report on the Stratford Landfill Public Input December 2023 be received for information.

**10. Notice of Intent:**

None noted

**11. Reading of the By-laws:**

The following By-laws require First and Second Readings and Third and Final Readings and could be taken collectively upon unanimous vote of Council present:

Motion by

**THAT By-laws 11.1 to 11.5 be taken collectively.**

Motion by

**THAT By-laws 11.1 to 11.5 be read a First and Second Time.**

Motion by

**THAT By-laws 11.1 to 11.5 be read a Third Time and Finally Passed.**

- |             |   |           |
|-------------|---|-----------|
| <b>11.1</b> | <b>Adoption of 2024 Budget</b>  | 314 - 325 |
|             | To adopt the budget (estimates of revenues and expenditures) for tax supported and user pay purposes for the year 2024.   |           |
| <b>11.2</b> | <b>Pay by Phone Parking Payment System Agreement</b>  | 326       |
|             | To authorize the execution of the Amendment No. 1 to the Software License and Services agreement with HotSpot Parking Inc. for the delivery of a pay by phone parking payment system.   |           |
| <b>11.3</b> | <b>To Amend By-law 10-2022 with Respect to Zoning By-law Amendment Application Z05-23</b>   | 327       |
|             | To amend By-law 10-2022 as amended, with respect to Zoning By-law Amendment application Z05-23, 245 Downie Street, located on the southeast corner of Downie Street and Falstaff Street, legally described as Lots 40, 41, and 44 and Part of Lot 45, PLAN 75 in the City of Stratford to amend the existing site specific Central Commercial C3-9 by adding a definition which will apply to this zone only. |           |
| <b>11.4</b> | <b>To Amend By-law 10-2022 with Respect to Zoning By-law Amendment Application Z06-23</b>   | 328 - 330 |
|             | To amend By-law 10-2022 as amended, with respect Zoning By-law Amendment application Z06-23, 607 and 609 Downie Street, located on the east side of Downie Street between Norfolk Street and Bruce Street, legally described as Lots 33, 34, and 35 PLAN 381 in the City of Stratford to add and remove to the list of permitted uses, and add limitations to those uses.                                     |           |
| <b>11.5</b> | <b>Hazardous Waste Agreement with The Township of Perth East</b>  | 331       |
|             | To authorize the execution of an agreement with The Township of Perth East for the disposal of household hazardous waste generated in the Township at the City's Household Hazardous Waste Events.  |           |
| <b>12.</b>  | <b>Consent Agenda: CA-2024-018 and CA-2024-020 to CA-2024-023</b>   | 332 - 340 |
|             | Council to advise if they wish to consider any items listed on the Consent Agenda.  |           |
| <b>13.</b>  | <b>New Business:</b>  |           |

#### 14. Adjournment to Standing Committees:

The next Regular Council meeting is March 25, 2024 in the Council Chamber, City Hall.

Motion by

**THAT the Council meeting adjourn to convene into Standing Committees as follows:**

- **Social Services Committee [7:05 p.m. or thereafter following the Regular Council meeting];**

**and to Committee of the Whole if necessary, and to reconvene into Council.**

#### 15. Council Reconvene:

##### 15.1 Declarations of Pecuniary Interest made at Standing Committees

The Municipal Conflict of Interest Act requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

Declarations of Pecuniary Interest made at Standing Committee meetings held on February 26, 2024 with respect to the following Items and re-stated at the reconvene portion of the Council meeting:

Name, Item and General Nature of Pecuniary Interest

##### 15.2 Reading of the By-laws (reconvene):

341

The following By-law requires First and Second Readings and Third and Final Readings:

##### **By-law 11.6 Confirmatory By-law**

To confirm the proceedings of Council of The Corporation of the City of Stratford at its meeting held on February 26, 2024.

Motion by

**THAT By-law 11.6 be read a First and Second Time.**

Motion by

**THAT By-law 11.6 be read a Third Time and Finally Passed.**

**15.3 Adjournment of Council Meeting**

Meeting Start Time:

Meeting End Time:

Motion by

**THAT the February 26, 2024 Regular Council meeting adjourn.**



## **Stratford City Council Regular Council Open Session MINUTES**

Meeting #: 4737th  
 Date: Monday, February 12, 2024  
 Time: 7:00 P.M.  
 Location: Council Chamber, City Hall

Council Present: Mayor Ritsma - Chair Presiding, Councillor Beatty, Councillor Biehn, Councillor Briscoe, Councillor Burbach, Councillor Henderson, Councillor Hunter, Councillor McCabe, Councillor Nijjar, Councillor Sebben, Councillor Wordofa

Staff Present: Joan Thomson - Chief Administrative Officer, Tatiana Dafoe - City Clerk, Kim McElroy - Director of Social Services, Tim Wolfe - Director of Community Services, Taylor Crinklaw - Director of Infrastructure Services, Karmen Krueger - Director of Corporate Services, Adam Betteridge - Director of Building and Planning Services, Neil Anderson - Director of Emergency Services/Fire Chief, Jeff Leunissen – Interim Manager of Planning, Anthony Fletcher – Planning Coordinator, Shannon Archer – Business Integration Manager, Krista Robinson – CEO of the Stratford Public Library, Zac Gribble – Executive Director of Destination Stratford

Also Present: Members of the Public and Media

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

Mayor Ritsma, Chair presiding, called the Council meeting to order.

Land Acknowledgment



Moment of Silent Reflection

Singing of O Canada

**2. Declarations of Pecuniary Interest and the General Nature Thereof:**

The *Municipal Conflict of Interest Act* requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and to otherwise comply with the *Act*.

Name, Item and General Nature of Pecuniary Interest

Councillor Briscoe declared a pecuniary interest on Items 7.8, "Authorization to Award RFP 2023-65 to YMCA of Three Rivers (COU24-013)" and 11.6, "Award RFP-2023-65 – Youth Programming Delivery." Councillor Briscoe's family are members of the YMCA and participate in youth programming.

**3. Adoption of the Minutes:**

R2024-29

**Motion by** Councillor McCabe

**Seconded by** Councillor Biehn

**THAT the Minutes of the Regular Meeting of Council of The Corporation of the City of Stratford dated January 22, 2024 be adopted as printed.**

**Carried**

**4. Adoption of the Addendum to the Agenda:**

R2024-30

**Motion by** Councillor Sebben

**Seconded by** Councillor Burbach

**THAT the Addendum to the Regular Agenda of Council and Standing Committees dated February 12, 2024, to add a delegation to Item 7.1, be added to the Agenda as printed.**

**Carried**

**5. Report of the Committee of the Whole In-Camera Session:**

**5.1 At the February 12, 2024 Session, under the Municipal Act, 2001, as amended, a matter concerning the following item was considered:**

4.1 Proposed Disposition of Land (Long-Term Care Home) - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)).

At the In-camera Session, direction was given to the Chief Administrative Officer and the City Solicitor on this matter.

## **6. Hearings of Deputations and Presentations:**

### **6.1 Request for Delegation by Communities in Bloom**

R2024-31

**Motion by** Councillor Beatty

**Seconded by** Councillor Hunter

**THAT the delegation by Carys Wyn Hughes, Kimberley Richardson and Mary Anne Krutila, on behalf of Communities in Bloom, be heard.**

**Carried**

Representatives from the Communities in Bloom (CIB) Advisory Committee requested to address Council about the 2025 CIB National Symposium. Highlights of the presentation included:

- the purpose of the CIB Advisory Committee being noted;
- the CIB Advisory Committee having been formed in 1984 by former Mayor, Ted Blowes;
- requesting support for the holding of the 2025 CIB National Symposium in Stratford with a goal being to bring people together by celebrating the community and being good land stewards;
- delegations travelling within Canada and internationally to attend;
- the Symposium attracting approximately 150-200 delegates and being held from October 16-19, 2025;

- the CIB Advisory Committee partnering with Destination Stratford to promote the event;
- the timeline being noted;
- the benefits for holding the Symposium to the City and potential economic impacts being noted;
- Stratford City Council being asked to:
  - support the hosting of the Symposium
  - provide a \$40,000 loan to be repaid by October 2025
  - provide in-kind donations for facility rentals and transportation
  - permit sponsorships to be obtained, and
  - develop an Ad-Hoc Committee to plan the event
- the \$40,000 loan being for event coordination and given to CIB National so that their support staff can help organize the conference, and ensure details are finalized; and
- the profits from the event being given to CIB National as this is their main fundraiser for the year.

Members, staff and representatives from the CIB Advisory Committee discussed the request noting:

- the loan will be repaid through registration costs and sponsorships;
- the event is anticipated to bring 150-200 delegates to the City;
- grants being sought if sponsorships are not permitted;
- process and logistics for the provision of a loan being questioned;
- CIB National needing to know whether Stratford will be hosting the Symposium;
- this being an opportunity to represent and showcase the community;

- the request for \$40,000 being based on the costs for CIB National to assist with event coordination; and
- the loan not directly affecting the tax levy but there could be implications if not repaid.

## **7. Orders of the Day:**

### **7.1 Resolution - Plan of Condominium Application 31CDM21-003, 520 and 525 Orr Street (COU24-012)**

The Interim Manager of Planning, referring to a PowerPoint presentation, presented the Plan of Condominium Application 31CDM21-003 for 520 and 525 Orr Street. Highlights of the presentation included:

- the application being for a vacant land plan of condominium;
- the application consisting of a total of 193 units, with 102 units at 525 Orr Street and 91 units at 520 Orr Street;
- there being several common element areas such as drive aisles, visitor parking, storm water management pond, amenity areas and sidewalks;
- the application having been submitted in November 2021 and a revised application submitted in 2023;
- the total area that the application covers being 5.4 hectares;
- the site having a long history, with a site plan application having been approved in September 2023 which permits townhouse dwellings;
- at the time the application was submitted a public participation meeting was held in December 2021;
- no questions having been submitted at the public participation meeting;
- the Ontario government having revised the Planning Act which revoked the requirement to hold a statutory public meeting for vacant land plans of condominium;

- as a public meeting is no longer required the application was not re-circulated to members of the public;
- the subject lands being designated Medium Density Residential in the Official Plan which permits a range of uses and densities;
- the density range allowing 16 units per hectare to 100 units per hectare if the form of development is apartments;
- the current range being 35 units per hectare which does conform to the Official Plan and Zoning By-law;
- the draft plan having been recirculated to agencies and several responses having been received and incorporated into the recommended conditions of draft approval;
- there being no concerns or objections received from the agencies that were circulated the application; and
- staff recommending approval of the vacant land plan of condominium subject to several conditions as it confirms to the Provincial Policy Statement, is consistent with the Official Plan and implements the existing R4 Zone on the subject property.

Members of Council and staff discussed:

- there being sufficient capacity at the Quinlan Pumping Station for this development;
- sidewalks being included in the common element areas along the public road on Orr Street and in common element areas along drive aisles;
- sidewalks being shown on the site plan and being a requirement of the site plan agreement;
- McCarthy Road being an arterial road and the City's policy being to install a sidewalk on both sides; and
- the developer not being required to construct a sidewalk on McCarthy Road but being required to construct one on Orr Street.

R2024-32

**Motion by** Councillor Burbach**Seconded by** Councillor Briscoe**THAT the delegation by Jane Marie Mitchell be heard.****Carried**

Jane Marie Mitchell provided information to Council and requested specific lenses be applied to these types of applications. Highlights of the presentation included:

- Council having adopted a climate emergency and committing to a reduction of emissions by 30% by 2030 and net zero by 2025;
- recommending that the Corporation and Council apply a climate lens to all projects and initiatives;
- asking questions such as:
  - is there an environmental lens on this subdivision to help decrease emissions?
  - is the applicant and planner aware of this lens and others?
  - are green building details included?
  - will the houses in the development have electrical capacity for the future?
  - will the houses have circuits, wires, and receptacles needed for electric vehicle charging?
  - What would a condo proposal of 196 units mean for B&Bs?
- it being cheaper to install rather than retrofit at a later which will save homeowners money;
- the benefits of green building and installation of a heat pump;
- Council having adopted One Planet Living Principles and an overview of the principles being provided;

- there being an affordable housing problem and there being a need to consider the need for housing for all people living and working in the City and those commuting;
- there being a need for a proportionally mixed index for each new build;
- the request not being consistent with the adopted principles of the declaration of a climate emergency, One Planet Living Principles, or affordable housing crisis; and
- Council being asked to make a motion for terms for this and future approvals for housing to include:
  - inclusion of mixed incomes or PMI in all projects that need to be part of all approval for housing,
  - a significant reduction in emissions by switching to electrical heat pumps and preparing for green energy/EV charging.

Discussion was held on:

- the request,
- whether the City has the ability to implement the request,
- initiatives the City has committed to, and
- additional direction that can be taken following direction of Council.

R2024-33

**Motion by** Councillor Hunter

**Seconded by** Councillor Nijjar

**THAT the City of Stratford, pursuant to Section 51(31) of the Planning Act, grant draft approval to Plan of Condominium application 31CDM21-003 subject to the following conditions:**

- 1. This approval applies to the draft plan of condominium submitted by Northwest Stratford Developments (2016) Inc., certified by J. Paul Crocker., File No. 31CDM21-003, drawing file name "DraftCondo(X-2829).dwg", dated October 20,**

**2023. The Plan contains a total of 193 residential units severed by Orr Street and internal driveways, located at 520 and 525 Orr Street.**

- 2. This draft approval is for a Vacant Land Plan of Condominium under Part XII of The Condominium Act, 1998.**
- 3. The development is to be registered as one condominium corporation.**
- 4. This approval of the draft plan applies for a period of five (5) years, and if final approval is not given within that time, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.**
- 5. The City acknowledges that the Owner may develop the condominium in two stages: stage 1 being the area south of Orr Street and Block 3 on 44M92, and stage 2 being the area north of Orr Street and Block 1 on 44M92. Prior to final approval for the registration of the plan of condominium, the Manager of Planning, City of Stratford, is to be satisfied that:**

**With respect to stage 1:**

- i. the fire route and fire route signs have been fully installed to the satisfaction of the City of Stratford Fire Department;**
- ii. site works and site servicing in the common element areas are substantially complete (with roads completed to B gravel stage), and the Owner's consulting engineer has submitted a final site works and site servicing certificate which has been accepted by the City of Stratford Engineering Department;**
- iii. the Owner's consulting engineer has submitted a written, detailed estimate of 100% of the cost to install and provide all unfinished facilities and services shown in the declaration and description to be included in the common elements (including top coat asphalt, landscaping, walkways, retaining walls and grading), to the City's satisfaction;**



- iv. the City holds security in the accepted amount plus 25% for administration and contingencies in a form acceptable to the City Treasurer and,**
- v. the proposed plan of condominium showing any “as constructed” buildings and structures has been submitted and accepted by the City as in compliance with Subsection 155(1) of the Condominium Act, 1998.**

**With respect to stage 2:**

- 1. the storm water management (SWM) pond to be constructed on stage 2, the storm sewers from Orr Street to the SWM pond, and all appurtenances related thereto have been installed and are operational, to the satisfaction of the City of Stratford Engineering Department;**
  - 2. the Owner’s professional engineer has provided a written, detailed estimate of 100% of the cost to install and provide all site works and site servicing in the common element areas required by site plan agreement for stage 2 and all facilities and services shown in the declaration and description to be included in the common elements (including landscaping, walkways, retaining walls and grading), to the City’s satisfaction;**
  - 3. the City holds security in the accepted amount plus 25% for administration and contingencies in a form acceptable to the City Treasurer; and**
  - 4. the Owner has installed barricades to prevent access by Unit owners to the stage 2 lands, to the satisfaction of the City.**
- 6. The Condominium Declaration shall contain appropriate provisions setting out the responsibility for maintaining, repairing, and replacing services which serve:**
- i. more than one Unit, whether or not those services are within the common elements or within a Unit;**
  - ii. the owner’s Unit only, that are located within the owner’s Unit or another Unit; and**

**iii. the owner's Unit only, that are located within the common elements.**

- 7. Subject to V above, all buildings and structures, if any, shown in the declaration and description to be included in the common elements such as pools or clubhouses shall be constructed prior to final approval.**
- 8. Should security already being held by the City under the authority of Section 41 of the Planning Act be partially or fully sufficient in form and amount to meet the requirements of Article V above, the Condominium security requirement in Article V may be reduced or waived by the City. For greater clarity, the security required under Article V is not intended to duplicate or be in addition to the security held by the City the site plan agreement. The City will not hold security for amenities such as pools, tennis courts, or clubhouses.**

**Should additional security be required, if deemed necessary by the City the Owner shall enter into a condominium agreement with the City which shall be registered on title prior or subsequent to final approval, in the discretion of the City.**

- 9. The Owner covenants and agrees that it will not submit application for any building permits in stage 2 until the Manager of Planning, City of Stratford, is satisfied that:**
- i. the fire route and fire route signs on stage 2 have been fully installed to the satisfaction of the City of Stratford Fire Department.**
  - ii. site works and site servicing in the common element areas on stage 2 are substantially complete (with roads completed to B gravel stage), and the Owner's consulting engineer has submitted a final site works and site servicing certificate which has been accepted by the City of Stratford Engineering Department.**
  - iii. the Owner's consulting engineer has submitted a written, detailed estimate of 100% of the cost to install and provide all unfinished facilities and services shown in the**

**declaration and description to be included in the common elements (including top coat asphalt, landscaping, walkways, retaining walls and grading), to the City's satisfaction;**

**iv. the City holds security in the accepted amount plus 25% for administration and contingencies in a form acceptable to the City Treasurer.**

- 10. Prior to final approval, provision is made for an easement or other legal means to establish access between the ends of the townhouse units to allow Unit owners to have access to their rear yards and to allow the Condominium Corporation to maintain fencing to the satisfaction of the Manager of Planning.**
- 11. Prior to final approval, the Owner shall make arrangements for the granting of any easements for utilities and municipal services, including the storm sewer easement.**
- 12. Prior to final approval for the registration of the condominium corporation within this development, a list of residential unit numbers and the corresponding legal descriptions that will be in place upon registration of the plan of condominium shall be submitted to the City to the satisfaction of the Manager of Planning.**
- 13. The Condominium Declaration shall contain appropriate provisions requiring municipal addressing and/or door point numbers to be posted on the façade of each Unit in accordance the City's Municipal Addressing By-law 47-2008 to the satisfaction of the Manager of Planning.**
- 14. Prior to final approval for the registration of the development as a condominium corporation by the Approval Authority, the Manager of Planning, City of Stratford, is to be advised in writing by the City of Stratford Corporate Services Department, Tax Division that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.**

- 15. Prior to final approval, the Manager of Planning, is to be advised in writing, by the telecommunications company, that the Owner has made satisfactory arrangements with a telecommunications provider for the provision of permanent or temporary wire-line communications/telecommunication services to this plan. Further, that the following be included in the Condominium Declaration: "The Owner agrees that should any conflict arise with existing Bell Canada facilities, where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost".**
- 16. The Condominium Declaration shall contain a provision that outlines that telecommunications, mail delivery equipment, water lines and appurtenances, hydro, perimeter fencing, parking, sanitary sewer lines and appurtenances are to be described as a common element and may include items that are external to the buildings and items that service more than one Unit or the Units and common elements and are to be operated, repaired, and maintained by the Condominium Corporation to the satisfaction of the Manager of Planning.**
- 17. Prior to final approval, the Manager of Planning, is to be advised in writing, by Enbridge Gas Inc., that its requirements with respect to easements and rights-of-way for services have been met.**
- 18. Prior to final approval for the registration or the development as a condominium corporation, the Manager of Planning is to be advised in writing by Canada Post that the Owner has confirmed mail delivery equipment has been supplied and installed to the satisfaction of Canada Post. Further that the Owner agrees to display a map on the wall of the sales office indicating the location of all Community Mail Boxes within the development to the satisfaction of Canada Post, and the Owner shall included in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box.**
- 19. That the Condominium Declaration shall contain a provision that states prior to any work on the water service,**

**the Condominium Corporation shall be required to submit the City's standard "Authorization to Turn Off and On Private Water Service" form to the City and this form must be signed by the Condominium Corporation.**

**20. That the Condominium Declaration shall contain a provision stating that no parking is available on internal drive aisles and that all parking shall be provided in the garage, Unit driveways or within visitor parking spaces and it shall also state that the clause shall not be amended without the consent of the City of Stratford, all to the satisfaction of the Manager of Planning.**

**21. That the Condominium Declaration shall contain a clause outlining that the following clause shall be included in any agreements such as offers of purchase and sale and lease/rental agreements to the satisfaction of the Manager of Planning.**

**"In accordance with the applicable Zoning By-laws and approved Site Plan, this condominium contains designated visitor parking spaces. No parking is available within internal drive aisles and all parking shall be provided in the garage, Unit driveway, or within the designated visitor parking spaces".**

**22. That the Condominium Declaration shall contain a clause outlining that the following:**

**"The Condominium Corporation and Unit Owners covenants and agrees that portions of Orr Street may flow into private stormwater management systems on the Common Element stormwater management pond. Further that:**

- i. Stormwater flows from other blocks or public streets may be directed into the private stormwater management system;**
- ii. The Condominium Corporation and Unit Owners of the subject lands indemnify that the City of Stratford is not liable in any way now or at any time in the future for the repair, maintenance or cost sharing obligations related to**

**the private stormwater management system on the subject lands and waive the right to make any claims against the City of Stratford; and,**

**iii. The Condominium Corporation shall enter into a joint use, maintenance and cost sharing agreement with all other owners of lands that flow into the private stormwater management system that sets out the responsibilities and cost sharing obligations for the private stormwater management system."**

**23. That the Condominium Declaration to be registered contain a provision that the Condominium Corporation agrees to maintain the subject lands in compliance with approved Site Plan.**

**24. The digital copy of the plans provided are required containing the plan of condominium in Auto CAD native format (.dwg), stored as a single file, with all of the classes of features (eg. building footprint, Unit boundaries, interior roadways, access to public street, retaining walls, noise attenuation walls, fences, etc.) separated into different layers. For further information, please contact City of Stratford Building and Planning Services Department.**

**25. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the City of Stratford a complete submission consisting of all required clearances and final plans, and to advise the City of Stratford in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the City of Stratford, such submission will be returned to the Owner without detailed review by the City.**

**Notes to Draft Approval:**

- 1. Pursuant to Section 51(59) of the Planning Act, if a plan approved under Section 51(58) of the Planning Act is not registered within 30 days of approval, the City of Stratford may withdraw its approval.**

- 2. If final approval is not given to this Plan, within 5 years of the draft approval date, and no extensions have been granted, draft approval shall lapse under subsection 51(32) of the Planning Act, R.S.O., 1990. If the Owner wishes to request an extension to draft approval, a written explanation, together with a resolution from the local municipality, must be received by the Approval Authority 60 days prior to the lapsing date.**
- 3. All plans are to be prepared using total station survey and compatible with the latest version of AutoCAD. The final plan submitted for registration, engineered design drawings and construction record drawings are to be provided in print and digital format referenced to a control network compiled to the satisfaction of the City of Stratford Engineering Department in accordance with Ontario Basic Mapping (U.T.M. Grid 1:2000), for future use within the City's geographical information system.**
- 4. The Owner is advised that clearances from the following agencies is required:**
  - **City of Stratford Corporate Services Department, Tax Division**
  - **City of Stratford Building and Planning Services Department, Manager of Planning**
  - **City of Stratford Building and Planning Services Department, Chief Building Official**
  - **City of Stratford Infrastructure Services Department, Engineering Division**
  - **Canada Post**
  - **Enbridge Gas Inc.**

**For the following reasons:**

- **The request is consistent with the Provincial Policy Statement;**

- **The request is consistent with the policies of the Official Plan; and,**
  - **This request is in conformity with the City's Zoning By-law.**
- Carried**

**7.2 Resolution - Court Security and Prisoner Transport Program 2024**

R2024-34

**Motion by** Councillor Burbach

**Seconded by** Councillor Nijjar

**THAT The Corporation of the City of Stratford enter into an Ontario Transfer Payment Agreement with His Majesty the King in right of Ontario as represented by the Solicitor General for a term of one (1) year to December 31, 2024;**

**AND THAT the Mayor and Clerk be authorized to sign the Agreement on behalf of the municipal corporation.**

**Carried**

**7.3 Resolution - Road Widening for Consent Application B08-23, 581 Downie Street (COU24-009)**

R2024-35

**Motion by** Councillor McCabe

**Seconded by** Councillor Burbach

**THAT the conveyance of Parts 2, 9, and 10 on Reference Plan 44R-6175 from Seven Star Investment Inc. to The Corporation of the City of Stratford, be authorized;**

**AND THAT upon conveyance of Parts 2, 9, and 10 on Reference Plan 44R-6175 to the City of Stratford, these lands be dedicated as public highway forming part of Downie Street.**

**Carried**

**7.4 Resolution - Road Widening for Consent Application B14-23, 91 Brunswick Street (COU24-010)**

R2024-36

**Motion by** Councillor Briscoe

**Seconded by** Councillor Burbach



**THAT the acceptance of a conveyance of Part 3 on Plan 44R-6182 from Amberland Development Company Inc. and A. Varghese Holdings Inc. to The Corporation of the City of Stratford, be authorized;**

**AND THAT upon conveyance of Part 3 Plan 44R-6182 to the City of Stratford, these lands be dedicated as public highway forming part of Rebecca Street.**

**Carried**

#### **7.5 Proclamation - Fibromyalgia Awareness Day**

R2024-37

**Motion by** Councillor Wordofa

**Seconded by** Councillor Nijjar

**THAT Stratford City Council hereby proclaims May 12, 2024, as "Fibromyalgia Awareness Day" in the City of Stratford in recognition of the 2-4% of Canadians living with fibromyalgia.**

**Carried**

#### **7.6 Proclamation - World Autism Day**

R2024-38

**Motion by** Councillor Henderson

**Seconded by** Councillor Beatty

**THAT Stratford City Council hereby proclaims April 2, 2024, as "World Autism Day" in the City of Stratford to raise awareness and show support to the autism community and authorizes the flying of the Autism Flag on April 2, 2024.**

**Carried**

#### **7.7 Resolution - Canadian Dairy XPO**

Organizers of the Canadian Dairy XPO requested designation of the 2024 Canadian Dairy XPO event to be held April 3 and April 4, 2024 in the Cow Coliseum building at the Stratford Rotary Complex, as a municipally significant event for the purpose of obtaining a liquor licence.

Comments received from departments and agencies included:

- no concerns from Huron Perth Public Health;
- no concerns from Fire Prevention;

- as of February 5, 2024 no comments received from Building Division or Stratford Police.

R2024-39

**Motion by** Councillor McCabe

**Seconded by** Councillor Wordofa

**THAT City Council hereby designates the 2024 Canadian Dairy XPO event to be held April 3 and 4, 2024 in the Cow Coliseum at the Stratford Rotary Complex as having municipal significance for the purpose of obtaining liquor licenses from the AGCO, subject to compliance with the City's Municipal Alcohol Risk Policy and the required certificates of insurance being provided.**

**Carried**

**7.8 Resolution - Authorization to Award RFP 2023-65 to YMCA of Three Rivers (COU24-013)**

R2024-40

**Motion by** Councillor Hunter

**Seconded by** Councillor Biehn

**THAT the Request for Proposals (RFP-2023-65) for the delivery of youth programming in the community, be awarded to the YMCA of Three Rivers at a total cost of \$435,000, excluding HST, for a period of two years;**

**AND THAT the Mayor and City Clerk, or their respective delegates, be authorized to sign the contract agreement on behalf of The Corporation of the City of Stratford.**

Discussion was held on where youth programming is currently being operated out of. It was noted that currently there is a youth center at the YMCA and that staff are reviewing alternative locations with a focus on serving youth best. This may result in a recommendation to offer youth programming out of several locations.

Mayor Ritsma called the question on the motion.

**Carried**

Councillor Briscoe having declared a pecuniary interest did not participate in the discussion or vote on this item.

**7.9 Resolution - Proposed Telecommunication Tower – Request for Letter of Concurrence from Spectra Point Inc. (COU24-11)**

R2024-41

**Motion by** Councillor Biehn

**Seconded by** Councillor Nijjar

**THAT the request from Spectra Point Inc. be supported and staff be directed to issue a letter of concurrence for a proposed wireless telecommunication tower on the lands municipally known as 3984 Road 111, subject to the following conditions:**

- 1. The Owner/applicant enter into a site plan agreement with the City.**
- 2. A minimum distance separation of 35 metres is met from existing and proposed future residential lands in the area.**
- 3. The telecommunications tower and communication equipment have a non-reflective surface.**
- 4. Lighting shall be to the minimum number of lights and lowest illumination allowable and strobing lighting should be set to the maximum strobe interval allowable.**

Members discussed the request noting:

- a member would not be supporting the motion due to the location of a new development behind this proposal;
- location of the development and the proposed tower being noted;
- this being a federally regulated program that could still proceed even if Council does not support;
- there being requirements for local engagement;
- the applicant being required to notify residents within 180m and that it has not been confirmed whether this has been completed; and
- there being a request to amend the motion to include a condition that notice be given.

**Motion by** Councillor Briscoe

**Seconded by** Councillor Henderson

THAT the motion be amended to include a condition requiring the applicant complete the circulation notice and to confirm with the City once completed.

Discussion continued on the request:

- staff being able to provide additional details on the program in a future report;
- the final location of the tower being determined through a site plan and the condition that a minimum distance separation of 35m be met will not allow the tower to be located in the preferred location of the applicant; and
- if conditions are not met then a letter of concurrence would not be issued.

Mayor Ritsma called the question on the motion to amend the main motion.

**Defeated**

**Motion by** Councillor Sebben

**Seconded by** Councillor Wordofa

THAT the report titled, "Proposed Telecommunication Tower – Request for Letter of Concurrence from Spectra Point Inc.," be referred to staff to outline options available to Council for considering this request and the process that would follow for each option.

**Defeated**

Mayor Ritsma called the question on the original motion.

**Carried**

## **7.10 Proclamation - Dairy Week**

R2024-42

**Motion by** Councillor Hunter

**Seconded by** Councillor Nijjar

**THAT Stratford City Council hereby proclaims April 1-5, 2024 as "Dairy Week" in the City of Stratford and authorizes the flying of a Dairy Producer flag at City Hall from April 3-5, 2024.**

A member noted they would not be supporting the motion.

Mayor Ritsma called the question on the motion.

**Carried**

**7.11 Resolution - Draft 2021 Audited Financial Statements (COU24-014)**

R2024-43

**Motion by** Councillor McCabe

**Seconded by** Councillor Hunter

**THAT the Draft 2021 Audited Financial Statements be approved and finalized.**

**Carried**

**7.12 Resolution - Ad-Hoc Grand Trunk Renewal Committee Workplan and Update (COU24-015)**

R2024-44

**Motion by** Councillor Henderson

**Seconded by** Councillor Nijjar

**THAT staff be directed to work with members of the Ad Hoc Grand Trunk Renewal Committee and Working Group Chairs to implement the 6-month workplan as presented in Report COU24-015.**

**Carried**

**7.13 Proclamation - World Parkinson's Day.**

R2024-45

**Motion by** Councillor Burbach

**Seconded by** Councillor Wordofa

**THAT Stratford City Council hereby proclaim April 11, 2024 as "World Parkinson's Day" in the City of Stratford in recognition of the more than 100,000 Canadians currently living with Parkinson's Disease.**

**Carried**

**7.14 Resolution - Housing Connectivity and Security Systems (COU24-016)**

R2024-46

**Motion by** Councillor Henderson**Seconded by** Councillor Briscoe**THAT staff be authorized to proceed with the last phase of the existing contract with Synnapex Inc., for the Housing Connectivity and Security Systems project.****Carried****8. Business for Which Previous Notice Has Been Given:**

None Scheduled.

**9. Reports of the Standing Committees:**

There were no Standing Committee reports to be considered by Council.

**10. Notice of Intent:**

None Scheduled.

**11. Reading of the By-laws:**

R2024-47

**Motion by** Councillor Hunter**Seconded by** Councillor Nijjar**THAT By-laws 10-2024 to 14-2024 be taken collectively.****Carried** unanimously

R2024-48

**Motion by** Councillor McCabe**Seconded by** Councillor Biehn**THAT By-laws 10-2024 to 14-2024 be read a First and Second Time.****Carried** two-thirds support

R2024-49

**Motion by** Councillor Henderson**Seconded by** Councillor Beatty**THAT By-laws 10-2024 to 14-2024 be read a Third Time and Finally Passed.****Carried**

R2024-50

**Motion by** Councillor Henderson

**Seconded by** Councillor Burbach

**THAT By-law 15-2024 be read a First and Second Time.**

**Carried** two-thirds support

Councillor Briscoe having declared a pecuniary interest did not participate in the discussion or vote on this item.

R2024-51

**Motion by** Councillor Hunter

**Seconded by** Councillor Beatty

**THAT By-law 15-2024 be read a Third Time and Finally Passed.**

**Carried**

Councillor Briscoe having declared a pecuniary interest did not participate in the discussion or vote on this item.

**11.1 Ontario Transfer Payment Agreement - Court Security Prisoner Transportation Program - By-law 10-2024**

To authorize the entering into and execution of an Ontario Transfer Payment Agreement with His Majesty the King in Right of Ontario as represented by the Solicitor General, with respect to the continuation of the Court Security and Prisoner Transportation Program (CSPT) for 2024.

**11.2 Conveyance for the Widening of Downie Street - By-law 11-2024**

To accept the transfer (conveyance) from Seven Star Investment Inc. of Parts 2, 9, and 10 on Reference Plan 44R-6175.

**11.3 Dedication of Part of Downie Street as Public Highway - By-law 12-2024**

To dedicate Parts 2, 9, and 10 on Reference Plan 44R-6175, as public highway forming part of Downie Street in the City of Stratford.

**11.4 Conveyance for the Widening of Rebecca Street - By-law 13-2024**

To accept the transfer (conveyance) from Amberland Development Company Inc. and A. Varghese Holdings Inc. of Part 3 on Plan 44R-6182.

**11.5 Dedication of Part of Rebecca Street as Public Highway - By-law 14-2024**

To dedicate Part 3 on Reference Plan 44R-6182 as public highway forming part of Rebecca Street in the City of Stratford.

**11.6 Award RFP-2023-65 – Youth Programming Delivery - By-law 15-2024**

To authorize the acceptance of a proposal and the entering into and execution of a contract with the YMCA of Three Rivers for the delivery of youth programming in the community for a period of two years (RFP-2023-65).

**12. Consent Agenda: CA-2024-007 to CA-2024-019****12.1 CA-2024-016**

A request was made to support CA-2024-016, being a request to support the Social and Economic Prosperity Review resolution from the Association of Municipalities of Ontario.

R2024-52

**Motion by** Councillor McCabe

**Seconded by** Councillor Burbach

**THAT CA-2024-016, being a request to support the Social and Economic Prosperity Review resolution from the Association of Municipalities of Ontario, be endorsed as follows:**

**WHEREAS current provincial-municipal fiscal arrangements are undermining Ontario’s economic prosperity and quality of life;**

**WHEREAS nearly a third of municipal spending in Ontario is for services in areas of provincial responsibility and expenditures are outpacing provincial contributions by nearly \$4 billion a year;**

**WHEREAS municipal revenues, such as property taxes, do not grow with the economy or inflation;**

**WHEREAS unprecedented population and housing growth will require significant investments in municipal infrastructure;**

**WHEREAS municipalities are being asked to take on complex health and social challenges – like homelessness, supporting**



**asylum seekers and addressing the mental health and addictions crises;**

**WHEREAS inflation, rising interest rates, and provincial policy decisions are sharply constraining municipal fiscal capacity;**

**WHEREAS property taxpayers – including people on fixed incomes and small businesses – can't afford to subsidize income re-distribution programs for those most in need;**

**WHEREAS the province can, and should, invest more in the prosperity of communities;**

**WHEREAS municipalities and the provincial government have a strong history of collaboration;**

**THEREFORE, BE IT RESOLVED THAT the Province of Ontario commit to undertaking with the Association of Municipalities of Ontario a comprehensive social and economic prosperity review to promote the stability and sustainability of municipal finances across Ontario;**

**AND FURTHER THAT a copy of this resolution be sent to the Premier of Ontario; Minister of Municipal Affairs and Housing; the Minister of Finance; and to the Association of Municipalities of Ontario.**

The Mayor noted similar resolutions have been adopted by other municipalities and were attached to the Consent Agenda.

Mayor Ritsma called the question on the motion.

**Carried**

## **12.2 CA-2024-008**

A request was made to endorse CA-2024-008, being a resolution from the Town of Mono declaring a road safety emergency to address traffic safety measures.

R2024-53

**Motion by** Councillor Burbach

**Seconded by** Councillor Sebben

**THAT CA-2024-008, being a resolution from the Town of Mono declaring a road safety emergency to address traffic safety measures, be endorsed.**

**Carried**

### **12.3 CA-2024-018**

A member asked the Director of Emergency Services/Fire Chief to comment on CA-2024-018, being a resolution from The Corporation of the Municipality of Calvin regarding Provincial and National Fire Fighting Strategy. Staff advised they would review and provide comments at the next meeting.

## **13. New Business:**

### **13.1 CIB National Symposium Request**

R2024-54

**Motion by** Councillor Beatty

**Seconded by** Councillor McCabe

**THAT Stratford City Council support the Communities in Bloom Advisory Committee hosting the National Symposium in 2025;**

**AND THAT staff prepare a report outlining:**

- **terms and conditions for a loan in the amount of \$40,000, which is to be repaid by October 2025;**
- **costs for the provision of in-kind support for event space and transportation;**
- **parameters for seeking sponsorships; and**
- **terms of reference for an Ad-Hoc Committee to plan the event.**

Concern was expressed with approving the motion without knowing the terms. The Clerk noted commitment could be given to hosting the symposium and that staff be directed to prepare a report outlining terms and conditions.

Mayor Ritsma called the question on the motion.

**Carried**

### **13.2 RFP-2023-65**

Discussion was held on the award of RFP-2023-65 to the YMCA of Three Rivers for the delivery of youth programming in the community.

### **14. Adjournment to Standing Committees:**

The next Regular Council meeting is February 26, 2024 in the Council Chamber, City Hall.

R2024-55

**Motion by** Councillor Sebben

**Seconded by** Councillor Nijjar

**THAT the Council meeting adjourn to convene into Standing Committees as follows:**

- **Infrastructure, Transportation and Safety Committee [7:05 or thereafter following the Regular Council meeting]; and**

**and to Committee of the Whole if necessary, and to reconvene into Council.**

**Carried**

### **15. Council Reconvene:**

#### **15.1 Declarations of Pecuniary Interest made at Standing Committees**

The Municipal Conflict of Interest Act requires any member of Council declaring a pecuniary interest and the general nature thereof, where the interest of a member of Council has not been disclosed by reason of the member's absence from the meeting, to disclose the interest at the first open meeting attended by the member of Council and otherwise comply with the Act.

Declarations of Pecuniary Interest made at Standing Committee meetings held on February 12, 2024 with respect to the following Items and re-stated at the reconvene portion of the Council meeting:

Name, Item and General Nature of Pecuniary Interest

No declarations of pecuniary interest were made by a member at the February 12, 2024, reconvene Council meeting.

## 15.2 Confirmatory By-law:

The following By-law required First and Second Readings and Third and Final Readings:

### **By-law 11.7 Confirmatory By-law 16-2024**

To confirm the proceedings of Council of The Corporation of the City of Stratford at its meeting held on February 12, 2024.

R2024-56

**Motion by** Councillor McCabe

**Seconded by** Councillor Burbach

**THAT By-law 16-2024 be read a First and Second Time.**

**Carried** two-thirds support

R2024-57

**Motion by** Councillor Sebben

**Seconded by** Councillor Hunter

**THAT By-law 16-2024 be read a Third Time and Finally Passed.**

**Carried**

## 15.3 Adjournment of Council Meeting

R2024-58

**Motion by** Councillor Beatty

**Seconded by** Councillor Burbach

**THAT the February 12, 2024 Regular Council meeting adjourn.**

**Carried**

Meeting Start Time: 7:00 P.M.

Meeting End Time: 8:27 P.M.

Reconvene Meeting Start Time: 8:31 P.M.

Reconvene Meeting End Time: 8:32 P.M.

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Mayor - Martin Ritsma

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Clerk - Tatiana Dafoe

# 2024 Canadian Dairy Expo Parking Options

Stratford Rotary Complex  
April 3 & 4, 2024

Council Meeting | Monday February 26, 2024

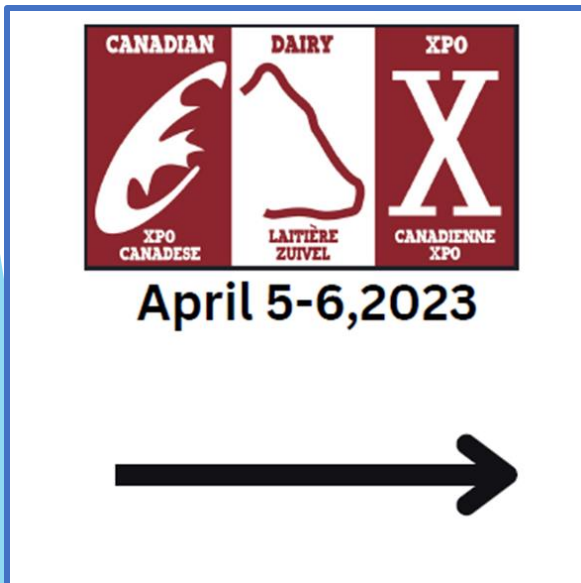


# Directional Off-Site Signage<sup>42</sup>



## Key Signage Facts

- ▶ Signs are not for advertising
- ▶ Signs have been reduced by 65% over 9 operating years
- ▶ Signs serve 3 key purposes
- ▶ Same signs used since 2013
- ▶ No incidents reported
- ▶ 11 requested, reduced from 30
- ▶ Key part of greeting, traffic control, and parking strategies
- ▶ Major event signage prevalent in many municipalities
- ▶ Over \$5k in sign permits, variance fees, and building permits
- ▶ City of Stratford listed as sponsor of CDX on website and on-site signage
- ▶ Why change what has proven to work?

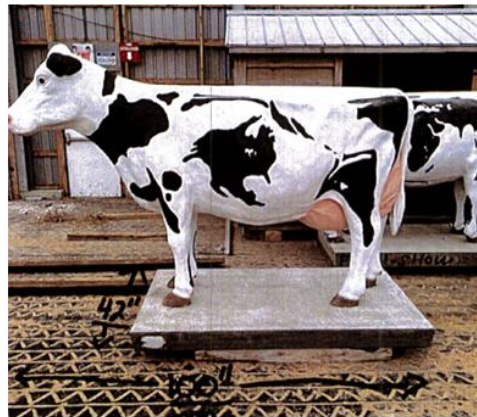


2

# Rotary Complex On-Site Signage <sup>43</sup>

## Key Signage Facts

- ▶ Sign design unchanged over 9 operating years
- ▶ CDX only event to rent entire SRC, with no on-site permits required or restrictions in place over 9 years
- ▶ Sponsor signage under multi-year sponsorship agreements with high-level corporate partners
- ▶ Cost of signs is approximately \$50,000 and used year-over-year



3

# Key Considerations

10th year of operation in Stratford, with over 300+ exhibitors from 35 countries and 17,000 dairy producer attendees.

Generates tourism, economic benefits, and job creation.

CDX looking to provide parking spaces for the event exhibitors, attendees, and staff.

Currently, Rotary Complex does not provide adequate parking.

CDX flexible, wanting to work with the City to identify solutions to event parking.

CDX committed to hosting annual event at the Rotary Complex.

Temporary parking along McCarthy Rd not ideal long-term, but necessary for upcoming April 2024 event.

CDX is proposing a phased approach to event parking, eliminating need for parking spaces along McCarthy Rd in the future.

General support for this phased approach is needed by City Staff and Council.

4





# Proposed Phasing Plan for Parking <sup>45</sup>



- ▶ 2024 (Phase 1): Maintaining status quo i.e., onsite parking + angled parking along McCarthy Road + temporary controlled road closure
- ▶ First option for parking will be on westerly lands (weather-permitting)





# CDX 2024 • ROTARY COMPLEX PARKING • 9:00AM TO 4:00 PM



LEGEND	PARKING STAFF PLAN	PARKING SHUTTLE SERVICE • APRIL 3 & 4, 2024	HOTEL SHUTTLE • APRIL 3&4, 2024	RADIO CHANNELS
Stratford Police Parking Staff Security	<b>6:15 to 9:00am</b> • 6 staff, on McCarthy, parking vehicles <b>9:00am or when McCarthy is full</b> • Main Parking opens • 6 Staff Parking Vehicles in main lot starting in centre and fanning out • Once main lot is full, 6 staff shift to south parking; • Drop to 3 staff at 12 (or as needed)	<b>7am - 9am</b> Shuttles in continuous loop on McCarthy Rd. picking up exhibitors and bringing them to the Rotary complex  <b>9am</b> Shuttles in continuous loop between main parking lot and McCarthy Road	Festival Inn, Queen's Park Inn & Arden Park <b>HOTEL TO CDX</b> 7:30am - 1 Bus - 40 Passenger 8:15am - 1 Bus - 29 Passenger  <b>CDX TO HOTEL</b> 4:00pm - 1 Bus - 40 Passenger 4:45pm - 1 Bus - 29 Passenger	<b>Channel 1</b> CDX INTERNAL STAFF  <b>Channel 2</b> PARKING, SECURITY, SHUTTLES <b>CHANNEL 3</b> POLICE & FIRE







LEGEND

- Parking
- Shuttle Hut
- Parking Staff
- Stratford Police
- Security
- Shuttle Route
- Temporary road closure



# 2024 Temporary Parking on McCarthy<sup>48</sup>

- ▶ Temporary angle parking along McCarthy has alleviated most parking-related concerns.
- ▶ A temporary controlled road closure (McCarthy & Mornington to west McCarthy terminus) requested to further help management matters and improve safety.
- ▶ **Option 1:** Close the road between 7am - 9am daily.
- ▶ **Option 2 (preferable):** Close the road during the operating hours of the event i.e., 7am - 5pm daily.
- ▶ **Safety / Congestion:** Temporary road closure allows for EMS services, and safer parking conditions for attendees/guests. City of Stratford Police and parking officials would be employed to ensure safety levels are maintained (100% CDX funded).
- ▶ **Enforcement:** CDX supportive of City/police ticketing or towing vehicles illegally parked (in front of a fire hydrant or private driveway).
- ▶ **Residents will be informed:** “Local Traffic Only” notification signs to be posted 1 week prior to the CDX event, as requested by City roads department.
- ▶ **Move out:** Schedule for exhibitor trailers will be police controlled 3pm-5pm on the last day (Thursday). No trailers will be permitted onto McCarthy Road nor Rotary Complex Parking lot until after event, minimizing congestion.





# Proposed Phasing Plan for Parking <sup>49</sup>



- ▶ 2025 (Phase 2): Additional on-site surface parking via infill of south SWM pond + replacing the berm landscaping areas along easterly limits
- ▶ Utilize only east half of McCarthy Road (widest section)



# Proposed Phasing Plan for Parking <sup>50</sup>



- ▶ 2026 (Phase 3): on-site parking + redevelopment of the adjoining westerly city-owned lands to provide additional permanent surface parking
- ▶ No McCarthy Road parking required



# Requests to Council:

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1. For 2024, Council approve the proposed Phase 1 parking strategy.
  - ▶ Utilized for the last 5 operating years with a proven track record, with no reported accidents, minimal disturbance, lowest cost, and lowest impact to local residents.
  - ▶ Inclusion of temporary road closure will help with traffic management for the event and will improve safety for residents and attendees of the XPO.
2. Council direct City Staff to explore the Phase 2 and Phase 3 parking strategies to enhance event parking for 2025 (and beyond):
  - ▶ Provide additional on-site surface parking spaces within the Rotary Complex property, by replacing the existing SWM Pond to the south, and replacing the berm landscaping areas along the easterly limits. If this additional on-site parking is provided, approx. 50% of the temporary parking on McCarthy Road could be removed for CDX 2025; and
  - ▶ Redeveloping the adjoining vacant city-owned lands to the west to provide some additional permanent parking to help service future large events at the Rotary Complex, and the future City park lands.



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## Key Facts:

- ▶ 17,000 guests brought to Stratford for CDX each April
- ▶ Since 2016, CDX has assembled a successful team of experienced staff, security officials, and Stratford Police
- ▶ Zero reported vehicular or pedestrian accidents to-date
- ▶ Restricted Road Closure recommended by Stratford Fire Department and City Facility Management
- ▶ Traffic and EMS Services accommodated as per ON Fire Code
- ▶ Compliant with ON Fire Code capacity
- ▶ CDX 2023 survey responses show 80% of attendees and 70% of exhibitors not willing to park off-site
- ▶ Free shuttle service offered to/from all major hotels
- ▶ Only 4.5% of City population affected by temporary road closure over 2 operational days
- ▶ Sidewalks will remain functional and uninhibited
- ▶ CDX and City of Stratford align on future goal, but interim solutions must be considered
- ▶ Eventual increased on-site parking to benefit residents, CDX, and future event-holders

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Thank you!

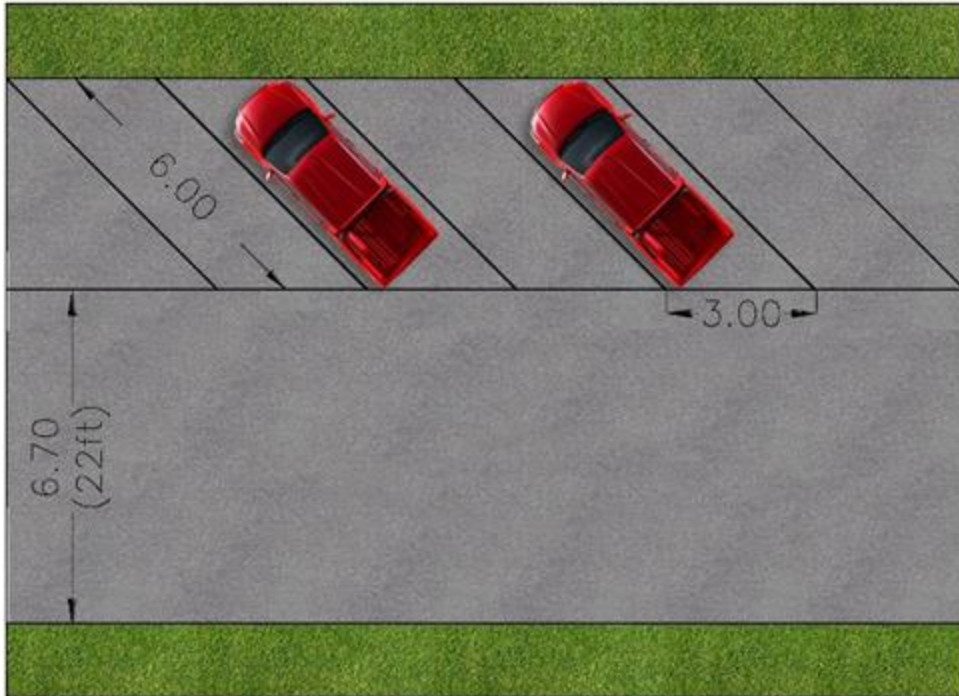
Questions/comments?

13



### Parking Spaces Located to the West Side of the Rotary Complex Main Entrance

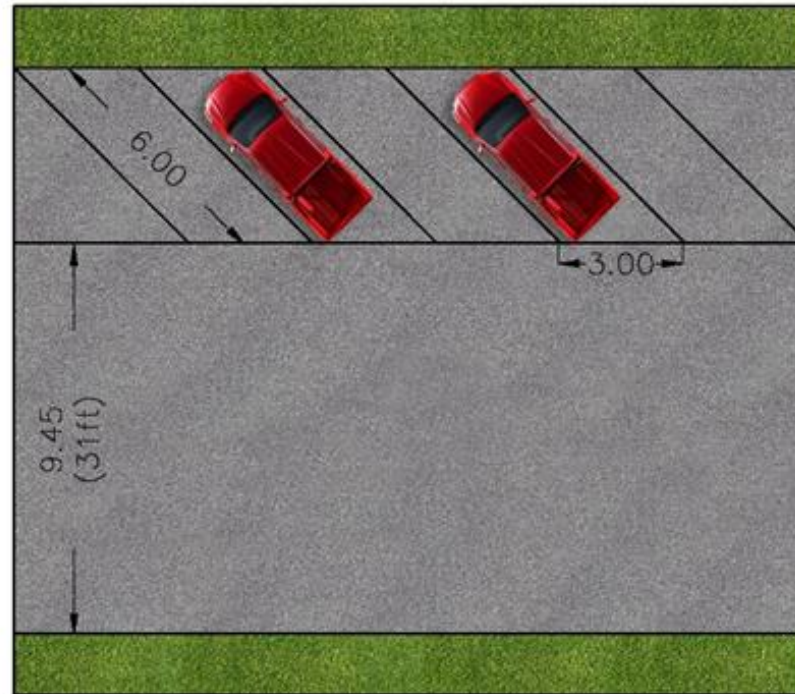
North Side of McCarthy Road



South Side of McCarthy Road

### Parking Spaces Located to the East Side of the Rotary Complex Main Entrance

North Side of McCarthy Road



South Side of McCarthy Road






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## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Mayor and Council  
**From:** Mark Hackett, Manager of Facilities  
**Report Number:** COU24-017  
**Attachments:** CDX Event Parking Map,  
 2024 Canadian Dairy XPO Alternate Parking Report

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**Title:** CDX Parking Requests 2024 - 2025

**Objective:** To review the alternate offsite parking plan provided by the Canadian Dairy XPO (CDX), and to establish the permitted parking areas for the 2024 and 2025 CDX events.

**Background:** The Canadian Dairy XPO (CDX) will take place in Stratford at the Rotary Complex and Agriplex on April 3 and 4, 2024.

As in previous years, the organizers are looking to provide adequate parking for the event attendees. For this event, there is not sufficient parking spaces available in the facility parking lots. To support past CDX events, angle parking on the north side of McCarthy Road West has been approved by Council.

At the January 9, 2023 Council meeting, Council adopted the following resolutions:

**THAT permission for temporary angle parking on the north side of McCarthy Road West from the Fire Hall to the most westerly driveway of the Rotary Complex for the Canadian Dairy XPO in 2023 be granted;**

**THAT the organizer develops an alternate offsite parking plan for the 2024 and 2025 Canadian Dairy XPO events;**

**THAT all costs associated with event parking be the responsibility of the Canadian Dairy XPO;**

**AND THAT approval of hosting this event is subject to there being no Provincial COVID-19 restrictions or HPPH guidance regarding large events.**

**Analysis:** During the January 9, 2023 Council Meeting, Council provided comments concerning parking on McCarthy Road as noted below:

- staff having an opportunity to review and address questions and concerns following the event;
- safety concerns regarding the angle parking on McCarthy Road due to bike lanes not being available, more residents in the area, and the high school nearby;
- the alternate parking site plan being for next year and the current parking plan being for one year due to identified concerns;
- Council having asked for an alternate parking plan previously when the organization last submitted a similar request;
- the Downie Lot being a possible alternate parking site for this event;
- investigating the use of parallel parking on McCarthy Road;
- the possibility of adjusting the load in time for exhibitors in the morning based on high school start time in the area;
- the bike lane on the South side of McCarthy Road also being closed due to spatial requirements;
- staff having worked with the organizer to investigate solutions to address safety concerns and alternate locations;
- increasing exposure to downtown businesses during the event;
- there being no contingency plans in place at this time for use of the field if there is a substantial amount of rain; and,
- there being no risk for emergency vehicles to pass through McCarthy Road during the event.

For the 2024 CDX, an area behind the Rotary Complex could be considered for temporary additional parking for the event. The use of this area is dependent on weather conditions and use of this area would not be permitted if the conditions of the surface are not suitable for parking. During the 2023 CDX event this area was not approved to be used due to inclement weather conditions.

Staff and the organizer estimate that this area represents approximately 650 parking spaces. This area can only be utilized for the short-term and cannot be used for permanent parking as the area is dedicated for park space. The organizer will be responsible for the costs associated with developing this area to be suitable for temporary parking for the short-term.

The current storm water management (SWM) pond located at the south end of the parking lot is projected to be decommissioned in approximately 2 years. This is dependent on when the developer installs the SWM pond planned for the subdivision known formerly as the old Fairgrounds. When this is completed, there is potential to add an additional 220 parking spots to the facility parking capacity.

Mr. Underhill will be addressing Council regarding the alternate parking plan report for the CDX event in 2024 and 2025.

### **Financial Implications:**

#### **Financial impact to current year operating budget:**

Expected facility rental revenue for the 2024 CDX event is projected to be approximately \$50,000. Expenses to support the event are moderately increased in providing additional staff for the event. These additional wage expenses for CDX are the responsibility of CDX and are recovered accordingly, over and above the estimated \$50,000 if incurred. The CDX event has an economic benefit with an influx of visitors to the City of Stratford.

#### **Financial impact on future year operating budget:**

Revenue for future CDX events is expected to be similar to 2024. The additional wage expenses for CDX are not included in the facility rental expenses which affects the fees charged for the facility usage.

#### **Insurance considerations:**

CDX organizer is required to provide a Certificate of Insurance for the two-day event which names the City as additional insured and indemnifies the City.

### **Alignment with Strategic Priorities:**

#### **Strengthening our Plans, Strategies and Partnerships**

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

#### **Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting, and retaining a diversity of businesses and talent.

### **Alignment with One Planet Principles:**

**Not applicable:** This report does not fall under any of the One Planet Principles

**Staff Recommendation: THAT the Alternate Parking Plan Report provided by CDX be received;**

**THAT temporary angle parking on the north side of McCarthy Road West from Fire Hall 2 to Orr Street for the Canadian Dairy XPO in 2024 and 2025 be considered if the alternate parking locations outlined in the CDX parking report are not feasible options;**

**AND THAT all costs associated with event parking be the responsibility of the Canadian Dairy XPO.**

**Prepared by:** Mark Hackett, Manager of Facilities  
**Recommended by:** Tim Wolfe, Director of Community Services  
Joan Thomson, Chief Administrative Officer



# CDX 2023 • ATTENDEE PARKING SCHEDULE • 9:00AM TO 4:00 PM



LEGEND	PARKING STAFF PLAN	PARKING SHUTTLE SERVICE • APRIL 5&6, 2023	HOTEL SHUTTLE • APRIL 5 &6, 2023	RADIO CHANNELS
<p> Stratford Police</p> <p> Parking Staff</p> <p> Security</p>	<p><b>6:15 to 9:00am</b></p> <ul style="list-style-type: none"> <li>• 6 staff, on McCarthy, parking vehicles</li> </ul> <p><b>9:00am or when McCarthy is full</b></p> <ul style="list-style-type: none"> <li>• Main Parking opens</li> <li>• 6 Staff Parking Vehicles in main lot starting in centre and fanning out</li> <li>• Once main lot is full, 6 staff shift to south parking.</li> <li>• Drop to 3 staff at 12 (or as needed)</li> </ul>	<p style="text-align: center; font-size: 2em;"><b>To Be Determined</b></p> <p style="text-align: center; font-size: 1.5em;">Total parking capacity (3 lots) = 1,700</p>	<p><b>Festival Inn, Queen's Park Inn &amp; Arden Park</b></p> <p><b>HOTEL TO CDX</b></p> <p>7:30am - 1 Bus - 40 Passenger 8:15am - 1 Bus - 29 Passenger</p> <p><b>CDX TO HOTEL</b></p> <p>4:00pm - 1 Bus - 40 Passenger 4:45pm - 1 Bus - 29 Passenger</p>	<p><b>Channel 1</b> CDX INTERNAL STAFF</p> <p><b>Channel 2</b> PARKING, SECURITY, SHUTTLES</p> <p><b>CHANNEL 3</b> POLICE &amp; FIRE</p>



# CDX 2023 Parking Lot 3 – 650 Capacity







# 2024 CANADIAN DAIRY XPO Stratford Rotary Complex

Parking Options

January 2024

## EXECUTIVE SUMMARY

- The organizer of the Canadian Dairy XPO (“CDX”) retained Zelinka Priamo Ltd., Land Use Planning Consultants to prepare this report for City Council and Staff’s consideration with respect to the proposed parking options associated with the XPO, taking place annually during the first week of April.
- The Canadian Dairy XPO hosts over 350+ dairy specific exhibitors from 35 countries and 16,000 dairy producers from across Canada annually. These attendees and exhibitors are guests of CDX and the City of Stratford.
- CDX generates a significant economic contribution to the local, provincial, and national economies.
- CDX is committed to hosting its annual event at the Rotary Complex where temporary parking spaces are not required on McCarthy Road, however, such parking arrangements are essential for the upcoming April 2024 event. CDX is proposing a phased approach to event parking which would ultimately eliminate the need for parking spaces along McCarthy Road in the future, and general support for this phased approach is needed by City Staff and Council. CDX is both flexible and willing to work with the City of Stratford to identify short-, medium-, and long-term solutions to event parking at the Stratford Rotary Complex.
- The scope of the report explores the following parking options/phases:
  - 1 Maintaining status quo (as per CDX 2017, 2018, 2019 and 2023 events) i.e., on-site parking within the Rotary Complex property coupled with angled parking along the northerly side of McCarthy Road from Mornington Avenue to Orr Street. In addition, for the 2024 event, a temporary controlled closure for McCarthy Road during the 2 operating days is proposed.
  - 2 On-site parking within the Rotary Complex property coupled with off-site parking at various locations throughout the City of Stratford; and
  - 3 On-site parking within the Rotary Complex property, as well as the redevelopment of the adjoining city-owned lands to the west to provide additional permanent surface parking for future large events.
- Based on the findings of this study, it is strongly recommended that:
  - 1 Option/Phase 1, which includes on-site parking within the Rotary Complex property coupled with angle parking along the northerly side of McCarthy Road; as well as the introduction of a temporary road closure is the preferred and strongly recommended option and should be approved by Council for CDX 2024. This option has been utilized for the last 5 years and has a proven track record with no reported accidents, minimal disturbance, lowest cost, and lowest impact to local residents. The inclusion of the temporary road closure will help with traffic management for the event and will improve safety for residents and attendees of the XPO. The organizers’ initial discussion with the City’s Facility Manager, Fire Chief and Director of Fire Prevention confirmed that there is general support for

this parking option.

- 2 For future events at the Rotary Complex (i.e. 2025 and beyond), Council should direct City Staff to explore the following options to enhance event parking:
  - (a) Provide additional on-site surface parking spaces within the Rotary Complex property, by replacing the existing SWM Pond to the south, and replacing the berm landscaping areas along the easterly limits; and
  - (b) Redevelop the adjoining vacant city-owned lands to the west to provide some additional permanent parking to service the proposed parklands and large events at the Rotary Complex (also see Option 3 below).
- 3 Option/Phase 2, which includes supplying a portion of the required event parking via a number of sites dispersed throughout Stratford, has a number of potential impacts that in our opinion make this option undesirable. Moreover, exit surveys from previous CDX events confirm categorically that due to time sensitivities exhibitors and attendees would not attend the CDX event if they had to park off-site. Over 80% of attendees and over 70% of exhibitors responded that they would not be willing to park at an off- site location with shuttle service to and from CDX in 2024.
- 4 Option/Phase 3, which includes on-site parking within the Rotary Complex property plus permanent parking on the adjoining city-owned lands to the west, coupled with Option 2(a) above, are the preferred long-term options for CDX. To help attract future large events to the Rotary Complex and City, Council should direct City Staff to explore the option of designing this land for both public park purposes (for local residents and users of the Rotary Complex) and additional over-flow parking for large events. CDX companies may be interested in supporting the creation of an agricultural-themed park on the adjoining lands.

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**APPENDIX B: Surrounding Context**

**APPENDIX C: Proposed Phasing Plan**

**APPENDIX D: Alternate Parking Sites**

## 1.0 INTRODUCTION

The organizer of the Canadian Dairy XPO (“CDX”) retained Zelinka Priamo Ltd to prepare this report for City Council and Staff’s consideration with respect to the proposed parking options associated with the 2024 XPO.

The 2024 Canadian Dairy XPO will take place at the Stratford Rotary Complex on April 3 and 4, 2024 between 9:00 AM to 4:00 PM both days.

The Canadian Dairy XPO is currently in its 10<sup>th</sup> year of operation in Stratford, Ontario.

Stratford was selected as the host City of CDX as it is a rural location in the heart of Dairy Country. If you were to draw a circle 100km around Stratford, you would find the highest concentration of commercial in the country.

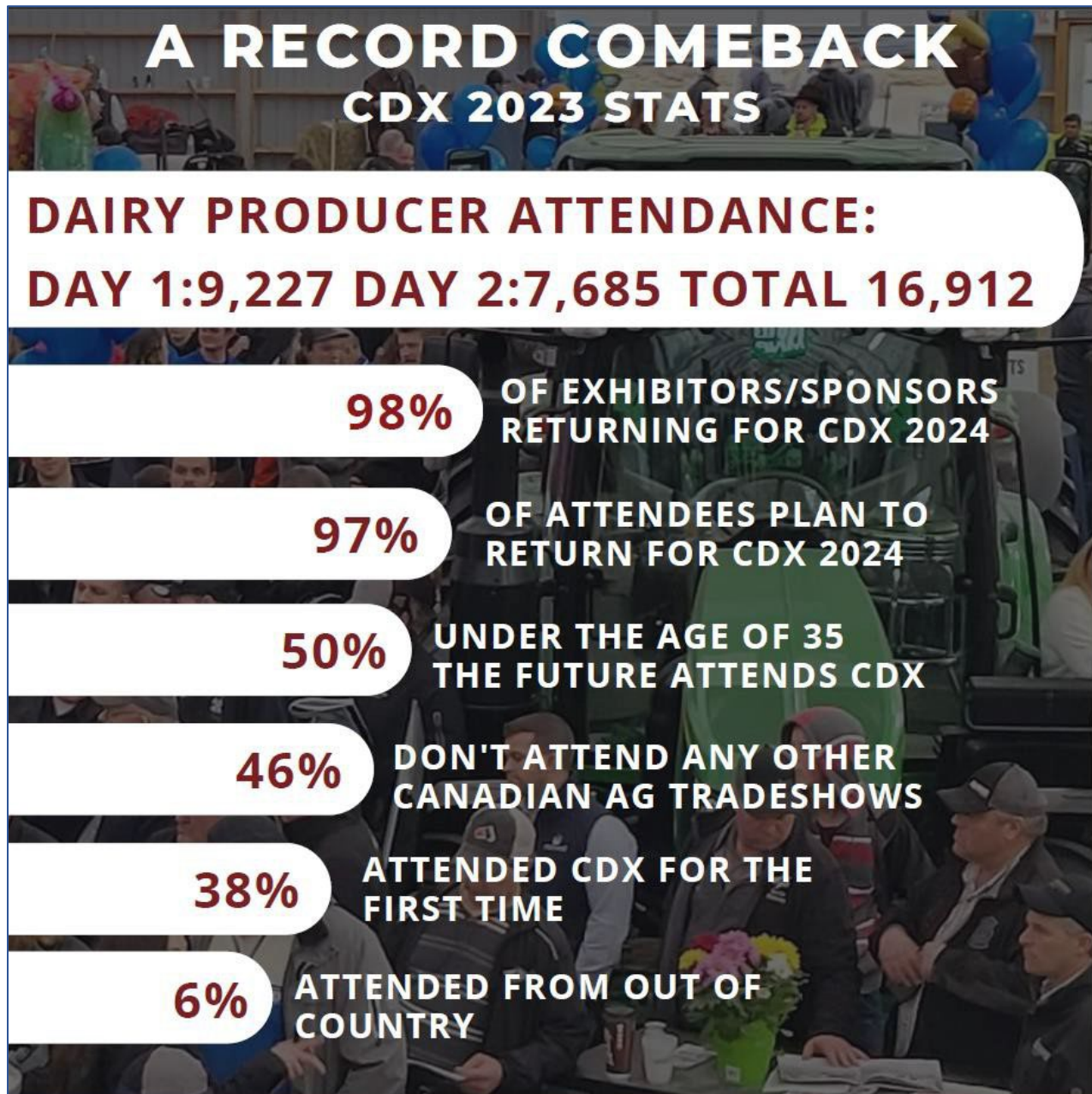
The Canadian Dairy XPO hosts over 350+ exhibitors from 35 countries and 16,000 dairy producer attendees. These companies are dairy specific and come from around the globe to showcase at our XPO.

In 2024 Canadian Dairy XPO will include:

- NEW Dairy Business summit hosted April 2, 2024 at the Tom Paterson theatre in Stratford. The conference will focus on taking top producers and giving them the mindset to be CEOs of their own dairy operations.
- Expanded German Pavilion/New Dutch Pavilion: Funded by the Federal Governments the Pavilions showcase the latest dairy technology and innovations being showcased in Canada for the first time. Participating companies are looking for distributors, warehousing and office space for North America operations.
- CheeseFest: Evening networking event with industry professionals and producers in the Cow Coliseum following the first day of the show. Featuring the best in Canadian Cheese. This event is free to attend and welcomes all City of Stratford residents!
- Calves for a Cause Sale: The highly successful supporting the London and Stratford children’s hospital’s returns for 2024. Selling 40 elite calves and frozen genetics with over \$60,000 being donated in 2023.
- Genetics In Motion: Live Dairy Daughters from top Canadian genetic companies. A first for Canada!

A breakdown of some of the key statistics from the 2023 XPO are as follows:

Image 1 – Key Statistics



## 2.0 BACKGROUND

In December 2021/January 2022 the organizer of the CDX approached the City Council seeking approval for angle parking associated with the CDX to be located on the north side of McCarthy Rd. West for two years (2022 and 2023).

During the review of this request, it was determined by City Council that the following recommendations should be imposed that:

1. Permission for temporary angle parking on the north side of McCarthy Road West from the Fire Hall to the most westerly driveway of the Rotary Complex for the Canadian Dairy XPO in 2023 be granted.
2. The organizer investigate alternate offsite parking options for future events
3. All costs associated with event parking be the responsibility of the Canadian Dairy XPO; and
4. Approval of hosting this event is subject to there being no Provincial COVID-19 restrictions or HPPH guidance regarding large events.

The purpose of this report is to discuss the parking options for the short- and long-term future of the CDX in Stratford at the Rotary Complex, including Recommendation # 2 above.

### **3.0 ECONOMIC BENEFITS**

The Canadian Dairy Expo (CDX) welcomes producers from across Canada and around the world.

Coming from across Canada, the USA and internationally, the XPO draws big crowds of dairy producers. The official XPO attendance number for the 2023 event was 16,912 over the 2 days. Record breaking day 1 numbers (Wednesday April 5th) of 9,227; on day 2 (Thursday April 6th) of 7,685. 50% of attendees were under the age of 35 and 97% are planning to return to the XPO in 2024. These producers carry the responsibility of feeding Cities across the Country with ongoing incremental expansion!

Several international delegates attended the XPO to see the vibrancy and pride in the Canadian Dairy industry. Taking part in many aspects of the XPO including the NEW German Pavilion hosted by the German Ministry of Agriculture. The Pavilion hosts companies direct from Germany, showing the latest in German dairy innovation. The German Pavilion is slotted to come back for 2024 with a larger presence increasing in size by over 50% and in its own international innovation hall.

Expos such as CDX, as well as trade shows, conferences, meetings, and conventions are a subset of the business event industry. Nationally, business events are known to be important drivers of the national economy, contributing to trade and investment outcomes, innovation, jobs creation and tourist visitation. Their value goes well beyond the industry sector of the events for both small and big businesses. These events play a pivotal role in a community's economic prosperity, including boosting the visitor economy through domestic and international visitation (such as transport, hotels, retail, and restaurants), facilitating small business growth by connecting buyers and sellers, knowledge sharing leading to innovation and business collaboration (both locally and globally) and providing a platform for international trade and investment. The benefits of these events are far reaching and an investment in exhibition infrastructure is made because of the economic and social benefits that accrue to the community from its use.

Potential economic benefits at all levels resulting from CDX are derived from a range of activities associated with visitor expenditures, including the revenue and expenses of the event and office operation, spending of out-of-town visitors to Stratford, show sales adjusted for imports and inventory withdrawals, and associated spin-off impacts such as job creation.

#### **Tourism**

According to the CDX Survey information, in previous CDX's in Stratford saw attendance of approximately 16,000 visitors. Of these, over 70% were non-residents (greater than 80km away), with over 90% staying at least 1 night in Stratford.

The economic impact of tourism begins when a visitor to an area spends any amount of money on any product or service in that area i.e., retail and accommodation, fuel and food service industries. It is noted that CDX provides links to a range of local accommodations on its website, and during the event CDX provides a shuttle service to/from most of these hotels. The direct recipients of visitor expenditures use these dollars to earn income, pay wages, and pay taxes thus creating a direct impact on the local economy. The benefits to the local economy extend beyond



the direct impact of these dollars. Visitor expenditure creates a chain effect. When businesses and their employees spend their income in the region (either through businesses purchasing from suppliers or employees spending their wages in the region) they create indirect and induced impacts by supporting additional jobs, wages, salaries, proprietary income, and tax revenues.

## 4.0 SITE & SURROUNDINGS

The Stratford Rotary Complex (the “subject lands”), at 353 McCarthy Road West, are generally located at the southwest corner of the McCarthy Road West and Greenwood Drive intersection. See Appendix A for aerial imagery of the subject lands. The subject lands consist of a single rectangular parcel with an area of approximately 7.8ha (19.3ac), and a lot frontage along McCarthy Road West of approximately 193.1m (633.2ft). The subject lands are occupied by two large stand-alone buildings with associated surface parking.

The subject lands are designated “*Parks and Open Space*” in the City of Stratford Official Plan; and are zoned “*Institutional Community (IN1)*” in the City of Stratford Zoning By-law. The subject lands are not within the UTRCA regulated area.

The Rotary Complex generally consists of a main building with an approximate gross floor area of 100,000 square feet, with a pedestrian bridge leading over the existing SWM pond to the CDX Cow Coliseum and an additional 28,000 sq. ft. building.

Approximately 800 parking spaces can be accommodated on the subject lands.

Land uses surrounding the subject lands generally consist of residential, institutional, and parks uses. Appendix B illustrates the subject lands and key uses, services, and facilities within a 400m and 800m distance (an approximate 5-minute and 10-minute walking distance, respectively).

## **5.0 PARKING OPTIONS/PHASES**

The organizers are again looking to provide parking spaces for the event exhibitors and attendees. For this event, there are not adequate parking spaces available in the Rotary Complex parking lots alone. It is our understanding that in general there is technically a significantly deficient number of parking spaces available on-site, given that the maximum internal fire code capacity of the Rotary Complex is 3-4 greater than the current total number of available on-site parking spaces. It is our understanding that the maximum capacity of the Rotary Complex property including the Cow Coliseum is within the range of approximately 4,500-5,000; whereas the total number of parking spaces available on-site is only approximately 800 spaces.

For the CDX event, parking is allocated in three separate categories: Exhibitor, Attendee, and CDX & Facility Staff. Exhibitor parking has historically been located along McCarthy Road West and is the subject of the below parking options. Approximately 500 parking spaces are required to accommodate the CDX exhibitors. Exhibitor parking is scheduled for 7am-9am on both days of the XPO. Attendee parking is located on the Rotary Complex property, with approximately 800 spaces required. CDX & Facility Staff parking is located towards the southwest of the Rotary Complex, with approximately 50 parking spaces required. The total parking spaces required to accommodate the CDX event amounts to approximately 1,500 spaces at any given time. CDX provides complimentary shuttle service from all major Stratford hotels, companies are encouraged to bring customers/producers on buses and exhibitors are encouraged to carpool from their place of business. These efforts have significantly reduced the onsite carload demand over the years.

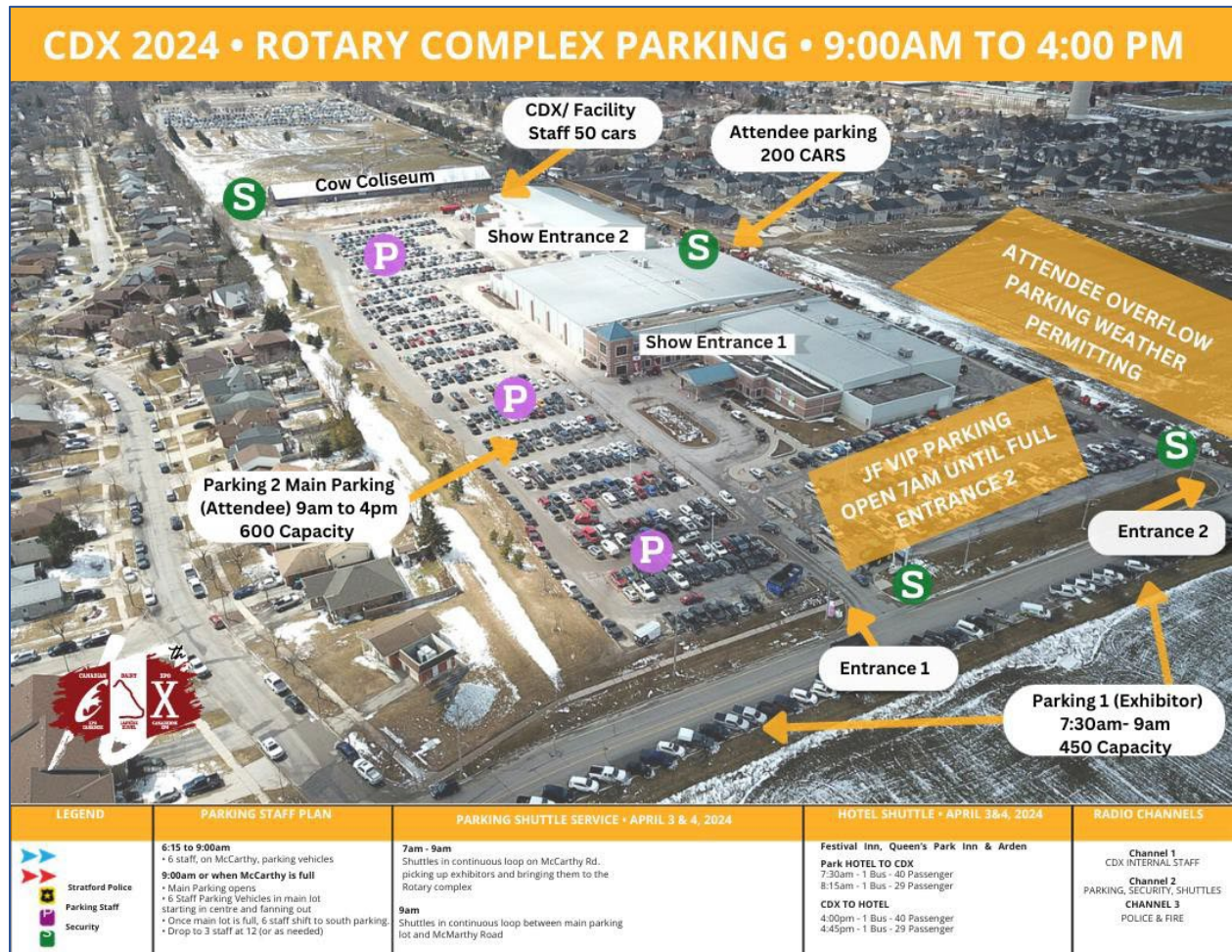
The purpose of this report is to explore parking options for 2024 CDX, including on-site arrangements. The scope of the report explores the following parking options:

### **Option/Phase 1: Maintain Status Quo + Temporary Road Closure**

As approved by Council in January 2022 (and previously approved for the 2017, 2018, and 2019 XPO), the parking associated with the 2023 CDX event comprised utilizing available surface parking spaces on the Rotary Complex property and temporary angle parking along the northerly side of McCarthy Road from the Fire Hall (near Mornington Street) to the most westerly driveway of the Rotary Complex. CDX 2024 would like to continue with this arrangement, with some modifications.

For CDX 2024, angle parking is required on McCarthy Road on the northerly side only from 7am - 9am daily. The length of angle parking required along McCarthy Road would be approximately 1.4 km, starting at Mornington Street at the East end of McCarthy Rd to Orr Street near the far westerly end of McCarthy Road. Approximately 450-500 parking spaces would be created. A complimentary shuttle bus service would operate along this portion of McCarthy Road to transport visitors to the main CDX site (Rotary Complex property) (see Images 2-3).

Image 2 – Site and Parking Layout



The addition of a temporary controlled road closure from the McCarthy Road West & Mornington Street intersection to the terminus of McCarthy Road West (near Orr Street), is requested for CDX 2024 (see Image 3).

There are two options with respect to the temporary road closure, as described below.

Firstly, it is our understanding that temporary controlled road closures have been granted before by the City of Stratford to accommodate the need for additional parking for Stratford Warriors home games. Temporary road closures are also used for other events in Southwestern Ontario, such as the Woodstock Farm Show and the Royal Winter Fair.



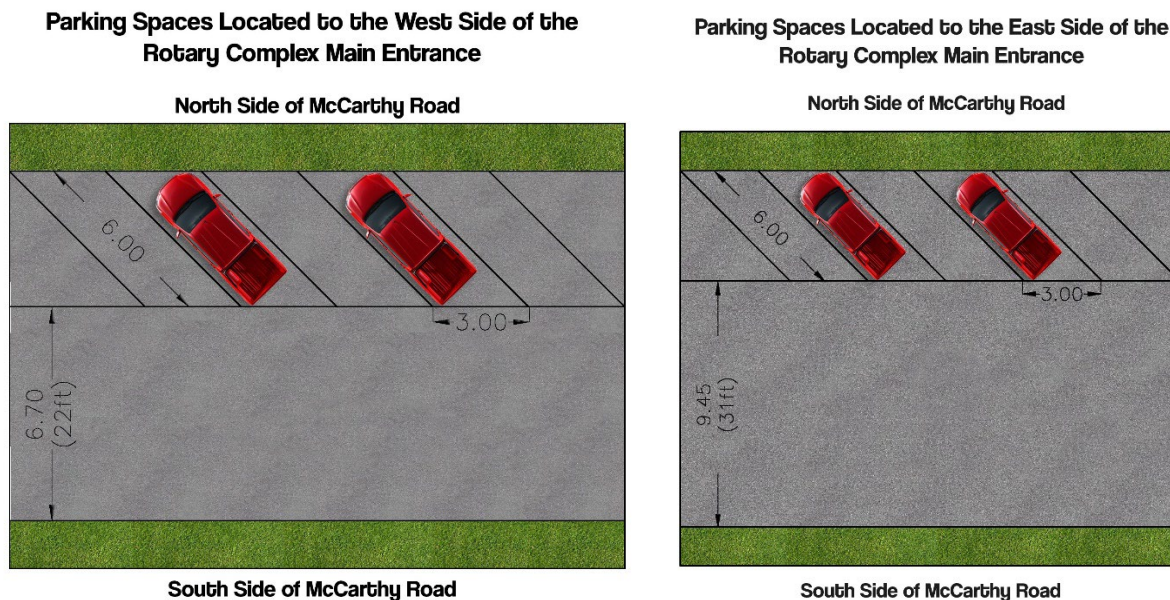
Option 1 is to close the road just between 7am - 9am daily; or the preferable and safer Option 2 would be to close the road during the operating hours of the event i.e., 7am – 5pm daily.

This temporary road closure will make it safer for attendees to show/guests of Stratford, EMS access up and down McCarthy Rd. It is noted that a secondary access point is also available at the westerly end of McCarthy Street. The City of Stratford Police and parking officials would be employed to ensure safety levels are maintained, and so that visitors can efficiently implement this parking option. Further, pre-event, temporary (“Local Traffic Only”) access notification signs would be posted in the surrounding neighbourhood at least 1 week prior to the CDX event to ensure that local residents understand the proposed temporary arrangements. Local traffic will still be permitted and controlled via CDX hired police and parking staff.

NEW: the move out schedule for exhibitor trailers will also be police controlled/patrolled between 3:00pm and 5:00pm on the last day (Thursday) of the CDX event. No trailers will be permitted onto McCarthy Road nor Rotary Complex Parking lot until after the CDX event finishes, to help minimize vehicle congestion.

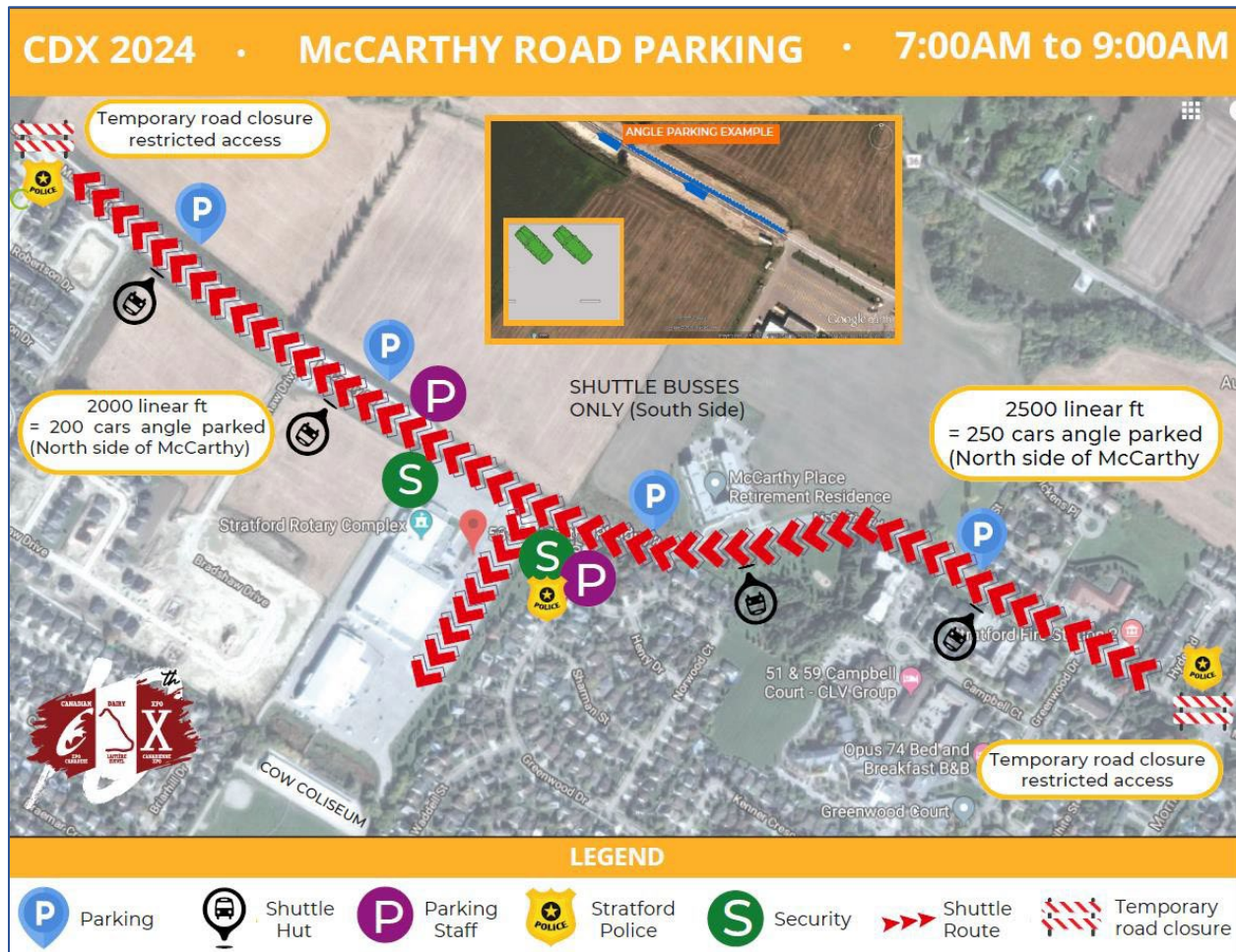
CDX will continue to communicate directly with local developers, retirement communities and the City of Stratford Fire Department to ensure that all entrance/exit points are barricaded and left open at all times.

As demonstrated by the graphics below, the McCarthy Street right-of way is sized appropriately to ensure that with the temporary parking spaces in place, and two-way traffic operational, there is still sufficient space available for emergency vehicles. Ontario Fire Route access is a minimum of 3m or 9.8ft, so you can see from below diagrams we have greater than min requirements for two-way traffic at both ends of McCarthy Rd.



It is important to note that CDX is completely supportive of city/police ticketing or towing any vehicles that happen to park in front of a fire hydrant or private driveway.

Image 3 – Proposed Road Closure




It is important to note that this parking arrangement has been safe and effective for several events, with minimal concerns (relative to the size and scale of event) raised from the public, as confirmed through the organizer's communications with City Facility Management, Police and Fire Department. The introduction of the temporary angle parking along McCarthy has alleviated almost all the parking-related concerns for both City of Stratford residents and attendees to CDX. There was significant social media support from residents/taxpayers leading up to and following CDX 2023, in which the parking arrangement was generally supported given the economic benefit to the City (see Images 4-6).





## Images 4-6 – Social Media Commentary

 **Stratford City Council Topics**  
Dan Graver · January 10 · 🌐

Shout out to the Canadian Dairy XPO. I am hoping they retain their patience with the City of Stratford and keep bringing in 19.1 Million dollars into Perth County.  
To City Council:  
Be careful, the alternate parking plan might be in another City and another County, with the loss of 19.1 million dollars. Strange with the concerns of Councillor Jo-Dee Burbach, Cody Sebben about cars, bikes, pedestrians when Huron st has been a mine field of safety concerns while construction is going on for months. It seems 19.1 Million dollars hinges on bicycles being allowed to travel for two days. This is a two day event Council, figure it out. You may need to be annexing land to allow McCarthy Road access to O'Loan.  
[https://www.mystratfordnow.com/.../canadian-dairy-xpo.../...](https://www.mystratfordnow.com/.../canadian-dairy-xpo.../)

 **Bonnie Henderson**  
**Lorraine Bromley** When they discovered how successful the dairy expo was when it first came here parking of course was discovered to be a problem. It was decided then that the Dairy Expo was going to help with the parking. They have worked with the city to find alternative ideas i.e. shuttle from another place.  
Festival Inn, Queen's Park Inn & Arden Park HOTEL TO CDX  
7:30am - 1 Bus - 40 Passenger  
8:15am - 1 Bus - 29 Passenger  
CDX TO HOTEL  
4:00pm - 1 Bus - 40 Passenger  
4:45pm - 1 Bus - 29 Passenger Added parking behind the Cow Coliseum and then the 3rd place which is weather dependant 650 parking spots. They have committed to working with staff after this year's event to see what else can be done about parking. Other successful events also work with staff about parking i.e. Garlic Festival, Pork Congress, etc. Parking along with many other items are part of the application form.

 **ChristineRob TaylorDuh**  
City please don't cut off the nose that helps tourism in this city. Couple days of additional parking is an issue maybe in initial development of the site additional parking should of been provided. Soon the city will have potentially nothing and cry about raising property taxes. A few days of inconvenience vs \$ 19 million. It really is a no brainer unless you don't need the money.

Like Reply Share 28w 

The organizers initial discussion with the City's Facility Management confirmed that there is support for this parking option for the 2 days of CDX 7am – 5pm daily.

Zelinka Priamo Ltd. conducted a site visit to gain an approximate understanding of the number of bicycles and vehicles that could be impacted by the proposed parking option. The site visit consisted of an on-site survey to count vehicular and pedestrian traffic on Wednesday and Thursday mornings between the hours of 7am-9am, consistent with when the event would be taking place. The results of the survey are as follows:

- A total of 9 cyclists cumulative travelling east and west (majority traveling on sidewalk)
- Approximately 1,120 passenger vehicles cumulative between easterly and westerly traffic.
- Approximately 20 busses cumulative between easterly and westerly traffic; and,
- Approximately 330 vehicles enter/exiting the Rotary Complex.

It is noted that cyclists will still be permitted to travel along McCarthy Road; and, that the vehicles in and out of the Rotary Complex will not be problematic considering the facility is closed to residents during CDX, and all applicable Rotary Complex and City staff will have all-access parking passes. Also, City buses are already being re-routed during operating dates of CDX.

Approximately 1,120 passenger vehicles may be affected by the temporary controlled road closure. However, it is important to consider that CDX draws over 16,000 exhibitors and attendees to the Rotary Complex during the event. It can also be assumed that X% of the car count were the same vehicles traveling both East and West. 1120 vehicles assuming they are all City of Stratford residents translates to approximately 3% of the City population being affected by the proposed temp road closure/restricted access.

#### Additional consideration

It is our opinion that there is significant benefit (not only to CDX but to other potential event organizers) in the City exploring the potential option of expanding some areas on the Rotary Complex site to provide more surface parking spaces for visitors i.e. the potential infilling of existing stormwater management pond near the rear of the property (which will be surplus following the approval of the Bromberg Homes subdivision to the south); and the potential removal of the berm along the easterly property line. Based on our calculation, redeveloping these portions of the site could add approximately 350 parking spaces.

As mentioned, CDX are committed to hosting its annual event at the Rotary Complex where temporary parking spaces are not required on McCarthy Road. This could be achievable via a phased approach, as outlined below and as illustrated in Appendix 'C':

- 2024 (Phase 1): As described in Option 1 above, with temporary parking along the northerly side of McCarthy Road, facilitated by the temporary road closure.
- 2025 (Phase 2): This phase would involve additional parking spaces being constructed by the City on the Rotary Complex site by i) removing the berm along the easterly property line; and ii) removing of the existing stormwater management pond at the rear of the property. Based on our review of the City Staff Planning Report for the approved Bromberg Subdivision "*The proposed stormwater management facility has been sized to service both the subdivision lands and the Rotary Complex lands. (In accordance with the proposed Offer of Purchase and Sale,*



*the stormwater management facility has been sized to allow for the removal of the dry stormwater management facility on the Rotary Complex lands).*” Implementing these two options would eliminate the need for approximately half of the required temporary parking spaces on McCarthy Road.

- 2026 (Final Phase): This phase would involve the redevelopment of the city-owned lands located to the west of the Rotary Complex to provide some additional overflow parking spaces. This is further described as Option 3 below.

The phased approach, as described above, would effectively eliminate the need for parking along McCarthy Road for CDX. As such, it is our respectful request that Council directs staff to explore these options for the benefit of future events at the Rotary Complex. It is noted that the above-phased approach is CDX’s recommendation, and they are flexible and willing to work with the City of Stratford to identify short-, medium-, and long-term solutions to event parking at the Stratford Rotary Complex.

### **Option/Phase 2: On-site parking + Off-site parking**

As mentioned, in December 2021/January 2022 in addition to granting permission for temporary angle parking on the north side of McCarthy Road for CDX, Council imposed a recommendation (# 2) that the organizer investigate alternate offsite parking options for future events

CDX has investigated offsite parking options at the following four (4) locations throughout Stratford:

1. Site A: Stratford Municipal Airport – 3022 Line 40.
2. Site B: Wilhelm Excavating Gravel Pit - Corner of 125 road and 36<sup>th</sup> line.
3. Site C: Stratford Country Club – 53 Romeo Street North & vacant lot across Romeo; and
4. Site D: Cooper Terminal – Downie Street.

Aerial imagery of all off-site locations considered, and their distance to the Rotary Complex, are included as Appendix ‘D’.

The following table provides locational distances, potential parking spaces and zoning details for each off-site location:

Table 1 – Analysis of Off-Site Locations

Site	Distance from Rotary Complex – “As the Crow Flies”	Distance from Rotary Complex – Road Travel	# of Potential Parking Spaces that could be accommodated on the Site	Zoning and permitted uses of the Site
<b>Site A: Stratford Municipal Airport</b>	4.3km	5.1km	+/-200	Zoned Industrial M1-1 under Municipality of Perth East Zoning By-law 30-1999.  Permitted uses shall be limited to a federally licensed and/or certified airport and related airport activities and/or uses.
<b>Site B: Wilhelm Excavating Gravel Pit</b>	2.7km	5.4km	+/-400	Zoned Mineral Aggregate Resources MAR-4 under Municipality of Perth East Zoning By-law 30-1999.  Permitted uses shall be limited to aggregate-related activities and/or uses.
<b>Site C: Stratford County Club + vacant lot across Romeo (354 Delamere Avenue and 106 Romeo Street North)</b>	2.0km	2.2km	+/-150 +/-175	The golf course property is zoned Parks P and Open Space OS; and the vacant lot across Romeo is zoned Urban Reserve UR-1, under City of Stratford Zoning By-law 10-2022.  Golf course property permits Auditorium, Cemetery, Conservation use, Golf Course, Park, Private Club, Recreational Use and Theatre uses.  The vacant lot across Romeo shall be used for no purposes other than a parking area for 10 Romeo Street North (River Gardens Retirement Home)
<b>Site D: Cooper Terminal</b>	2.3km	3.3km	+/-140	Zoned Grand Trunk Anchor District AD-B1 under City of Stratford Zoning By-law 10-2022.  Permits an extensive range of uses including residential, institutional, industrial and commercial uses, including Parking Lot, Commercial.
<b>Total:</b>			+/-1,065	

As the table above demonstrates, providing parking in off-site locations would not meet CDX's ultimate needs, and would also result in significant impacts for the wider community due to increased traffic coming from north, east, south, and west of the Rotary Complex. It is important to note that all four sites would be required to accommodate the overflow parking, with none of these sites having access to municipal services, snow removal etc. should they be needed. Both Site A and Site B, being the Stratford Municipal Airport and Wilhem Gravel Excavating Pit, are located outside of the City of Stratford, which poses additional constraints relating to Council-approvals and land use permissions. Only the Cooper Terminal has as-of-right zoning permissions in place to permit the use of its on-site parking spaces for a building or use that does not occupy the same lot.

Dispersing event traffic to multiple sites would significantly increase traffic congestion for the city. Survey results for CDX attendees and exhibitors regarding the option of utilizing off-site parking were not supportive of this option. Over 80% of attendees and over 70% of exhibitors responded that they would not be willing to park at an off-site location with shuttle service to and from CDX in 2024. Attendees noted that this would be a significant conflict with their operations due to the potential for farm emergencies and farm responsibilities that may require a quick response time. Exhibitors were of the opinion that the existing parking arrangement on McCarthy is already too far from the Rotary Complex, considering their staff shift changes throughout the day and storage of marketing/promotional materials kept in their vehicles during the event.

**Table 2 – Exit Survey Results**

	<b>Would you be willing to park at an offsite location with shuttle service to and from CDX in 2024?</b>			<b>If 'NO', why not?</b>
	<b>YES</b>	<b>NO</b>	<b>MAYBE</b>	
<b>Attendee (Dairy Producer)</b>	5%	86%	9%	<ul style="list-style-type: none"> <li>• Farm emergencies</li> <li>• Kids/elderly parents to return to</li> <li>• Customers and guests to attend to</li> </ul>
<b>Exhibitor (Dairy Industry)</b>	9%	72%	9%	<ul style="list-style-type: none"> <li>• Already feel as if parking on McCarthy is far enough.</li> <li>• Staff shift changes throughout the day.</li> <li>• Marketing/promo materials are in vehicles</li> </ul>

Further to this arrangement, there are associated liability issues for both CDX and the City of Stratford. It was determined that insurance premiums would increase by approximately 35%, with additional insurance required by each private parking lot owner and the City of Stratford.

It is our opinion that in addition to the additional considerations referenced above, to increase on-site parking on the Rotary Complex property, the most preferred long-term option would be to provide additional parking on the vacant city-owned lands directly abutting (to the west) of the Complex (see Option 3 below).

### **Option/Phase 3: On-site parking + Permanent Parking on Adjoining City-owned Lands to West**

For the 2023 CDX, the city-owned lands immediately behind (to the west) of the Rotary Complex were utilized for temporary additional parking for the event. This vacant, undeveloped and hard-packed area measures approximately 7 acres and could accommodate approximately 650 parking spaces. The organizer was responsible for the costs associated with developing this area to be suitable for temporary parking for the short term. These costs amounted to approximately \$15,000. However inclement snowy/rainy weather made it impossible for vehicles to park on this property.

It is our understanding that the City has previously advised that this land could only be utilized for temporary parking in the short term as the intent is to develop this property in the future into public park space. However, it is opinion that these strategically located lands are sized approximately to ensure that the city could fulfill its intent to provide for park space (for local residents and Rotary Complex users) but also provide conveniently located additional parking for the Rotary Complex. Based on CDX's initial investigations, the approximate cost to resurface the entire area (up to A Gravel) would be approximately \$850,000. CDX companies could be interested in supporting the creation of an agricultural-themed park, which includes additional parking, on this property.

As such, it is our respectful request that Council directs staff to explore this option for the benefit of future events at the Rotary Complex, and to potentially help attract other large events to Stratford. At a high level, this could include sports-related tourism to the City of Stratford.

## 6.0 COSTS

Expected annual revenue for the City in 2024 from the CDX would be in excess of \$80,000, as a result facility rent, land lease, permit and application fees.

As mentioned, there is significant economic benefit to the city because of hosting the CDX in Stratford. Notably, CDX is a supporter of other organizations in Stratford which include the Stratford Ag Society, Stratford BIA, Rotary Clubs, Hospital, United Way and the Warming Center. Further, to celebrate the 10th anniversary, CDX is hiring the Tom Paterson Theatre the day before the event to host a high-level conference.

It is important to note that due to COVID 19, CDX lost approximately \$1m plus lost revenue, and CDX 2023 reached a point of break-even.

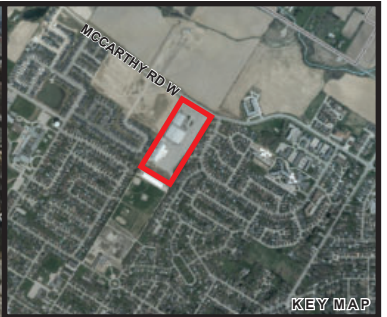
For the 2024 event, all costs are paid directly by CDX for the Stratford Police Services to assist with the event parking process based on their approved paid duty rates set by the Board. All costs associated with the employment of parking attendants and signage are the responsibility of the organizer, which is not a typical arrangement for large events such as CDX. Normally the host municipality would cover this cost. All other associated costs are the sole responsibility of the organizer.

## **7.0 COVID RESTRICTIONS**

Effective of March 2022, all restrictions were lifted by the province for indoor and outdoor private and public gatherings; and venues like conference centres and meeting spaces (such as the Rotary Complex) could resume regular operations. This situation had not changed at the time of preparing this report.

CDX has entered into a facilities contract with the City of Stratford for use of the Rotary Complex.





KEY MAP

## APPENDIX 'A' SUBJECT LANDS

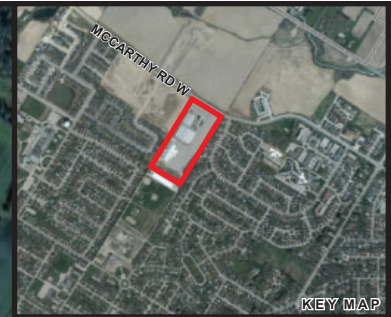
**CANADIAN DAIRY XPO**  
**STRATFORD ROTARY COMPLEX**  
353 MCCARTHY ROAD WEST  
CITY OF STRATFORD

CDY/STF/23-01    JAN. 2024    NTS  
PROJECT NO.    DATE    SCALE



318 Wellington Road | London, ON N6C 4P4  
t: 519-474-7137 | www.zpplan.com





## APPENDIX 'B' SURROUNDING CONTEXT

**CANADIAN DAIRY XPO**  
**STRATFORD ROTARY COMPLEX**  
 353 MCCARTHY ROAD WEST  
 CITY OF STRATFORD

CDY/STF/23-01	JAN. 2024	NTS
PROJECT NO.	DATE	SCALE



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## APPENDIX 'C' PROPOSED PHASING PLAN

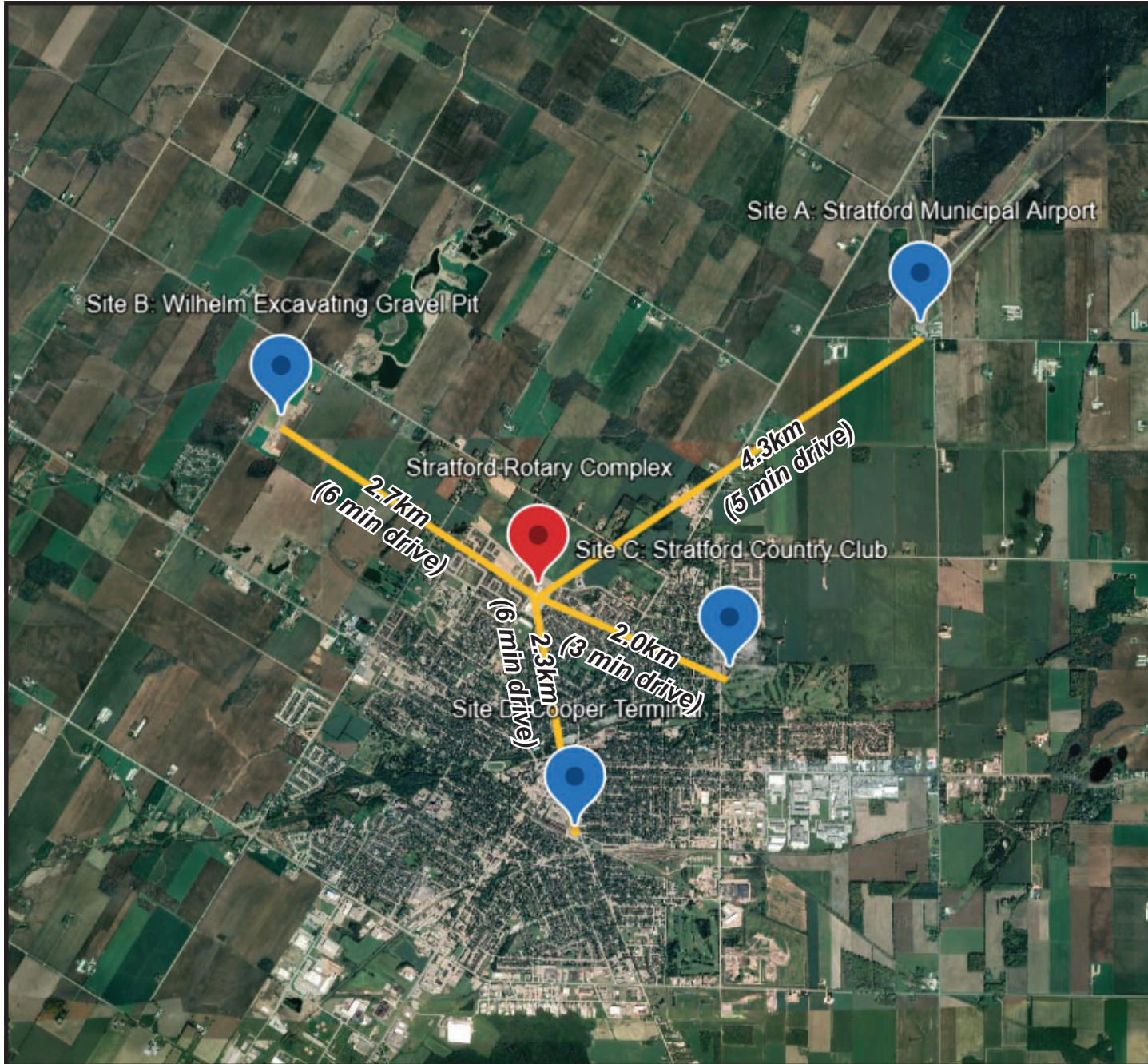
**CANADIAN DAIRY XPO  
STRATFORD ROTARY COMPLEX  
353 MCCARTHY ROAD WEST  
CITY OF STRATFORD**

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**APPENDIX 'D'  
ALTERNATE  
PARKING SITES**

**CANADIAN DAIRY XPO**  
 STRATFORD ROTARY COMPLEX  
 353 MCCARTHY ROAD WEST  
 CITY OF STRATFORD

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 PROJECT NO.    DATE    SCALE



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## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Mayor and Council  
**From:** Kelsey Hammond, Chief Building Official  
**Report Number:** COU24-019  
**Attachments:** None

**Title:** Proposed Exemption from Sign By-law #159-2004 for the Canadian Dairy Expo

**Objective:** To consider an exemption to the City of Stratford's Sign By-law #159-2004 for various types of signs and sign locations throughout the City, and for various types of signs on City property at 353 McCarthy Rd W (Rotary Complex), for the Canadian Dairy Expo (CDX).

**Background:** Staff were contacted by representatives of the CDX (hereafter referred to as the applicant) regarding signage throughout the City and at the Stratford Rotary Complex for the Canadian Dairy Expo, being hosted in April 2024. The requested signs located throughout the City will be installed on or after March 20, 2024 and removed on or before April 10, 2024. Requested signs located at the Rotary Complex will be installed on April 1, 2024 and removed on April 5, 2024.

The applicant is requesting that nine (9) sidewalk signs and one (1) cow statue be placed on City-owned property as illustrated in the CDX Sign Map below, which is described as follows:

- Mornington Street at the City's Northerly limits
- McCarthy Rd West at Mornington Street (2 Signs)
- McCarthy Rd East at Romeo Street
- Ontario Street at the City's Easterly limits (2 Signs)
- Huron Street at the City's Westerly limits
- Downie St (Road 112) at the City's Southerly limits
- Erie St at Line 29
- Northeast Corner of McCarthy Rd W and Mornington Ave (Cow Statue Location)





In addition to these locations, the applicant is requesting two (2) banner signs, five (5) directional signs and one (1) cow statue be installed on the Rotary Complex property at 353 McCarthy Rd W, where the CDX event will be occurring. These proposed locations are illustrated as follows:

### Stratford Rotary Complex sign Map



- Pride seeds banners
- Cow
- Entrance 1/2 sandwich board
- Junior farmers parking sandwich board
- John Deere Welcome banner

The CDX event has been hosted annually within the City of Stratford and has previously had similar signage installed. In 2020, amendments to the City's Sign By-law provided clarity on the types of signage permitted for events, as well as provisions for sign variances. This will be the second event being held under these new provisions.

**Analysis:** The applicant is seeking the necessary variances from the Sign By-law that will allow for the temporary establishment of signage and promotional "cow" structures. Staff are of the understanding that similar signage has been used in previous years for this annual event with no prior issue.

Section 24.0 of the City's Sign By-law provides how variances are to be considered. Although such variance applications and accompanying management reports are to proceed to the City's Planning and Heritage Sub-committee, the applicant did not submit an application in sufficient time to allow for the Sub-committee to hear the application. Accordingly, and given that this is an annual event whereby signage will be established for a temporary period, Staff are forwarding the request directly to Council for a decision.

Staff have reviewed the proposed signage against the provisions of the Sign By-law and provide the following summary:

#### Signs Located Throughout the City

The sidewalk signs and statue proposed throughout the City are considered prohibited signs as they would be located on City owned property and are located on lands that are advertising for services on another property. These restrictions are outlined in Sections 4.2(x) & (xiii) of the Sign By-law.

Additionally, the proposed sidewalk signs exceed the maximum overall size and height, as per Section 21.3 of the Sign By-law, and some of their locations throughout the City are not in the permitted Zones, as per Section 11 of the Sign By-law.

The proposed signage throughout the City is being used for wayfinding as well as advertising of an event. The Sign By-law does have provisions for "special event signage", but specifies those as being considered not-for-profit or charitable, and CDX is considered to not meet these criteria.

#### Signs Located at the Rotary Complex

The signs located at the Rotary Complex will exceed the size requirements, numbers permitted and locations based on the proposed sign type, as outlined below. The applicable Sections of the Sign By-law follow, with Staff commentary for exemption requirement listed.

- **Section 4.2(x) - Prohibited Sign - a sign advertising a business, materials and/or services that are not situated on the same property as the sign, except a community events sign;**

The signs/statue proposed throughout the City will be directing viewers to an alternative location.

The general intent of this provision is to prevent the permanent establishment of such signage. Given that the proposal is for a limited time frame, Staff have no objection to the request provided any granted approval stipulates the limited time frame.

- **4.2(xiii) - Prohibited Sign - a sign that is located on or encroaches on property owned by the City without the formal approval of the City, except as provided for in Sections 19.0, 21.1, 21.3, 21.4, 21.6 and 21.7;**

The signs/statues would be located on City-owned property. Approval of the variance request would provide the required formal approval.

The general intent of this provision is to prevent the permanent establishment of such signage on City-owned lands. Given that the proposal is for a limited time frame, Staff have no objection to the request provided any granted approval stipulates the limited time frame.

- **Section 11.0 – Zone Chart – Sidewalk Signs to be allowed in Residential Zones for the purpose of this application, and Banner Signs to be allowed in Institutional Zones.**

The signs proposed throughout the City will be located within lands zoned Commercial/Industrial and Residential, however the Sign By-law only permits Sidewalk Signs within Commercial and Industrial (zoned) lands. Further, the banner signs located on Rotary Complex would be located within an Institutional Zone and banners are currently only permitted within Commercial & Industrial Zones.

Provided any granted approval stipulates the limited time frame, and that the proposed sign locations are on arterial and collector roads of the city (notwithstanding some areas are zoned Residential), Staff have no objection to this component.

- **Section 21.3(c)(i) - A Sidewalk Sign - shall have a maximum height of 1 metre (3.28 ft.), a maximum of two sign faces and any sign face shall not exceed 0.56m<sup>2</sup> (6.03 sq. ft.) in area;**

The proposed sidewalk signs, as illustrated below, measure 4 ft tall by 4 ft wide, making the overall height 0.72 ft over the maximum allowable and the area of the sign being 16 sq. ft, measuring 9.97 sq. ft over the maximum allowable.



447

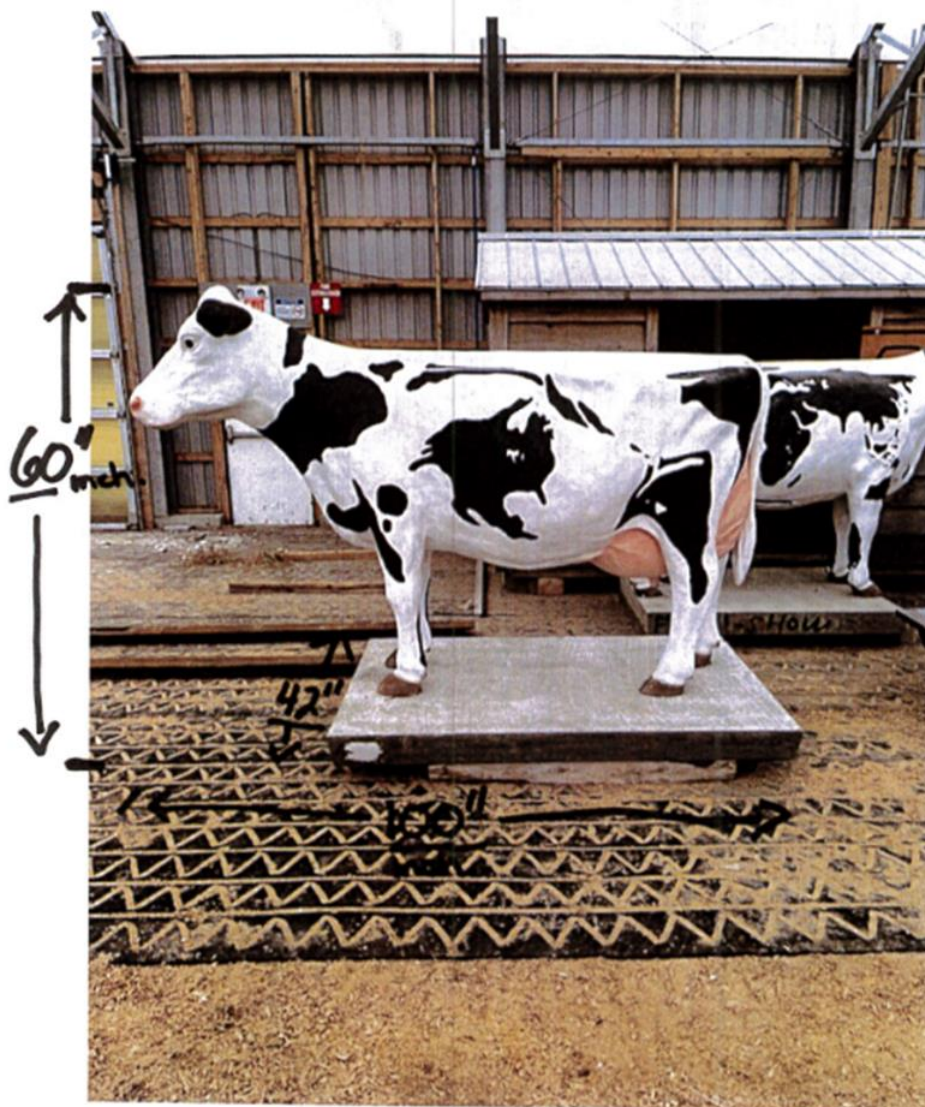


447

Sandwich board double sided  
Coroplast sign board attached  
to wooden sandwich board.



The Cow Statue is illustrated as follows:



marked with  
a red dot on  
map.

Although Sidewalk Signs, as provided for in the Sign By-law, are temporary, easily moveable forms of signage, the intent of the Sign By-law seeks to prevent such forms of signage being used on a permanent basis, in essence, by a business operating on a more permanent basis at any given location. Provided any granted approval stipulates the limited time frame, and that the proposed sign locations are on arterial and collector roads of the city (notwithstanding some areas are zoned Residential), Staff have no objection to this component.

- **Section 21.3(c)(ii) – Sidewalk Signs – shall be displayed only between sunrise and sunset of every business day and shall be taken indoors at all other times.**

The proposed Sidewalk Signs located throughout the City will be displayed March 20, 2024 until April 10, 2024 and will remain in place throughout the duration of this timeline.

It is understood that the applicant has established the signage in the same manner in prior years. Similar to the previous Staff comment, Staff are generally not opposed given the short, temporary time frame.

- **Section 21.10(a)(i) – Banner Signs – not exceed 6.0m<sup>2</sup> (64.6ft<sup>2</sup>) in area.**

Proposed Banner Signs, as illustrated below, are 20ft tall by 8ft wide and have an area of 160ft<sup>2</sup> (14.86m<sup>2</sup>). The proposed Banner Sign is 8.86m<sup>2</sup> (95.37ft<sup>2</sup>) over the maximum allowable area.



Measurement 20ft tall by 8ft wide  
Location orange dot on map x2

Given that the proposal is for a limited time frame, Staff have no objection to the request.

- **Section 21.20(a)(ii) – Banner Signs – only one banner sign may be erected or displayed per property.**

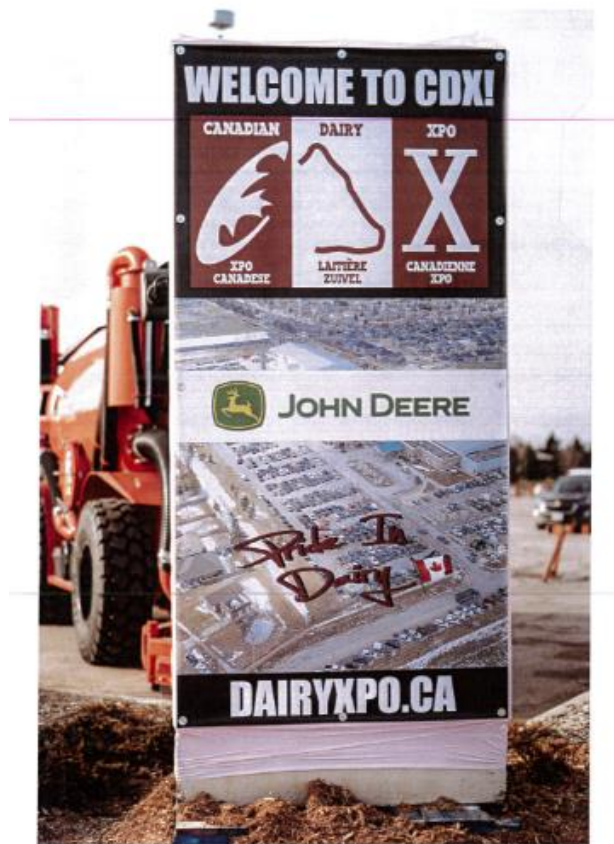
There will be 2 banner signs displayed on the property at the Rotary Complex.

Given that the proposal is for a limited time frame, Staff have no objection to the request.

- **Section 17 – Directional Signs – A directional sign shall have a maximum sign area of 0.75m<sup>2</sup> and shall have a maximum height of 1.2m (4ft).**

The directional signs proposed on the Rotary Complex property vary in sizes that exceed the maximum areas and heights listed in this section. Each proposed directional sign is illustrated below.

John Deere Entrance Signs are 8ft tall by 4ft wide and are 32ft<sup>2</sup> (2.97m<sup>2</sup>) in area.



Measurement 8ft tall by 4ft wide  
Location Blue dots on map x 2

CDX Entrance Signs and Junior Farmers Sign are 4ft tall by 4ft wide and are 16ft<sup>2</sup> (1.49m<sup>2</sup>) in area.



Measurement 4ft tall by 4ft wide  
Location Pink dot



Measurement 4ft tall by 4ft wide  
Location Pink dot



Measurement 4ft tall by 4ft wide  
Location Yellow dot

Given that the proposal is for a limited time frame, Staff have no objection to the request.

In general, the variances requested seek to permit the establishment of temporary signage as has been done similarly in previous years by the event applicant.



As has been provided in the above analysis, the Sign By-law generally seeks to prevent certain signage being established for longer-term/permanent basis; although technical variances are required from the Sign By-law, Staff are generally satisfied that the proposed signage for the CDX event meets the intent and purpose of the Sign By-law.

Lastly, Staff have reviewed the locations from a safety/hazard perspective and generally see no concerns. If any of the signage is deemed to potentially cause a safety/hazard, Section 23.0 b) provides that the Chief Building Official or designate may immediately pull down or remove any sign. Such removal is to be at the expense of the owner or the occupant, and the expense therefore may be collected in like manner as municipal taxes.

### **Financial Implications:**

#### **Not applicable:**

There will be no financial implications should the staff recommendation be approved. The required fees for Sign Permits and Sign Variances have been submitted in accordance with Schedule "A" to the Sign By-law.

### **Alignment with Strategic Priorities:**

#### **Strengthening our Plans, Strategies and Partnerships**

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

#### **Developing our Resources**

Optimizing Stratford's physical assets and digital resources. Planning a sustainable future for Stratford's resources and environment.

#### **Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting and retaining a diversity of businesses and talent.

### **Alignment with One Planet Principles:**

#### **Equity and Local Economy**

Creating safe, equitable places to live and work which support local prosperity and international fair trade.

### **Staff Recommendation: THAT the Canadian Dairy Expo Sign Variance Application to Sign By-law #159-2004 be approved as follows:**

- **The nine (9) temporary sidewalk signs and one (1) cow statue be permitted for the temporary period of March 20, 2024 to April 10, 2024, on City property at the following locations:**

- **Mornington Street at the City's northerly limits;**
- **McCarthy Road West at Mornington Street (2 signs);**
- **McCarthy Road East at Romeo Street;**
- **Ontario Street at the City's easterly limits (2 signs);**
- **Huron Street at the City's westerly limits;**
- **Downie Street (Road 112) at the City's southerly limits;**
- **Erie Street at Line 32; and**
- **Northeast corner of McCarthy Road West and Mornington Avenue (Cow Statue);**
- **The two (2) banner signs, one (1) cow statue and five (5) directional signs be permitted for the temporary period of April 1, 2024 to April 5, 2024 on the City's Rotary Complex property (353 McCarthy Road West).**

**Prepared by:**

Kelton Frey, By-law Enforcement Officer  
 Kelsey Hammond, Chief Building Official

**Recommended by:**

Adam Betteridge, MPA, MCIP, RPP, Director of Building and Planning Services  
 Joan Thomson, Chief Administrative Officer



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## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Mayor and Council  
**From:** Vincent Wen, Planner  
**Report Number:** COU24-024  
**Attachments:** None

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**Title:** Zone Change Application Z05-23 for 245 Downie Street in the City of Stratford

**Objective:** The purpose of this report is to provide Staff's recommendation on the Zone Change application submitted by Baker Planning Group (c/o Caroline Baker), for the lands known municipally as 245 Downie Street and to seek a decision of Council.

The Zone Change application requests to amend the site-specific Central Commercial (C3-9) Zone, which permits a wide range of uses including retail stores, offices, restaurants, apartment buildings, and inns with a maximum of 10 dwelling units, to permit an "Inn" with up to 56 dwelling units.

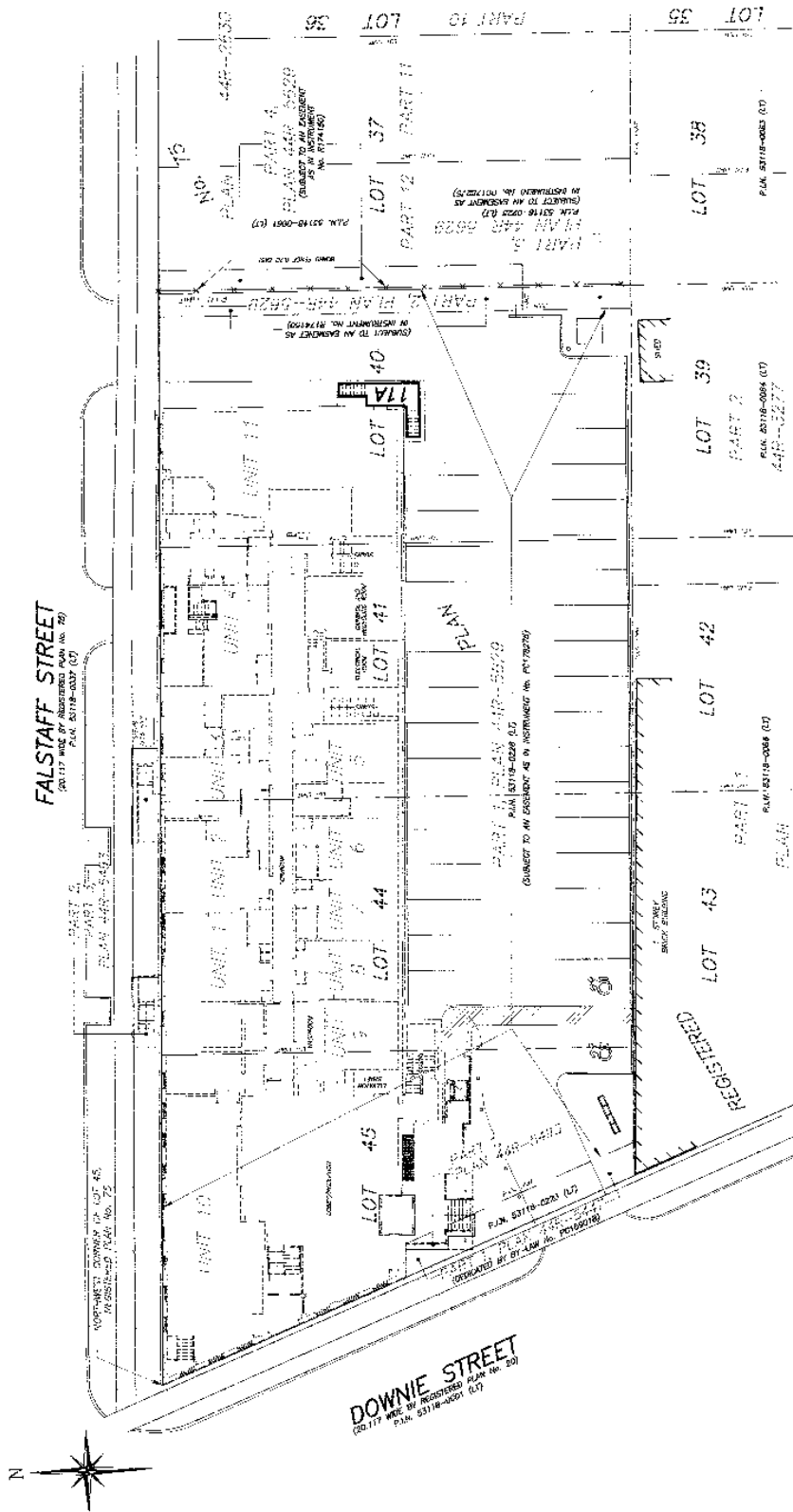
This proposed change would allow all existing residential units the possibility of having a short-term rental accommodation.

A Planning Justification Letter was submitted as part of a completed Zone Change Application.

By letter dated February 1, 2024, the applicant confirmed the request is to permit that all dwelling units would be eligible to be considered an "Inn".

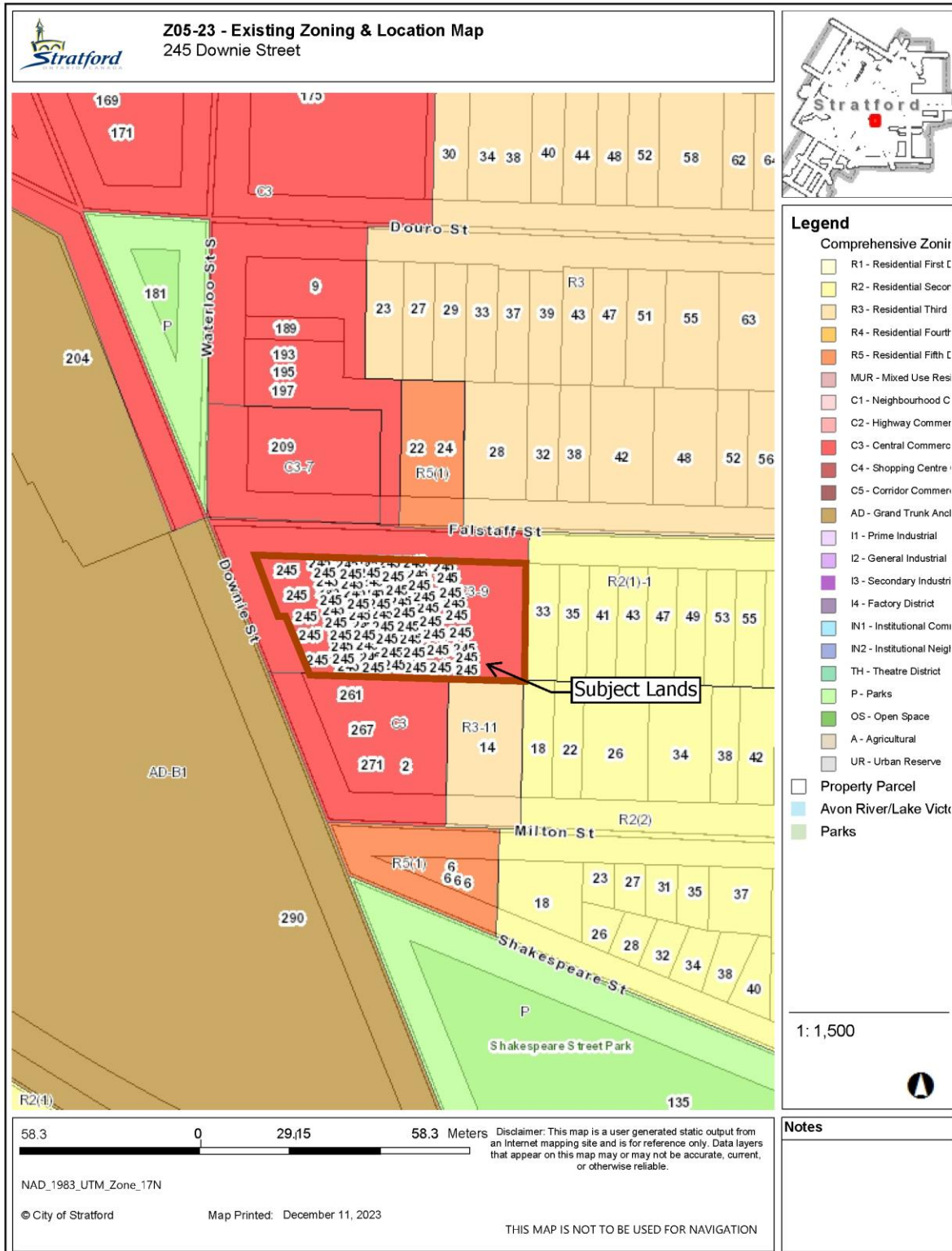
**Background:** The site is located on the southeast corner of Downie Street and Falstaff Street, having an area of approximately 0.30 ha (0.71 ac). The subject lands are legally described as Lots 40, 41, and 44 and Part of Lot 45, PLAN 75 in the City of Stratford and are also know as Perth Standard Condominium Plan No. 58.

245 Downie Street Site Plan:

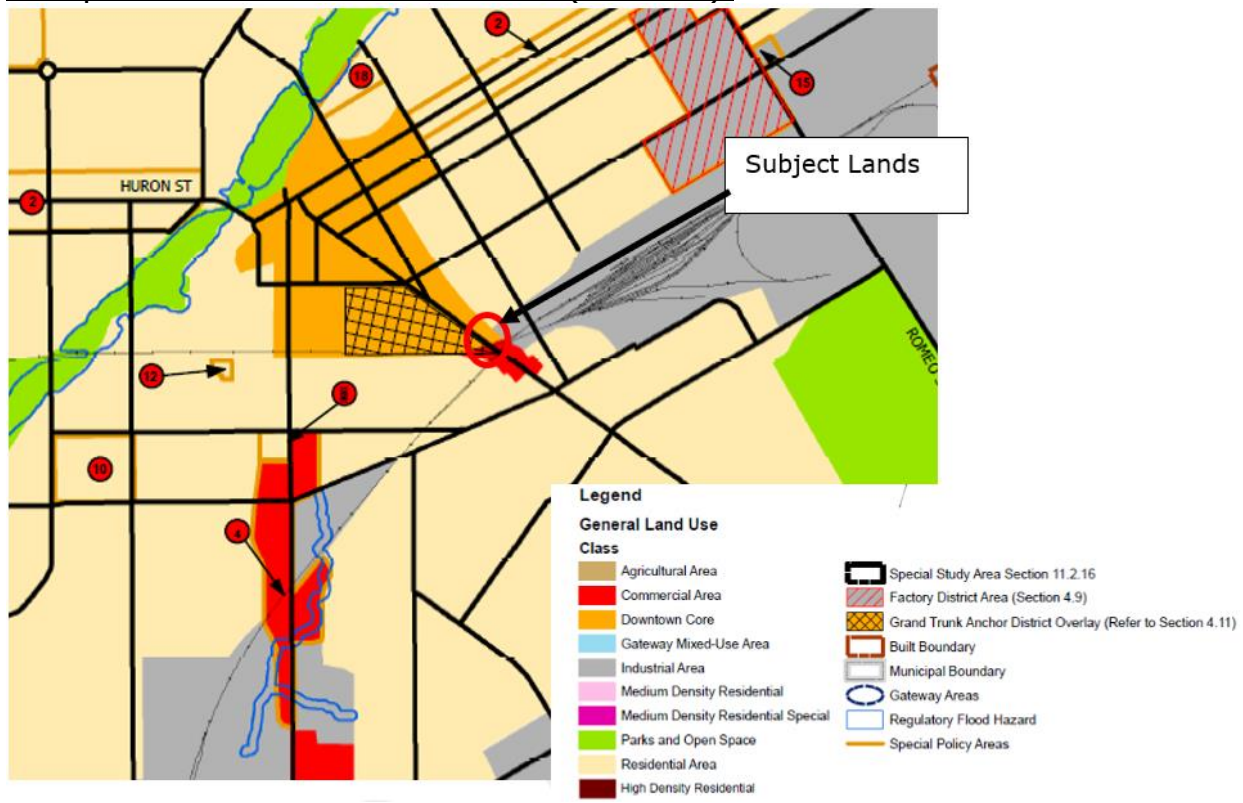




Location and Zoning Map:



Excerpt from Official Plan – Schedule A (Land Use):



The subject lands are currently used as a mixed-use building (known as the Bradshaw Lofts) consisting of 56 residential dwelling units and 8 commercial units.

Site Characteristics:

Characteristic Information	Details
Frontage	Approximately 40.691 m
Depth	Approximately 77.5m
Area	Approximately 3,043.9 m <sup>2</sup>
Shape	Irregular

Official Plan Designation:

- Schedule A: Downtown Core
- Schedule D: Arterial (Downie Street)
- Schedule E: Heritage Area

Zoning By-law: Central Commercial (C3-9) Zone

Ontario Heritage Act: 245 Downie Street is designated under Part IV of the Ontario Heritage Act.

Surrounding Land Uses:

Direction	Use
North	Vacant land (zoned Commercial), Semi-detached dwelling (Residential)
East	Semi-detached dwelling (Residential)
South	Commercial
West	Public park (City owned lands)

Site Photo – 245 Downie Street (January 11, 2024)**Agency and Public Comments**Agency Comments

The application was circulated to all required agencies on December 21, 2023. The following comments have been received to date:

- City of Stratford, Building Services  
Zone Change Application
  - Zone Change for the C3-9 Zone should denote the number of Inn units that are being asked for the property as currently based on the wording in the word document it is only stating the definition of and Inn and not outlining the number of units that are being requested.

### General Comments for the Applicant

- No completed Short Term Rental Applications have been submitted or obtained for any of the Short-Term Rental Units located at 245 Downie St., at this point in time.
- Zone Change Approval is required to be submitted to By-Law Services with the Short-Term Rental Applications for this property.
- CN Rail
  - It is noted that the subject site is within 1000 meters of CN railway operations. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:
    - The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:
 

*"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."*
    - The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
- City of Stratford, Infrastructure Services Department – Engineering Division
  - The Engineering Division has no objection to the zone change.

- City of Stratford, Clerks Department
  - No comments received at the time of finalizing this report.
- City of Stratford, Community Services Department
  - No concerns.
- City of Stratford, Fire Prevention
  - No concerns.
- Festival Hydro
  - No hydro related concerns.
- Stratford Heritage Committee
  - No issues from a heritage standpoint.

### Public Comments

Notice of the Application was sent to surrounding property owners on December 21, 2023, and Notice of Application was also published in the Town Crier section of the Beacon Herald on December 30, 2023, all in accordance with the requirements of the *Planning Act, R.S.O., 1990, c. P.13*.

As of the date that this report was finalized, five public comments have been received by members of the public. One comment was received in support of the application. In addition, four members of the public expressed concern with the application at the Public Meeting that took place on January 22<sup>nd</sup>, 2024. Concerns of the public include:

- Loss of long-term housing stock
- Affordability impacts to the Stratford housing market
- Insufficient off-street parking

### History

The site was rezoned in 2018 (our file Z08-17) to permit, in addition to other uses permitted in the C3 zone, residential dwelling units within the basement and main floor as well as a 0 metre minimum front yard setback for a stoop, porch and stairs. At the Public Meeting for the rezoning in 2018, the agent for the applicant informed Council the business plan for the building was to rent out the residential units to university students during the school year and make the units available for short term accommodation during the summer months. No concerns with the business model were raised at the Public Meeting or the subsequent meeting when the zone change was recommended to Council by staff.

Perth Standard Condominium No. 58 consists of 56 residential units and 8 commercial units and was registered on July 3, 2020.

### **Analysis:**

#### Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest and is set out in three main areas: Building Strong Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety. All planning decisions within the Province of Ontario are required to be consistent with the

Provincial Policy Statement, 2020 (PPS). Section 1 of the PPS directs focus on the importance of building strong healthy communities. Section 3 of the PPS provides direction on the wise use and management of resources.

*Resilient Development and Land Use Patterns*

The PPS promotes direction on managing change and promoting efficient land uses and development patterns. Healthy, liveable, and safe communities are sustained by efficient land use patterns and development that sustain the financial well-being of the province and municipalities as well as the promotion of the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns and standards to minimize land consumption.

The proposal can be considered an efficient use of land as it expands the use of an inn in the existing mixed-use building. The proposed inn use will allow for the flexibility of a permitted use to apply to all dwelling units and be similar to the initial business model for the Bradshaw Lofts. The amended inn definition will result in cost-effective development.

*Settlement Areas*

The PPS states that settlement areas are to be the focus of growth and development. The City of Stratford is identified as a settlement area under the PPS. The proposed zone change would occur for an existing building that is currently connected to municipal services. There are no exterior additions or renovations proposed as part of this application.

*Housing*

In order to be consistent with the PPS, Planning authorities shall maintain the ability to accommodate residential growth; residential growth can take place through intensification. Through this residential growth, Planning authorities are required to provide for an appropriate range and mix of housing densities and options. The application is not expected to have a noticeable impact on housing in Stratford as i) the lands are currently zoned to permit short term accommodation in the form of a hotel ii) the proposed zoning does not force long-term residents to vacate the building and iii) the proposed zoning does not propose to increase or decrease the number of residential units.

The PPS requires municipalities to provide for an appropriate range and mix of housing options and densities to meet the projected requirements of current and future residents by:

- maintaining the ability to accommodate growth for a minimum 15-year through residential intensification, redevelopment and land designated for residential development; and
- maintaining at least a three-year supply of residential units in draft approved and registered plans.

In addition, Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which align with applicable housing and homelessness plans.
- permitting and facilitating all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities.
- establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The requested zone change to alter the definition of “Inn” on a property that is currently within a commercial designation and zone and which permits temporary accommodations (a hotel) will not impact the supply of land designated to accommodate residential growth nor would it impact the supply of residential units in draft approved and registered plans. Further, the requested amendment does not affect the City’s ability to establish and implement minimum targets for affordable to low and moderate income households, it does not affect the City’s ability to permit housing options to meet the social, health, economic and well-being requirements of current and future residents, and it does not affect the City from establishing development standards to minimize the cost of housing and to facilitate compact form.

#### *Infrastructure and Public Service Facilities*

Generally, the PPS promotes the use of existing infrastructure and public service facilities to ensure they are optimized and adaptively reused where appropriate. The proposed development has existing vehicle and pedestrian access to Downie Street and Falstaff Street and utilizes existing services. No new services are required to support this application.

#### *Long-Term Economic Prosperity*

The PPS promotes the long-term economic viability of communities by encouraging residential development to provide a range of housing options and optimize the long-term use of land. The proposed zone change would take place for the existing dwelling units within the building that recognizes the original uses envisioned for the site.

#### *Cultural Heritage*

The PPS directs municipalities to conserve significant built heritage resources. The subject property is designated under Part IV of the Ontario Heritage Act. The zone change application does not propose any physical development or changes to the subject property and building.



The application to amend the site-specific zoning at 245 Downie Street to permit an inn for all residential dwelling units is considered to be consistent with the Provincial Policy Statement.

#### City of Stratford Official Plan

The subject lands are designated "Downtown Core" in the City of Stratford's Official Plan. Permitted uses in the Downtown Core designation include all types of retail uses; business, professional and administrative offices, business and service uses, including hotels, conference facilities and other similar uses; culture, entertainment, dining and accommodation; and residential uses in upper stories or mixed-use developments. One of the goals and objectives of the Downtown Core Designation is to increase the diversity and number of residential opportunities. It is also a goal for the Downtown Core to encourage the rehabilitation and 'recycling' of functionally obsolete buildings and floor space suited for the purpose for which they were originally designed or built. When Council considered the site-specific zone change in 2018 to allow for the adaptive re-use of this previous industrial building, it was aware both long term and short term accommodations were expected and that the zoning allowed for "inns" and "hotels". The expanded "Inn" use is considered to be a permitted use within the Downtown Core designation.

#### *Heritage Designation*

The subject lands are designated under Part IV of the Ontario Heritage Act. No physical development or alteration is proposed on the subject property with the zone change application. A Heritage Impact Assessment (HIA) was submitted with the 2017 Zone Change and Site Plan Application. It contained numerous recommendations to restore and preserve the existing building. Heritage Stratford accepted the recommendation of the HIA and commented that the application to amend the zoning to permit residential uses on the basement and main floor did not impact the heritage attributes of the building.

As the current zone change application is to modify the definition of an existing permitted use, no HIA was required with this application. Similar to the conclusion of Heritage Stratford in 2017, Heritage Stratford indicated they have no issues with amending the definition of "Inn".

### *Housing*

The City of Stratford Official Plan contains specific policies on Housing (Section 3.4) and in those policies, it states the City needs to protect the viability of the community by ensuring that a full range of housing choices are available to meet the broad needs of the community, including through tenure, form and affordability. The policies also require a 10-year supply of land designated and available for residential development (this policy met the PPS in effect at the time the Official Plan was adopted), working with a variety of groups to facilitate the development of affordable housing and monitoring demographic/socio-economic trends and affordable housing needs with the target of achieving a least 25% of all new units constructed within the affordability limits. Affordability is defined in the Official Plan as the following:

- in the case of home ownership, housing which result in annual accommodation costs that do not exceed 30% of the annual household income for low and moderate income households or housing for which the average purchase prices is at least 10% below the average purchase price of a resale unit in the area;
- in the case of rental housing, the least expensive of a unit for which rent does not exceed 30% of the gross annual household income for low and moderate income households or a unit for which the rent is at or below the average rent of a unit in the area.

As noted above, the requested zone change, to alter the definition of “Inn” on a property that is currently within a commercial designation and zone, and which permits temporary accommodations (a hotel) will not impact the supply of land designated to accommodate residential growth nor would it impact the supply of residential units in draft approved and registered plans. The 2018 application was not evaluated and approved with the intent to permit “affordable” housing. The requested amendment to modify the definition of “Inn” does not contravene any of the Housing policies of the Official Plan.

The amended definition of an “Inn” to be permitted for all dwelling units at this site is considered to be in conformity with the policies of the Official Plan.

### City of Stratford Zoning By-law

The subject lands are within the Central Commercial (C3-9) Zone, which permits a wide range of uses including retail stores, offices, restaurants, apartment buildings, hotels and inns to a maximum of 10 guest suites or dwelling units.

By-law No. 10-2022 (being the City of Stratford Zoning By-law) defines an inn as “a building used for the purposes of supplying temporary living accommodation to the public, and containing a maximum of 10 guest rooms, dwelling units or combination thereof wherein such dwelling units are not restricted to occupancy by a person as their principal residence and may include 1 accessory dwelling unit for the owner or operator thereof.”

The applicant has requested the definition of an "Inn" be amended, not for the entire City, but only as it would apply to the subject property. The amended definition would be as follows: "a building or portion thereof, used for the purposes of supplying temporary living accommodation to the public, and containing guest rooms, dwelling units or a combination thereof, wherein such dwelling units are not restricted to occupancy by a person as their principal residence."

The applicant has requested this on the basis that, in their opinion, the site is already zoned to permit an inn, and the distinction between an "Inn" and a "hotel" is marked by the nature and composition of their guest suites. An inn typically offers accommodations that mirror the conveniences of a home, featuring fully equipped kitchens, dedicated living spaces, private bedrooms, and washrooms, catering to guests seeking a more residential experience. This setting is ideal for travelers looking for longer stays or those who prefer the amenities of a dwelling unit. In contrast, a hotel provides standard rooms equipped primarily for shorter stays, with a focus on basic comforts including sleeping accommodations, a sitting area, and a bathroom. Hotels cater to travelers who prioritize convenience and direct access to services like daily housekeeping, room service, and on-site dining facilities.

The applicant did not request an amendment to the short term rental accommodations regulations because the proposed use will differ from short term rental accommodations in two fundamental ways. Firstly, the guest suites may not be operated by the principal resident, and secondly, the building is not a single detached, semi-detached or street townhouse dwelling. As the current definition of "Inn" does not restrict occupancy to a person as their principal residence and it is not permit in mixed-use buildings, special provisions that apply to an "Inn" seem the preferred approach. Further, as the property is in a commercial designation and zone, modifications to the definition of "Inn" are more suitable than requesting provisions to regulations for short term rental accommodations.

Staff has considered the applicant's proposed approach and has no objection as it maintains the use described through the 2018 Zoning By-law Amendment process. While it may be possible to allow the intended use by way of special provisions to the short term accommodations regulations, staff is aware Council took great care in deciding whether to permit short term rental accommodations and, if so, under what conditions. When Council decided to permit short term rental accommodations provided they were operated by the principal resident, to a maximum of 180 days, and only in single detached, semi-detached and street townhouse dwellings, they were balancing the need to maintain rental housing stock and provide accommodation for visitors. Staff believe the recommended amendment maintains that balance as the lands are within a commercial designation and zone and were not included in any inventory of potential dwelling units; the amendment does not affect the short term rental accommodations regulations and is not seen as a precedent for numerous future applications.

The zone change application requests to amend section 15.9.9 of the Zoning By-law, the site-specific Central Commercial (C3-9) zone, to permit an "Inn" with up to 56 dwelling units. No other C3 or C3-9 regulations are proposed to be modified through this application. The requested definition includes "a portion thereof" to provide the option of existing dwelling unit owners to remain residential. In addition, the requested definition removes the restriction for the maximum number of guest rooms and/or dwelling units to provide all unit owners the option of an inn. Lastly, the inclusion of 1 accessory dwelling unit is requested to be removed due to the fact that the site is an existing mixed-use building.

Staff have evaluated this application, in part, on the basis that the requested zone change will allow for the option of supplying temporary living accommodations for all residential unit owners within the existing building. As such, Staff are of the opinion that the site-specific provision not limit the number of dwelling units to a specific number.

#### *Parking*

The subject lands currently contain 30 off-street parking spaces, 2 barrier free parking spaces in conformity with the Zoning By-law. In addition, the subject lands contain 6 bicycle parking spaces.

The subject property is located within the Central Business District on Schedule "A" of the Zoning By-law. As per Section 5.6, for any legally existing building, structure or use established on or before the effective date of this By-law, and provided there is no increase in the overall gross floor area on the lot, no parking spaces, barrier free parking spaces, loading spaces, or bicycle parking spaces shall be required.

There is no increase in gross floor area and therefore no parking spaces shall be required. Additionally, the subject property is in proximity to the City of Stratford Transit Terminal.

#### Public Concerns

The primary concerns of the public with the zone change proposal are the loss of long-term housing stock, affordability impacts on the Stratford housing market, and insufficient off-street parking. Staff have taken these concerns into consideration.

- *Housing*

Concerns were raised for the loss of long-term housing stock and affordability impacts on the housing market by members of the public. The subject property is within the Downtown Core designation and zoned Central Commercial C3-9 and was not included in inventory 10 years supply of land, as required by the Official Plan, or the 15 year supply of land, as required by the current PPS, designated for residential development.

An "Inn" use is a standard permitted within the C3 Zone and all "inns" permit a limit of 10 dwelling units or guest rooms. The intention of the zone change is to amend the definition to remove the limit of dwelling units to provide all unit owners the opportunity

to supply temporary living accommodations. As the property is located in the downtown and is commercially zoned, the proposed "Inn" use is considered appropriate. Where a unit proposes to have temporary living accommodations, a short-term rental licence will be required. Licencing requires registration by the operator, proof of insurance, and fire inspections and through this process, staff believe safety and security concerns will be addressed.

- *Parking*

The issue of insufficient off-street parking was raised as comments were made that the existing parking lot is often full and there are concerns that the zone change would put a higher demand for parking on site. Section 5.6 a) of the Zoning By-law states that "For any legally existing building, structure or use established on or before the effective date of this By-law, and provided there is no increase in the overall gross floor area on the lot, no parking spaces, barrier free parking spaces, loading spaces, or bicycle parking spaces shall be required." This regulation is similar Section 3.13.2 f) of Zoning By-law 201-2000 which states that "for any building, structure or use located within the Central Business District as designated on Schedule "A", no parking spaces shall be required except that one (1) parking space shall be required for every dwelling unit located in a building erected after May 28, 1979." Staff believes this provision is intended to implement Section 4.4.1 iv), Goals and Objectives for the Downtown Core, "to encourage the rehabilitation and 'recycling' of functionally obsolete buildings and floor space no longer suited for the purpose for which they were originally designed or built." The dwelling units were added to the existing building in 2018 and in accordance with the goals and objectives of the Official Plan and By-law 201-2000, and there are no parking requirements for the proposed uses at that time. The recommended zone change application does not result in an increase in gross floor area and in accordance with Section 5.6 a) of By-law 10-2022, no new or additional parking is required.

- *Authorization of the Application*

The application form indicates the owner to be Perth Standard Condominium Corporation #58 (c/o Lissa Breault) with Baker Planning Group (c/o Caroline Baker) acting as agent. The application was signed by Robert deWever, President of the Condominium Board. The agent has advised that Ms. Breault is the contact for the Condominium. By letter dated February 1, 2024, the agent further advised the Condominium Board voted on September 26, 2023 to proceed with the zoning by-law amendment to permit a modified "Inn" on the site.

- *Other Matters*

There were several other concerns raised by members of the public at the public meeting, specifically related to changes to property taxes, and the Municipal Accommodation Tax. As these concerns are not issues related to planning, planning staff cannot provide comment on these matters.



With regard to the comments provided by CN Rail, which emphasizes concerns about developing or densifying residential uses within 1000 meters of its railway operations due to potential land use incompatibility issues, it is Staff's assessment that the proposed application does not entail further development or densification of residential areas in the proximity of the railway. Consequently, staff believe that the application of CN Rail's conditions, including the requirement for a warning clause in development agreements and the granting of an environmental easement to CN for noise and vibration emissions, is not necessary for this particular zone change application. Staff conclude that the specifics of CN's guidelines, aimed at safeguarding the safety and well-being of both current and future occupants against potential impacts from railway operations, do not apply in this context. It is noted that staff circulated CN Rail on the proposed Plan of Condominium application and there was no reply.

#### *Public Notice*

As a result of different number of dwelling units in the application form and the Planning Justification Report, staff circulated the requested amendment to permit an "inn with up to 51 dwelling units." This number has since been clarified to be 56 dwelling units. Staff believe the difference to be within the scope of Section 34(17) of the Planning Act, which allows Council to determine whether a change made after the public meeting warrants any further notice.

#### **Financial Implications:**

##### **Not applicable:**

There are no anticipated financial impacts to the Corporation as a result of this application.

#### **Alignment with Strategic Priorities:**

##### **Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting and retaining a diversity of businesses and talent.

#### **Alignment with One Planet Principles:**

##### **Health and Happiness**

Encouraging active, social, meaningful lives to promote good health and wellbeing.

##### **Equity and Local Economy**

Creating safe, equitable places to live and work which support local prosperity and international fair trade.

##### **Travel and Transport**

Reducing the need to travel, encouraging walking, cycling and low carbon transport.

**Staff Recommendation: THAT application Z05-23, to amend the Central Commercial (C3-9) Zone provisions of the City of Stratford Zoning By-law No. 10-2022, and as they apply to lands in the City at 245 Downie Street, BE APPROVED WITH REVISIONS to allow:**

**The definition of an inn be defined as “a building or portion thereof, used for the purposes of supplying temporary living accommodation to the public, and containing guest rooms, dwelling units or a combination thereof, wherein such dwelling units are not restricted to occupancy by a person as their principal residence.”**

**All other uses and site-specific provisions in the C3-9 zone.**

**THAT approval be granted for the following reasons:**

- 1. The request is consistent with the Provincial Policy Statement;**
- 2. The request is in conformity with the policies of the Official Plan;**
- 3. The zone change will facilitate the expansion of a permitted use into an existing mixed-use building that is appropriate for the subject lands;**
- 4. Inclusion and comprehensive analysis of public feedback received during the application circulation and at the public meeting has been appropriately addressed within the Planning Report; and,**
- 5. Public input was received and considered.**

**AND THAT, in accordance with Section 34(17) of the Planning Act no further notice is required.**

**Prepared by:** Vincent Wen, Planner

**Recommended by:** Adam Betteridge, MPA, MCIP, RPP, Director of Building and Planning Services

Joan Thomson, Chief Administrative Officer

**Draft**

**BY-LAW NUMBER XX-2024  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

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BEING a By-law to amend By-law 10-2022 as amended, with respect to Zoning By-law Amendment application Z05-23, 245 Downie Street, located on the southeast corner of Downie Street and Falstaff Street, legally described as Lots 40, 41, and 44 and Part of Lot 45, PLAN 75 in the City of Stratford to amend the existing site specific Central Commercial C3-9 by adding a definition which will apply to this zone only.

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**WHEREAS** authority is given to the Council of The Corporation of the City of Stratford by Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to pass this by-law;

**AND WHEREAS** the said Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

**AND WHEREAS** the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 10-2022, as amended, known as the Zoning By-law, be further amended;

**NOW THEREFORE BE IT ENACTED** by Council of The Corporation of the City of Stratford as follows:

1. That By-law 10-2022 as amended, be further amended by adding the following:

**15.99**

d) Definition

- For the purposes of the defined area, the following shall apply:
  - i. INN means a building or portion thereof, used for the purposes of supplying temporary living accommodation to the public, and containing guest rooms, dwelling units or a combination thereof, wherein such dwelling units are not restricted to occupancy by a person as their principal residence.

2. This by-law shall come into effect upon Final Passage in accordance with the *Planning Act*.

READ a FIRST, SECOND and THIRD time and

FINALLY PASSED this XX day of February, 2024.



## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Mayor and Council  
**From:** Vincent Wen, Planner  
**Report Number:** COU24-025  
**Attachments:** None

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**Title:** Zone Change Application Z06-23 for 607 and 609 Downie Street in the City of Stratford

**Objective:** The purpose of this report is to provide Staff's recommendation on the Zone Change Application submitted by GRIT Engineering Inc. (c/o Montana Wilson), for the lands known municipally as 607 and 609 Downie Street and to seek a Council decision.

The Zone Change Application requests to rezone the subject lands from a Neighbourhood Commercial (C1) Zone, that permits select commercial uses such as a convenience store, a gas bar, a laundromat, a motor vehicle service station and a restaurant, to a site-specific Neighbourhood Commercial (C1-5) Zone to permit, in addition to the existing C1 permitted uses, the following additional uses:

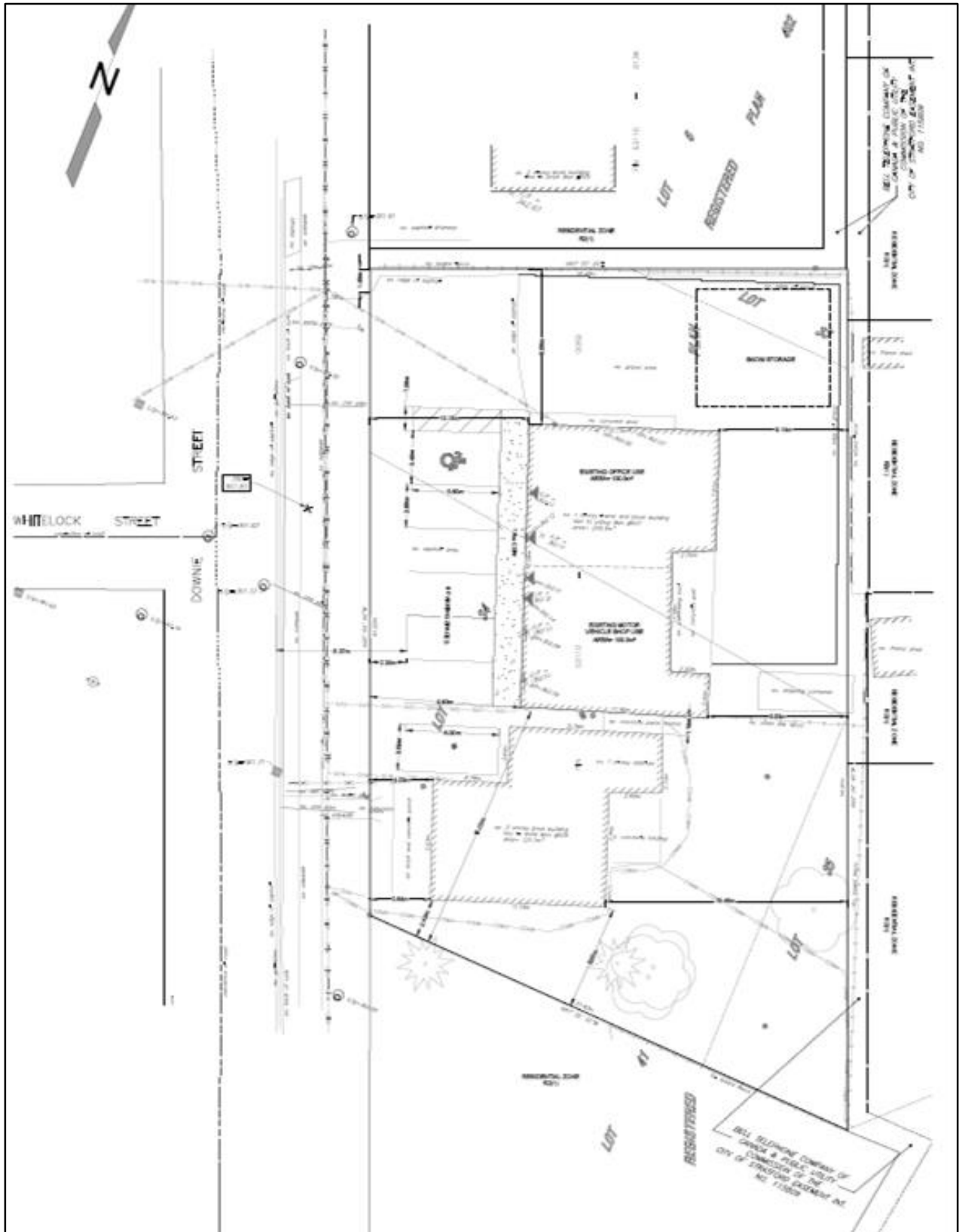
- Single detached dwelling,
- Motor vehicle repair shop,
- Motor vehicle sales or rental establishment, and
- Business office.

Additionally, the requested zone change will remove the motor vehicle service station use from the list of permitted uses for the subject lands.

A Planning Justification Letter was submitted as part of a completed Zone Change Application.

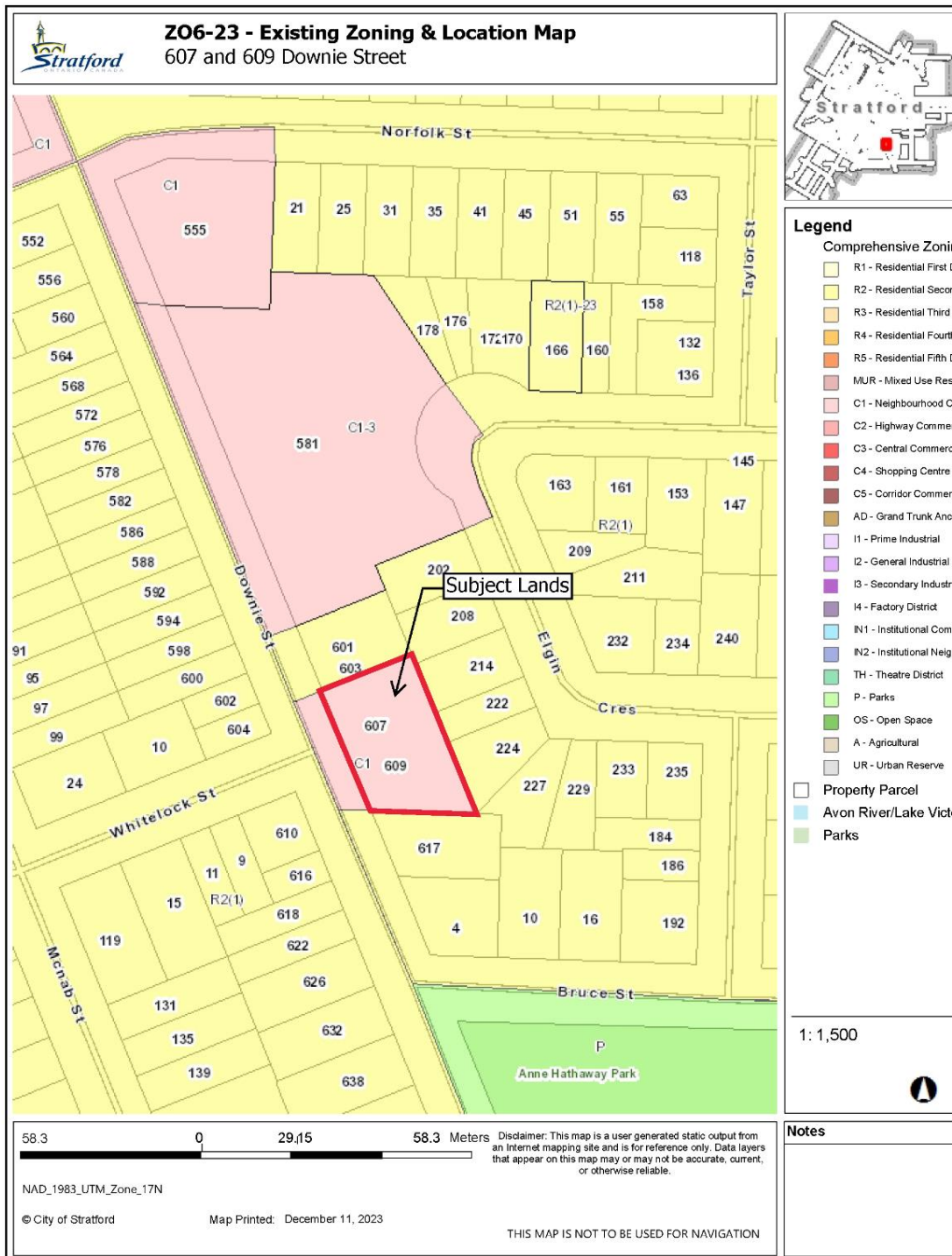


607 & 609 Downie Street Site Plan

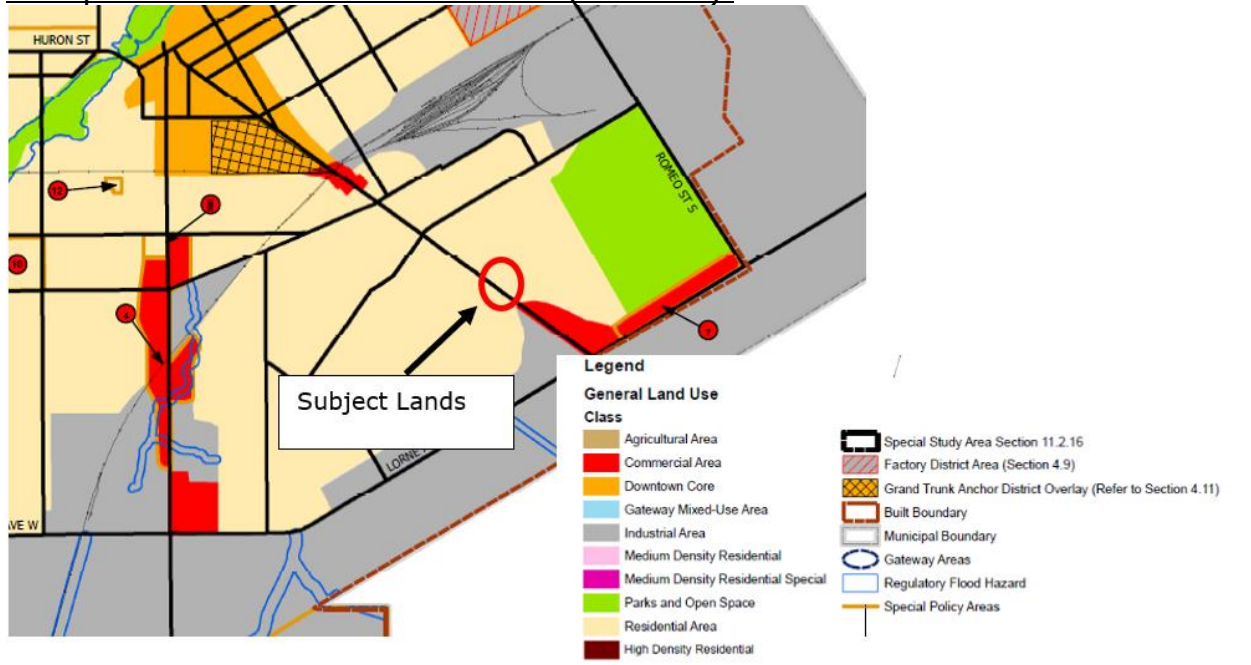


**Background:** The site is located on the southeast corner of Downie Street and east of Whitelock Street, having an area of approximately 0.15 ha (0.36 ac). The subject lands are legally described as Lots 33, 34, and 35 PLAN 381 in the City of Stratford.

Location and Zoning Map:



Excerpt from Official Plan – Schedule A (Land Use):



The subject lands currently contain a commercial building and single detached dwelling. 607 Downie Street was vacant for the past few years and was previously used as a small engine repair shop with a gas bar. 609 Downie Street currently contains an existing single detached dwelling.

607 & 609 Downie Street (January 11, 2024)



Site Characteristics:

Characteristic Information	Details
Frontage	Approximately 41.22 m
Depth	Approximately 30.48 m
Area	Approximately 1,465.1 m <sup>2</sup>
Shape	Irregular

Official Plan Designation:

Schedule A: Residential Area

Schedule D: Arterial (Downie Street)

Zoning By-law: Neighbourhood Commercial (C1) ZoneSurrounding Land Uses:

Direction	Use
North	Semi-detached dwelling (Residential), grocery store (Commercial)
East	Single detached dwellings (Residential)
South	Single detached dwellings (Residential)
West	Single detached dwellings (Residential)

**Agency and Public Comments**Agency Comments

The application was circulated to all required agencies on December 21, 2023. The following comments have been received to date:

- City of Stratford, Building Division:

Zone Change Application

- The application denotes a "Professional Office" Use as being requested and the Cover Letter from GRIT Engineering references a "Business Office" being requested to be a permitted use within a site specific C1 zone. This should be clarified as the Zoning By-Law has both of these definitions, and only one of the uses is being requested in the Site-Specific Zoning.
- Confirmation is needed if considering a Printing Shop/Graphic Design Office is a Business Office or Professional Office and ensure the Zone Change reflects accordingly.

General Comments

- A Building Permit for the fit out of Unit 1 (2 Storey Unit currently denoted as an "Existing Office" on drawing C200) is required to be applied for with drawings completed by a qualified designer. A Building Permit was obtained in 2023 (PRM-2022-0619), which identified that unit as a Vacant F2 Industrial Unit, and not a Commercial Office Unit.

- Under the Ontario Building Code (OBC) a Change of Use/Renovation Permit is required to be obtained to legally change that unit from a Vacant F2 Industrial Unit to a Group D Commercial Office Unit. If the applicant has any questions with regards to the permit requirements for this unit they can contact Building Services for more information.
- All Zone Change Approvals are required to be submitted with any future Building Permit Applications.
- City of Stratford, Infrastructure Services Department – Engineering Division
  - The Engineering Division has no objection to the zone change.
  - Any future site plan or severance to this property will require a road widening of 2.4415 metres from the Downie Street frontage as per the Zoning By-Law Schedule B. Downie Street between Waterloo Street South to Lorne Avenue East requires a 25-metre right-of-way.
- City of Stratford, Clerks Department
  - No comments received at the time of finalizing this report.
- City of Stratford, Community Services Department
  - No concerns.
- City of Stratford, Fire Prevention
  - No concerns from Fire Prevention.
- Festival Hydro
  - No concerns with regards to the zone change.

Any agency comments received after the finalization of this report will be provided to Council. All agency comments will be reviewed, analysed, and responded to in the subsequent report to Council.

#### Public Comments

Notice of the Application was sent to surrounding property owners on December 21, 2023, and Notice of Application was also published in the Town Crier section of the Beacon Herald on December 30, 2023, all in accordance with the requirements of the *Planning Act, R.S.O., 1990, c. P.13*.

As of the date that this report was finalized, one public comment was received on this application through a phone call. A concern was raised about the previous use of the site, including if soil sampling was completed and that if the underground tanks were removed with the gas pumps.

#### History

The history of the site, both in terms of zoning and uses, is considered relevant to the application. The following is a summary of the zoning that has been applied to the subject lands over approximately the past 50 years:

- November 1975, Council adopts By-law #149-76, amending the Second Density Residential R2 zoning in By-law #167-68 on the subject lands by adding special provisions to permit a service station and a retail garden operation.
- May 1979, Council adopts Restricted Area Zoning By-law 79-79 and in this comprehensive zoning by-law the zoning is changed to General Commercial C2. The C2 Zone permits a range of uses including an automobile service station, a hotel, a retail store, a business or professional office and a vehicle repair shop.
- November 2000, Council adopts Comprehensive Zoning By-law No. 201-2000. The Zoning for the lands is changed to Neighbourhood Commercial C1 which permits a more limited range of commercial uses including a gas bar, a motor vehicle service station, a neighbourhood store, a personal service establishment, an eat-in or take-out restaurant and a dwelling unit.
- Most recently, February 2022, Council adopts Comprehensive Zoning By-law No. 10-2022. In By-law 10-2022, the lands remain within a Neighbourhood Commercial C1 Zone. The range of uses permitted by the C1 Zone in By-law 10-2022 is virtually identical to what was permitted in the C1 Zone in By-law 201-2000.

The following is a summary of past uses at 607 and 609 Downie Street:

- Vernon's 1969 Municipal Directory indicates Sippel's Garage operated from 607 Downie Street. A Mrs. Dora Sippel resided at 609 Downie Street.
- Vernon's 1973 Municipal Directory indicates South End Service operating from 607 Downie. Mrs. Dora Sippel was no longer the resident at 609 Downie Street.
- July 1976 the City issues a building permit South End Service for a commercial addition at 607 Downie Street.
- July 2009, South End Service appears to operate from 607 Downie Street. The use appears to be small engine repair. Google Streetview shows lawn mowers together with two pumps for the retail sale of gasoline.<sup>1</sup>
- July 2014, Google Streetview appears to show no change in the nature of the use.<sup>2</sup>
- July 2015 South End Service appears to have changed the nature of its operation, small engine repairs continue; however, the two gasoline pumps have been removed.<sup>3</sup>
- October 2020, South End Service is no longer operating from the site. The building appears vacant and for sale.<sup>4</sup>
- April 2023, the City issues a building permit to allow interior renovations to a portion of 607 Downie Street. Another building permit is required prior to occupancy.

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<sup>1</sup> Source: Google Streetview photograph – July 2009.

<sup>2</sup> Source: Google Streetview photograph – July 2014.

<sup>3</sup> Source: Google Streetview photograph – July 2015.

<sup>4</sup> Source: Google Streetview photograph - October 2020.



- October 2023, a new use, NVS Auto, appears to be operating from a portion of 607 Downie Street.<sup>5</sup> Based on their website, NVS Auto, is an automobile sales establishment.

### Google Streetview – October 2009



### **Analysis:**

#### Provincial Policy Statement

The 2020 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest and is set out in three main areas: Building Strong Communities, Wise Use and Management of Resources, and Protecting Public Health and Safety. All planning decisions within the Province of Ontario are required to be consistent with the Provincial Policy Statement, 2020 (PPS). Section 1 of the PPS directs focus on the importance of building strong healthy communities. Section 3 of the PPS provides direction on the wise use and management of resources.

#### *Resilient Development and Land Use Patterns*

The PPS promotes managing change and promotes efficient land uses and development patterns. Healthy, liveable, and safe communities are sustained by efficient land use patterns and development that sustain the financial well-being of the province and municipalities as well as the promotion of the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns and standards to minimize land consumption.

The proposal is considered an efficient use of land as it is re-purposing an existing commercial building. The proposed motor vehicle repair shop and motor sales or rental establishment as well as business office will promote the integration of land use planning. The re-purposing of the existing commercial building with access to full municipal services will result in cost-effective development.

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<sup>5</sup> Source: Google Streetview photograph - October 2023.

### *Settlement Areas*

The PPS states that settlement areas are to be the focus of growth and development. The City of Stratford is identified as a settlement area under the PPS. The proposed zone change would occur for an existing building that is currently connected to municipal services. There are no exterior additions or renovations proposed as part of this application.

### *Land Use Compatibility*

The PPS directs developments to avoid potential adverse effects from odour, noise and other contaminants on the surrounding neighbourhood. The proposal would establish uses in a neighbourhood commercial zone that are similar to what previously existed. The recommended zoning included regulations to minimize compatibility concerns with abutting land uses.

### *Infrastructure and Public Service Facilities*

Generally, the PPS promotes the use of existing infrastructure and public service facilities to ensure they are optimized and adaptively reused where appropriate. The subject lands have access to existing municipal services from Downie Street. No new services are required to support this application.

### *Long-Term Economic Prosperity*

The PPS promotes the long-term economic viability of communities by encouraging optimized land development, community investment, and sustainable tourism. The re-use of an existing commercial building with additional permitted uses may positively impact the long-term economic viability of the City.

The application to rezone 607 and 609 Downie Street to permit a motor vehicle repair shop and motor vehicle sales or rental establishment uses with specific regulations, are considered to be consistent with the Provincial Policy Statement.

### City of Stratford Official Plan

The subject lands are designated "Residential" in the City of Stratford's Official Plan. This designation permits a range of residential uses including single detached dwellings, triplex dwellings, townhouse dwellings and low-rise apartments. In addition, one of the goals and objectives of the Residential Area Designation is to allow certain non-residential uses in residential areas which are complementary to, or compatible with, the neighbourhood or which meet neighbourhood needs, and which do not individually or cumulatively undermine essential neighbourhood qualities.

Though it is designated as "Residential Area", commercial uses have continued to exist on the property since prior to 1970. Past uses included the sale of gasoline, motor vehicle repair and small engine repair. The applicant is requesting commercial uses continue to be allowed on the site; however, instead of small engine repair and the sale of gasoline, the applicant is requesting motor vehicle sales and associated repair.

### *Stable Residential Areas*

The Official Plan sets out policies for new development or redevelopment in Stable Residential Areas. Any intensification is expected to be modest and incremental including the redevelopment of vacant lots/buildings. Development is to maintain and respect the structure and character of the surrounding neighbourhood. As this proposal is to re-purpose an existing commercial building, it is not considered new development or intensification, and meets the Stable Residential Policies of the Official Plan.

Table 1, Land Uses Permitted in all Designations, list the non-residential uses permitted in the Residential Area designation. Included in Table 1 is convenience commercial uses, which includes convenience stores, personal service establishments, and small restaurants. Each convenience commercial site shall contain no more than 3 commercial establishments and generally not exceed 235 m<sup>2</sup> (2,530 ft<sup>2</sup>). It is this provision, the Neighbourhood Commercial C1 Zone in By-law 10-2022 is intended to implement. The requested zone change would add some additional uses and remove one permitted from the C1 Zone. The request for the single detached dwelling use is intended to maintain the use for the existing dwelling at 609 Downie Street.

Section 9.2.3, Non-Conforming Uses, addresses legally established uses and uses listed in the zoning by-law. Permitted uses may be able to expand or change to a more compatible use, without the need for an Official Plan Amendment, subject to specific criteria. This includes that the modifications will not add to any air, noise or water pollution problems and does not involve hazardous activities or substances that threaten the safety of the surrounding area.

Property file records show that previous uses of the subject property included a garage, small engine repair shop with a gas bar. In addition, the lands were zoned to permit a retail garden operation.

The request to permit motor vehicle repair and motor vehicle sale establishment can only be permitted in accordance with Section 9.2.3 if expected impacts are no greater than what occurred previously and in order to satisfy this objective, additional regulations are necessary. For example, regulations dealing with the size and location of sales display areas, lighting, where repair activities may occur and prohibition of minor body and painting activities. Display areas for vehicle sales are not unlike parking areas for small engine repair operations and therefore should be limited to existing asphalt and gravel parking areas. Noise related to any repair should be limited and for this reason it is recommended it be undertaken within the existing building. Restricting motor vehicle repair activities to inside the existing building is expected to result in less noise impacts than what occurred with the previous small engine repair operation. Lighting, if any is proposed, should not result in spillage on abutting residential properties. Lastly, prohibiting the sale of gasoline will significantly reduce odour and fume impacts and assist in limiting activity on the site to normal business hours. With appropriate conditions, the proposed uses will maintain an acceptable measure of compatibility with adjacent residential and conform to the policies of Section 9.2.3.

The request to permit a business office would not normally be permitted within the Residential Area designation; however, given the proposed business office use is expected to have fewer impacts than previous uses and the policies of Section 9.2.3., the request to zone the lands to permit a business office is considered appropriate and in conformity with the Official Plan.

The recommended zoning to permit limited motor vehicle uses with conditions and a business office is considered to be in conformity with the policies of the Official Plan.

#### City of Stratford Zoning By-law

The subject lands are zoned Neighborhood Commercial (C1) Zone. Permitted uses in the C1 Zone include a convenience store, a dry cleaning establishment, a gas bar, a motor vehicle service station, a laundromat, a personal service establishment, a restaurant and a dwelling unit, provided they are connected to, and form an integral part of the main building and located above the first storey.

The zone change application requests amending section 7.2 of the Zoning By-law, which include Permitted Uses in Commercial Zones. The request is to retain the existing Neighbourhood Commercial Zone provisions, and add the following additional uses:

- Single detached dwelling,
- Motor vehicle repair shop,
- Motor vehicle sales or service establishment, and
- Business office.

Additionally, the requested zone change will remove the motor vehicle service station from the list of permitted uses for the subject lands.

By-law No. 10-2022 defines a motor vehicle repair shop as “a building which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed and may include minor repairing or minor painting of vehicle bodies.” A Motor vehicle sales or rental establishment is defined as “an establishment for the sale, rental or leasing of motor vehicles, commercial vehicles and motor vehicles.”

Staff believe some components of the motor vehicle repair shop definition could result in new impacts on area uses, specifically impacts related to minor repairing or minor painting of vehicle bodies. Such activity can result in fumes and odors and is not considered appropriate in close proximity to residential uses. For this reason, it is recommended that the definition of motor vehicle repair shop be revised as it would apply to this site to remove repairing and minor painting of bodies.

With respect to motor vehicle sales or rental establishment staff are of the opinion impacts can be similar to past commercial uses if vehicles on display are located on existing asphalt and gravel areas and lighting is directed away from adjacent uses.

The applicant has requested motor vehicle service station be removed from the list of permitted uses on this property. Staff concur with this request as this use has the potential to impact abutting properties. The retail sale of gasoline and other fuels often operate in the evening and overnight releasing odours and fumes. For this same reason, gas bars should be removed from the list of permitted uses.

Staff have evaluated this application, in part, on the basis that the requested zone change will allow for the re-purposing of an existing commercial building and that the proposed uses are similar in scale. To ensure the proposed use is not more intensive than expected, Staff are of the opinion that site specific provisions are required including;

- Modifying the definition of motor vehicle repair garage;
- Requiring all repair activity to occur within the existing building;
- Restricting parking and display areas to existing asphalt and gravel parking areas;
- Restricting lighting, if proposed in the future, to avoid light spillage onto abutting properties and,
- Removing motor vehicle service station and gas bars from the list of permitted uses.

The applicant has requested a business office be added as a permitted use. In discussions with the owner, the intended use is a print shop/graphic design office. The proposed graphic design establishment would involve consultation with clients and small-scale printing of graphics on-site. Special requests for large graphic are produced off-site. A business office as defined in the Zoning By-law as:

*"a building in which persons are engaged in the management, direction or conduct of the affairs of a public or private agency, business, or labour or fraternal organization, but does not include a professional office or a clinic."*

Staff are of the opinion the graphic design establishment meet the definition of business office in the Zoning By-law.

As part of the zone change application, a single detached dwelling was also requested. This use is intended to apply to the single detached dwelling at 609 Downie Street, which has existing on site since prior to 1969. As a dwelling unit is only permitted in the Neighbourhood Commercial C1 Zone if connected to the main building and the existing single detached dwelling is a separate building, staff believe adding "existing single detached dwelling" to the list of permitted uses recognize this legal non-conforming situation is warranted.

Should the current, or a future, property owner ever propose to sever the existing single detached dwelling from the commercial building, it is expected the following would be required as a condition of approval: an Environmental Site Assessment Phase II to residential standards (and perhaps a Record of Site Condition), a 2.44 m road

widening along both the severed and retained parcels and confirmation the buildings meet the minimum distance separation requirement of the Building Code.

In response to an application, Council, on November 10, 1975, adopted By-law 149-75, which amended By-law 167-68, to permit a service station and retail garden equipment operation at 607 Downie St. The current request to permit additional uses is intended to facilitate the re-purposing of the same commercial building to be used as a motor vehicle sales establishment with minor repairs and a business office. The requested uses, subject to conditions, are not expected to negatively impact the use of surrounding properties and are considered appropriate for the property.

#### Public Concerns

Concerns were raised from a member of the public regarding if soil sampling was completed for the zone change application and whether or not the fuel storage tanks were removed with the gas pumps. In response to this concern, and subsequent to submitting the application, the owner submitted an Environmental Site Assessment Phase II, prepared by Rubicon Environmental (2008) Inc, dated May 28, 2021. The environmental assessment was completed to ascertain and fully explore surficial and subsurface soil and groundwater conditions on the subject property. The Assessment indicates that the subject property meets the applicable Table 3: Full Depth Generic Site Condition Standards for Commercial Land Use, Non-Potable Groundwater Condition, Coarse Textured Soil from the Ministry of Environment Conservation and Parks (MECP) document "Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the *Environmental Protection Act*" (April 15, 2011), referred to as MECP Table 3 Site Condition Standards. As a result, it is the professional opinion of Rubicon Environmental (2008) Inc. that subject property warrants no further environmental investigation. The subject property is suitable for on-going commercial use. The Rubicon report did not identify any fuel storage tanks present on the site.

#### Site Plan Control

By-law 111-2000, commonly referred to the Site Plan Control By-law, states no person shall undertake any development unless the owner enters into a site plan agreement with the City and development is defined as "the construction, erection, or placing or one or more buildings on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof,....". The proposal to repurpose the existing building from a small engine repair with gas pumps to an automobile sales establishment with associated repair is not considered a substantial increase in the usability to the building. Given the nature of the proposed use, site plan approval will not be required. Building permits are required.

#### **Financial Implications:**

##### **Not applicable:**

There are no anticipated financial impacts to the Corporation as a result of this application.



### **Alignment with Strategic Priorities:**

#### **Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting and retaining a diversity of businesses and talent.

### **Alignment with One Planet Principles:**

#### **Equity and Local Economy**

Creating safe, equitable places to live and work which support local prosperity and international fair trade.

**Staff Recommendation: THAT application Z06-23 to amend the zoning of 607 and 609 Downie Street from a Neighbourhood Commercial C1 Zone to a Neighbourhood Commercial Special (C1-5) Zone with site specific regulations BE APPROVED to allow:**

- **The uses of "single detached dwelling", "motor vehicle repair shop", "motor vehicle sales or service establishment", and "business office" to be permitted in addition to the currently permitted C1 uses.**
- **The definition of motor vehicle repair shop be defined as "a building which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed."**
- **Motor vehicle repair shop activities occur within the existing building.**
- **Motor vehicle sales and rental establishments display areas are only permitted on existing asphalt and gravel parking areas.**
- **Lighting associated with motor vehicle repair shop or motor vehicle sales and rental establishment, if any, shall not spill onto abutting properties.**
- **"motor vehicle service station" and "gas bar" be removed from the list of permitted uses.**

**AND THAT approval be granted for the following reasons:**

- 1. The request is consistent with the Provincial Policy Statement;**
- 2. The request is in conformity with the policies of the Official Plan;**
- 3. The zone change will facilitate the re-purposing of an existing commercial building that is appropriate for the subject lands; and,**
- 4. Inclusion and comprehensive analysis of public feedback received during the application circulation and at the public meeting has been appropriately addressed within the Planning Report.**
- 5. Public Input was received and considered.**

**Prepared by:** Vincent Wen, Planner

**Recommended by:** Adam Betteridge, MPA, MCIP, RPP, Director of Building and Planning Services

Joan Thomson, Chief Administrative Officer

**Draft**

**BY-LAW NUMBER XX-2024  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

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BEING a By-law to amend By-law 10-2022 as amended, with respect Zoning By-law Amendment application Z06-23, 607 & 609 Downie Street, located on the east side of Downie Street between Norfolk Street and Bruce Street, legally described as Lots 33, 34, and 35 PLAN 381 in the City of Stratford to add and remove to the list of permitted uses, and add limitations to those uses.

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**WHEREAS** authority is given to the Council of The Corporation of the City of Stratford by Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, to pass this by-law;

**AND WHEREAS** the said Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

**AND WHEREAS** the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 10-2022, as amended, known as the Zoning By-law, be further amended.

**NOW THEREFORE BE IT ENACTED** by Council of The Corporation of the City of Stratford as follows:

1. That Schedule "A", Map 1 to By-law 10-2022 as amended, is hereby amended by adding those lands outlined in heavy solid lines and described as Neighbourhood Commercial (C1) Zone with site specific regulations C1-5 on Schedule "A", attached hereto and forming part of this By-law, and more particularly described as 607 and 609 Downie Street, located on the east side of Downie Street between Norfolk Street and Bruce Street, legally described as Lots 33, 34, and 35 PLAN 381 in the City of Stratford.
2. That By-law 10-2022 as amended, be further amended by adding Section 15.7.4 (C1-5), being Zone Exceptions of Neighbourhood (C1-5) Zone, to add the following:

**15.7.4**

- a) Defined area (607 and 609 Downie Street – By-Law XX-2024) C1-5 as shown on Schedule “A”, Map 1
- b) Permitted use:
- Existing single detached dwelling;
  - Motor vehicle repair shop as defined in Section c) Regulations below within the existing building;
  - Motor vehicle sales or rental establishment within the existing building;
  - Business office,
  - All other uses permitted in the C1 zone, and,
  - Prohibited uses, a motor vehicle service station and a gas bar.
- c) Regulations
- i) MOTOR VEHICLE REPAIR SHOP means a building which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed.
  - ii) Motor vehicle Repair Shop activities shall only occur within the existing building.
  - iii) Motor vehicle sales and rental establishment display areas shall only occur on existing asphalt and gravel parking areas.
  - iv) Lighting associated with any motor vehicle repair shop or motor vehicle sales and rental establishment, if any, shall not spill onto abutting properties.

3. This by-law shall come into effect upon Final Passage in accordance with the *Planning Act*.

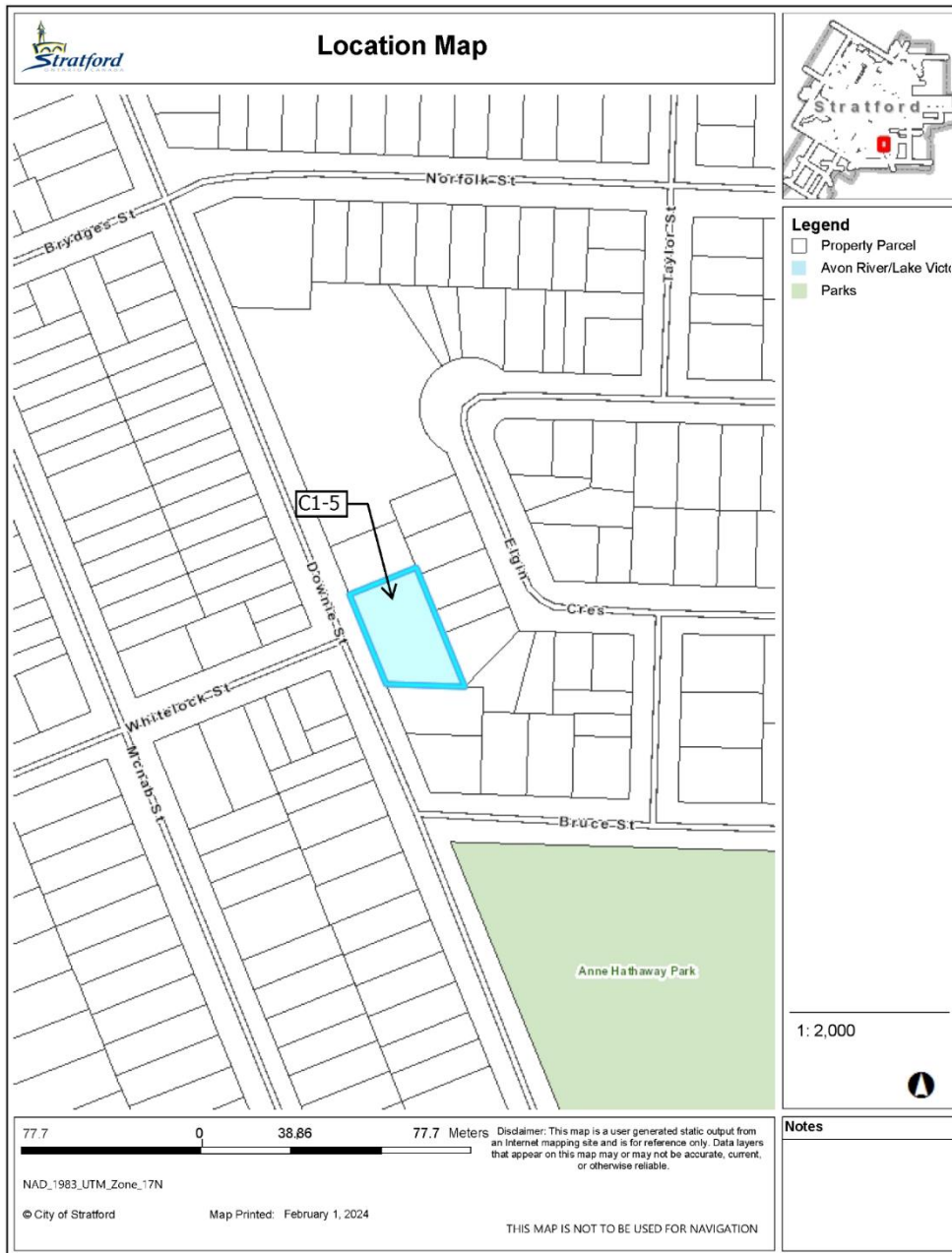
READ a FIRST, SECOND and THIRD time and

FINALLY PASSED this XX day of February, 2024.

**This is Schedule "A" to By-law XX-2024  
Adopted this XX day of February, 2024**

Amending By-law 10-2022  
Of  
The Corporation of the City of Stratford

**File Z06-23: 607 Downie Street, 609 Downie Street**






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## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Mayor and Members of Council  
**From:** Karmen Krueger, CPA, CA, Director of Corporate Services/Treasurer  
**Report #:** COU24-018  
**Attachments:** Draft 2024 Budget By-law

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**Title:** 2024 Municipal Budget and By-law Adoption

**Objective:** To confirm final budget figures of the draft 2024 Budget from the Finance and Labour Relations Committee for Council's consideration.

**Background:** The draft budget initially prepared by staff was released to the City's website November 22, 2023 and two preliminary budget meetings with the Finance and Labour Relations Committee were held December 14 and 15, 2023. The documents included estimates for revenues and expenses and proposed expansion-of-service items, and priority capital projects as identified by staff and as directed by Council from previous meetings. A public consultation survey was issued on November 22, 2023 and an accessible 'Chat with the Treasurer' session was held on December 5, 2023, and comments were received until early January 2024. Subsequent budget deliberation meetings were held January 15 and January 29, 2024.

During this time, staff and Council received numerous emails from members of the public to ask questions and express their sentiments on the priorities identified, including receipt of a petition against preliminary figures.

All available sources of non-taxation revenue were critically reviewed to reduce the effect of the significant increases in expenditures. User fees were reviewed in late fall, 2023 and many were increased. All existing reserves were reviewed, looking for funds not committed elsewhere. Transfers from prior year surpluses of \$3 million were used to offset some of these pressures. Operating activities were reviewed to ensure a similar level of service could be provided for the least amount of increased costs. Capital projects were reviewed for the most significant priorities in connection with the City's asset management plan. In addition, all 2023 growth from assessment was included to ensure any tax increases were spread fairly across all assessed properties.

**Analysis:** Since the January 29, 2024 Finance and Labour Relations Committee budget deliberation meeting, there have been a few minor adjustments to the estimates



recommended by the Finance and Labour Relations Committee. These result in a further reduction from the estimated 7.73% increase to the tax rate as follows:

Removal of contribution to brownfield reserve \$20,000  
 Use of council committee reserves to effect levy change \$94,945  
 Correction to the reduction relating to the hospital contribution \$100,000  
 Received final figures relating to HPPH \$9,378  
 Total additional reductions of \$224,323 (0.27%)

This brings the tax rate increase to 7.51% above the previous year.

The 2024 operating budget consists of \$160 million total expenditures, including transfers to fund the capital program of \$16 million. Non-taxation revenues of \$80 million are anticipated to fund the City's activities, leaving **\$80,090,376** to be raised from taxation.

This is **\$7,065,862** (or 9.68%) higher than in 2023. This largely reflects investment in capital assets, both through contributions to reserves and repayment of debt for projects completed in previous years. It also reflects significant construction and building inflationary impacts being experienced in every division on goods and services and in the capital program.

The capital program consists of expenditures of \$45 million funded by grants, development charges, long-term debt, external recoveries and internal reserves.

The use of internal reserves exceeds the current contributions as follows:

- Current year contribution to Capital Reserves \$17 million
- Current year use of Capital Reserves \$24 million.

Capital reserve contributions will require ongoing annual increases to reach an acceptable level of sustainability over the ten-year forecast period to meet provincially mandated regulations.

The City, under the Municipal Act, 2001, is required to prepare its budgets as 'balanced', meaning that there is no planned surplus or deficit. As budgets do consist of estimates, this rarely ends up happening exactly as estimated, but the budget is prepared on this premise.

Items historically excluded from the preparation of the City's budget include:

- Amortization expenses on tangible capital assets
- Post-employment benefits expenses
- Solid waste landfill closure and post-closure expenses

A separate report to Council is being brought forward on February 26, 2024 to provide the financial impact of excluding these, under O. Reg 289/04 – Excluded Expenses.

## **Financial Implications:**

### **Financial impact to current year operating budget:**

The revenues raised from taxation, combined with user fees, grants and other sources of recovery revenues are used to finance all the expenses planned for the year. Capital projects identified are funded from a combination of grants, user fees, other recovery revenues and transfers from reserves. Most of these existing reserve and reserve fund balances originated from unspent grants and planned transfers from the tax levy, both in the 2024 budget, as well as previous budgets.

### **Financial impact on future year operating budget:**

The financial impact of the 2024 budget has an indirect impact on future budgets, as it sets a new baseline upon which increases or decreases are measured. As we move through 2024, changes that result from updated estimates and provincial and federal initiatives that impact local budgets are factored into the future budget years. Any identified items in 2024 that were deferred to future years will also impact 2025 and beyond. Examples of this include phasing in the staffing additions and using prior year surpluses (tax stabilization reserves) to offset what may or may not be permanent cost increases.

### **Link to asset management plan and strategy:**

Making the direct link between the 2024 budget and the City's asset management plan is a work in progress and ongoing. The intent is that over time, and by building our asset knowledge database, that the budget year, along with the 9-additional year forecast, will have an explicit and very direct connection to the asset registry. This process will improve over time but depends on ensuring the asset registry is complete, and that projects not included in the asset registry now (new, or growth-related) are captured as we plan forward.

**Alignment with Strategic Priorities:** The budget process is intended to support all the City's strategic priorities by ensuring that sufficient resources are allocated in the areas identified.

### **Mobility, Accessibility and Design Excellence**

Improving ways to get around, to and from Stratford by public transit, active transportation and private vehicle.

### **Strengthening our Plans, Strategies and Partnerships**

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

### **Developing our Resources**

Optimizing Stratford's physical assets and digital resources. Planning a sustainable future for Stratford's resources and environment.

### **Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting and retaining a diversity of businesses and talent.

**Alignment with One Planet Principles:** The budget process is intended to support all the One Planet Principles by ensuring that sufficient resources are allocated in the areas identified.

### **Health and Happiness**

Encouraging active, social, meaningful lives to promote good health and wellbeing.

### **Equity and Local Economy**

Creating safe, equitable places to live and work which support local prosperity and international fair trade.

### **Culture and Community**

Nurturing local identity and heritage, empowering communities and promoting a culture of sustainable living.

### **Land and Nature**

Protecting and restoring land for the benefit of people and wildlife.

### **Sustainable Water**

Using water efficiently, protecting local water resources and reducing flooding and drought.

### **Local and Sustainable Food**

Promoting sustainable humane farming and healthy diets high in local, seasonal organic food and vegetable protein.

### **Travel and Transport**

Reducing the need to travel, encouraging walking, cycling and low carbon transport.

### **Material and Products**

Using materials from sustainable sources and promoting products which help people reduce consumption.

### **Zero Waste**

Reducing consumption, reusing and recycling to achieve zero waste and zero pollution.

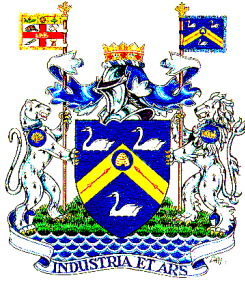
### **Zero Carbon Energy**

Making buildings and manufacturing energy efficient and supplying all energy with renewables.

**Staff Recommendation: THAT the draft 2024 Budget as amended, be adopted with a levy increase of \$7,065,862 and total tax levy of \$80,090,376;**

**AND THAT the 2024 Budget By-law be adopted as presented.**

**Prepared by:** Karmen Krueger, CPA, CA, Director of Corporate Services  
**Recommended by:** Karmen Krueger, CPA, CA, Director of Corporate Services  
Joan Thomson, Chief Administrative Officer



**BY-LAW NUMBER -2024  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

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BEING a by-law to adopt the budget (estimates of revenues and expenditures) for tax supported and user pay purposes for the year 2024.

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**WHEREAS** Section 290 of the *Municipal Act, S.O. 2001, c.25*, as amended, requires municipalities to prepare and adopt a budget and establishes requirements under that legislation to set out the estimated revenues and expenditures for the municipality;

**AND WHEREAS** in accordance with Section 290 of the *Municipal Act, S.O. 2001, c.25*, as amended, Council has considered the sums required during the year for Municipal purposes and is prepared to pass a budget for the year 2024;

**AND WHEREAS** it is now necessary to adopt the estimates of revenue and expenditures for tax supported and user pay services for the Corporation of the City of Stratford;

**NOW THEREFORE BE IT ENACTED** by the Council of The Corporation of the City of Stratford as follows:

1. **That** the current estimates of operating revenues in the amount of \$167,948,747 and expenditures in the amount of \$167,948,747 for tax supported purposes and for user pay purposes for the City of Stratford are hereby adopted as summarized in the attached Schedule "A", to be known as the 2024 Net Operating Budget.
2. **That** the capital project estimates for expenditures in the amount of \$45,841,000 and revenues in the amount of \$45,841,000 for tax supported purposes and for user pay purposes for the City of Stratford are hereby adopted as set out in the attached Schedule "B", to be known as the 2024 Capital Program.
3. **That** Schedules "A" and "B" as attached hereto form and become part of this by-law.
4. **That** this by-law shall come into force and effect upon receiving the final passing thereof.

Read a FIRST, SECOND and THIRD Time and

FINALLY PASSED this 26th day of February, 2024.

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Mayor – Martin Ritsma

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Clerk – Tatiana Dafoe

**THIS IS SCHEDULE "A" to By-law \_\_\_\_-2024****Adopted this 26<sup>th</sup> day of February, 2024****City of Stratford 2024 Net Operating Budget:**

<b>Account</b>	<b>Amount</b>
100 TAXATION	(80,090,376)
100 GENERAL REVENUES	(1,847,077)
101 MAYOR AND COUNCIL SERVICES	716,724
102 COMMITTEES OF COUNCIL	94,945
111 CAO'S OFFICE	952,071
112 HUMAN RESOURCES	1,166,301
121 CITY CLERK	876,443
134 INFORMATION TECHNOLOGY	0
135 PARKING	(587,334)
136 CROSSING GUARDS	257,950
139 GENERAL GOVERNMENT	761,224
141 CITY BUILDINGS	2,163,387
211 FIRE	9,877,547
250 BUILDING PERMITS	0
251 DEVELOPMENT SERVICES	680,617
252 BY-LAW ENFORCEMENT	378,632
310 ENGINEERING	1,320,212
315 FLEET	1,079,512
320 ROADS	7,311,046
330 SANITARY	0
340 STORM	4,929,662
350 WATER	0
360 WASTE	882,311
512 STRATFORD MUNICIPAL AIRPORT	73,049
513 INDUSTRIAL LAND SERVICING	0
610 SOCIAL SERVICES ADMINISTRATION	21,115
611 ONTARIO WORKS	624,920
612 HOMELESSNESS	239,010
613 ANNE HATHAWAY DAY CARE CENTRE	47,290
614 PS HOUSING CORP / LHC	2,131,545
615 HOUSING DIVISION-SERVICE MGR	791,270
616 CHILDREN SERVICES	326,421
618 BRITANNIA ST APARTMENTS	624,596
711 PARKS	2,779,472
715 FACILITIES	2,093,245
721 RECREATION	6,220,030
731 CEMETERY	503,508
750 TRANSIT	3,706,795
751 PARALLEL TRANSIT	646,955
752 COMMUNITY TRANSPORTATION	0
810 REQUISITIONS FROM OTHERS	27,197,114
872 COMMUNITY SUPPORT & GRANTS	1,049,868



**THIS IS SCHEDULE "B" TO BY-LAW \_\_\_-2024**

**Adopted this 26<sup>th</sup> day of February, 2024**

**CITY OF STRATFORD CAPITAL PROGRAM**

**Corporate Services - Parking**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/ Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
1	Erie Lot Improvements	\$1,500,000	\$0	\$0	\$0	\$0	(\$1,500,000)
2	Smart Parking Project	65,000	0	0	0	0	(65,000)
3	EV Charging Stations	262,000	0	0	0	0	(262,000)
4	Comprehensive Parking Management System	75,000	0	0	0	0	(75,000)

**Corporate Services – Information Technology Services**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/ Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
5	Personal Computers	\$192,000	\$0	\$0	\$0	\$0	(\$192,000)
6	Network Equipment	100,000	0	0	0	0	(100,000)
7	Video Surveillance Equipment	212,000	0	0	0	0	(212,000)

**Fire/Airport**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/ Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
8	Fire Station 2 Repairs	\$60,000	\$0	\$0	\$0	\$0	(\$60,000)

**Community Services – Parks and Forestry**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
9	Milton St Play Structure	\$111,340	\$0	\$0	\$0	\$0	(\$111,340)

**Community Services – Cemetery**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
10	Cemetery Garage Doors	\$28,500	\$0	\$0	\$0	\$0	(\$28,500)

**Community Services – Recreation Facilities**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
11	Boathouse Membrane and Railing	\$260,000	\$0	\$0	\$0	\$0	(\$260,000)
12	Dufferin Arena Cooling Tower	\$125,000	0	0	0	0	(\$125,000)
13	Anne Hathaway Ball Diamond Fencing	\$80,000	0	0	0	0	(\$80,000)

**Community Services – Recreation Facilities (continued)**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
14	Allman Arena Heating Boiler System	\$80,000	\$0	\$0	\$0	\$0	(\$80,000)
15	Allman Arena Roof	1,550,000	0	0	0	0	(1,550,000)
16	Allman Arena Concrete Foundation Walls Repairs	80,000	0	0	0	0	(80,000)
17	Allman Arena Flooring	95,000	0	0	0	0	(95,000)
18	Agriplex Guardrails	300,000	0	0	0	0	(300,000)
19	National Stadium Washrooms	100,000	0	0	0	0	(100,000)

**Community Services – Facilities – Other Buildings**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
20	Justice Building Roof	\$490,000	0	0	0	0	(\$490,000)
21	Justice Building Exterior Elements	75,000	0	0	0	0	(75,000)
22	Justice Building Accessible Ramp	200,000	0	0	0	0	(200,000)

**Community Services – Transit**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
23	Bus Storage/Facility Upgrades	\$135,840	(\$135,840)	\$0	\$0	\$0	\$0
24	Hybrid Buses (HEV)	2,310,000	(2,310,000)	0	0	0	0
25	Automatic Bus Wash	367,500	(367,500)	0	0	0	0

**Infrastructure Services – Roads and Traffic**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
26	Sidewalk Replacements	\$300,000	\$0	\$0	\$0	\$0	(\$300,000)
27	Accessibility Improvements	50,000	0	0	0	0	(50,000)
28	Pedestrian Crossing Improvements	100,000	0	0	0	0	(100,000)
29	Oakdale Multi-Use Trail	500,000	(500,000)	0	0	0	0
30	Downtown Intersection Improvements	1,200,000	(300,000)	0	0	0	(900,000)
31	Bridge Improvements	1,200,000	(750,000)	0	0	(450,000)	0
32	Signal Intersection Updates	50,000	0	0	0	0	(50,000)
33	Street Lighting Improvements	50,000	0	0	0	0	(50,000)
34	New Sidewalks, Collector and Arterial	200,000	0	(100,000)	0	0	(100,000)
35	Erie St Active Transportation	300,000	0	0	0	0	(300,000)

**Infrastructure Services – Storm**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
36	SWM Facility Maintenance	\$250,000	\$0	\$0	\$0	\$0	(\$250,000)
37	Lake Victoria Outfall Replacements	100,000	0	0	0	0	(100,000)
38	Roadhouse Municipal Drain Improvement	2,000,000	(2,000,000)	0	0	0	0

**Infrastructure Services – Water**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
39	Miscellaneous Water Repairs	\$100,000	\$0	\$0	\$0	\$0	(\$100,000)
40	Mechanical Well Upgrades	100,000	0	0	0	0	(100,000)
41	Bulk Water Station Upgrade	50,000	0	0	0	0	(50,000)
42	O'Loane Watermain at Perth Line 36	250,000	0	(250,000)	0	0	0
43	Well Chlorination System Upgrades	100,000	0	0	0	0	(100,000)
44	Glendon/Neal Watermain Connection Replacement	150,000	0	0	0	0	(150,000)

**Infrastructure Services – Miscellaneous**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
45	Public Works Facility Upgrades	\$200,000	\$0	\$0	\$0	\$0	(\$200,000)
46	New Public Works Facility	250,000	0	(200,000)	0	0	(50,000)

**Infrastructure Services – Sanitary**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
47	Water Pollution Control Plant Improvements	\$380,000	\$0	\$0	\$0	\$0	(\$380,000)
48	Basement Isolation	30,000	0	0	0	0	(30,000)
49	Miscellaneous Sanitary Repairs	30,000	0	0	0	0	(30,000)
50	Sanitary Relining Subsidy	50,000	0	0	0	0	(50,000)
51	Pumping Station Upgrades	150,000	0	0	0	0	(150,000)
52	O'Loane Trunk Sanitary Phase 1	300,000	0	(288,000)	0	0	(12,000)



**Infrastructure Services – Linear Infrastructure**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
53	Asphalt Resurfacing	\$2,250,000	(\$2,025,000)	\$0	\$0	\$0	(\$225,000)
54	Sewer Relining	750,000	0	0	0	0	(750,000)
55	Watermain Relining	700,000	0	0	0	0	(700,000)
56	Albert St Reconstruction 2024	4,100,000	(1,740,000)	0	0	0	(2,360,000)
57	Moderwell St Local Improvement	1,200,000	0	0	0	(95,000)	(1,105,000)
58	Albert St Reconstruction 2023	1,925,000	(1,000,000)	0	0	0	(925,000)
59	Ontario/Erie Resurfacing 2023	2,100,000	(1,890,000)	0	0	0	(210,000)

**Infrastructure Services – Fleet**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
60	L20 Pickup Truck Replacement	\$70,000	\$0	\$0	\$0	\$0	(\$70,000)
61	L30 Pickup Truck Replacement	70,000	0	0	0	0	(70,000)
62	W40 Backhoe Replacement	250,000	0	0	0	0	(250,000)
63	R50 Sidewalk Tractor/Attachments Replacement	250,000	0	0	0	0	(250,000)
64	R70 Sidewalk Tractor/Attachments Replacement	250,000	0	0	0	0	(250,000)

**Infrastructure Services – Fleet (continued)**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
65	N47 Mobile Painter Unit	\$20,000	0	0	0	0	(\$20,000)
66	M10 Roller Unit Replacement	90,000	0	0	0	0	(90,000)
67	P15 Tractor Loader and Backhoe Replacement	90,000	0	0	0	0	(90,000)
68	2023 Environmental Services Pickup	70,000	0	0	0	0	(70,000)
69	2023 Forestry Truck and Chipper Box	265,000	0	0	0	0	(265,000)
70	Parks and Recreation Pickup Truck	70,000	0	0	0	0	(70,000)
71	Public Works Pickup Truck	70,000	0	0	0	0	(70,000)
72	Environmental Services Pickup	70,000	0	0	0	0	(70,000)
73	Social Services Vehicle	55,000	0	0	0	0	(55,000)

**Infrastructure Services – Landfill**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
74	Landfill Buffer Acquisition	\$200,000	\$0	\$0	\$0	\$0	(\$200,000)

**Social Services**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
75	9 Fulton St Rebuild	\$5,301,500	(\$699,200)	0	(\$4,602,300)	\$0	\$0
76	Driveways and Parking Lots	50,000	0	0	0	0	(50,000)
77	Connectivity	846,000	(400,000)	0	0	0	(446,000)
78	Kitchen Replacements	300,000	0	0	0	0	(300,000)
79	Furnace Replacements	55,000	0	0	0	0	(55,000)
80	Roof Replacements	300,000	0	0	0	0	(300,000)
81	Window Replacements	55,000	0	0	0	0	(55,000)
82	Accessibility Upgrades	100,000	0	0	0	0	(100,000)
83	Electrical Upgrades	50,000	0	0	0	0	(50,000)
84	Fencing	5,000	0	0	0	0	(5,000)
85	Roofing Tie Offs and Access Ladders	100,000	0	0	0	0	(100,000)
86	Balcony Repairs	35,000	0	0	0	0	(35,000)
87	Asbestos Assessments and Abatement	100,000	0	0	0	0	(100,000)
88	Flooring Repairs and Replacement	10,000	0	0	0	0	(10,000)
89	Affordable Housing Project 398 Erie St	4,972,000	0	0	(4,972,000)	0	0

**Stratford Public Library**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
90	Library Collection	\$247,170	\$0	\$20,000	\$0	\$0	(\$227,170)
91	Computer Equipment	49,200	0	0	0	0	(49,200)
92	Staff Restroom Update	25,000	0	0	0	0	(25,000)
93	New Library Facility Expenses	75,000	0	0	0	0	(75,000)

**Stratford Police Service**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
94	Desktop Computer Refresh	\$30,600	0	0	0	0	(\$30,600)
95	Replacement (3) Vehicles	\$240,000	0	0	0	0	(240,000)
96	Closed Circuit TV	\$100,000	(100,000)	0	0	0	0
97	Backup Communications Centre	\$263,480	(263,480)	0	0	0	0
98	Server Room Upgrade	111,870	(100,000)	0	0	0	(11,870)
99	LiveScan Fingerprinting System	\$40,000	0	0	0	0	(40,000)
100	Replacement (1) Vehicle	70,000	0	0	0	0	(70,000)
101	Business Plan Consultant	100,000	0	0	0	0	(100,000)

**Totals**

<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
\$45,841,000	(\$14,581,020)	(\$858,000)	(\$9,574,300)	(\$545,000)	(\$20,282,680)




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## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Mayor and Members of Council  
**From:** Karmen Krueger, CPA, CA, Director of Corporate Services/Treasurer  
**Report Number:** COU24-023  
**Attachments:** None

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**Title:** Ontario Regulation 284/09 – Excluded Expenses

**Objective:** To meet the legislative requirements of Ontario Regulation 284/09 for financial reporting and provide Council with information regarding expenses excluded from the budgeting process.

**Background:** In 2009, the Public Sector Accounting Board (PSAB) changed accounting standards for municipalities, requiring full accrual reporting. However, City of Stratford still budgets on a modified cash basis, excluding certain expenses. The 2023 draft budget excluded amortization, post-employment benefits, and landfill closure expenses. A report to Council must outline the impact on financial statements, including changes to accumulated surplus and future capital asset funding requirements.

The report shall include:

1. an estimate of the change in the accumulated surplus of the municipality resulting from the exclusion of any of these expenses and
2. an analysis of the estimated impact of the exclusion of any of the expenses on the future tangible capital asset funding requirements.

In addition to the items covered in the O. Reg, the following items are also excluded from the PSAB full accrual budget, but reporting on these items is not required as these items are deemed to be taken from the municipality's surplus.

- Principal paid on debt
- Transfers to reserve accounts
- Transfers from reserve accounts
- Acquisition costs of tangible capital assets

These exclusions are why the internal financial reports and budget process differ, sometimes significantly, from the audited financial statements, that are prepared in accordance with PSAB guidelines.

**Analysis:**Amortization Expenses on Tangible Capital Assets:

The 2024 budget excluded an estimated \$9,294,271 for amortization. Despite not budgeting for amortization, capital transfers offset the impact of this item, resulting in an adjusted surplus increase of approximately \$8 million.

Post-Employment Benefits Liabilities

The City, facing a \$7 million post-employment benefits obligation, deferred contributions in the 2024 budget. The budget doesn't fully fund this liability, leading to potential significant swings without a reserve to lean on.

Solid Waste Landfill Closure and Post-Closure Expenses:

With an estimated liability of \$3.6 million, the 2024 draft budget deferred increases. The City contributes to a reserve for future landfill costs, but there's an unfunded gap of about \$2.9 million.

Impact on Future Tangible Capital Asset Funding Requirements

It is important to note again that amortization expense is not an accurate representation of the City's "Infrastructure Deficit".

The City's comprehensive asset management plan is the best source for quantifying future capital funding needs and measuring the infrastructure deficit in today's dollars. It is intended as a living document, and updated as assets are sold and replaced, and decisions are made affecting future replacements.

Staff aim to simplify future reporting to address these PSAB adjustments better in reports like this one.

**Financial Implications:****Financial impact to current year operating budget:**

The report has no direct impact on the cash operating surplus/deficit. Transitioning to a full PSAB-adjusted budget would increase the City's annual surplus by approximately \$40 million under PSAB reporting guidelines.

**Link to asset management plan and strategy:**

The current modified budgeting is adequate, ensuring reserves accumulate, but not too quickly, keeping the levy balanced with general cash operations.



**Alignment with Strategic Priorities:****Strengthening our Plans, Strategies and Partnerships**

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

**Alignment with One Planet Principles:**

**Not applicable:** This report is being prepared for information and compliance purposes so there is no connection to the One Planet principles.

**Staff Recommendation: THAT the report dated February 26, 2024, from the Director of Corporate Services regarding legislative requirements of Ontario Regulation 284/09, and the impact of excluded expenses from the City's 2024 budget, be received.**

**Prepared by:** Karmen Krueger, CPA, CA, Director of Corporate Services  
**Recommended by:** Karmen Krueger, CPA, CA, Director of Corporate Services  
Joan Thomson, Chief Administrative Officer



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## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Stratford City Council  
**From:** Tatiana Dafoe, City Clerk  
**Report Number:** COU24-020  
**Attachments:** None

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**Title:** Mobile Parking Payment System Contract Extension

**Objective:** To authorize a five (5) year extension to the Software License and Services Agreement with HotSpot Parking Inc. for the provision of a mobile parking payment system.

**Background:** In 2021, Council awarded Request for Proposal RFP-2020-38 to HotSpot Parking Inc. for the provision of a pay by phone municipal parking system. The contract was for a three-year period to March 4, 2024. As the contract is set to expire, staff are seeking direction to enter a new five (5) year agreement with HotSpot.

**Analysis:** Since the RFP was awarded the City has successfully implemented the mobile parking payment system which allows patrons to pay for parking using their mobile device. The City has also installed "Fast Tap" signs which allow patrons to pay for parking without downloading an app on their phone.

In 2023, the City expanded the service through a pilot electronic parking payment system. With this system, members of the public can pay for parking permits in several parking lots without needing to attend the Clerk's Office in person.

The Transit Division has also partnered with HotSpot to allow users to pay transit fares through the app.

The initial Software License and Services Agreement with HotSpot Parking Inc. was entered into for a period of three years from March 4, 2021 to March 4, 2024. The extension agreement from HotSpot Parking Inc. proposes a five (5) year extension to March 4, 2029. There would also be an amendment to increase the Merchant Processing fee to 2.99% (from 2.67%) which is applied to remitted revenues. All other terms and conditions in the original agreement would remain valid and in effect.

Staff recommend extending the contract for a period of five (5) years as there have been no issues with the contractor and the City has received positive feedback about the system and being able to pay for parking through a mobile payment system.

Staff would recommend issuing a request for proposal in 2028 for a mobile parking payment system to ensure competitive pricing in the future.

**Financial Implications:**

**Financial impact to current year operating budget:**

There are no financial implications to the City as the processing fee is applied to the user.

**Financial impact on future year operating budget:**

There are no financial implications to the City on future year operating budgets as the processing fee is applied to the user.

**Alignment with Strategic Priorities:**

**Mobility, Accessibility and Design Excellence**

Improving ways to get around, to and from Stratford by public transit, active transportation and private vehicle.

**Strengthening our Plans, Strategies and Partnerships**

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

**Developing our Resources**

Optimizing Stratford's physical assets and digital resources. Planning a sustainable future for Stratford's resources and environment.

**Alignment with One Planet Principles:**

**Material and Products**

Using materials from sustainable sources and promoting products which help people reduce consumption.

**Staff Recommendation: THAT the Amendment No. 1 to the Software License and Services Agreement with HotSpot Parking Inc. for the provision of a pay by phone municipal parking payment system be authorized for a five (5) year term to March 4, 2029;**

**AND THAT the Mayor and Clerk, or their respective delegates, be authorized to execute the Amendment No. 1 to the Software License and Services Agreement on behalf of The Corporation of the City of Stratford.**

**Prepared by:** Tatiana Dafoe, City Clerk  
**Recommended by:** Karmen Krueger, CPA, CA, Director of Corporate Services  
Joan Thomson, Chief Administrative Officer




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## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Mayor and Members of Council  
**From:** Karmen Krueger, CPA, CA, Director of Corporate Services/Treasurer  
**Report Number:** COU24-022  
**Attachments:** 1. Municipal Accommodation Tax Summary Report  
 2. Financial and Reserve Fund Summary Report

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**Title:** Municipal Accommodation Tax (MAT) Update 2023

**Objective:** To provide Council with preliminary information on the MAT program revenues and expenses for the six-months ending December 31, 2023.

**Background:** The City implemented the Municipal Accommodation Tax (MAT) July 1, 2023. Hotels, motels and inns are required to report stay information and remit MAT monthly, while Bed and Breakfasts (B&B) and other licensed Short-Term Rentals (STRs) are required to report and remit quarterly. Both monthly and quarterly reporters were due by mid-January to the third party agency the City has engaged, the Ontario Restaurant, Hotel and Motel Association (ORHMA).

Information provided in a previous report is combined with what has happened since that date to provide a year-to-date summary.

The scope of this report is limited to MAT reporting and is not intended to speak to licensing of establishments. Hotels and motels do not require licensing to operate in the City and are required to report MAT information monthly. Other establishments that meet the definition of transient accommodations of other types are required to report quarterly. This encompasses those entities licensed under the B&B Licensing By-law and those licensed under the Short-Term Accommodation Licensing By-law.

For the purposes of reporting MAT information, the classifications of type of accommodator are simply 'monthly' and 'quarterly'. Extracting information more granularly based on exact type of accommodator is not intended going forward, as this is not how MAT revenues are tracked by ORHMA and is an additional administrative layer.

## **Analysis:**

### Monthly

At February 4, 2024, for the months of July through December 2023 there were 16 identified establishments not requiring licenses, of which 10 reported stay information and remitted MAT due to the City.

The monthly reporters indicated that they had a total of 70,417 available rooms during this time, and they reported occupancy or sales of 41,891 of those rooms, including emergency shelter and other MAT-exempted types. This translated into reported MAT-applicable sales of \$8,149,847, and MAT of \$325,994.

The summary and financial summary are attached to the report.

This is a snapshot and excludes any reporting or remitting for the period that could occur after February 4, 2024.

### Quarterly

At February 4, 2024, for the two quarters ending December 2023 there were 78 establishments that were registered with ORHMA. Of these, 47 were licensed as B&Bs and the remaining 31 as Short-Term Accommodators.

Some of these accommodators reported zero eligible sales due to collecting revenues prior to the starting date of July 1, 2023.

After fees, the total MAT revenues were \$360,000, to be split between the tourism operator, Destination Stratford and the Municipality. As outlined when the by-laws were first established, the City's share of these revenues is to be held in a reserve until otherwise directed by Council.

During the 2024 budget deliberations, the Finance and Labour Relations Committee made a recommendation to Council to use \$75,000 of the City's share towards the 2024-2025 Lights On festival that is organized by Destination Stratford. This was to reduce the impact on the taxpayers of the draft budget.

If 2023 was an indicative year for transient accommodation in Stratford, then MAT revenues could double for 2024.

## **Financial Implications:**

### **Financial impact to current year operating budget:**

The MAT revenues collected by the City in 2023 are reflected as revenues, with half of the net proceeds established as 'Due to Destination Stratford' in the City's accrued liabilities for the year, and the City's half reflected as a transfer to the reserve fund, resulting in no impact to the City's operating bottom line.



**Financial impact on future year operating budget:**

As a purpose for the use of the funds has not yet been identified at this time, there are no known impacts. When funds are directed to specific initiatives and spent, they will be recognized as revenue earned.

**Alignment with Strategic Priorities:****Strengthening our Plans, Strategies and Partnerships**

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

**Developing our Resources**

Optimizing Stratford's physical assets and digital resources. Planning a sustainable future for Stratford's resources and environment.

**Widening our Economic Opportunities**

Strengthening Stratford's economy by developing, attracting and retaining a diversity of businesses and talent.

**Alignment with One Planet Principles:****Health and Happiness**

Encouraging active, social, meaningful lives to promote good health and wellbeing.

**Equity and Local Economy**

Creating safe, equitable places to live and work which support local prosperity and international fair trade.

**Culture and Community**

Nurturing local identity and heritage, empowering communities and promoting a culture of sustainable living.

**Staff Recommendation: THAT the report titled, "Municipal Accommodation Tax (MAT) Update 2023" (COU24-22), dated February 26, 2024, be received for information.**

**Prepared by:** Karmen Krueger, CPA, CA, Director of Corporate Services/Treasurer

**Recommended by:** Karmen Krueger, CPA, CA, Director of Corporate Services/Treasurer  
Joan Thomson, Chief Administrative Officer

City of Stratford  
Municipal Accommodation Tax Summary Report  
At December 31, 2023

Purpose: to reconcile the year end MAT reported along with deposits received from ORHMA and invoices paid to ORHMA for the 6 months ending December 31, 2023.

Monthly	MAT Reported	MAT Received	Rooms Rev.	Rooms Avail.	Rms Occ.	+30 days	Refuge	Pd in full	Other	Exemptions	Net Room	MAT Due
Jul 2023	\$64,495.61	\$60,927.27	\$1,773,499.66	12,950	7,803	\$1,200.00	\$42,416.80	\$117,492.53	\$0.00	\$161,109.33	\$1,612,390.33	\$64,495.61
Aug 2023	\$77,994.45	\$71,671.53	\$2,077,984.34	12,902	8,960	\$1,200.00	\$34,543.38	\$92,379.63	\$0.00	\$128,123.01	\$1,949,861.33	\$77,994.45
Sep 2023	\$73,364.43	\$66,584.66	\$1,989,437.16	12,571	8,719	\$3,200.00	\$41,365.14	\$110,760.80	\$0.00	\$155,325.94	\$1,834,111.22	\$73,364.45
Oct 2023	\$54,648.49	\$54,648.49	\$1,430,285.95	11,637	7,307	\$3,200.00	\$41,539.55	\$19,334.17	\$0.00	\$64,073.72	\$1,366,212.23	\$54,648.49
Nov 2023	\$31,254.26	\$31,254.26	\$820,370.22	9,978	5,001	\$2,000.00	\$29,549.00	\$7,464.58	\$0.00	\$39,013.58	\$781,356.64	\$31,254.27
Dec 2023	\$24,236.62	\$24,236.63	\$641,788.22	10,379	4,101	\$2,000.00	\$33,683.00	\$0.00	\$189.75	\$35,872.75	\$605,915.47	\$24,236.62
<b>Total Monthly</b>	<b>\$325,993.86</b>	<b>\$309,322.84</b>	<b>\$8,733,365.55</b>	<b>70,417</b>	<b>41,891</b>	<b>\$12,800.00</b>	<b>\$223,096.87</b>	<b>\$347,431.71</b>	<b>\$189.75</b>	<b>\$583,518.33</b>	<b>\$8,149,847.22</b>	<b>\$325,993.89</b>
Quarterly	MAT Reported	MAT Received	Rooms Rev.	Rooms Avail.	Rms Occ.	+30 days	Refuge	Pd in full	Other	Exemptions	Net Room	MAT Due
Q3-2023	\$51,038.03	\$44,762.82	\$1,275,950.68	368	139	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,275,950.68	\$51,038.03
Q4-2023	\$14,714.64	\$14,736.72	\$367,866.06	548	189	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$367,866.06	\$14,714.64
<b>Total Quarterly</b>	<b>\$65,752.67</b>	<b>\$59,499.54</b>	<b>\$1,643,816.74</b>	<b>916</b>	<b>328</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$1,643,816.74</b>	<b>\$65,752.67</b>
<b>Total MAT</b>	<b>\$391,746.53</b>	<b>\$368,822.38</b>	<b>\$10,377,182.29</b>	<b>71,333</b>	<b>42,219</b>	<b>\$12,800.00</b>	<b>\$223,096.87</b>	<b>\$347,431.71</b>	<b>\$189.75</b>	<b>\$583,518.33</b>	<b>\$9,793,663.96</b>	<b>\$391,746.56</b>

Information is provided by the Ontario Restaurant Hotel and Motel Association (ORHMA). Detailed reports and remittances are held at ORHMA. This extract represents a summary snapshot only.

City of Stratford  
Municipal Accommodation Tax Financial and Reserve Fund Summary Report  
At December 31, 2023

Unaudited, prepared at February 7, 2024

Total MAT reported	\$391,746.53
Total MAT Paid to the City at Feb 1, 2024	(\$370,518.42)
Total Receivable	\$21,228.11
Total Receivable > 30 days	\$12,800.00

Accounting (excludes Revenues Receivable for distribution calculation)

Amount recorded in 2023 Revenues G-139-1243-1260	(\$370,518.42)	includes Dec accrued revenues
Expenses recorded in 2023 G-139-1243-4020 (Net of HST rebate)	\$10,474.97	includes Dec accrued payments
Net Revenues in 2023 /Transfer to Reserve Fund Balance G-139-1243-7820	(\$360,043.45)	
50% to DS March 2024	(\$180,021.73)	
50% to Stratford Reserves for 2023 year-end	(\$180,021.73)	
City transfer in and out of 2024 budget to DS for Lights On	\$75,000.00	
Amount Payable to DS	(\$255,021.73)	
Balance in City Reserve after Distribution	(\$105,021.73)	
Check (agrees to above)	(\$360,043.45)	



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## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Mayor and Council  
**From:** Adam Ryan, Manager of Public Works  
**Report Number:** COU24-028  
**Attachments:** None

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**Title:** 2024 Household Hazardous Waste Agreement

**Objective:** To consider entering into an agreement with the Township of Perth East with respect to the participation in the City of Stratford's Household Hazardous Waste (HHW) collection events.

**Background:** In February 2012, Council approved proceeding with obtaining Ministry of Environment approval for Household Hazardous Waste to be accepted from the Township of Perth South and the Township of Perth East. Subsequently, agreements have been entered into with the Townships for this purpose.

The current agreement with the Township of Perth East expires on April 15, 2024 and there are no additional renewal terms, while the current agreement with Perth South will expire May 15, 2026.

**Analysis:** The City of Stratford provides Household Hazardous Waste services to both municipalities. Annually, the City invoices both entities for the operational costs associated with the HHW collection provided to their respective residents.

The invoicing is based on participation (number of vehicles from each municipality) proportional to the cost of the event. The volume received from Perth East residents is low, and historical invoices are between \$2,000-\$3,000 each year for their participation in HHW collection. Given the amount of volume received, it is easy to accommodate residents from both municipalities.

The Perth South agreement expires in 2026, so staff are recommending that the agreement with Perth East be for two years to align both, so that administratively, they will be reviewed at the same time.

**Financial Implications:****Financial impact to current year operating budget:**

Costs associated with Household Hazardous Waste collection relating to Perth East residents will continue to be recovered based on cost of the program and participation numbers.

**Financial impact on future year operating budget:**

Costs associated with Household Hazardous Waste collection relating to Perth East residents will continue to be recovered based on cost of the program and participation numbers.

**Insurance considerations:**

The agreements require the provision of a Certificate of Insurance naming the City as additional insured for \$5,000,000.

**Alignment with Strategic Priorities:****Strengthening our Plans, Strategies and Partnerships**

Partnering with the community to make plans for our collective priorities in arts, culture, heritage and more. Communicating clearly with the public around our plans and activities.

**Alignment with One Planet Principles:****Land and Nature**

Protecting and restoring land for the benefit of people and wildlife.

**Staff Recommendation: THAT The Corporation of the City of Stratford enter into an agreement with The Corporation of the Township of Perth East for the disposal of Household Hazardous Waste generated in the Township at the City's Household Hazardous Waste Events for a 2-year term commencing April 15, 2024, and terminating May 15, 2026;**

**AND THAT the Mayor and Clerk, or their respective delegates, be authorized to execute the agreement on behalf of The Corporation of the City of Stratford.**

**Prepared by:**

Adam Ryan, Manager of Public Works

**Recommended by:**

Taylor Crinklaw, Director of Infrastructure Services

Joan Thomson, Chief Administrative Officer




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## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Mayor and Council  
**From:** Brent Raycraft, Supervisor of Fleet  
**Report Number:** COU24-026  
**Attachments:** DriveON Program Performance Contract for Private Fleet  
 Vehicle Inspection Centres

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**Title:** Ontario DriveON Digital Vehicle Inspection Stations Program Changes

**Objective:** To inform Council of proposed changes to the Ontario DriveON Digital Inspection Station service program, and the associated contractual service agreement requirement with the Ontario Ministry of Transportation (MTO) and their designated program vendor Parsons Incorporated and to seek approval to enter into the service agreement.

**Background:** The City of Stratford currently has two Motor Vehicle Inspection Stations (MVIS) located at 303 King St. (Public Works) and 60 Corcoran St. (Transit). These MVIS enable the City to conduct legislated inspections and safety certifications internally. The MTO is modernizing their MVIS locations to become a digital program called DriveON. This will ensure compliance across the Province and help to eliminate the fraudulent unsafe inspections currently taking place in the industry. MVIS locations must enrol in the new DriveON program in order to continue conducting mandatory motor vehicle annual or semi-annual safety inspections on all light, medium and heavy-duty vehicles. The MTO went through a procurement process to partner with a firm that can supply the services and equipment necessary to monitor, enforce, and supply all the necessary services required to comply with vehicle inspections legislation under the Highway Traffic Act and National Standards Association of Canada. The competitive selection resulted in the successful program vendor being Parsons Incorporated.

The attached contract, Program Performance Contract with MTO, outlines the process required to setup the new Vehicle Inspection Stations (VIS) so that they can perform all types of MTO inspections. The City of Stratford will also have to add the Province as an Additional Insured in respect to the commercial general liability coverage.

**Analysis:** The City of Stratford was not provided an option on the MTOs preferred vendor, however, the selection process was competitive. The City has two choices with this request. The first is approve the requested contractual agreements and enhance to

two digital VIS locations, or, secondly, do not enter into the agreements and have all safety inspections for the City of Stratford's Fleet be outsourced to locations that are certified VIS. The certification process is readily absorbed into daily operations, which significantly keeps costs down while ensure prompt response times. Outsourcing this service would cost the City over \$60,000 in certification fees, and approximately \$18,000 in Staff time ferrying vehicles to the nearest inspection centres. It would also be anticipated that the outsourced inspection turnaround times would not meet expected service levels for down fleet time for Transit's semi-annual inspections and the City's Fleet vehicles annual inspection.

Staff were aware of these changes, however, only just received the Contractual agreements in mid-January. The MTO is looking to finalize the agreement immediately. The only mechanism to enter into agreement is via the MTO online platform. Staff bring this report to Council for information and to seek authorization to enter into this agreement with the MTO via the online Platform. The Term of the agreement is until May 26, 2028.

### **Financial Implications:**

#### **Financial impact to current year operating budget:**

The initial purchase of equipment is included in the 2024 budget with a cost to each location being \$2095.00 plus HST for a total of \$4190.00 plus HST. Future costs would be for supplies only and any maintenance outside the approved warranty. There are no additional service program fees at this time as municipalities have historically been exempt.

#### **Financial impact on future year operating budget:**

If Council decided to outsource certification, it is anticipated that annual increase to annual Fleet Budget at over \$80,000. This does not account for Staff savings that could be achieved if the services were outsourced, estimated at \$10,500 annually.

### **Insurance considerations:**

It is not anticipated that having the Province as additional insured would impact the City's insurance, as the City only certifies its own Fleet for which it already assumes responsibility.

### **Alignment with Strategic Priorities:**

#### **Mobility, Accessibility and Design Excellence**

Improving ways to get around, to and from Stratford by public transit, active transportation and private vehicle.

#### **Developing our Resources**

Optimizing Stratford's physical assets and digital resources. Planning a sustainable future for Stratford's resources and environment.



**Alignment with One Planet Principles:**

**Travel and Transport**

Reducing the need to travel, encouraging walking, cycling and low carbon transport.

**Material and Products**

Using materials from sustainable sources and promoting products which help people reduce consumption.

**Staff Recommendation: THAT the Ontario DriveON Program Performance Contract for Private Fleet Vehicle Inspection Centres with His Majesty the King in Right of Ontario as represented by the Director of Vehicle Inspection Standards, Ministry of Transportation, be entered into for a term until May 26, 2028;**

**AND THAT the Director of Infrastructure Services for the City be authorized to execute the Contract on behalf of the municipal corporation.**

**Prepared by:** Brent Raycraft, Supervisor of Fleet

**Recommended by:** Taylor Crinklaw, Director of Infrastructure Services  
Joan Thomson, Chief Administrative Officer



**DriveON Program Performance Contract  
for  
Private Fleet Vehicle Inspection Centres**

**B E T W E E N:**

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO**, as  
represented by the Director of Vehicle Inspection  
Standards, Ministry of Transportation

**(Ministry)**

- and -

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[Legal name of the business entity]

**(Contractor)**

**IN CONSIDERATION** of the accreditation of the Contractor as a Vehicle Inspection Centre for the DriveON Program, and subject to the terms and conditions set out below, the Ministry and the Contractor agree as follows:

**1. TERM**

1.1 The term of this Performance Contract (**Contract**) for participation in the Ministry's DriveON Program (**Program**) begins on the date of its acceptance by the Ministry, as set out on the last page of this Contract, and continues until May 26, 2028, subject to the provisions of this Contract (**Term**).

**2. OPERATION OF A VEHICLE INSPECTION CENTRE**

2.1 The Contractor agrees to operate a Stationary or Mobile Vehicle Inspection Centre (**VIC**) and to keep the books and records of the VIC at the address identified on the DriveON Portal as its principal place of business.

2.2 The Contractor agrees to equip and operate the VIC and conduct vehicle safety and/or emissions Inspections (**Inspections**) for the issuance of Annual Inspection

Certificates (**AIC**), Semi-Annual Inspection Certificates (**SAIC**), Safety Standards Certificates (**SSC**), Structural Inspection Certificates (**SIC**), and/or Emissions Inspection Certificates (**EIC**) in accordance with the DriveON Standard Operating Procedures established by the Ministry, as amended from time to time by the Ministry (**SOP**) and the Directive made pursuant to Section 100.7 of the Highway Traffic Act, as amended from time to time by the Ministry (**Directive**).

- 2.3 The Contractor agrees to operate the VIC in a safe, reasonable, and prudent manner using qualified and experienced staff, including at least one trained and registered Technician as outlined in the SOP and the Directive, and in accordance with good business practices.
- 2.4 The Contractor agrees to operate in compliance with all federal, provincial, and municipal laws and regulations including, without limitation, the tax laws of Ontario and Canada. The Contractor agrees that the Ministry may confirm tax compliance with the tax authorities of Ontario and Canada at any time during the Term.
- 2.5 The Contractor agrees not to provide Inspection services to the public and will exclusively inspect and service their own private vehicles.

### **3. DOCUMENTS**

- 3.1 This Contract includes the application and any documents submitted by the Contractor to the Ministry on the DriveON Portal in connection with accreditation as a VIC.
- 3.2 The provisions of the SOP and the Directive are incorporated into, and deemed to be part of, this Contract.
- 3.3 This Contract supersedes all other prior agreements, understandings, negotiations, and discussions, whether oral or written, of the parties.

### **4. INSURANCE**

- 4.1 The Contractor agrees to maintain, in force, at all times during the Term, a policy of insurance which includes all of the following insurance coverage:
  - (a) commercial general liability of not less than \$3 million per occurrence on property damage, bodily injury, and personal injury
  - (b) for a Mobile VIC, the additional automobile insurance for any vehicle used to transport the Inspection equipment, with a limit of not less than \$3 million for third party property damage and bodily injury

Further, the Contractor agrees to add "His Majesty the King in right of Ontario as represented by the Minister of Transportation" as an Additional Insured in respect of the commercial general liability coverage described in (a) above, and shall provide to the Ministry upon request, certificates of insurance evidencing the types and amounts of insurance required by this Article and a copy of the insurance policy(ies).

- 4.2 The Contractor agrees to inform the Ministry immediately upon the cancellation of the above-stated policy of insurance or the removal of the Ministry as an Additional Insured.

## 5. INDEMNITY

- 5.1 The Contractor agrees to indemnify and save harmless the Ministry and its officers, employees, and agents from and against any claim, demand, damage, loss, expense, (including all costs incurred as a result of), or cause of action of any nature resulting from, or relating to, any of the following:
- (a) the operation of the VIC or the existence of any dangerous condition at the VIC
  - (b) any breach or non-performance by the Contractor of any provision of this Contract
  - (c) any damage to property, real or personal, owned by the Ministry or others, including any member of the public, caused by, or resulting from the Contractor's performance or non-performance under this Contract or the Contractor's operation of the VIC
  - (d) any personal or bodily injury to, or death of, any person, including any member of the public, caused by or resulting from the Contractor's performance or non-performance under this Contract or the Contractor's operation of the VIC.
- 5.2 The Contractor agrees that any express or implied reference to the Ministry providing an indemnity or any other form of indebtedness or contingent liability that would directly or indirectly increase the indebtedness or contingent liabilities of the Ministry, whether at the time of execution of this Contract, or at any time during the Term, shall be void and of no legal effect.

## 6. EQUIPMENT

- 6.1 The Contractor agrees that all Inspections conducted at the VIC will be performed with equipment approved by the Ministry and such equipment will be purchased by the Contractor from the Program services vendor, Parsons Inc. (**Parsons**).
- 6.2 The Contractor agrees to enter into an Equipment Purchase and Maintenance Agreement (**EPMA**) with Parsons that specifies Inspection equipment pricing, configurations, replacement parts, maintenance and repair services, and warranties. The EPMA will include rights and responsibilities of the VIC and Parsons including a Ministry-approved appeal process for the Ministry to arbitrate disputes.
- 6.3 The Contractor agrees to provide and maintain appropriate computer hardware, software, and peripherals to provide an electronic link to the Ministry's information technology system operated by Parsons.

## 7. INSPECTION SERVICES

- 7.1 The Contractor agrees that every Inspection will be conducted by a Technician that has successfully completed training provided by Parsons and is registered with the Ministry. An emissions Technician must successfully complete the online emissions training, approved by the Director and can only conduct emissions Inspections as set out in the Directive, Schedule 1. All other Inspections, set out in the Directive, Schedules 2 through 5, will be conducted by Technicians according to their Certificate of Qualification as per the Building Opportunities in the Skilled Trades Act, 2021, if applicable (**Technician**).
- 7.2 The Contractor acknowledges that it is providing the Inspection services on a non-exclusive basis and that the Ministry makes no representation or guarantee that the Contractor will conduct any particular number of Inspections.

## 8. INSPECTION CERTIFICATES & PAYMENT UNDER CONTRACT

- 8.1 The Contractor agrees to issue an approved Vehicle Inspection Report (**VIR**) for every vehicle Inspected. A VIR for a vehicle that passes an Inspection will contain a Vehicle Inspection Certificate Number (**VICN**). The Contractor agrees that the Ministry will charge a fee as set out in Regulation 170/22 for each VIR that contains a VICN that applies to an AIC, SAIC, SSC, SIC, or EIC. Fails, aborts, or incomplete Inspection results will generate a VIR without a VICN and will not trigger a fee chargeable to the Contractor.
- 8.2 Payments by the Contractor pursuant to Section 8.1 of this Contract shall be made in accordance with the SOP and a Pre-Authorized Debit (**PAD**) Agreement which outlines the process for the Ministry to draw on the Contractor's Canadian bank account to pay for an AIC, SAIC, SSC, SIC, or EIC. The debits will occur on a weekly basis. Contractors are responsible for correctly inputting their banking data into the system to authorize the PAD. Where a Contractor has input incorrect banking information, the Contractor's Inspection equipment will be locked out until the Ministry is satisfied that the bank account information has been corrected. It is the Contractor's responsibility to alert Parsons that their bank account has been updated to initiate removal of the lockout of the Inspection equipment.
- 8.3 Non-Sufficient Funds (**NSF**) Policy - Contractors must ensure that their account balance is sufficient to cover weekly Inspection volume for their VIC, plus any amounts due to Parsons in accordance with the EPMA.

Contractors are responsible for any NSF charges incurred. Where a Contractor has a frozen or closed bank account or insufficient funds to enable a debit, the Contractor's Inspection equipment will be locked out until the Ministry is satisfied that their bank account has been sufficiently replenished, and any outstanding amounts have been collected. It is the Contractor's responsibility to alert Parsons that the account is ready to be drawn upon to remove a lockout of the Inspection equipment.

## 9. INCREASE OR DECREASE BY MINISTRY

- 9.1 Notwithstanding Article 8, the Ministry may from time to time during the Term, on at least 10 calendar days written notice, increase or decrease the fee as set out in regulation by such amount as the Ministry may determine.

## **10. AUDIT, INSPECTION AND COOPERATION**

- 10.1 The Contractor agrees to permit the Ministry, Parsons, the Ministry's independent auditor, or such other persons as the Ministry may specify to audit, inspect, or review the books, records, and operations of the Contractor by covert or overt means, electronically, by telephone, or otherwise, from time to time, with or without notice, and the Contractor agrees to provide all reasonable access, cooperation and assistance for such purposes.
- 10.2 The Contractor agrees to provide reasonable cooperation to all contractors retained by the Ministry to provide services related to the Program, as identified by the Ministry.
- 10.3 Upon receipt of a request from the Director of Vehicle Inspection Standards, Ministry of Transportation, or such other person as the Ministry may designate, the Contractor agrees to provide all reasonable information and documentation to the Ministry and its contractors in respect of the operation of the VIC.

## **11. DATA AND INFORMATION**

- 11.1 The Contractor acknowledges that the data collected as a result of an Inspection are the sole and exclusive property of the Ministry.
- 11.2 The Contractor agrees that all information obtained by the Contractor in conducting Inspections will be used solely for the purposes of the Program and will not otherwise be used or disclosed.

## **12. INSPECTION EQUIPMENT LOCKOUT**

- 12.1 The Contractor acknowledges that the Ministry or Parsons may lockout the Contractor's Inspection equipment in accordance with the SOP. A lockout will prevent the Contractor from providing Inspections. If the Contractor resolves the matter that caused the lockout, to the satisfaction of the Ministry or Parsons, the Contractor may thereafter resume operation as a VIC.

## **13. PERFORMANCE INTERVIEW**

- 13.1 The Ministry, on not less than 3 business days notice, may require the Contractor to attend before the Director of Vehicle Inspection Standards, Ministry of Transportation, or such other person as the Ministry may designate, for a performance interview to review the operation of the VIC. The Contractor agrees to attend any performance interview and to bring such books, records, and staff of the VIC as the Ministry may specify in the notice.

## **14. SUSPENSION AND TERMINATION**

14.1 The Contractor agrees that, in the event that it breaches any provision of this Contract, the Ministry may in its sole discretion:

- (a) issue a suspension notice immediately suspending the accreditation of the Contractor for such period of time as may be set out in the suspension notice; or
- (b) issue a termination notice immediately terminating this Contract and revoking the accreditation of the Contractor,

and the Contractor acknowledges that the Ministry is not required to conduct a performance interview before issuing either a suspension notice or a termination notice.

14.2 If the Ministry issues a suspension notice or a termination notice, the Contractor shall immediately complete all of the following:

- (a) cease to operate or hold itself out as an accredited VIC
- (b) cover or remove from the VIC the Program sign and Program materials obtained from the Ministry
- (c) cover or remove the Official Marks from any other sign or materials, including websites, of the Contractor, and cease the display or use of any sign or materials containing an Official Mark
- (d) upload all offline Inspections.

14.3 If the Contractor resolves to the satisfaction of the Ministry the matter that caused the Ministry to issue the suspension notice, then the Ministry may on written notice to the Contractor revoke the suspension notice and the Contractor may thereafter resume operation as a VIC.

14.4 The Contractor agrees to allow the Ministry, or such other persons as the Ministry may specify, to enter and inspect the VIC immediately upon the issuance of a suspension notice or a termination notice, and to cover or remove the Program sign and Program materials if the Contractor has not immediately done so, and to remove, cover, or destroy any sign or materials of the Contractor that display an Official Mark.

14.5 The Contractor acknowledges and agrees that it is responsible for and can be suspended or terminated in respect of the actions of its partners, directors, officers, agents, and employees, including Technicians.

## **15. APPEAL PROVISION**

15.1 The Ministry and the Contractor agree that the Contractor may appeal the issue of a suspension notice or termination notice issued under Article 14 to a single arbitrator under an arbitration established pursuant to the Arbitration Act, 1991 (Ontario).

15.2 An appeal under Section 15.1 shall be made by notice in writing delivered to the Ministry within 15 calendar days of the issue of the suspension notice or termination notice, as the case may be.



15.3 The Contractor agrees that the arbitration must be established by an executed arbitration agreement and concluded within 12 months from the date of the issued suspension notice or termination notice. If the arbitration is not concluded within the 12-month period, then the appeal right shall be considered waived by both the Ministry and Contractor.

## **16. EXPERTS**

16.1 The Contractor acknowledges that the Ministry may obtain advice and assistance from experts and advisors, including Parsons, for the purposes of administering this Contract, conducting a performance interview, issuing a suspension notice or issuing a termination notice, or in an arbitration.

## **17. REPRESENTATION AND WARRANTY**

17.1 The Contractor represents and warrants that all information contained in the application and in any documents submitted by the Contractor to the Ministry in connection with accreditation as a VIC, or the administration of the Contract, or inputted into the DriveON Portal, is true, correct, and accurate.

## **18. NOT AGENTS**

18.1 The Contractor and its partners, directors, officers, agents, and employees, which include Technicians, are not employees or agents of the Ministry.

## **19. CONFLICT OF INTEREST**

19.1 The Contractor and its partners, directors, officers, agents, and employees, which include Technicians, shall not engage in any activity or provide any product or service in respect of the Program where such activity, or the provision of such product or service, creates an actual or potential conflict of interest (in the sole opinion of the Ministry) with the Contractor's obligations as a VIC. For certainty, it is a conflict of interest to offer a product or service that removes, bypasses, defeats or renders inoperative all or part of a motor vehicle's emission control system or modifies a motor or motor vehicle in any way that results in increased emissions from the level to which it was originally designed or certified by the manufacturer of the motor or motor vehicle.

19.2 The Contractor acknowledges that the Ministry may engage contractors to provide services related to the Program including Inspection equipment, training, contact centre, information systems, quality assurance/quality control auditing, independent auditing, and any other services required to carry out the Program, and the Contractor agrees that no shareholder, partner, director, officer, or key management employee shall directly or indirectly, own, have an interest in or participate in the management of any of the contractors providing such services.

19.3 The Contractor must disclose to the Ministry without delay any actual or potential situation which may reasonably be interpreted as either a conflict of interest or a

potential conflict of interest, and the Contractor shall not engage in the conduct out of which it is conflicted unless and until the Ministry notifies the Contractor to proceed notwithstanding the actual, apparent or potential conflict.

- 19.4 The Ministry may terminate this Contract in the event of a breach of this section by the Contractor, in addition to any other remedies that the Ministry may have in law or in equity.

## **20. PROMOTION RESTRICTIONS & NON-DISPARAGEMENT**

- 20.1 Any publicity or publications related to the Contract shall be at the sole discretion of the Ministry. The Ministry may, in its sole discretion, acknowledge the services provided by the Contractor pursuant to this Contract in any such publicity or publication, including a Program website. The Contractor shall not make use of its association with the Ministry or the Program without the prior written consent of the Ministry. Without limiting the generality of this section, the Contractor shall not, among other things, at any time directly or indirectly communicate with the media in relation to the Contract or the Program, unless it has first obtained the express written authorization to do so by the Ministry.

- 20.2 The Contractor shall not disparage the Program orally or in writing, and will not publish, post, or otherwise release any material in written or electronic format (including social media posts), make speeches, gain interviews, or make public statements that mention the Program without the prior written consent of the Ministry.

- 20.3 The Contractor shall not use or attempt to use its association with the Program or the Ministry which would be contrary to law, common decency or good morals or otherwise be improper or detrimental to the Program or the Ministry.

## **21. NON-TRANSFERABLE**

- 21.1 The Contractor acknowledges that accreditation as a VIC and this Contract are not transferable or assignable, in whole or in part, to another person or to another location without the prior written approval of the Ministry.

## **22. TERMINATION OF CONTRACT ON NOTICE**

- 22.1 The Ministry, in its sole and absolute discretion, may terminate this Contract at any time prior to May 26, 2028, on not less than six (6) months written notice to the Contractor. In that event, all of the following apply:

- (a) this Contract is terminated as of the date set out in the notice
- (b) the Contractor shall comply with all the obligations set out in Article 14
- (c) the Ministry has no further obligation or liability to the Contractor in connection with this Contract or the Program.

- 22.2 Article 15 (Appeal Provision) does not apply to a termination notice issued under Article 22.

**23. CROSS-DEFAULT CLAUSE**

- 23.1 The Contractor acknowledges that a breach by the Contractor of any provision of this Contract shall be deemed to be a breach of any other contract that the Contractor has entered into with the Ministry. Further, the Contractor acknowledges that a breach by the Contractor of a provision of any other such contract shall be deemed to be a breach under this Contract.

**24. OFFICIAL MARKS & PROGRAM SIGNAGE**

- 24.1 The Official Marks created for the Program and registered in accordance with the Trade-marks Act (Canada) are set out in the SOP.

The Ministry hereby licenses the Contractor to use the Official Marks solely for the purposes of its activities as a VIC. The Ministry may on written notice permit the Contractor to use other marks of the Ministry for the Program. Use of the Official Marks shall be in accordance with all directives and policies outlined in the SOP. This licence expires immediately upon the suspension, termination, or expiration of this Contract.

- 24.2 The Ministry will not supply the Contractor with a Program sign, nor is the Contractor permitted to display a Program sign as it may cause confusion to the public.

**25. SECURITY CLEARANCE CHECKS**

- 25.1 Upon notification from the Ministry, the Contractor shall require any director, officer, agent, contractor, sub-contractor, or employee including Technician, engaged in the delivery of goods or performance of services under this Contract to undergo security clearance checks in accordance with the Ontario government's policy at the Contractor's cost.

- 25.2 Upon notification from the Ministry, the Contractor shall be required to provide the necessary information for each individual requiring security clearance by the Security Services and Contingency Planning Branch of the Ministry of Public and Business Service Delivery.

**26. OTHER PROVISIONS**

- 26.1 This Contract is governed by the laws of the Province of Ontario and the laws of Canada.

- 26.2 Counterparts - The Contract may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

- 26.3 All notices and documents required or permitted to be given by one party to the other party under this Contract shall be in writing and delivered personally, by courier or sent by email:

(a) in the case of the Ministry, to it at:

Director of Vehicle Inspection Standards  
 Ministry of Transportation  
 87 Sir William Hurst Avenue, Suite 211  
 Toronto, ON M3M 0B4  
 Email: VehicleOversight@Ontario.ca

(b) in the case of the Contractor, to the address set out on the DriveON Portal or such other address as the party has provided by written notice to the other party.

26.4 Time shall be of the essence of this Contract.

26.5 Condonation Not a Waiver - Occurrences where the Ministry has previously forgiven or condoned the Contractor's failure to perform any of the terms or conditions of the Contract does not mean that the Ministry has waived its right to require the Contractor to perform the terms and conditions of the Contract, and the obligations of the Contractor with respect to such performance will continue in full force and effect.

26.6 For certainty, this Contract may be assigned by the Ministry to any person on not less than 60 calendar days notice to the Contractor.

26.7 **Article 3** (Documents), **Article 5** (Indemnity), **Article 8** (Inspection Certificates & Payment Under Contract), **Article 10** (Audit, Inspection and Cooperation), **Article 11** (Data and Information), **Article 14** (Suspension and Termination), **Article 15** (Appeal Provision), **Article 17** (Representation and Warranty), **Article 18** (Not Agents), **Article 19** (Conflict of Interest), **Article 20** (Promotion Restrictions & Non-Disparagement), **Article 22** (Termination of Contract on Notice), and **Article 24** (Official Marks & Program Signage) survive the expiration or termination of this Contract.

26.8 If any provision of this Contract is invalid or unenforceable, the remainder of this Contract shall not be affected.

26.9 This Contract expires on May 26, 2028.

**EXECUTED** on behalf of the Contractor at \_\_\_\_\_ on  
 \_\_\_\_\_ (City/Town)  
 \_\_\_\_\_, 20\_\_\_\_.  
 \_\_\_\_\_ (Month Day)

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Signature on behalf of Contractor

Title

I have the authority to bind the Contractor.

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**ACCEPTED AND APPROVED** by His Majesty the King in Right of Ontario, as represented by the Director of Vehicle Inspection Standards, Ministry of Transportation

\_\_\_\_\_

Date

\_\_\_\_\_

Name:



Office of the Mayor  
**CITY OF VANCOUVER**  
 BRITISH COLUMBIA

## Proclamation

### "INTERNATIONAL WOMEN'S DAY"

- WHEREAS** International Women's Day is celebrated around the world by those who believe in gender equity and who seek to improve the lives of women and girls, Two Spirit, trans, non-binary and gender diverse peoples through cultural, legal, economic, and social change;
- AND WHEREAS** Today is a celebration of the contributions that all women and people of marginalized genders make to our city, as activists, workers, artists, professionals, entrepreneurs, caregivers, educators, volunteers, and leaders;
- AND WHEREAS** Colonization and racialized violence are intrinsically connected to gender inequities experienced by Indigenous People, Black People, and People of Colour;
- AND WHEREAS** People of marginalized genders experience many intersecting forms of oppression that impact their ability to thrive and to access: safety, employment, justice, health care, housing, education, and reproductive rights;
- AND WHEREAS** International Women's Day is an opportunity to honour, support, and celebrate the progress made to advance gender equity all while recommitting to continue to progress;
- AND WHEREAS** Women's rights affect us all, and it begins with equity. Equity means each group or individual is given what they need, based on their circumstances, in order to succeed. Equality means each group or individual is given the same opportunities, regardless of their needs or circumstances. The goal of equity is to change structural and systemic barriers that hinder people's ability to thrive. Equal opportunities are no longer enough;
- AND WHEREAS** The City of Vancouver is committed to promoting equity and justice and will always work to address the systemic and structural oppressions that perpetuate inequity;
- NOW, THEREFORE,** I, Ken Sim, Mayor of the City of Vancouver, on behalf of Vancouver City Council DO  
 HEREBY PROCLAIM Wednesday, March 8<sup>th</sup>, 2023 as the 112<sup>th</sup>

### "INTERNATIONAL WOMEN'S DAY"

in the City of Vancouver.

  
 Ken Sim  
 MAYOR



***Whereas, in 1977, the United Nations General Assembly adopted a resolution calling on member states to proclaim a day for women’s rights and international peace;***

***Whereas, each year International Women’s Day is celebrated on March 8 to mark the economic, political, cultural and social achievements of women;***

***Whereas, the Global theme for the 2024 is Inspire Inclusion. When we inspire others to understand and value women's inclusion, we forge a better world. And when women themselves are inspired to be included, there's a sense of belonging, relevance and empowerment.***

***Whereas, the City of Stratford proudly recognizes the values that guide the International Women’s Day movement; Justice; Dignity; Hope; Equality; Collaboration; Tenacity; Appreciation; Respect; Empathy; and Forgiveness;***

***Therefore, be it resolved that I, Martin Ritsma, Mayor of the City of Stratford do hereby proclaim Friday, March 8, 2024 to be International Women’s Day in the City of Stratford. I encourage all citizens to celebrate all the women and girls who inspire us by demonstrating leadership in the choices they make in their day to day lives to contribute to the social, economic, cultural and political spheres.***



2/9/2024

To: Members of Stratford City Council

From: Holly O'Neill

Director of Client Services, Epilepsy Southwestern Ontario

I hope this message finds you well. My name is Holly O'Neill and I am the Director of Client Services with Epilepsy Southwestern Ontario. Our organization aims to raise awareness of epilepsy and to provide education and support services to people with epilepsy and their family, as well as provide education to the general public. About 1 in 100 people live with epilepsy and about 1 in 10 people will have a single seizure in their lifetime.

March is Epilepsy Awareness Month, and we are looking for businesses and city landmarks who may be interested in supporting Epilepsy Awareness Month through lighting their buildings either through the month of March or on Purple Day on March 26th. We have a family in your area with epilepsy who requested that we reach out to you as a possibility for this year's campaign.

Last year Windsor-Essex, London, Sarnia, Tillsonburg, and Chatham-Kent lit some of their buildings in purple. We would love to add Stratford's support this year and to see photos of your celebrations. These can be shared with us directly by emailing [katie@epilepsyswo.ca](mailto:katie@epilepsyswo.ca) or in a reply to this email, as well as by tagging us on Instagram, Facebook, Twitter at @epilepsyswo We will also share this on social media for our clients and their families to see the support and recognition the community is offering.

Thank you for your consideration,  
Holly



## MANAGEMENT REPORT

**Date:** February 26, 2024  
**To:** Stratford City Council  
**From:** Tatiana Dafoe, City Clerk  
**Report Number:** COU24-027  
**Attachments:** Closed Meeting Investigation Reports 36684-3 and 36684-4

**Title:** Closed Meeting Investigation Reports

**Objective:** To receive the Closed Meeting Investigation Reports dated February 20, 2024, and to refer the recommendations to staff and legal counsel for review.

**Background:** The City appointed a Closed Meeting Investigator pursuant to section 239.1 of the Municipal Act, 2001, (the Act). On May 31, 2023, the City received a complaint with respect to all closed meetings that had been held in the City since September 2018. A complaint was also filed with respect to the November 23, 2020, closed session. In response to the closed meeting investigation requests, the City received the attached Reports from the Investigator.

**Analysis:** Subsection 239.2(11) of the Act provides that closed meeting investigation reports are to be made public. On February 22, 2024, the Reports were posted to the City's website. The Reports are also included as attachments to this report, both of which satisfies this requirement.

Subsection 239.2(12) requires that Council pass a resolution stating how it intends to address the findings of the report. Staff are requesting the recommendations made by the Investigator be referred to staff and legal counsel for review. Once reviewed a fulsome recommendation will be presented to Council at a future meeting for consideration.

### **Financial Implications:**

#### **Financial impact to current year operating budget:**

Closed meeting investigation services and Integrity Commissioner Services are funded by the City and \$50,000 was included in the 2024 budget. Approximately \$20,000 is placed in a reserve annually to cover these costs. Under the City's contractual arrangements with the Local Authority Services, a business services arm of AMO, a

\$200 per year retainer is paid to serve as the City's closed meeting investigator. A further fee paid at an hourly rate, plus taxes and reasonable out of pocket expenses, is also payable upon receipt of an itemized invoice. To date, approximately \$14,040 has been spent on these two closed meeting investigations. Additional invoices for work performed are expected.

**Financial impact on future year operating budget:**

The City will continue to place funds in the annual budget for closed meeting investigation services.

**Legal considerations:**

Staff recommend the Closed Meeting Investigation Reports and their recommendations be reviewed by City legal counsel. There will be a cost to complete the review which can be funded from the 2024 budget.

**Alignment with Strategic Priorities:**

**Not applicable:**

The Act requires that municipalities have a process to investigate closed meeting complaints, including an officer to undertake the investigation.

**Alignment with One Planet Principles:**

**Not applicable:**

The Act requires that municipalities have a process to investigate closed meeting complaints, including an officer to undertake the investigation.

**Staff Recommendation: THAT the Closed Meeting Investigation Reports dated February 20, 2024, be received;**

**AND THAT the recommendations contained in the Closed Meeting Investigation Reports be referred to staff and legal counsel for review and to prepare a report for consideration at a future Regular Council meeting.**

**Prepared by:** Tatiana Dafoe, City Clerk

**Recommended by:** Karmen Krueger, CPA, CA, Director of Corporate Services  
Joan Thomson, Chief Administrative Officer

**CONFIDENTIAL**

February 20, 2024

**SENT BY EMAIL TO: TDafoe@stratford.ca**

Mayor and Members of Council  
c/o Tatiana Dafoe, City Clerk  
City of Stratford  
1 Wellington Street  
P.O. Box 818  
Stratford, ON N5A 6W1

Dear Mayor and Members of Council:

**RE: Closed Meeting Investigations  
Our File No. 36684-3**

**Introduction**

On May 31, 2023, the City of Stratford received a complaint with respect to all closed meetings that had been held in the City since September 2018. The Complaint alleged that, “Council routinely votes on substantive matters” in closed session, contrary to the *Municipal Act, 2001*, and asked the Closed Meeting Investigator to determine whether such votes had occurred in these meetings.

Our office was appointed to investigate this complaint. In total, 142 closed meetings occurred during the nearly five-year span targeted by the Complaint. Each of the votes taken in those meetings was reviewed for compliance with the *Municipal Act*

**Overview of the Principles Applied to Closed Session Votes**

For each vote taken in closed session, we considered two questions:

- 1) Was the vote procedural in nature, or otherwise only providing direction to staff?
- 2) Did the vote pertain to a topic that is covered by one of the closed session exceptions?

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TEL: 613-544-0211  
FAX: 613-542-9814  
EMAIL: INFO@CSWAN.COM  
WEB: WWW.CSWAN.COM

Votes were only found to be properly held in closed session only where the answer to both of these questions was “yes”.

This test for determining whether a vote could be held in closed session comes from the *Municipal Act*. As we have outlined in previous reports, the default position of the *Municipal Act* is that meetings are open to the public, with certain exceptions. The same is true of votes; section 244 of the *Municipal Act* prohibits any vote being taken “in secret”; however, subsection 239(6) allows a vote to occur in closed session under certain circumstances. That section reads as follows:

*Exception*

- (6) Despite section 244, a meeting may be closed to the public during a vote if,
- (a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
  - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board.

As with all legislation, subsection 239(6) must be interpreted in accordance with the modern principles of statutory interpretation, with the words given their ordinary and grammatical meaning in context. Accordingly, we interpret 239(6) as setting out two criteria, both of which must be met for a vote to be properly held in closed session.

The first such requirement is that “subsection (2) or (3) permits or requires the meeting to be closed to the public”. In our view, this should be interpreted as asking whether the subject matter of the vote falls within any of the exceptions established under 239(2) or (3). However, we note that this is distinct from the question as to whether a meeting was properly held within closed session, as that question pertains not only to the subject matter of a meeting, but also to the procedures followed. This is particularly pertinent given previous findings, by our office and others, that the City of Stratford was not following the correct procedures to resolve into closed session. While those procedural shortcomings may be fatal to the ability to hold the meeting in closed, they are not fatal to the actual holding of a vote. Therefore, to meet the first requirement, a vote has to be on a topic that *could* be discussed in closed session.

The second criterion is that the vote is “for a procedural matter or for giving directions or instructions”. Put simply, we understand this requirement as prohibiting substantive decisions from being made behind closed doors, while allowing municipalities to provide the necessary directions to staff and others to move forward a matter otherwise properly discussed in camera. The distinction between substantive decisions and instructions to staff can at times be a thin line, and in many cases may appear to be more academic than anything.

As a general rule, the second criterion can be understood to mean that Council cannot make final decisions or bind the City while in closed session.

It is important to note that subsection 239(6) applies when voting occurs, regardless of the outcome. Even if a motion or resolution was refused by Council, we considered whether the vote itself was properly held in closed session. On the same note, because the rules relate to the vote itself and not the individual decisions, where more than one instruction or decision was included in the same motion, under the same vote, we considered the vote as a whole. If some of the items addressed were properly voted on in closed but others weren't, the entire vote was considered improper.

### **Specific Topics**

Unsurprisingly, during our review we saw many similar topics arise. Matters such as making appointments to boards or buying or selling land come up frequently in any municipality. Below, we discuss how some of those recurring items are dealt with in our analysis.

#### *Receiving a Report for Information*

Many of the votes taken during the meetings were merely to receive a report for information. On its own, this is a procedural vote, which can be held in closed session. However, in order to receive information in closed session, that information must pertain to subject matter that could be discussed in closed. Accordingly, where Council voted to receive a report for information, we considered whether the report pertained to a matter that was properly covered under one of the closed meeting exceptions.

#### *Closed Meetings and the Decision-Making Process*

Council cannot make substantive decisions in closed. It can use the closed session to receive or discuss information or topics that, for a variety of reasons, it would be justified in keeping out of public view. However, once the information is received and/or the discussion held, the actual decision making needs to be held in public.

The line between providing directions and making a substantive decision can be unclear, particularly on matters such as negotiations, litigation, or hiring. A helpful way to think of this is to remember that Council can provide directions for something that is ongoing, where the final decision will come back in open session for a final decision. Staff can be given a negotiating position, for example, or be asked to solicit applications. However, once the final agreement is reached, candidate selected, or decision made, this must occur in public. Put more simply, Council cannot do anything in closed session which would actually be binding on the City. It also cannot simply instruct staff to bind the City instead (delegation must be voted on in open session).

Council can also provide in camera direction to have staff place a specific topic on an open session agenda. This might include placing a resolution on the open session agenda that would have Council adopt a specific approach, or pass a by-law to authorize a specific decision. This is an appropriate way of moving decision making from closed session to open, as long as the actual decision is being made at the open session. What Council cannot do is vote on a substantive decision first, and then confirm that decision in open session. Put simply, Council cannot make its mind up in closed session, and then rubber stamp that decision in open.

A helpful example can be drawn from two separate meetings in which hiring for a Director-level position was considered. At its May 19, 2019, meeting, Council heard a report and recommendations from staff to hire a specific individual. Council did not make a decision at that meeting; rather, it voted to list the recommendation and a by-law implementing that recommendation for an upcoming public meeting. Contrast this with August 30, 2021, where Council considered another appointment of a director-level position. This time, Council voted to appoint a specific individual into that position, and to list by-laws confirming the appointment at a public session.

In the first example, Council had not, technically, made the final decision yet; rather, it heard the report and recommendations, and then voted to have a discussion on the final decision in public. In the second example, however, Council had made the actual decision of a particular candidate in closed session; the by-laws being listed for open session merely confirmed a decision already made.

This is not a distinction without a difference. Although the motion placed on an open session agenda might presuppose a certain decision, the public is present when that proposal is discussed and voted on, ensuring transparency in decision-making.

#### *Binding vs Non-Binding Agreements*

In various meetings reviewed during our investigation, Council considered letters of intent, memoranda of understanding, and other similar documents and agreements. These sorts of agreements are sometimes used by parties to negotiations to outline their various commitments. Typically, they are not a binding contract. However, in some of the meetings we reviewed, Council entered into “binding” letters of intent, with obligations on either or both parties. This was contrasted with meetings where letters of intent (or similar) were not referred to as binding.

Where Council considered itself to be entering into a binding obligation, we consider this to be a substantive decision. This is true whether those obligations were on the City or another party. In determining whether the City was entering into something seen as binding, if Council believed the agreement to be binding, we accepted this as fact. As stated elsewhere in our report, Council cannot bind itself in closed session.



### *Council Matters*

In our October 20, 2022, Report, we considered the topic of whether Council can discuss matters such as Councillor salaries or Council appointments to committees and boards in closed session. On the basis of a number of other reports and decisions, we found that Council will rarely be permitted to discuss this kind of business in closed.

The same is true for voting on these matters. The public has a strong interest in being able to scrutinize the decisions Councillors make regarding themselves.

### *Appointments of Members of the Public to Boards and Committees*

Council made a number of appointments of non-Council members to fill public seats in various boards, committees, etc. Appointing an individual to a committee is a substantive decision, and the same precautions referenced elsewhere apply here: Council can only vote to move the recommendation into open session and cannot do so merely to rubber stamp a decision it has already made. Additionally, as our 2022 Report detailed, an appointment to a board or committee is not, in and of itself, personal information. As such, when considering such appointments, we considered the process and form of the resolution voted on, but also whether the topic could be discussed in closed session to begin with.

### *Hiring Decisions*

Another topic which arose with some frequency was decisions in hiring processes. Generally, this took the form of Council being asked to “confirm” a decision to make an offer of employment to a candidate. On several occasions, Council voted on the appointment of a particular person to a position, notably Chief Administrative Officer.

Hiring decisions touch on the subtle and nuanced difference between making decisions and directing staff. The Ombudsman’s Office, whose decisions are informative but not binding, has addressed this question in several decisions. In Baldwin (Township of) (Re), 2014 ONOMBUD 10, councillors conducted a ranked vote of candidates for a position; when votes were tallied, staff were instructed to hire the winner. This was found by the Ombudsman to be permissible, as it was an instruction to staff. However, in Sables-Spanish Rivers (Township of) (Re), 2020 ONOMBUD 5 (CanLII) the Office spoke critically of votes including setting wages and making an offer of employment to a specific individual. It indicated these were not instructions to staff or merely procedural.

We prefer the reasoning in Sables-Spanish Rivers, more so than Baldwin. A decision to offer a specific person a specific job, or to set wages, is substantive. If a distinction is to be drawn, it may be that Council could, in some circumstances, direct senior staff as to how to carry out hiring or wage increases in the same way staff are instructed on sale of properties – essentially, to set the terms of negotiation, with a final contract or offer to be approved in open session.

## Procedure

Our Office received a copy of the confidential minutes for each of the 142 closed sessions identified in the Complaint. For each, we reviewed votes that were taken during the session, to determine whether said vote was improperly held in closed session.

It is important to note that this is not the first report our office has completed with respect to many of these same meetings. In 2022, we investigated complaints with respect to a large number of closed sessions of Stratford City Council. That report was delivered October 20, 2022, and focused on whether the meetings were properly held in closed session. In the below report, we rely on our conclusions in the October 20, 2022, report.

Because the *Municipal Act* prohibits voting on a matter in closed, regardless of the outcome of the vote, we considered all votes, including those that were unsuccessful or were deferred. The one exception to this is the purely procedural votes passed to adopt in camera agendas and accept minutes of previous in camera sessions, as well as votes to adjourn into open session. Because of their purely procedural nature, we presumed that each of these votes was properly held.

For each vote held in closed session, we applied the analysis framework discussed above, and decided whether the vote was properly held in closed session. We note that both Council and Committee of the Whole meetings were considered; for ease of reference, the term “Council” was used with respect to both.

## September 10, 2018

### Agenda

#### 4.1 Council Code of Conduct Complaint

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 4.2 Request to purchase [Redacted]

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);

#### 5.1 Agreement to Lease Space to the Canadian Opera Company

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 6.1 Sale of [Redacted] Wright Business Park

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);

6.2 MOU with [Redacted]

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

7.1 To declare Surplus – City Owned Lands fronting Forman Avenue

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);

6.3 Added – Company X Manufacturer Inquiry

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

### Analysis

4.1 Council voted to direct staff to list for open session a resolution regarding the outcome of an investigation report into allegations of violations of the Code of Conduct. It is important to note that this meeting occurred prior to the establishment of the existing integrity commissioner regime. In line with decisions of the Ombudsman's Office from the same period, we find that discussions of allegations of misconduct against specific, named Councillors constitutes personal information. As such, this vote was properly held in closed session, as it was both sufficiently procedural and pertained to subject matter that fit within an exception.

4.2 Council voted to direct staff to initiate intent to declare a City property surplus, and provided instructions regarding that process. This was properly voted on in closed session, as it pertained to the disposal of City property and consisted of direction to staff.

5.1 Council voted to instruct the Mayor and CAO to engage in negotiation of agreements that were to be brought back for Council consideration. This was sufficiently procedural and pertained to negotiations. Accordingly, this vote was appropriately held in closed session.

6.1 Council voted to list by-laws authorizing the sale of City property at an open session of Council. This was appropriate for an in-camera vote.

6.3 No vote was held on this topic.

6.2 Council voted to receive legal advice. This was an appropriate vote in camera.

7.1 Council voted to instruct staff to initiate the process for declaring City-owned lands surplus and directed that the lands be disposed of through direct negotiations with adjacent property owners. This was sufficiently administrative, being instructions to staff, and pertained to matters appropriately discussed in closed session. Accordingly, this vote was properly held in closed session.

## **October 9, 2018**

### Agenda

4.1 [Redacted] Lease Negotiations  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years, and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

4.2 Negotiations Update with [Redacted]for [Redacted] Project  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))]; and

5.1 Contract Negotiations – International Brotherhood of Electrical Workers (IBEW) – Local 636 (Transit Division)  
[Labour relations or employee negotiations (section 239.(2)(d))].

### Analysis

4.1 Council voted to defer a decision on entering into a non-binding letter of intent regarding certain municipal property. This pertained to instructions in a negotiation and was procedural in nature. Accordingly, this was appropriately discussed in closed session.

4.2 Council voted to receive legal advice and list a by-law for open session. This was appropriately voted on in closed session.

5.1 Council voted to receive for information a report on collective bargaining outcomes. This pertained to labour relations and was procedural in natural. Accordingly, this topic was properly voted on in closed session.

## **November 13, 2018**

## Agenda

### 4.1 Canadian Opera Company Proposed Non-Binding Letter of Intent

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))]

### 4.2 Added – LPAT Appeal Stratford East

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))]

### 5.1 Contribution Agreements for the Britannia Street Affordable Housing Project

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

### 6.1 Contract Negotiations – International Brotherhood of Electrical Workers (IBEW) – Local 636 (Transit Division)

Labour relations or employee negotiations (section 239.(2)(d));

## Analysis

4.1 Council voted to receive a report for information, and to authorize the CAO to enter into a non-binding letter of intent regarding the lease of municipal property. Given the non-binding nature of this letter of intent, we do not understand this as a final or substantive decision. Accordingly, this vote was properly held in closed session.

5.1 Council voted to instruct staff to execute and enter into an agreement between the City and a specific department of the City. While entering into an agreement would typically be a substantive decision, in this case the agreement was essentially without effect, as it was not, legally speaking, between two different parties. However, while the vote may not have been substantive, we can identify no exception applicable to taking this vote in closed session. The agenda cites the exception for legal advice; however, Council's vote was not simply to accept legal advice, but to provide specific instructions to staff. While those instructions may not have been substantive, they also were not related to legal advice. Accordingly, this was not properly voted on in closed session.

6.1 Council voted to receive a report on collective bargaining for information. This was properly voted on in closed session.

4.2 Council provided the City Solicitor with instructions to negotiate an ongoing litigation matter. This was properly voted on in closed session.

## **November 21, 2018**

### Agenda

3.1 Appointments to the Accessibility Advisory Committee  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.2 Appointments to the Active Transportation Advisory Committee  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.3 Appointments to the Stratford City Centre Business Improvement Area (BIA) Board  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.4 Appointments to the Energy and Environment Committee  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.5 Appointments to the Heritage Stratford Committee  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.6 Citizen Appointments to the Stratfords of the World-Ontario Committee  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.7 Appointments to Board of Park Management  
(Personal matters about an identifiable individual(s) including

municipal employees or local board employees) (section 239.(2) (b));

3.8 Appointments to Committee of Adjustment  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.9 Appointments to the Communities in Bloom Committee  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.10 Appointments to the Stratford Police Services Board  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.11 Appointments to the Upper Thames River Conservation Authority (UTRCA) Board  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.12 Appointments to the Stratford Public Library Board  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.13 Appointments to the Stratford Youth Advisory Council  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.14 Appointments to the Stratford Town and Gown Committee  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b));

3.15 Appointments to the Ad-Hoc Citizen's Committee on Council Remuneration  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b))



## Analysis

Each of the topics discussed during this meeting related to appointments to various boards or committees.

For agenda items 3.3, 3.9, and 3.13 Council voted to re-advertise the position, to attract further candidates. In our opinion, this decision was substantive, in that it materially changed the application process, and opted to seek new candidates rather than accept existing candidates. As such, these votes were not properly held in closed session.

With respect to the remaining twelve agenda items, each one followed the same process of voting to recommend the appointment of specific candidates; they did not, however, purport to actually make said appointments. Personal information about the applicants was included on each agenda item. Accordingly, these votes were all properly held in closed session.

## **December 4, 2018**

### Agenda

#### 3.1 Proposed Stratford South Industrial Expansion

Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years and, A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i));

#### 4.1 [Redacted]

Proposed Minutes of Settlement to be submitted Local Planning Appeals Tribunal (“LPAT”) Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e));

5.1 Contract Negotiations – International Brotherhood of Electrical Workers (IBEW) – Local 636 (Transit Division) Labour relations or employee negotiations (section 239.(2)(d)).

### Analysis

3.1 This agenda item pertained to ongoing negotiations with a third party considering establishing facilities within the City. The vote was to authorize the CAO and the City Solicitor to advance discussions with that third party, but also with the Province, the County, a neighbouring Township, and certain property owners. The stated goal of the negotiations was to move toward entering into binding agreements for Council's consideration.

In our opinion, this vote was properly held in closed session. The motion clearly states that staff are to negotiate binding agreements for Council consideration; those agreements are largely related to negotiating with a variety of actors.

4.1 Council voted to accept settlement of a matter before what was then known as the LPAT. In this case, the deal Council voted to accept was to approve an Official Plan amendment. Nothing in the resolution indicates that this was in any way non-binding or otherwise being put forward in open session. While Council can provide instructions in closed with respect to negotiations or litigation, in this case it exceeded that authority when it voted to amend its Official Plan. Accordingly, this vote was not properly held in closed session.

5.1 Council provided the Director of Human Resources instructions on the City's position in labour negotiations. This vote was properly held in closed session.

## **December 10, 2018**

### Agenda

3.1 Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years and, A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)).

### Analysis

3.1 Council voted to provide authorization for staff to negotiate a binding agreement to be presented to Council, and to "prepare to initiate" a variety of related processes. In both cases, we understand these as instructions to undertake preparations, rather than the final decision on entering into an agreement or commencing certain processes. Both related to ongoing

negotiations between the city and a third party. For this reason, we consider these votes to be properly taken in closed session.

## **December 17, 2018**

### Agenda

3.1 Counter Offer for City Owned Lands on [Redacted] Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years).

4.1 Proposed Stratford South Industrial Expansion Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years and, A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i));

5.1 CAO Performance Review Committee  
Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2) (b)).

### Analysis

3.1 Council provided staff with instructions to make counter-offers with respect to the sale of certain City-Owned properties. This was a procedural instruction provided in the context of disposition of property, and therefore was properly voted on in closed session.

4.1 No vote was taken on this item.

5.1 This appears to have been an internal vote to determine which members of Council would determine the process for evaluating the CAO. While this vote was sufficiently procedural in nature, it did not pertain to subject matter properly discussed in closed session. As we have noted, information about an individual in their professional capacity does not, generally, constitute personal information within the meaning of the Act. While it is certainly possible that specific personal information can arise in discussions about an individual in their professional capacity, based on the minutes it would appear that, in this case, the subject matter

was merely setting up a process for a performance review of the CAO, rather than addressing any specific situation. As such, this vote was not properly held in closed session.

## **January 14, 2019**

### Agenda

#### 4.1 Sale of [Redacted], City of Stratford, Wright Business Park to [Redacted]

Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years;

#### 5.1 Contract Negotiations – International Brotherhood of Electrical Workers (IBEW) Transit Division, Local 636

Labour relations or employee negotiations (section 239.(2)(d));

#### 6.1 Additional Applications for Communities in Bloom Advisory Committee

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

#### 6.2 Additional Applications for Energy and Environment Committee

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

#### 6.3 Additional Applications for Stratford City Centre Business Improvement Area (BIA) Board of Directors

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

#### 6.4 Additional Applications for Stratford Town and Gown Committee

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

#### 6.5 Additional Applications for Stratford Youth Advisory Council

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))

### Analysis

4.1 Council voted to list by-laws for the sale of City-owned property at an open session meeting. This vote was properly held in closed session.

5.1 Council voted to ratify a Memorandum of Settlement with a union with respect to contract negotiations. The decision to ratify the agreement was a substantive one which could not be made in closed session. As a result, this vote was improperly taken in closed session.

6.1 Council voted to consider a candidate's nomination to a board at an upcoming meeting. Personal information of the applicants was discussed. In our opinion, this vote was properly taken in closed session.

6.2 Council voted to list an appointment to a board for an upcoming meeting. While this is the proper approach procedurally, our review of the minutes indicates no reason why this topic fell within a closed meeting exception. It appears from the minutes that all discussions of the candidate were of his professional background or existing participation in the organization. For that reason, this vote was not properly held in closed session.

6.3 Council voted to list four appointments to the BIA for consideration on an upcoming agenda. Personal information about the candidates was discussed. This vote was properly held in closed session.

6.4 Council voted to defer appointment of a student representative to the Town and Gown Committee, to allow for the Committee to discuss that position. Absent discussion of a specific candidate, there was nothing in this agenda item that allowed for discussion in closed session. As such, this vote was not properly held in close session.

6.5 Council voted on a motion to refer the terms of reference for the Stratford Youth Advisory Council to the Community Services Sub-Committee for review. The decision to review the Advisory Council's terms of reference, or even to request that the Sub-Committee do so, is not a matter that fits within any of the closed meeting exceptions. Although Council was within its rights not to appoint any applicants, the decision to have a sub-committee review the terms of reference ought to have been made in public.

## **January 28, 2019**

### Agenda

4.1 Identifiable Employee

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

#### 5.1 Applicants for Energy and Environment Committee Representatives on ATAC

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))

#### Analysis

4.1 Council voted on a motion to instruct staff to dismiss a certain staff member, to begin negotiations of that staff member's severance, and to appoint an individual to fill the role on an interim basis. All three pertained to labour relations and personal information about the employee. However, of the three instructions provided, only those pertaining to negotiating severance could actually be voted on in closed session. Both the decision to dismiss a staff member, and the decision to fill the vacant role were substantive decisions which could not be made in closed session.

5.1 Council voted to list nominations for the Energy and Environment Committee's representative on the Active Transportation Advisory Committee for consideration at Council. When asked, City staff candidly admitted that no personal information was discussed at this meeting. We thank staff for their candor and cooperation on that point. As no personal information was discussed, the vote itself did not fit into any of the Closed Meeting Exceptions. Therefore, this vote was not properly held in closed session.

### **February 11, 2019**

#### Agenda

4.1 CAO's Report – Overview Organizational Assessment of the City of Stratford

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)) and Labour relations or employee negotiations (section 239.(2)(d))];

5.1 Valuation of [Redacted]

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years]

### Analysis

4.1 Council voted to receive for information a lengthy report by the CAO regarding organizational assessment and staff development priorities. When we inquired with the City, we were advised that no personal information was contained in this report or discussed on this agenda item. Accordingly, this vote was not properly conducted in closed session.

5.1 Council voted to provide instructions, including a minimum sale price, in the context of ongoing negotiations to sell municipal property. This matter was appropriately voted on in closed session.

### **February 25, 2019**

### Agenda

4.1 Contract Negotiations – Stratford Professional Firefighters (SPFFA) Local 534.

[Labour relations or employee negotiations (section 239.(2)(d))];

5.1 Response to City’s Counter Offer for City Owned Lands on [Redacted]

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);

6.1 [Redacted] – response to Planning & Heritage Committee’s Request for Additional Information

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))]

### Analysis

4.1 Council voted to receive a report on labour negotiations, and to provide direction on the City’s position in said negotiations. This matter was properly voted on in closed session.

5.1 Council voted to accept offers made on several City-owned properties, to reject two offers and respond with counter offers, and to attach certain conditions to the sale of the lands in question. All of these decisions related to disposition of land. While Council was permitted to provide instructions to make counter offers and instructions to include certain conditions of sale, Council was not permitted to vote in closed on accepting offers. That decision must be made in open session, as it is substantive.



6.1 No vote was held on this matter

### **March 4, 2019**

#### Agenda

4.1 Disposal of [Redacted] Wright Business Park  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 Festival Hydro Restructuring Proposal  
[Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)) and, A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i))];

5.2 ADDED - Resolution of Outstanding Shared Services Matters with the County of Perth  
[Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)) and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

6.1 Request to [Redacted]  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)].

#### Analysis

4.1 Council voted to list by-laws authorizing the sale of City-owned lands at a public Council meeting. This vote was properly taken in closed session.

5.1 Council voted to “file” documentation restructuring a municipally owned corporation. This included creation of new corporations and restructuring within. There is no authority in the Municipal Act for Council to vote on corporate creations and restructuring in closed session. This vote was improperly held in closed session.

5.2 Council voted to provide instructions with respect to settling an ongoing contentious/litigious matter. This was properly conducted in closed session.

6.1 Council voted to provide staff instructions to start the process to declare municipal property surplus, and provided various instructions to be used in negotiations for sale of same. These votes were procedural in nature, in that they only provided instructions to staff, and did not provide final binding decisions. The subject matter – disposal of municipal lands and positions in negotiations – was properly discussed in closed session. Accordingly, this vote were properly held in closed session.

## **April 25, 2019**

### Agenda

3.1 Consent Application [Redacted] – appeal received for Local Planning Appeal Tribunal (LPAT)

[Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)) and, Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2) (f) ]

4.1 Added – Cyber Security

Security of municipal property of the municipality or local board (section 239.(2) (a)) and, Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2) (f)).

### Analysis

3.1 Council voted to provide staff and the City Solicitor instructions relating to an ongoing legal matter. This vote was properly held in closed session.

4.1 No vote was held on this agenda item.

## **April 29, 2019**

No votes were held during this closed session.

## **May 9, 2019**

### Agenda

#### 3.1 New City of Stratford Director of Social Services

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))

### Analysis

3.1 Council voted to consider recommendations for appointment of a new Director of Social Services at open session. This vote was properly held in closed session. What separates this vote from many others we analyzed is that the in-camera portion pertained only to reviewing staff recommendations; Council's vote was to then move those recommendations into open session for discussion. This is an appropriate approach because the actual substantive decision – in this case, who to hire – was not made in closed.

## **May 13, 2019**

### Agenda

#### 4.1 Cyber Security Update

[Security of municipal property of the municipality or local board (section 239.(2)(a)) and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

#### 5.1 Appointment of Director to Stratford Economic Enterprise Development Corporation

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

#### 6.1 Proposed [Redacted] Project Direction to Proceed

[A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

#### 7.1 Appointment to Active Transportation Advisory Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

#### 7.2 Appointment to Stratford Town and Town Advisory Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

5.1 Council voted to list a recommendation for a board appointment for consideration at public session. As with the May 9, 2019, hiring decision, this was the correct approach – Council heard a recommendation, and voted to consider it openly. This vote was properly held in closed.

### **May 28, 2019**

### Agenda

4.1 Grand Trunk Community Hub/Canadian Opera Company - Consolidated Update Report [Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years, Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them (section 239.(2)(h)), A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))];

5.1 Municipal Representative on Thames Sydenham Drinking Water Source Protection Committee  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

6.1 Fire Department Shift Trials Report  
[Labour relations or employee negotiations (section 239.(2)(d))]

### Analysis

4.1 Council voted on a single motion to provide four sets of instructions.

First, Council voted to instruct the Mayor and CAO to advance discussions regarding certain funding opportunities. Staff assert that this was protected by the negotiations exception. We accept this explanation.

Second, instructions were provided to draft a binding letter of intent with a third party, to be provided for Council's consideration. Our review indicates that this letter related to ongoing negotiations with that third party.

Third, instructions were provided to draft term sheets and agreements with further third parties. Again, this was properly conducted in closed session.

Fourth, Council instructed staff to undertake a broad economic review of an ongoing project, including costs associated going forward. Read generously, that review appeared to have been for the purposes of informing negotiations, and on a balance of probabilities we find that it did relate to negotiating.

Per the above, we find that the entirety of this vote was properly held in closed session.

5.1 Council voted to instruct staff to add a motion to an open session agenda; that motion endorsed a specific nomination for a regional board. This was the appropriate approach, as Council did not make a substantive decision but merely, procedurally, set itself up to make such a decision in open session. However, nothing in the minutes indicates that such an appointment was a topic that could be discussed in closed session. To the contrary, the individual was already a member of said board, which is a highly technical and specialized board, and the Minutes only reveal discussions pertaining to him in his professional capacity. The City has taken the position that education experience, work experience, and volunteer experience were considered. However, our review of the minutes indicates that these aspects were only discussed in the context of the individual's professional background. Accordingly, this vote was not properly held in closed session.

6.1 Council voted to defer consideration of a report, in order to allow time for questions to be answered. Based on the Minutes, the report was voluminous and covered many topics; however, the overall purpose of the report was to consider specific staffing arrangements. In our opinion, this was sufficiently within the cited exception to be discussed in closed session, and the vote itself was procedural in nature. As such, this vote was properly held in closed session.

**May 31, 2019**

Agenda

3.1 CAO Retirement

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)); and

3.2 Cyber Security Update

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

### Analysis

3.2 No vote was held on this agenda item.

3.1 Council voted to accept a staff member's letter stating they would be retiring. Although employment does not generally fall within the personal information exception, we accept that a letter from a staff member to Council advising that they were terminating their employment is personal in nature and can be received in closed session.

## **June 10, 2019**

### Agenda

#### 4.1 CAO Transition Plan

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)) and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

#### 4.2 Cyber Security Update

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

### Analysis

4.1 Council voted on a single motion containing three decisions: to appoint a specific individual as interim CAO, to appoint members of a recruitment committee, and a third matter pertaining to legal advice regarding the recruitment process. The third item is, in our opinion, properly voted on in closed. However, neither appointment of an interim CAO nor appointment of a recruitment committee – which included members of Council – could be done in closed. The first was a substantive decision which required proper consideration in open session. The second was not a topic that could be discussed in closed session; as both this report and our October 2022 report found, appointment of Council members to various roles is not a matter that can be discussed in closed session. Accordingly, this vote was not properly held in closed session.

5.1 No vote was held on this item.

**June 19, 2019**Agenda

## 3.1 Comprehensive Zoning By-law Review

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

Analysis

3.1 Council voted to receive legal advice for information. This vote was properly held in closed session.

**June 24, 2019**Agenda

## 4.1 Asphalt Resurfacing 2019

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

## 5.1 Mid-term Appointment to Festival Hydro Inc.

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

## 6.1 Council and Staff Representatives on Community Grants Evaluation Team

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

## 7.1 Wage and Benefit Adjustments – Administrative Employees

Labour relations or employee negotiations (section 239.(2)(d)).

Analysis

4.1 Council voted to receive for information a report on asphalt resurfacing. The report pertained to bids received in a public tendering process. We accept that this relates to matters of negotiations, and potentially trade secrets, and as such can occur in closed session.



5.1 Council voted to list a motion at a public session to consider a recommended appointment to the Board of Festival Hydro. As discussed elsewhere in this report, this is the appropriate approach procedurally.

6.1 Council voted to appoint members of a committee for reviewing grant applications. The appointed members included members of Council and staff. This was not a vote properly held in closed session; the decision was substantive (appointing specific members of the committee) and there is nothing to suggest the cited exception – personal information – or any other exception applied.

7.1 Council voted on a motion that contained two parts: a 1.5% annual economic adjustment to wages for certain staff, which the motion says is to be implemented via resolution in open session, as well as a “benefit adjustment to improve mental health supports.” Staff compensation is a topic that can be discussed in closed session per the labour relations exception. However, Council’s motion made substantive decisions. It is not enough to attach a clause saying that the decision will be incorporated into a resolution; at that stage, the decision itself has been made in the absence of the public. As stated throughout this report, public session votes cannot be rubber stamps of something Council has already decided. Accordingly, this vote was improperly held in closed session.

**July 15, 2019**

### Agenda

#### 4.1 Proposed South End Industrial Expansion

Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years and, A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i));

#### 4.2 Arbitration with [Redacted]

Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2) (e)) and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2) (f));

5.1 Nominations for Senior of the Year Award and for Ontario Senior Achievement Award

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

6.1 Appointment to Ad-Hoc Transit Committee  
(Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2)(b))

### Analysis

4.1 Council voted to provide staff with instructions relating to ongoing negotiations with a third party. This was properly held in closed session.

4.2 Council voted to instruct the City Solicitor to bring a contentious matter to arbitration, and to provide regular updates. This vote provided directions and pertained to litigation, and as such was properly held in closed session.

5.1 Council voted to nominate a specific individual for a provincial seniors' award, while also bestowing a second seniors' award on that individual. This was a substantive decision made in closed session; further, nothing in the minutes indicates that any personal information about the recipient or the others considered was discussed. As such, this vote was not properly held in closed session.

6.1 Council voted to instruct staff to list the consideration of specific committee appointees at public session. The appointments are from members of the public, and the information shared in closed session included addresses and other information properly considered personal information within the meaning of the Act. This vote was properly held in closed session; indeed, it is an example of the correct approach Council should follow when considering an appointment in closed session.

## **July 22, 2019**

### Agenda

4.1 Grand Trunk Expropriation Update  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)) and Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e))];

4.2 Grand Trunk Property – Student Residence Request for

## Proposals

[Security of municipal property of the municipality or local board (section 239.(2)(a)) and, Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 Release from Agreement of Purchase and Sale [Redacted]  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.2 Council Representative Appointments to Ad-Hoc Transit Committee  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b))];

5.3 [Redacted]  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

## Analysis

4.1 Council voted to receive for information a report on ongoing litigation. This vote was properly held in closed session.

4.2 Council instructed City staff to initiate a request for proposals. This vote was properly held in closed session.

## **August 12, 2019**

### Agenda

4.1 Appointment to the Town and Gown Advisory Committee  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

4.2 Nominations for Council Award of the College of Physicians and Surgeons of Ontario Outstanding Ontario Physicians  
[Personal matters about an identifiable individual(s) including

municipal employees or local board employees (section 239.(2)(b)).

### Analysis

4.1 Council voted to instruct the Acting City Clerk to list a motion for the open session agenda, appointing a specific individual to the Town and Gown Committee. This was procedural in nature, and personal information was discussed. Accordingly, this vote was properly held in closed session.

4.2 Council was considering nominations for an award for physicians; they voted to refer the decision to the Hospital for their consideration. The vote did not pertain to any specific physician, nor was any personal information discussed; as such, this matter was not properly voted on in closed session.

## **August 26, 2019**

### Agenda

4.1 Proposed [Redacted] Project Unanimous Shareholders Agreement  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)) and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality of local board (section 239.(2)(k))];

5.1 Contract Negotiations – [Redacted]  
[Labour relations or employee negotiations (section 239.(2)(d))].

### Analysis

4.1 Council voted to defer consideration of certain documents, and seek more information, relating to ongoing negotiations pertaining to a project undertaken by the City. These were procedural decisions relating to a topic that could be discussed in camera, and as such were properly taken in closed session.

5.1 Council voted to receive a report for information and invite a specific individual to attend a future in camera session. These decisions pertained to ongoing labour negotiations. As such, this vote was properly taken in closed session.

## **September 9, 2019**

### Agenda

4.1 Contract Negotiations – [Redacted]  
[Labour relations or employee negotiations (section 239.(2)(d))] and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

5.1 Festival Hydro property matter  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

5.2 Inter-Community Transportation Program Update  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

5.3 Cyber Update  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

5.4 Housing Corporation  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

5.5 Appointment of Council reps to CAO Hiring Committee  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

6.1 Appointment to Stratford Town and Town Advisory Committee  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

4.1 Council voted to accept a report for information and seek updates in the future. This pertained to ongoing labour negotiations and was properly held in closed session.

5.1 Council voted to receive legal advice from the City Solicitor. This was properly held in closed session.

5.2 Council voted to accept a report for information, which included a draft agreement, and instructed the solicitor to circulate that draft agreement to the other parties who were to sign it. Circulating a draft agreement is an integral part of negotiations, as wording and framing of agreements are integral parts of negotiations. It is also administrative in nature, as this was merely a draft, rather than a final decision. As such, this vote was properly held in closed session.

5.3 Council voted to release information to the public, pending necessary approvals. This was discussed in closed under the banner of solicitor-client privilege. However, in our opinion, the exception for protection of property of the municipality may be more appropriate, as the information in question related to a security incident. We find that voting on what information can be released to the public without compromising security further is a proper matter for consideration in closed session.

5.4 Council voted to provide instructions to the City Solicitor. These instructions naturally would include the provision of legal advice, and as such, this vote was properly held in closed session.

5.5 Council voted to appoint two councillors to the CAO hiring committee. As discussed elsewhere in this report, and building on our previous report, decisions involving Council roles and responsibility will rarely, if ever, be proper topics for closed session. Councillor's roles are not considered personal information. Further, this was a substantive decision – the actual appointments to the committee were made in closed. As such, this vote was improperly held in closed.

6.1 Council voted to instruct staff to list a motion appointing two representatives to the Town and Gown committee. Personal information about the proposed representatives was shared in closed. Accordingly, this vote was properly held in closed session.

### **September 16, 2019**

### Agenda

3.1 Request to conduct a review and analysis on [Redacted]  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))]

## Analysis

The subject of this meeting involved certain concerns that had been raised to the City, and were the subject of an independent report. Council received legal advice on those concerns; additionally, when asked, the City advised that those concerns also related, in whole or in part, to identifiable individuals.

The actual vote held by Council was to provide instructions to staff concerning a number of recommendations which had been made with respect to those concerns. On their own, those recommendations would not have met the requirements for discussion in closed session, and we disagree with the City's position that they were sufficiently related to information pertaining to an identifiable individual. However, in the specific context of this meeting, we find that those instructions to staff were covered by the exception for solicitor-client privilege. As such, we find that this vote was properly held in closed session.

## **October 8, 2019**

### Agenda

#### 4.1 [Redacted]Project Update

[A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)) And Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 4.2 Waste Collection Contract 2019 -2026

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality of local board (section 239.(2)(k))].



### Analysis

4.1 Council voted to confirm its continued interest in a project, and to commit to proceed to a public meeting on the topic before making a final decision. The project was one involving negotiation with third parties and, as such, the vote pertained to a matter which could be discussed in closed session. As the decision to release information and hold a public meeting was not final or substantive, we find that this vote was properly held in closed session.

4.2 Council voted to receive information regarding its position in an ongoing negotiation with a third party. This vote was properly held in closed session.

### **October 15, 2019**

### Agenda

#### 4.1 Human Resources Matter

[Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 4. 2 Contract Negotiations – [Redacted]

[Labour relations or employee negotiations (section 239.(2)(d))] and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

#### 5.1 Proposed Assignment of the Lease Agreement between the City of Stratford & [Redacted]

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

### Analysis

4.1 Council voted to receive a report for information. The report pertained to an ongoing matter before a tribunal. This vote was properly held in closed session.

4.2 Council voted to accept a report for information and provide instructions regarding the City's negotiating position. This pertained to ongoing labour negotiations. As such, this vote was properly held in closed session.

5.1 Council voted to receive a report for information, and to provide instructions with respect to assignment of a lease it held. Those instructions included specific conditions under which the City would consent to the lease being assigned, and instructions to bring a by-law authorizing assignment to an open session, once said conditions had been met. These instructions all related to matters that could be discussed in closed, including lease of City property and negotiations.

Whether this vote was a substantive one is a nuanced question. Although the instructions included bringing a by-law forward once the conditions were met by the third party, Council also clearly voted to consent to the assignment once the conditions were met. While Council could have accomplished this same goal in closed using only a slightly different procedure – for example, instructing staff to negotiate an agreement containing those provisions, for Council consideration – this distinction is important. Had Council voted for a lease assignment to be negotiated and then brought back to Council, the final substantive decision would not yet have been made. In this case, however, Council affirmatively provided its consent. As such, this was an improper vote

## **October 28, 2019**

### Agenda

4.1 Agreement Amending Option to Purchase Agreement / Agreement of Purchase and Sale with GreenSeal Cannabis Co. for [Redacted] in the Wright Business Park.

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

4.2 Industrial Land & [Redacted]

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

5.1 [Redacted] Update and Revised Costing Estimates

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), AND Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years, AND A trade secret or scientific, technical, commercial,

financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)), AND A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value (section 239.(2)(j)), AND A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

#### 6.1 McCarthy Road W Extension

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years), AND Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 7.1 Agreement of Purchase and Sale – [Redacted]

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

#### 7.2 Council Appointments – Huron Perth Health Unit

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 7.3 Appointment to the Energy & Environment Advisory Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b))].

### Analysis

4.1 Council voted to provide the Acting CAO authorization to execute an agreement amending an option to purchase and agreement of purchase and sale, and to list the by-law authorizing this amending agreement at open session. As discussed elsewhere in this report, Council cannot make a substantive decision in closed, and then rubber stamp it with a by-law

in open. By voting to provide the CAO with authority to enter into an agreement – one with substantive impacts on an existing agreement – Council made a substantive decision, contrary to the *Municipal Act*.

4.2 Council accepted a report for information, provided instructions regarding negotiating servicing agreements with certain third parties, and provided instructions to the Acting CAO to “complete the reports required for a Ministerial Zoning Order.”

The report accepted for information pertained to ongoing negotiations with a third party and was therefore properly voted on in closed session. Similarly, the instruction to negotiate agreements for servicing was an instruction to be used in negotiations with a third party, and was properly given in closed session.

However, the balance of the motion was improper in closed session. This includes instructions to staff to “explore a servicing strategy” for certain lands and develop a financing plan for a certain parcel of land. It also includes instructions to “complete the reports required for a Ministerial Zoning Order”.

In analyzing this agenda item, it is necessary to understand the contours of negotiating positions. The exception for negotiations applies to bargaining positions, but it does not apply to taking steps and making decisions necessary to carry out those positions. Simply put, Council can go into closed to discuss whether it is willing to do “XYZ” actions, as part of a negotiation. But when it comes time to actually do “XYZ”, the meetings, discussions, and resolutions necessary to do so cannot shelter under the negotiation exception.

Accordingly, while discussions about servicing or a Ministerial Zoning Order may have formed part of the City’s negotiations, actually undertaking that servicing or obtaining the MZO are not instructions or plans applied to a negotiation; they are ordinary municipal business which the public has a right to follow and scrutinize. As such, these portions of the vote were improperly taken in closed session.

5.1 Council voted on two motions. First, a motion – which was defeated – would see Council take no further action on a matter pertaining to use of City property. This was properly voted on in closed session, as it was not substantive, and pertained to a matter that could be discussed in closed session.

Next, Council voted to enter into a binding letter of intent with a third party. Binding letters of intent are a substantive decision, and Council cannot vote on a substantive decision in closed session.

6.1 Council provided staff instructions on negotiations to acquire land and negotiate other matters. This was properly voted on in closed session.

7.1 Council voted to authorize staff to sign agreements of purchase and sale with a number of individuals, and then to list by-laws approving those agreements. As noted elsewhere in this report, this is not the correct approach; by authorizing signature before those by-laws were passed, Council effectively made the substantive decision to enter into those agreements in closed session, contrary to the *Municipal Act*. Accordingly, this vote was not properly conducted in closed session.

7.2 Council voted to list for open session the appointment of two of its members to the Huron Perth Health Unit. Although the procedure was correct – voting to list the by-law in open session before making a final decision – appointment of Councillors to a board does not fall within any of the exceptions provided by the *Municipal Act*. Accordingly, this vote was improperly held in closed session.

7.3 Council voted to list for open session the appointment of a member of the public to an advisory board. Based on the minutes, it is clear that personal information about the member was included for discussion. This vote was properly held in closed session.

## November 12, 2019

### Agenda

4.1 Chief Administrative Officer (CAO) Recruitment  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

5.1 Industrial Land & [Redacted]  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

### Analysis

4.1 This item pertained to the search for a new CAO. Council voted to receive a report on the search for information, to conclude the search, and to advise the candidates of that decision.

A difficulty with analyzing this vote is that there is a subtle difference between what was discussed – the suitability of candidates interviewed – and what was voted on, being a

conclusion of the process. The cited exception for personal information may fit the discussion, but it does not fit portions of the vote that were held. The vote may, however, fit within the labour relations exception; the Ombudsman's Office, whose decisions are informative but not binding on us, has found that discussions of specific candidates for a position are permitted in closed, while discussions about creating new positions are not (see, for example, Baldwin (Township of) (Re), 2014 ONOMBUD 10 for the former, and St. Catharines (City of) (Re), 2019 ONOMBUD ). The present vote was somewhere in the middle, as it related to a vacant existing position, but did not concern a specific candidate.

Given that the vote held was the result of discussions about specific candidates and flowed from that, we find that it is covered by the labour relations exception. Had the decision to conclude the process been made without a consideration of candidates, or in other circumstances, this may have been different. Similarly, we find that, in the circumstances, concluding the process was a procedural instruction to staff, because it came as the result of a hiring process that produced no recommendations. Again, however, we note that this was related to the circumstances, and this reasoning may not apply in all cases where a hiring process is stopped.

5.1 Council voted to receive a report for information, provide direction regarding a draft binding letter of intent, and provide the Acting CAO authorization to sign said binding Letter of Intent. Receiving a report for information and providing direction on drafting an Letter of Intent are procedural decisions; however, authorizing the Acting CAO to sign a binding Letter of Intent on behalf of the City was substantive, not procedural. Put simply, Council has no authority to bind the City to anything in closed session.

## **December 9 2019**

### Agenda

4.1 Contract Negotiations – [Redacted]  
[Labour relations or employee negotiations (section 239.(2)(d))];

5.1 Tender – Pruning, Removal and Disposal of Trees and Stumps  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

6.1 Citizen Appointments to the Accessibility Advisory Committee  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b))];

6.2 Citizen Appointments to the Active Transportation Advisory

#### Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b))];

#### 6.3 Appointments to Energy and Environment Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b))];

#### 6.4 Appointments to Heritage Stratford Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b))];

#### 6.5 Appointment to Stratfords of the World - Ontario Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b))];

#### 6.6 Appointments to Communities in Bloom Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b))];

#### 6.7 Appointments to Stratford Town and Gown Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b)).

#### Analysis

4.1 Council voted to receive a report for information and provide instructions, both pertaining to upcoming labour negotiations. This was properly conducted in closed session.

5.1 No vote was held on this matter.

Items 6.1 through 6.7 were all considerations of appointments of citizens to various boards and committees. Each of the appointment votes consisted of instructions to list the appointment for open session, with a few also containing instructions to staff to advertise again. For each of these, personal information of the candidates appears to have been discussed. However, we note one exception; the vote for item 6.5 also included instructions to staff to list a by-law changing the composition of the relevant committee. Committee composition is not properly covered by any of the closed meeting exceptions and making changes to a committee structure is a substantive decision.

Therefore, items 6.1 to 6.4 and 6.6 to 6.7 were properly voted on in closed session, while the vote on item 6.5 was improperly held in closed session.

## **December 20, 2019**

### Agenda

#### 3.1 [Redacted] Update

Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2) (b); and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

#### 3.2 Update on Health Unit Merger

Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years; and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

### Analysis

No votes were held during this meeting.

## **January 9, 2020**

### Agenda

#### 3.1 Follow up – Annexation Public Meeting

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)).

### Analysis

In our October 20, 2022, report, we found that this meeting was properly held in closed session. The meeting minutes indicate that the only decisions made were to receive a report for information and provide direction to staff to finalize another report.



## January 13, 2020

### Agenda

#### 4.1 Planning Justification Report for Proposed Annexation

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f), and

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality of local board (section 239.(2)(k));

#### 5.1 Additional Information for the Proposed Renewable Natural Gas Project

[Advice that is subject to solicitor-client privilege including communication necessary for that purpose (section 239.(2)(f), and

Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them (section 239.(2)(h))].

### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive the report for information.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive the report for information.

## January 27, 2020

The agenda used in closed session reads as follows:

#### 4.1 Municipal Modernization Service Review

[Security of municipal property of the municipality or local board (section (239.(2)(a))].

### Analysis

4.1 The only decision made at this meeting was to list a resolution on open session. However, while this type of decision is permitted in closed session, our October 20, 2022, report found that this item was not properly in closed session. Accordingly, decisions made at this meeting cannot meet the requirements of the Act.

## February 4, 2020

The agenda used in closed session reads as follows:

### 3.1 Proposed Municipal Boundary Adjustment

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

#### Analysis

3.1 4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive the report for information.

## **February 10, 2020**

The agenda used in closed session reads as follows:

### 4.1 Grand Trunk Expropriation Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)) and Litigation or potential litigation, including matters before administrative tribunals affecting that municipality or local board (section 239.(2)(e));

### 4.2 Appointment of Evaluation Team

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

### 5.1 Health Unit Merger – Cost Sharing Agreement with the City, St. Marys, County of Perth and adding County of Huron

[A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))];

### 6.1 Appointment to Festival Hydro Inc.

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

#### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive the report for information.

4.2 Our October 20, 2022, report found that this item was not properly in closed session. Further, the meeting minutes indicate that, at the meeting, Council voted to form a “team” for certain municipal purposes, which consisted of both councillors and staff, and to list the

same direction for the open session of Council. As discussed elsewhere in this report, Council cannot vote to create committees in secret, nor can it move items to open session as a rubber stamp. This vote was improperly held in closed session.

5.1 Our October 20, 2022, report found that this item was properly in closed session. Council voted on a resolution to consider certain decisions at the open session. This was the correct procedure to be followed and was therefore properly voted on in closed session.

6.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list matters on an upcoming regular agenda.

## **February 24, 2020**

### Agenda

4.1 Contract Negotiations – International Brotherhood of Electrical Workers (IBEW) – Local 636 (Parallel Transit Division)  
[Labour relations or employee negotiations (section 239.(2)(d))];

4.2 Living Wage  
[Labour relations or employee negotiations (section 239.(2)(d))];

5.1 Renewable Natural Gas Project Next Steps

[A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality of local board (section 239.(2)(k))];

6.1 Community Transportation Pilot Project – Recommended Service Provider and Local Partnership Agreement  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)) AND

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality of local board (section 239.(2)(k)).]

### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive the report for information.

4.2 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that multiple motions were voted on, with one motion defeated and the subsequent motion being amended before finally being passed.

First, Council voted on a motion to receive a preliminary report on an employment matter. Although this motion was defeated, it was a vote within the meaning of the *Municipal Act*. This was a procedural vote on a matter – labour relations – that could be discussed in closed. Accordingly, this vote was properly held in closed session.

Next, a motion was proposed to direct that the City become a living wage “supporter in principle”. This was amended to also direct staff to bring back a report on “hard to fill positions and student leadership roles”. The motion passed in its amended form.

In our opinion, this vote was not properly taken in closed session. With respect first to the report on “hard to fill positions and student leadership roles”, although procedural in nature, this direction to staff does not fit any of the closed meeting exceptions. As noted earlier in this report, the Ombudsman’s Office has found that discussion of actual candidates for a position fits the labour relations exception, while discussion of potential positions does not. This discussion was somewhere in between; however, as presented, it appears to be more akin to discussing new positions, or positions in the abstract.

Additionally, the decision to become a “living wage supporter in principle” is, in our opinion, sufficiently substantive in nature to require an open session vote. The question here is essentially whether the vote purports to do anything that is binding upon the City. Earlier in the minutes, staff clarify that becoming a supporter would bind the City to meeting certain benchmarks, which would also have budgetary impacts as increases in wages would be required for some positions. We find that this was substantive, and not properly within closed session.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive the report for information.

6.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to direct that staff negotiate a service agreement with a third party. This was properly held in closed session.

### **March 9, 2020**

The agenda used in closed session reads as follows:

4.1 Appointment to Festival Hydro Inc.  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 4.2 Appointment to Accessibility Advisory Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 4.3 Appointment to Heritage Stratford Advisory Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 4.4 Appointment of Energy & Environment Committee Representative to the Active Transportation Advisory Committee for one year.

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 5.1 Ontario Senior of the Year Award

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 5.2 Bronze Star Recognition Program

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 6.1 Annexation Lands/Ministerial Zoning Order

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f), AND

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))].

### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list a resolution making appointments for the next open session.

4.2 Our October 20, 2022, report found that this item was not properly in closed session. The meeting minutes indicate that the only decision made was a direction to City staff to re-advertise a remaining vacant position. However, such a vote ought not have been taken as the matter was not properly in closed.

4.3 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list a resolution making appointments for the next open session, which was proper.

4.4 Our October 20, 2022, report found that this item was not properly in closed session. The meeting minutes indicate that the only decision made was to list a resolution making appointments for the next open session. However, such a vote ought not have been taken as the matter was not properly in closed.

5.1 Our October 20, 2022, report found that this matter was not properly in closed session; therefore, no decision could properly be made with respect to this matter. The minutes indicate that Council voted to nominate an individual for Senior of the Year Award and 2020 Ontario Senior Achievement Award. This is not an appropriate decision in closed session.

5.2 Our October 20, 2022, report found that this matter was not properly in closed session; therefore, no decision could properly be made with respect to this matter. The minutes indicate that Council voted to award “Bronze Star” awards to two specific individuals. This is not an appropriate decision in closed session.

6.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council received a report on an ongoing negotiation matter for information and provided staff instructions to seek a negotiated extension to one of the deadlines in an existing binding Letter of Intent relating to the same negotiations. Both of these pertained to ongoing negotiations, and so fell under the exceptions. With respect to the extension request, we do not find the particular circumstances to indicate that this request was substantive. The substantive commitment to taking certain steps had already been made; the request was merely to extend the timeframe in which to comply. We find this to be procedural, while noting that extension to timelines may not always be procedural in nature, depending on the facts. As such, this vote was properly held in closed session.

### **March 30, 2020**

The agenda used in closed session reads as follows:

4.1 Annexation Lands/Ministerial Zoning Order - Update  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

4.2 Acting CAO’s Update – COVID-19  
[Security of municipal property of the municipality or local board (section 239.(2)(a)),  
And  
Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

5.1 COVID-19 Pandemic Workforce Planning Considerations  
[Labour relations or employees negotiations (section 239.(2)(d))];

#### 6.1 COVID-19 Financial Position of the City

[Security of municipal property of the municipality or local board (section 239.(2)(a)),  
And

Personal matters about an identifiable individual(s) including municipal employees or  
local board employees (section 239.(2)(b)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations  
carried on or to be carried on by or on behalf of the municipality or local board (section  
239.(2)(k)).

#### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to provide direction to the acting CAO. That direction was to authorize staff to submit a joint letter, with specified partners, to a provincial ministry seeking a specific ministerial decision. The matter was undoubtedly within the negotiation exception; the only question is whether it was substantive or procedural.

As this matter was properly discussed in closed session, we will provide a simplified version of the facts for purposes of explaining our analysis. The City had previously requested two items from a ministry – items “A” and “B”. The Ministry had advised that it was prepared to grant item A but not item B, and asked the City to confirm if it still wanted one without the other. The instructions provided were to confirm the City still wanted item A.

Although the question before us is on the vote alone, and not the discussions held, those are still helpful in understanding what Council believed it was deciding. In this case, Council discussed the implications of receiving item A without item B, as well as the implications of not pursuing item A at all. To that end, we consider the decision to proceed with item A alone to be substantive, as the discussion is a clear indicator that Council was making a decision on what it would and would not accept or pursue, rather than simply responding to a question posed by the Province. This conclusion is also supported by the fact that the asks in both items A and B were undeniably substantive. Therefore, the vote should not have been taken in closed.

4.2 The meeting minutes indicate that no direction was given.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council accepted a report for information. However, it also provided direction to implement certain recommendations and engage in specific labour negotiations. An amendment was further made to that motion, to include directions to staff regarding information to be gathered for a report. These were not substantive decisions but procedural ones, and they pertained to labour and other negotiation matters. Accordingly, these votes were properly taken in closed session.

6.1 Council passed a singular lengthy resolution.

The first several instructions were somewhat vague, and appeared to be aspirational or general instructions regarding how Covid was to be handled, from a financial perspective. While these were procedural, they did not pertain to anything that actually fell within an exception, and were, therefore, improperly voted on in closed session.

Following these general instructions were approximately 14 more specific instructions. Many of these were substantive decisions: for example, Council voted to waive penalty and interest for certain payments due to it, re-assign certain staff, pursue layoffs, and cancel cost of living increases. All of these substantive instructions were improperly voted on in closed session.

Finally, following the numbered points were another set of instructions. These were largely instructions to staff that would otherwise have been permissible, except that, again none of them pertained to matters within an exception under the Act.

As a result, all of the myriad decisions voted on in this agenda item were improper for a closed session vote.

## **April 1, 2020**

The agenda used in closed session reads as follows:

3.1 COVID-19 Temporary Council Remuneration Reduction  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), And  
Security of municipal property of the municipality or local board (section 239.(2)(a))];

4.1 COVID-19 Pandemic Workforce Planning Considerations  
[Labour relations or employee negotiations (section 239.(2)(d))].

### Analysis

3.1 Our October 20, 2022, report concluded that this subject was not appropriate for an in camera discussion. Votes were taken to receive a report for information, and to consider a reduction in council remuneration in a future phase. These votes were improperly taken in closed, as the subject matter could not be discussed in closed.

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information and provide instruction to staff. Those instructions were to seek volunteers for temporary layoff as a result of the Pandemic. In our opinion, those instructions were sufficiently procedural in nature. As such, this vote was properly taken in closed session.



**April 14, 2020**

The agenda used in closed session reads as follows:

4.1 Recommended approach to regulating Shore Term Rental Accommodations  
[Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), And  
Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

5.1 COVID-19 Financial Position Update  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), And  
Security of municipal property of the municipality or local board (section 239.(2)(a))];

6.1 COVID-19 Pandemic Workforce Planning Considerations  
[Labour relations or employee negotiations (section 239.(2)(d))];

7.1 Project Status Update  
[A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i))];

### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decisions made were to list a resolution on an upcoming agenda, and direct staff to prepare a draft by-law amendment; all proper votes at a closed session.

5.1 Our October 20, 2022, report found that this matter was not properly in closed session. Accordingly, no votes could properly have been taken at this meeting. Additionally, the minutes show two votes. The first was on a multi-faceted resolution, which included both permissible matters such as receiving a report for information and directing budget reviews, but also included resolutions accepting budget changes for outside boards. The second resolution granted a deferral of loan principal payments to a third-party debtor to the City. Owing to both the improper subject matter and improper nature, these votes were not permitted to be held in closed session.

6.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to approve a draft Memorandum of Agreement

and advise the bargaining party of said approval. City Staff have confirmed that this was not final approval for the draft, and indeed that the proposed Memorandum of Agreement was not entered into. Accordingly, this matter was properly voted on in closed session.

7.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to accept a report for information and provided direction to staff to pause work on a specific project. These matters were properly voted on in closed.

### **April 17, 2020**

The agenda used in closed session reads as follows:

4.1 Appointment of Chief Administrative Officer  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

4.2 Appointment of Acting Director of Corporate Services and Treasurer  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

4.3 COVID-19 Update  
[Labour relations or employee negotiations (section 239.(2)(d))].

### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to appoint a Chief Administrative Officer, and to list a by-law authorizing the appointment on an upcoming agenda. However, Council also voted to set the salary of the CAO, including benefits and other allowances, and to make said salary retroactive. All of these were substantive decisions that could not be made in closed.

4.2 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to appoint an Acting Director of Corporate Services and Treasurer, and to list the by-law authorizing this appointment on an upcoming agenda. As discussed elsewhere in this report, while Council may, at times, be able to discuss a specific candidate for a position in closed, hiring decisions are substantive and must be made in open. Council could have passed a motion to consider appointment of the individual in open; however, by voting to make the actual hiring decision and then list the by-law in open, Council made the actual substantive decision in closed, and was merely using the open session as a rubber stamp. This was not proper.

4.3 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to accept a report for information. It then voted on a wage reduction for certain staff, including the amount and duration of said reduction. This is a substantive decision and was not properly made in closed session.

### **April 27, 2020**

The agenda used in closed session reads as follows:

#### 4.1 Appointment of Directors to Stratford Economic Enterprise Development Corporation

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 5.1 Stratford Transit COVID-19 Service Reduction

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 6.1 Proposed Reimbursement for Land acquired for Quinlan Road Sanitary Pumping Station

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

#### 7.1 Appointment of City Clerk

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 8.1 ADDED – Appointment of Chief Administrative Officer Follow-up

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list a recommendation to appoint members of a board of directors for the next council meeting. This vote was properly taken in closed session.

5.1 Our October 20, 2022, report found that this item was not properly discussed in closed session. Council voted on two motions. First, it voted on a motion providing for detailed service reductions to Stratford Transit. In addition to not falling within a closed meeting exception, this was not a vote that could be made in closed session. Second, Council voted for a motion which would appear to call on staff to provide more information on potential service reductions. This type of motion can be voted on in closed session; however, the subject matter

fell outside of the exceptions in the *Municipal Act*, and therefore this vote was also improperly held.

6.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to purchase a piece of property, and to fund said purchase from its Development Charge Reserve. Although the subject matter – acquisition of property – can indeed be discussed in closed, a vote to actually purchase property and to allocate development charge reserve funds cannot be held in closed session.

7.1 Our October 20, 2022, report found that this item was not properly discussed in closed session.

8.1 No vote was taken on this matter.

### **May 11, 2020**

The agenda used in closed session reads as follows:

4.1 Stratford Transit COVID-19 Service Reduction Follow-up  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

5.1 ADDED – Appointment of The University of Waterloo/Festival Hydro seat to the Stratford Economic Enterprise Development Corporation Board of Directors  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

4.1 Our October 20, 2022, report noted that only portions of this meeting were properly in closed session. The minutes indicate that the motion voted on pertained to scheduling for Stratford Transit, and that this motion was defeated. The scheduling for Stratford Transit does not properly fall within any of the closed meeting exceptions, and the vote taken was on a substantive decision. Accordingly, although the motion was defeated, the vote in question was not properly held in closed session.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list a recommendation to appoint members of a board of directors for the next council meeting. This vote was properly taken in closed session.

### **May 25, 2020**

The agenda used in closed session reads as follows:

#### 4.1 COVID-19 Financial Relief Measures

[Security of municipal property of the municipality or local board (section 239.(2)(a)), AND

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

#### 5.1 COVID-19 Pandemic Workforce Planning Update For Gradual Staged Recovery

[Labour relations or employee negotiations (section 239.(2)(d))].

#### Analysis

4.1 Our October, 2022, report found that this item did not meet the requirements to be discussed in closed session. The only vote taken with respect to this item was to list a number of proposals for financial relief for businesses on the next open session agenda. Although listing on the next open session agenda is procedurally proper, the subject matter did not meet any of the closed meeting exceptions, and accordingly this vote ought not have been taken in closed.

5.1 Our October 20, 2022, report found that this item did not meet the requirements to be discussed in closed session. The only vote taken was to receive a report for information. While this is the type of vote that may occur in closed session, the subject matter did not meet any of the closed meeting exceptions, and accordingly this vote ought not have been taken in closed.

### **June 8, 2020**

The agenda used in closed session reads as follows:

4.1 Sale of Lots 1 and 2, Plan 44M-38, City of Stratford, Wright Business Park to 2742051 Ontario Ltd. (Industrial Contracting Solutions/Tri-Mach Group of Companies)

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 Blue Box Transition to Full Producer Responsibility Contract Implications

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), AND

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

#### 6.1 Ontario Ombudsman Complaint

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

#### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list by-laws for sale of property for the next council meeting. This vote was properly taken in closed session.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. This vote was properly taken in closed session.

6.1 No vote was taken on this agenda item.

### **June 22, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. Additionally, insufficient details were provided regarding other items; we have provided supplementary details in italics. It reads as follows:

#### 4.1 COVID-19 Pandemic Workforce Planning Update

[Labour relations or employee negotiations (section 239.(2)(d))];

#### 5.1 Request for Consent from Huron Perth Public Health for Property Acquisition

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

#### 5.2 CAO's Update – COVID-19

[Security of municipal property of the municipality or local board (section 239.(2)(a)),  
AND

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), AND

Labour relations or employee negotiations (section 239.(2)(d))];

#### 5.3 Project Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 5.4 *Investigation Report Update*

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

#### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. This vote was properly taken in closed session.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to receive a report for information and consider adopting a resolution at a future Council meeting regarding the matter discussed. These votes were properly taken in closed session.

5.2 Our October 20, 2022, report found that this agenda item was not properly discussed in closed session. The minutes indicate two votes were held: the first to receive a report for information, and the second to set an end date for wage reductions that had been applied to certain City staff. A vote to determine wage reductions, including determining the end date of wage reductions, does not meet the requirements to be held in closed session.

5.3 Our October 20, 2022, report found that this item was properly in closed session. Council voted twice during this meeting. The first vote simply received a report for information – this was an acceptable vote to be held in closed session. The second vote provided the Chief Administrative Officer with authorization to enter into certain binding agreements on behalf of the City. This was a substantive decision, effectively amounting to a delegation of authority, and was not properly conducted in closed session.

5.4 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information, and to provide certain directions to staff with respect to who that report should be discussed with. This vote was properly taken in closed session.

#### **June 29, 2020**

No vote was held during this meeting.

#### **July 6, 2020**

The agenda used in closed session is provided below. In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics.

### 3.1 Compensation – Environmental Services

Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

### 3.2 *Property* Sanitary Servicing

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality of local board (section 239.(2)(k))].

### Analysis

3.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to move a City employee to a higher level on the relevant pay grid. That was a substantive decision, and therefore the vote was not properly taken in closed session.

3.2 Our October 20, 2022, report noted that this agenda item saw a wide-ranging discussion. Several votes were taken during this portion of the meeting.

Council's first vote provided instructions to investigate a proposal made by a developer. This was procedural in nature and pertained to a matter being negotiated with the developer. Therefore, it was properly voted on in closed session.

Second, Council voted to provide instructions to decline offers presented to purchase a specific property, and not to proceed with sale of that property until further information is received regarding another City project. In our opinion, this was an acceptable direction to staff that furthered the negotiation and possible sale of City property.

Third, questions regarding sewer expansion and the development of lands by the City were referred to staff. It was not clear from the minutes why these questions should be discussed in closed session. Any connection between these questions and the matters properly discussed in closed session was tangential at best. As such, this vote was not properly held in closed session.

### **July 13, 2020**

The agenda used in closed session reads as follows:

#### 4.1 Human Resources Matter

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), AND



Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

### Analysis

4.1 No vote was taken on this agenda item.

## **July 20, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics.

3.1 Economic Recovery Task Force – Patio Boardwalk Program, Legal Opinion  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

4.1 *Discussion of an industrial development project*  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

4.2 Rezoning of 265 St. David Street  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

### Analysis

3.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

4.2 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

## **July 27, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics.

4.1 Industrial Land Prices Policy & Real Estate Commissions Policy Amendments  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 39 George Street West, Stratford  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

6.1 265 St. David Street - Zoning By-law Update  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

6.2 *Discussion of a local organization*  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), And  
Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

### Analysis

4.1 Our October 20, 2022, report found that there were, in fact, two discussions held during this meeting, one pertaining to land pricing, and the other pertaining to naming of certain lands. A single vote was taken, in which Council voted to rename certain lands, set land pricing policies, conduct some housekeeping to remove land from the policies that was no longer available, rescind sections of its Industrial Land Prices Policy regarding option fees, rescind portions of its Real Estate Commissions Policy, and instruct staff to undertake certain annual reviews.

As these items were ultimately dealt with as a single vote, we must make one singular decision on the propriety of this vote being held in closed. Neither of the requirements of the test has been met. First, a number of the topics addressed in this vote, including renaming of lands, were not proper subjections of an in camera discussion. Further, many of the decisions made were substantive – including setting prices for land, rescinding portions of City policies, and renaming lands. Accordingly, this vote in its entirety was improperly held in closed session.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to provide instructions to staff to negotiate a lease. This was properly held in closed.

6.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list matters for discussion at an open session. Accordingly, this vote was properly taken in closed session.

6.2 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

### **August 10, 2020**

The agenda used in closed session reads as follows:

#### 4.1 Grand Trunk Expropriation Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and  
Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e))];

#### 4.2 Boundary Adjustment Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 5.1 Development Charges By-law Legal Advice

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 6.1 585 Douro Street

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years), And  
Labour relations or employee negotiations (section 239.(2)(d))];

#### 7.1 Job Evaluation and Compensation Review (Administrative Employee Group)

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

4.2 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to receive a report for information, and authorized staff to retain a consultant and commence a planning application process. These were connected with ongoing negotiations, and procedural in nature. As such, they were properly discussed in closed session.

5.1 Council voted on two motions, making a total of three decisions on this agenda item.

First, Council voted to receive a legal opinion. This was a proper vote in closed session. It then voted to proceed with a construction project it had cancelled, and to list the matter for consideration on an open session agenda. As discussed elsewhere in this report, this was not the proper procedure to follow, as Council had already substantively made a decision – in fact, had given direction to proceed with the project – before discussing it in open. Further, we can identify no reason why this specific topic, re-considering a cancelled project, would be discussed in closed.

Next, Council voted to provide instructions to the City Solicitor. These instructions would have required the provision of legal advice and as such were properly given in closed.

6.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to accept an offer to purchase and the associated price, and to list the necessary by-laws for an open meeting. This was, ultimately, a final decision, rather than a procedural one and, as such, not properly made in closed session.

7.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to implement a job evaluation system and complete a compensation review for certain positions. On their own, these actions would not be procedural. Council also voted to include an implementation date for the results of the compensation review, or to phase it in, depending on the costs. In our opinion, voting to implement the results of the compensation review is substantive in nature, because it commits the City to the expenditure of whatever funds are identified in that review. However, the decision made here does not appear to be final, given the reference to a phase-in option. This opens the door to Council discussing implementation once the report is complete. As such, we find that this vote was properly held in closed session.

## **August 24, 2020**

The agenda used in closed session reads as follows:

4.1 Heritage Designation for 265 St. David Street Update  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And  
Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e))];

5.1 Hiring of a Deputy Clerk – Update  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

## Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list an appointment by-law for a staff position on a subsequent open session agenda. Accordingly, this vote was properly taken in closed session.

### **August 31, 2020**

The agenda used in closed session reads as follows:

#### 3.1 Human Resources Matter

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), And  
Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), And  
Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

#### Analysis

3.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to provide the City Solicitor instructions regarding settlement negotiations. Accordingly, this vote was properly taken in closed session.

### **September 14, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

#### 4.1 Renesas Test Track Update

[Security of municipal property of the municipality or local board (section 239.(2)(a))];

#### 4.2 *Industrial Development Project* Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 4.3 Human Resources Matter Update

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), And  
Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e))].

### Analysis

4.1 Our October 20, 2022, report found that this item did not meet the subject matter requirements to be discussed in closed session. According to the minutes, the only votes taken were to accept a report for information and to provide further instruction, presumably to staff

The further instructions provided to staff were, in fact, on a topic properly discussed in closed session – pursuing leasing opportunities for City owned lands. However, Council made one single vote, and portions of what was voted on in that single vote were not properly in closed. Accordingly, the entirety of the vote was improperly held in closed session, although we note some portions may have been acceptable in closed session, had they been separated out.

4.2 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

4.3 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

## **September 21, 2020**

The agenda used in closed session reads as follows:

### 3.1 Community Transportation Pilot Project – Service Agreement and Local Partnership Agreements

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And  
A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality of local board (section 239.(2)(k))].

### Analysis

3.1 Our October 20, 2022, report found that this item was properly in closed session. A singular resolution was voted on, which both accepted a report for information, but also referenced direction to staff. Upon request, the City clarified that direction was provided to execute several agreements, including partnerships and a service agreement, substantially as drafted. A resolution in open session was completed at a future meeting.

As discussed elsewhere in this report, this amounts to a substantive decision in closed, contrary to the requirements of the *Municipal Act*. Providing direction to execute agreements in the present form is substantive. While we appreciate that the appropriate by-laws and resolutions were later passed in open session, they merely amount to a rubber-stamp of a decision that had already been made. The regime under the *Municipal Act* requires that the actual substance of the decision be made publicly.

### September 28, 2020

However, in the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

#### 4.1 *Proposed By-Law*

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 4.2 Appointment of Youth Representative to Energy & Environment Advisory Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 4.3 Appointment of a Citizen Representative to the Committee of Adjustment

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

4.2 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list an appointment to a committee on an upcoming Council agenda. Accordingly, this vote was properly taken in closed session.

4.3 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list an appointment to a committee on an upcoming Council agenda. Accordingly, this vote was properly taken in closed session.

## October 13, 2020

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

4.1 Contract Negotiations – International Brotherhood of Electrical Workers (IBEW) – Local 636 (Parallel Transit Division)  
[Labour relations or employee negotiations (section 239.(2)(d))];

5.1 McCarthy Road W Extension and Birmingham Property Sanitary Servicing  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years, And Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

6.1 *Discussion of a local organization*  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), And Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

### Analysis

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council voted to enter into and execute an Agreement of Purchase and Sale and Minutes of Settlement. These were substantive decisions that should not have been made in camera. Accordingly, these votes were not properly taken.

6.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

## October 19, 2020

The agenda used in closed session reads as follows:

3.1 Contract Negotiations – Stratford Professional Firefighters Association (SPFFA) Local 534



[Labour relations or employee negotiations (section 239.(2)(d)), And  
Advice that is subject to solicitor-client privilege including communications necessary  
for that purpose (section 239.(2)(f))];

#### 4.1 Boundary Adjustment and Additional Lands Servicing, Financing and Next Steps

[Advice that is subject to solicitor-client privilege including communications necessary  
for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations  
carried on or to be carried on by or on behalf of the municipality or local board (section  
239.(2)(k)).

#### Analysis

3.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that a report was received for information, and direction was given to staff and the City solicitor. Accordingly, these votes were properly taken in closed session.

4.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that Council received a report and provided direction to prepare certain documents. These votes were properly taken in closed session.

#### **October 21, 2020**

The agenda used in closed session reads as follows:

##### 3.1 Hiring of a Director of Corporate Services

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

#### Analysis

3.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to list a by-law for an upcoming open session agenda. Accordingly, this vote was properly taken in closed session.

#### **October 29, 2020**

The agenda used in closed session reads as follows:

##### 3.1 Contract Negotiations – International Brotherhood of Electrical Workers (IBEW) – Local 636 (Parallel Transit Division)

[Labour relations or employee negotiations (section 239.(2)(d))].

### Analysis

3.1 Our October 20, 2022, report found that this item was properly in closed session. Council voted to ratify a Memorandum of Settlement with a union. This was a substantive decision that could not be made in closed session. Accordingly, this vote was not properly taken.

### **November 9, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

#### 4.1 *Industrial* Development Agreement Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

#### 4.2 Community Hub Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

#### 4.3 Cyber Security and Claim Update

[Security of municipal property of the municipality or local board (section 239.(2)(a)), And

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

#### 5.1 IT Division Restructuring

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), And

Labour relations or employee negotiations (section 239.(2)(d));

#### 6.1 Lease of 39 George Street West – Update

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years];

### Analysis

4.1 No vote was taken on this matter.

4.2 Our October 20, 2022, report determined that the subject matter of this item did not meet the requirements to be discussed in closed session. The minutes indicate that the only vote taken was to provide direction to seek grants and investigate funding sources relating to a specific issue. However, as the subject matter was not properly in camera, the vote was not properly taken.

4.3 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

5.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to receive a report for information. Accordingly, this vote was properly taken in closed session.

6.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to refer questions to the solicitor and City staff. Accordingly, this vote was properly taken in closed session.

Items 6.2-6.8 of the agenda were not dealt with during this meeting.

### **November 13, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics.

#### 3.1 *Discussion of an industrial development*

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))]

#### Analysis

3.1 Our October 20, 2022, report found that this item was properly in closed session. The meeting minutes indicate that the only decision made was to provide instructions regarding negotiations. Accordingly, this vote was properly taken in closed session.

### **November 15, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics.

### 3.1 Update on *an industrial development project*

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And  
A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))].

#### Analysis

3.1 Our October 20, 2022, report found that this item was properly in closed session. Per the meeting minutes, votes were held to refer agreements to Council – as this meeting was held as a committee of the whole – and to provide negotiating instructions. This was an appropriate vote in closed session.

### **November 17, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics.

### 3.1 *Update on an industrial development*

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And  
A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))].

#### Analysis

3.1 This matter pertained to an ongoing negotiation with a third party. Our October 20, 2022, report found that this discussion was appropriately in closed session. The report specified that some elements were not, but that Council could not be expected to move in and out of closed. In terms of the vote held, Council voted to seek an extension to an existing binding agreement and provided a number of instructions to staff with respect to information to be collected and presented to Council. In our opinion, the topics voted on were all sufficiently related to the ongoing negotiations and were procedural in nature. As such, this vote was properly held in closed session.

### **November 19, 2020**

The agenda used in closed reads as follows:

### 3.1 Request to Extend Binding Letter of Intent Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))].

### Analysis

Our October 20, 2022, report noted that this meeting discussed a singular agenda item, which in fact entailed a lengthy and wide-ranging conversation. That conversation included multiple motions.

The first motion sought to reject an extension to existing negotiated time limits, request that an existing Minister's Zoning Order be revoked, and invite a company to apply for a zoning by-law amendment. That motion was defeated.

The second motion agreed to an extension of the same time limits. That motion passed.

The third motion provided direction to the City solicitor and staff. That motion also passed.

The subject matter of all three motions related to ongoing negotiations, and therefore was appropriate for in camera discussion. The third motion was appropriately administrative, as it simply provided staff direction. However, the first two motions sought to take substantive and final positions on questions in negotiation. These votes were not properly held in closed session.

### **November 23, 2020**

4.1 to 4.7 These items were considerations of appointments of members of the public to various boards and committees. The motions for each of these were correctly formulated to ask staff to place a formal motion on the agenda at an upcoming meeting. Personal information also appears to have been discussed each time. We find that these votes were properly held in closed session, with the exception of items 4.1 and 4.6, where staff were instructed to re-advertise for vacant positions. Instructions to re-advertise would not, in our opinion, be covered by a closed meeting exception.

5.1 Although several motions were made, voting was deferred. Accordingly, this item is not before us.

### **November 24, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics.

### 3.1 *Industrial Development Cost Sharing Agreement Update*

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

### 4.1 Appointment of Deputy Mayor

[Personal matters about an identifiable individual(s) including municipal employees or local board employees) (section 239.(2)(b))].

#### Analysis

4.1 Our October 20, 2022, report noted that this agenda item in fact addressed a wide ranging number of topics. The only vote taken was to provide the City Solicitor with instructions regarding draft negotiation materials. Accordingly, this vote was properly taken in closed session.

4.1 Our October 20, 2022, report concluded that this item, in which Council discussed appointment of a Deputy Mayor, was not properly discussed in closed session. Although the motion passed was of a procedural nature, listing an appointment by-law for an open session, we find that the subject matter of the discussion was improper for closed session, and therefore the vote was not properly taken.

## **December 7, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics.

### 3.1 *Industrial Development Sharing Agreement Update*

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))]

#### Analysis

Our October 20, 2022, report discussed the fact that, despite the agenda only showing one item, at this meeting Council actually discussed a variety of discrete topics and could better be subdivided into four topics. No vote was held during the first such discussion, but votes were held in the remaining three.

During the second discussion, Council voted to provide certain instructions to the solicitor and staff within the context of ongoing negotiations. This was a subject matter that could be discussed in closed session, and the vote provided instructions. Accordingly, this vote was properly taken in closed session.

The third discussion involved a number of votes. First, Council voted to have staff provide feedback on a draft document which was to be made public. The exact contents of the document are not provided in the Minutes; however, based on the discussions held, and on a balance of probabilities, we find that the document addressed a number of items properly subject to the closed meeting exception for negotiations. Given this, along with the fact that the instructions were properly procedural, we find that this vote properly occurred in closed session.

Next, Council gave direction to hold an educational session led by a lawyer. While Council is permitted to receive education and training in closed session, we do not find that there is anything in the *Act* that would allow Council to vote in closed to determine which education to receive. Moreover, Council not only voted to receive specific training on a specific topic, but also voted to receive it from a specific provider, providing instruction and authorization for the expenditure. This was a substantive decision not properly made in closed session.

Council then voted in favour of a proposal on accountability and transparency in the processes relating to development proposals. Policies and procedures of Council are not a proper subject for in camera discussion. This vote was improperly held in closed session.

Finally, Council accepted the CAO's report for information. That report appeared to be related to ongoing negotiations. As such, we find that this was properly voted on in closed session.

## **December 9, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics.

### 4.1 IT Security Enhancements

[Security of municipal property of the municipality or local board (section 239.(2)(a));

### 5.1 *Industrial Development* Cost Sharing Agreement Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)).

### Analysis

4.1 In our October 20, 2022, report, we found that this agenda item was properly discussed in camera. The only vote taken during this meeting was to include an expenditure for Council's consideration in the 2021 budget. This appears to have effectively been a procedural vote, comparable to votes listing items on the public agenda. Accordingly, we find that this vote was properly held in closed session.

5.1 Two votes were held in this session. First, Council voted to deny a cost sharing agreement it had been negotiating with a third party. Although this pertained to negotiations, the decision made by Council on this motion put an end to the negotiations with the third party. It was not an instruction or direction to stop negotiating or even an instruction to staff to decline the final negotiated agreement, but rather the substantive decision on the matter, complete with a list of reasons why the City would be rejecting the agreement. Accordingly, this vote was not properly held in closed session.

The second vote instructed staff to publish a Q and A regarding the negotiations to the City website. As it pertained to negotiations, and was merely providing staff with direction, this vote was properly held in closed session.

### **December 12, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

3.1 *Industrial Development* Cost Sharing Agreement Update  
 [Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And  
 A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))]

### Analysis

3.1 Our October 20, 2022, report found that the subject matter of this meeting fell within the cited exceptions. Votes were held on procedural questions to reschedule meetings and defer consideration of an offer received from another party in negotiations. A vote was also held to



ask that party to release certain confidential information. These were all of a procedural nature, and therefore properly held in closed.

## **December 14, 2020**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

### 4.1 Appointment to Festival Hydro Inc.

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

### 4.2 Appointment to Festival Hydro Services Inc.

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

### 5.1 *Industrial Development* Cost Sharing Agreement Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))]

## Analysis

4.1 and 4.2 were both the consideration of specific candidates, identified by Festival Hydro, to be appointed to its board. Our October 20, 2022, report found that these were properly held in closed session. The votes instructed staff to list the appointments for consideration at open session. Accordingly, these votes were properly held in closed session.

5.1 Our October 20, 2022, report found that this item was properly discussed in closed session. Council voted on two motions. First, there was a vote on a motion to end negotiations with the third party, which was defeated. Second, Council approved a motion providing instructions regarding its negotiating position.

The negotiating instructions were properly within closed session. However, the proposal to end negotiations ought to have been considered in public. As noted elsewhere in this report, voting to turn down an offer or otherwise cease a negotiating process is a substantive decision just as much as accepting an offer. We have already found, elsewhere in this report, that final, binding agreements with third parties should be entered into in open session. A decision to reject a proposal also carries finality (absent further negotiations, which are never guaranteed).

## December 17, 2020

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

### 3.1 *Industrial Development* Cost Sharing Agreement Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))].

#### Analysis

3.1 Our October 20, 2022, report found that this item was properly discussed in closed session. The only vote held pertained to instructions to sign an extension to a binding letter of intent, which was set to expire. As discussed elsewhere in this document, a binding letter of intent – one that imposes actual obligations on the City – cannot be approved in closed session. Similarly, if that letter of intent has expired, or is set to expire, voting to extend it is, in effect, a vote to voluntarily bind the City anew. As such, this vote was not properly held in closed session.

## December 21, 2020

The agenda used in closed session reads as follows:

4.1 Request and consideration for current industrial land price per acre extension for Lot 6 in the Wright Business Park.

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

4.2 Request and consideration for current industrial land price per acre extension for Lot 20 in the Wright Business Park.

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 ADDED - OCE Grant Update

[A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))];

6.1 ADDED - COVID-19 and Municipal Operations  
 [Security of municipal property of the municipality or local board (section 239.(2)(a)),  
 And  
 Labour relations or employee negotiations (section 239.(2)(d))].

The City has provided us a copy of minutes clearly demonstrating that the “added” sections of the agenda were contained in the open session motion to move into closed.

### Analysis

4.1 and 4.2 contained votes on motions that were substantively identical: Council voted to extend an existing purchase price policy for sale of lands to two properties that would not otherwise benefit from it and attached a number of other bargaining conditions for City Staff to negotiate in a non-binding letter of intent. Both of these subjects pertain to disposal of real property, and therefore meet that part of the test. The minutes make it clear that no agreement of purchase and sale was yet before Council; as such, we consider the extension of land pricing policies to be a part of negotiations, with the final decision still to be made when an APS is brought to Council.

5.1 Our October 20, 2021, report determined that this item was not properly in closed session. The only vote taken during this meeting was to receive a report for information; however, because that report pertained to subject matter not properly in closed session, the vote was also not properly held in closed session.

6.1 No vote was held with respect to this agenda item.

### **January 11, 2021**

In the Investigator’s opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

#### 4.1 Transition to Dispatch Services

[Labour relations or employee negotiations (section 239.(2)(d)), And  
 Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

5.1 Proposed Acquisition of Mornington Street Property for Sidewalk Project  
 [Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

#### 5.2 *Industrial Development* Project Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And  
 A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

6.1 Appointment to Festival Hydro Services Inc.  
 Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

### Analysis

4.1 was a discussion of potential restructuring which had come up during contract negotiations with Unions representing City employees. Council voted on approval of a draft letter of understanding, and presentation of that letter of understanding to other boards for consideration. There was no indication in the minutes that this was a binding letter, and it appears, in our opinion, to represent a negotiating position. Accordingly, this vote was properly held in closed session.

5.1 Our October 20, 2022, report found that this item was properly discussed in closed session. Council voted to provide negotiating direction to staff, and to have an agreement of purchase and sale listed on a public session agenda for consideration. Accordingly, the votes taken during this agenda item were properly in closed session.

5.2 Our October 20, 2022, report found that this item was properly discussed in closed session. The vote taken during this discussion definitively declined an agreement which Council had been negotiating with a third party. This was a substantive decision, which included a final outcome and various reasons for it. In our opinion, this was not procedural or a direction, and therefore was not properly held in closed session.

6.1 Our October 20, 2022, report found that this item was properly discussed in closed session. The only vote held during this meeting was to list a board appointment in an upcoming open session agenda. Accordingly, this vote was properly taken in closed session.

### **January 13, 2021**

The only vote taken in closed session was to waive the Procedural By-Law requirement for 24-hour notice of a closed session meeting. Notably, this vote occurred after Council voted to move into closed.

In our opinion, this vote was not properly held in closed session. The *Municipal Act* regime concerning meetings is clearly intended to favour transparency, allowing for narrow exceptions to hold meetings and votes in the absence of the public where necessary for certain policy reasons. We do not find that a vote to suspend procedures and, in particular, to waive notice

requirements, can reasonably be understood to fall within any of the closed meeting exceptions provided for, particularly when those exceptions are viewed in light of the overarching aim of keeping decision making public except where absolutely necessary. As such, this vote was not properly held in closed session.

### **January 25, 2021**

The agenda used in closed session more adequately meets the requirements of the *Act*. However, in the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

4.1 Sale of Lot 20, Plan 44M-38, save and except Part 1 Plan 44R-5393, City of Stratford, Wright Business Park to Royal Indevco Properties Inc.

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

4.2 Approval of terms of Agreements of Purchase & Sale and release of the City's Option to Purchase for [Lots 16, 17 and Part Lot 18 in the Wright Business Park

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 *Industrial Development* Project Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))];

6.1 Councillor Appointment to SeedCo. Board of Directors

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))]

### Analysis

4.1 Our October 20, 2022, report found that this item was properly discussed in camera. The only vote held was to list by-laws for an open session. Accordingly, this vote was properly held in closed session.

4.2 Our October 20, 2022, report found that this item was properly discussed in camera. However, according to the minutes, the single motion voted on consisted of multiple components, including approving terms of an Agreement of Purchase and Sale, releasing a

party from prior obligations to the City, and authorizing signature of a Release regarding such obligations. These were substantive votes and, as such, were not properly held in camera.

5.1 Our October 20, 2022, report found that this item was properly discussed in camera. The only vote held was to provide instructions to staff on negotiations. However, those instructions included substantive decisions, in particular the decision not to offer further extensions to an existing letter of intent. Accordingly, this vote was not properly held in closed session.

6.1 We determined, in our October 20, 2022 report, that this item was not properly the subject of an in camera discussion. Although the item only consisted of listing by-laws for an open session agenda, the subject matter was not within the exemptions provided for in the Act and therefore the vote was not properly within the requirements of the Act.

## **February 17, 2021**

In the Investigator's opinion, certain details of the agenda for this meeting should remain confidential in order to protect the purpose of matters being discussed in closed. Below, we reproduce the agenda, with certain changes made to this effect, which are indicated in italics. It reads as follows:

### 3.1 *Industrial Development Project Update*

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

#### Analysis

3.1 Our October 20, 2022, report found that this item was properly discussed in camera. The only vote taken was to provide instructions to staff. Those instructions included: to hold a discussion with third parties relating to recently terminated negotiations, and to enter discussions with a Ministry to have a Ministerial Zoning Order revoked. We can find no justification for the instructions regarding the Ministerial Zoning Order being voted on in camera, as it did not pertain to closed meeting exception. Accordingly, this vote was not properly held in closed session.

## **February 22, 2021**

The agenda used in closed session more adequately meets the requirements of the *Act*. It reads as follows:

### 4.1 Expropriation Hearing Update

[Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

#### 4.2 County Roads Agreement

[Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

#### 5.1 Request to purchase Part Lot 10, Plan 86 - 604 Downie Street

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

#### 5.2 Appointment of SABA Alternate Representative to fill a mid-term vacancy on the Heritage Stratford Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 6.1 ADDED - Role of Council Members / Release of In-camera

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

The City has provided us a copy of minutes clearly demonstrating that the “added” sections of the agenda were contained in the open session motion to move into closed.

#### Analysis

4.1 Our October 20, 2022, report found that this item was properly discussed in camera. The only vote taken pertained to providing instructions to staff and legal counsel regarding the City’s position in a litigation matter. Accordingly, this vote was properly taken in closed session.

4.2 Our October 20, 2022, report found that this item was properly discussed in camera. The only vote taken pertained to providing instructions to staff and legal counsel regarding the City’s position in a legal dispute. Accordingly, this vote was properly taken in closed session.

5.1 Our October 20, 2022, report found that this item was properly discussed in camera. The only vote taken pertained to providing instructions to staff with respect to commencing the process to sell property, accordingly, this vote was properly taken in closed session.

5.2 Our October 20, 2022, report found that this item was properly discussed in camera. The only vote taken was to list a resolution on a public session agenda. Accordingly, this vote was properly taken in closed session.

6.1 No vote was taken during this item.

### **March 8, 2021**

The agenda used in closed session reads as follows:

4.1 Proposed Acquisition of Morning Street Property for Sidewalk Project  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 Sale of Lot 20, Plan 44M-38, save and except Part 1 Plan 44R-5393, City of Stratford, Wright Business Park to Royal Indevco Properties Inc. Update  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)].

6.1 ADDED – Annexation Update Request  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

The City has provided us a copy of minutes clearly demonstrating that the “added” sections of the agenda were contained in the open session motion to move into closed.

### Analysis

4.1 Pertained to the acquisition of land by the City. Council voted to provide instructions on a term requested by the owners of the land, which was over and above the purchase price. This clearly fits within the exception for the acquisition of land. It was not clear in the Minutes whether the vote by Council was considered final approval of this condition. The Minutes do refer to providing updates on negotiations. Ultimately, we find, on a balance of probabilities, that the vote provided instructions on the negotiation of terms, rather than a final approval of all terms. As such, we find that it was properly held in closed session.

5.1 Our October 20, 2022, report found that this item was properly discussed in camera. The only vote taken was to receive a report for information. Accordingly, this vote was properly taken in closed session.

6.1 No vote was taken on this matter.



**March 15, 2021,**

The agenda used in closed session reads as follows:

## 3.1 Annexation Update

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

Analysis

3.1 Our October 20, 2022, report found that, while the cited exception did not apply to this agenda item, the subject matter did fall within other exceptions and was thus properly held in closed. Two votes were taken during this meeting; both provided staff with instructions regarding negotiations for the use and development of a piece of property. This properly fell within a closed meeting exception and was sufficiently procedural in nature.

**March 22, 2021**

The agenda used in closed session more adequately meets the requirements of the *Act*. It reads as follows:

## 3.1 Renewable Natural Gas Project Status Update March 2021

[Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them (section 239.(2)(h)); A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)); and, A position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

## 3.2 Acting Director of Human Resources

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

## 4.1 Request to Purchase 51 McNab Street

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

## 4.2 Committee Chair Appointments – Finance and Labour Relations and Planning and Heritage

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

3.1 Our October 20, 2022, report found that portions of the subject matter of this item were properly in closed, but that much of it was not. Council voted on a lengthy resolution, which included receiving a report for information and providing a number of directions to staff. Those directions appear to all deal with either negotiations with third parties, or information supplied in confidence. For that reason, we find that this vote was properly held in closed session.

3.2 Council voted on a motion which “confirmed” a report recommending the hiring of a particular individual. The minutes indicate that an offer letter had been extended to a specific candidate for a position, but that it was subject to Council “confirmation”. Based on this, it would appear that the vote on this matter purports to be a final decision on hiring a specific individual. This is substantive rather than procedural in nature, and therefore this vote was not properly held in closed session.

We note the existence of jurisprudence from the Ontario Ombudsman finding that instructions to hire a specific candidate are procedural. Although not binding on us, it is helpful to explain the distinction. We agree that directing staff to hire a specific candidate in an established hiring process could be procedural. However, in this case, Council was not simply asked for directions, but to provide “confirmation” of the letter of offer to the selected candidate.

4.1 Council discussed the disposition of property owned by the City. The actual vote contained a number of instructions to staff, including to initiate the sale process, how to set a price, and certain conditions of sale. These were proper instructions for a closed session vote.

4.2 Our October 20, 2022, report found that the discussions held during this item were not properly in camera, as they pertained to Council appointments to boards and committees. Although the only vote was on a procedural motion to list those appointments for a public meeting, the subject matter of that vote did not fall within a closed meeting exception. As such, the vote was improperly held in closed.

### **April 7, 2021**

The agenda used in closed session reads as follows:

3.1 Appointment of Director of Infrastructure and Development Services  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

3.1 Our October 20, 2022, report found that this agenda item was properly discussed in closed session. Following a recruitment process, staff presented Council with a report detailing its proposed candidate. A conditional offer had already been made to the candidate, and Council was asked to “confirm” the decision.

We find that this was not an instruction to staff – in fact, it was a request from staff, to make a substantive decision. As such, this vote was not properly held in closed session.

### **April 12, 2021**

The agenda used in closed session reads as follows:

#### 4.1 Grand Trunk / Cooper Site Expropriation Update

[Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and

Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and

A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

#### 5.1 Appointment to Stratford City Centre Business Improvement Area

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 5.2 Appointment of an Energy and Environment Committee Representative to the Active Transportation Advisory Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

4.1 Our October 20, 2022, report found that this agenda item was properly discussed in closed session. Council voted to provide instructions on the City’s position in a litigation matter. This was a proper vote in closed session.

5.1 Our October 20, 2022, report found that this agenda item was properly discussed in closed session. The only vote taken was to list a board appointment on an upcoming open session agenda. Accordingly, this vote was appropriately taken in closed session.

5.2 Our October 20, 2022, report found that this agenda item was properly discussed in closed session. The only vote taken was to list a board appointment on an upcoming open session agenda. Accordingly, this vote was appropriately taken in closed session.

### **May 10, 2021**

The agenda used in closed session reads as follows:

4.1 Sale to South West BuildCo Limited (South West Veterinary Services) of part of Lot 4 Plan 44M-38 designated as Part 2 on Plan 44R-5305 being all of PIN 53264-0146 (LT); part of Block 31 Plan 44M-38 designated as Part 4 on Plan 44R-5305 being all of PIN 53264-0148 (LT); and all of Lot 30 Plan 44M-38 designated as Part 6 on Plan 44R- 5305 being all of PIN 53264-0123 (LT), all in the City of Stratford, County of Perth

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

4.2 Development plan update and subsequent request and consideration for industrial land price per acre extension for Lot 6 in the Wright Business Park

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

4.3 Purchase of Service Agreement with the Stratford Economic Enterprise Development Corporation

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

### Analysis

4.1 Our October 20, 2022, report found that this agenda item was properly discussed in closed session. The only vote taken was to list by-laws for discussion in open session. Accordingly, the vote taken on this matter was proper.

4.2 Our October 20, 2022, report found that this agenda item was properly discussed in closed session. Council provided instructions on the City's bargaining position in the sale of land. As occurred in other meetings in this report, the price of the land in question was fixed by a policy, and was set to increase. In our opinion, decisions on pricing on an individual lot basis are, essentially, negotiating instructions in the sale of land, as an agreement of purchase and sale was still to be presented. As such, this vote was properly held in closed session.

4.3 Our October 20, 2022, report found that this agenda item was properly discussed in closed session. The only vote held was to defer consideration of an agreement to a future in-camera session. This was a proper closed session vote.

## May 25, 2021

The agenda used in closed session reads as follows:

4.1 Sale to 2809185 Ontario Inc. (Feltz Design Build Ltd.) of the property described as Lot 6 Plan 44M-38, City of Stratford, County of Perth being all of PIN 53264-0099 (LT), in the Wright Business Park.

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 Administrative Salary Review

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), and

Labour relations or employee negotiations (section 239.(2)(d))];

6.1 Senior of the Year and Ontario Senior Achievement Award – 2021 Nominations

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

### Analysis

4.1 Our October 20, 2022, report found that this discussion was properly held within closed session. The only vote taken was to list by-laws for an open session of Council. This vote was properly taken in closed session.

5.1 Our October 20, 2022, report found that this item was properly discussed in closed session. However, the minutes reflect a vote which adopted a new salary grid, moved individuals on that grid, and made changes to on-call pay, call-out pay, and the Acting Pay Policy. These were substantive decisions. Accordingly, the vote on this matter was not properly held in closed session.

6.1 Our October 20, 2022, report found that this matter was not properly discussed in closed session, as it pertained to an award nomination and there was no indication that personal information was discussed. Additionally, the vote on this matter was not purely procedural, as a specific candidate was selected for nomination to two awards. Accordingly, this vote was not properly held in closed session.

## June 7, 2021

The agenda used in closed session reads as follows:

### 3.1 SPFFA Negotiations Update

[Labour relations or employee negotiations (section 239.(2)(d)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

### 4.1 IBEW, ATU, CUPE Collective Bargaining Update of June 7, 2021

[Labour relations or employee negotiations (section 239.(2)(d))];

### 5.1 Closed Meeting Investigation Report 2020-01

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

#### Analysis

All three items on the agenda for this meeting were determined, in our October 20, 2022, report, to pertain to matters properly discussed in closed session. The only votes taken on these matters were to receive reports or letters for information. Accordingly, these votes were properly held in closed session.

### **June 14, 2021**

The agenda used in closed session reads:

### 4.1 Development of Future City-Owned Industrial Lands

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)].

#### Analysis

4.1 Our October 20, 2022, report determined that the subject matter of this agenda item was properly discussed in closed session. Council voted on a single motion, which contained a number of clauses providing directions to staff, requesting more information, and tabling topics for discussion at future in-camera session. The nature of all matters voted on was procedural. Accordingly, this vote was properly held in closed session.

### **June 28, 2021**

#### Agenda

### 4.1 IBEW Water Division & ATU Transit Division Collective Bargaining Update

[Labour relations or employee negotiations (section 239.(2)(d))];

#### 5.1 Stratford Professional Firefighters Association (SPFFA) Negotiations Update

[Labour relations or employee negotiations (section 239.(2)(d)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))].

#### Analysis

4.1 Council voted to provide instructions in ongoing negotiations. This was properly voted on in closed session.

5.1 The only vote on this agenda item was to receive an update for information. The update pertained to negotiations and arbitration with the City's firefighters. The subject matter of the vote was within exceptions provided for under the act, and the matter was procedural in nature. The vote was, therefore, appropriately held in closed session.

### **July 26, 2021**

#### Agenda

4.1 IBEW Local 636 Water Division Contract Negotiations Update  
[Labour relations or employee negotiations (section 239.(2)(d))];

5.1 Appointment to the Partners for Climate Protection Program  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

#### Analysis

4.1 Council voted to ratify a Memorandum of Settlement with IBEW. The minutes indicate that the CAO advised a resolution for ratification would be placed on a public session agenda. This is not the appropriate approach; by voting to ratify in closed session, Council made a substantive, and not a procedural decision.

5.1 Council voted to list a by-law on the next public session agenda. The by-law provided for the appointment of a Council member to an organization. As discussed in our October 20, 2022, Report, the appointment of Council members to boards and other organizations is not a "personal matter" within the meaning of exception (b) under the Act, and Council appointments must occur in open session. As such, this matter was not properly voted on in closed session.

### **August 9, 2021**

Agenda

4.1 Disposition of Wright Business Park (WBP) Industrial Lands  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)].

Analysis

4.1 Council voted to list by-laws for sale of property on a public meeting agenda. This was a procedural vote, and the subject matter is provided for in the Act. Accordingly, this vote was properly held in camera.

**August 23, 2021**Agenda

4.1 Expropriation LPAT Hearing and Related Litigation Matters Update  
[Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

5.1 Bronze Star Presentation Nominees  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

6.1 Appointment to the Accessibility Advisory Committee  
[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))].

Analysis

4.1 No vote was taken on this item.

5.1 Council voted to bestow its “Bronze Star” recognition on two individuals. Conferring an award is not, in and of itself, a matter pertaining to personal information, and the vote to confer an award is substantive and not procedural. Underlining this is the fact that three nominations were put forward, and only two of the individuals received an award.



Additionally, the City has confirmed that no personal information was discussed at this meeting. This vote was not properly held in closed session.

6.1 The only vote taken on this matter was to list a by-law for the appointment of an individual to the Accessibility Advisory Committee. The City has confirmed that personal information was discussed; based on the nature of the information described to us, we agree that this was information covered by the cited exception. Accordingly, this vote was properly held in closed session.

## **August 30, 2021**

### Agenda

3.1 ATU Local 741 Transit Division Contract Negotiations Update  
[Labour relations or employee negotiations (section 239.(2)(d))];

4.1 Recruitment for Corporate Leadership Team Position  
[Personal matters about an identifiable individual(s) including  
municipal employees or local board employees (section 239.(2)(b))]

### Analysis

3.1 Council voted to ratify a Memorandum of Settlement with a union with respect to contract negotiations. It also voted to list a by-law at an upcoming open session to provide for signature of the agreement. The decision to ratify the agreement was a substantive one which could not be made in closed session. As a result, this vote was improperly taken in closed session.

4.1 Council voted to appoint an individual as Acting Director of Corporate Services and Treasurer, and to list a by-law authorizing the appointment on an upcoming open session agenda. As with item 3.1, this is not the correct procedure. By first voting to make the appointment, Council made the substantive decision – who will be Acting Director and Treasurer – in the absence of the public. The by-laws to authorize appointment are, in this case, simply a rubber stamp of an existing decision. As such, this vote was not properly held in closed session.

## **September 8, 2021**

### Agenda

3.1 Good Governance Education and Training Session  
[A meeting of a council or local board or of a committee of either of  
them may be closed to the public if the following conditions are both  
satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with

any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1). (section 239.(3.1))].

### Analysis

3.1 No vote was held during this session.

## **September 13, 2021**

### Agenda

#### 4.1 Purchase of Service Agreement

[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))];

#### 4.2 Festival Hydro Corporate Leadership Team Update [Personal matters about an identifiable individual(s) including

municipal employees or local board employees (section 239.(2)(b))];

#### 5.1 Appointment to the Stratford Town and Gown Advisory Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))];

#### 5.2 Appointment to the Energy & Environment Advisory Committee

[Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))]

### Analysis

4.1 One vote was held, to defer consideration of an agreement with a third party. This was properly voted on in closed session.

4.2 No vote was taken on this item

5.1 The only vote taken was to list a by-law for an open session. That by-law pertained to an appointment to a Town and Gown Advisory Committee. Staff have confirmed that personal information, such as name and address, was discussed. This was a procedural vote and the subject matter was covered by the cited exception. As such, the vote was properly held in closed session.

5.2 The only vote taken was to a list a by-law for open session appointing a youth representative to the Energy and Environment Advisory Committee. Staff have confirmed that personal information, such as name and address, was discussed. This was a procedural vote and the subject matter was covered by the cited exception. As such, the vote was properly held in closed session.

**September 27, 2021**

Agenda

4.1 City Industrial Land Pricing Policy – Annual Review

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 CUPE Locals 1385 and 197 Inside and Outside Workers Collective Bargaining Update

[Labour relations or employee negotiations (section 239.(2)(d))];

6.1 Proposed Acquisition of Property – [Redacted]

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

6.2 Request to Purchase City Owned Land Update – Downie Street

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

6.3 Request to Purchase City Owned Land Update – McNab Street

[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)]

Analysis

4.1 Council voted to make a number of amendments to the City's Industrial Land Pricing Policy. These amendments included setting specific prices for industrial land to be sold by the City. Although these pertained to sale of City property, they were substantive decisions. Put simply, Council cannot amend City policies and procedures in closed session. Therefore, this vote was improperly held in closed session.

5.1 Council provided instructions on the City's position in ongoing labour negotiations. This vote was properly taken in closed session.

Items 6.1 through 6.3 each dealt with negotiations for the purchase or sale of property. The resolutions in each varied slightly.

In 6.1, Council voted to provide instructions on a negotiating position, and to have an agreement of purchase and sale prepared and presented to Council. This is the appropriate approach; it gives staff instructions on how to negotiate, but leaves the substantive decision making to an open session. This vote was properly held in closed session.

6.2 Council voted to instruct staff by setting a minimum price to accept an offer for a piece of City property, along with related instructions, subject to Council approval of the necessary by-laws at an open session. Again, this is an appropriate approach, because it gives Council the ability to make the ultimate decision in open session.

6.3 Council voted to instruct staff on offers to make for the purchase of property, with related terms, again subject to approval of by-laws at open session. This was an appropriate approach, as again the purchase was subject to decision making in open.

## **October 12, 2021**

### Agenda

4.1 Proposed Disposition of Land in the Crane West Business Park  
[Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years)];

5.1 Purchase of Service Agreement  
[Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))]

### Analysis

4.1 The only vote held was to list by-laws for the sale of property at a public meeting. This was a procedural vote on a matter that can be discussed in camera. As such, this vote was properly held in closed session.

5.1 Council voted to receive legal advice on an agreement, and to list a by-law authorizing the agreement on an open session agenda. This was a procedural decision properly taken in closed session.

## **October 18, 2021**

No vote was held during this session.

## **October 25, 2021**

### Agenda

4.1 ADDED - Potential Ontario Land Tribunal Settlement – 236 Britannia Street - Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)) and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

5.1 Appointments to Stratford Public Library Board - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

6.1 Administrative Salary Review - Labour relations or employee negotiations (section 239.(2)(d));

7.1 Proposed Renewable Natural Gas Project Update – Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them (section 239.(2)(h));

A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)); and

A position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)); and

ADDED - Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

### Analysis

4.1 Council provided the City Solicitor with instructions pertaining to the settlement of an ongoing tribunal matter. This was properly voted on in closed session.

5.15 The only vote taken was to a list a by-law for open session appointing two representatives to the Stratford Public Library Board. Staff confirm that personal information, including name, address, e-mail, and phone number, were discussed at the meeting. This was a procedural vote that fell within the cited exception. As such, it was properly held in closed session.

6.1 Council voted to provide instructions for use in union negotiations. This was a vote to provide direction on a matter permitted to be held in camera, and thus was properly held in closed session.

7.1 Council accepted reports for information and provided numerous instructions in the context of negotiations. This was properly conducted in closed session.

### **November 2, 2021**

No votes were taken at this meeting.

### **November 22, 2021**

4.1 Expropriation and Related Litigation Update - Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), And Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)); – 15 minutes

5.1 Proposed Disposition of Land in the Crane West Business Park - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years); - 10 minutes

5.2 Agreement Amending Option to Purchase Agreement / Agreement of Purchase and Sale for lands in the Wright Business Park - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years); – 10 minutes

6.1 Proposed Renewable Natural Gas Project November 2021 Update – Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)), And A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)); - 20 minutes

6.2 Review of Lease Agreements with Festival Theatre - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)), And Proposed or pending acquisition or disposal of land by the

municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years); – 30 minutes

7.1 Appointments to the Accessibility Advisory Committee - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

7.2 Appointments to the Active Transportation Advisory Committee - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

7.3 Appointments to the Communities in Bloom - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

7.4 Appointments to the Energy & Environment Advisory Committee - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

7.5 Appointments to the Heritage Stratford Committee - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

7.6 Appointments to the Stratfords of the World (Ontario) Committee - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

7.7 Appointments to the Town and Gown Advisory Committee - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

#### Analysis

4.1 A report was received for information, and Council provided instructions to its lawyers on an ongoing litigation matter. These were procedural decisions pertaining to matters properly discussed in closed. As such, these votes were properly held in closed.

5.1 Council voted to list by-laws for sale of City property on a public session agenda. These were procedural decisions pertaining to matters properly discussed in closed. As such, these votes were properly held in closed.

5.2 Council voted to extend an option to purchase agreement, including authorizing execution of such an agreement, and to place the by-law authorizing the agreement on an open session agenda. As has been noted elsewhere in this report, Council voted in closed to accept an

agreement and to authorize execution of that agreement; listing the by-laws for the agreement in open session merely rubber stamps a decision already made. Accordingly, this vote was not properly taken in closed session.

6.1 A motion was proposed receiving reports for information and listing a resolution for an open session agenda. The motion was then amended to provide instructions to staff to engage in non-binding discussions and exploration. Council voted on the amendment; it does not appear the motion, as amended, was voted on. The votes appear to have been entirely procedural, and related to seeking proposals from third parties, essentially commencing negotiations. We find that this was properly held in closed session.

6.2 Multiple votes were held on this item. First, Council voted to provide staff direction on pursuing a long-term lease of municipal property. The vote pertained to a matter properly discussed in closed session, and only provided direction to staff. Accordingly, this vote was properly taken in closed.

Next, Council voted on a motion which provided staff further direction. That direction included referring an option regarding a lease to staff, asking staff to conduct a review regarding paid parking and the parks system, and authorizing staff to negotiate a one-year lease with a party. This vote, too, was procedural in nature. The portions of the vote that pertained to leasing of parking lots are captured by the exceptions for negotiations. However, the portion requesting staff to look into “paid parking into the parks system” does not appear to fall under any exceptions and, accordingly, ought not have been considered in closed.

Finally, Council voted on a motion regarding a rent reduction being included as part of negotiations. This was a procedural motion on a matter which fell within the scope of an exception, and accordingly was properly conducted in closed.

7.1 Council voted to appoint three individuals to the Accessibility Advisory Committee. This was a substantive decision and, accordingly, was not properly taken in closed.

7.2 to 7.7 were all votes to list by-laws for the appointment of individuals to various committees. Staff have confirmed that personal information, such as names, addresses, and phone and e-mail contact, were discussed. These were procedural votes on matters that fit within the cited exception. As such, they were properly held in closed.

## **November 25, 2021**

### Agenda

4.1 Proposed Renewable Natural Gas Project November 2021 Update  
Follow-up – Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), And



A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)), And  
 A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

5.1 Britannia Phase 2 Operations - Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them (section 239. (2)(h));  
 5.2 Britannia Phase 2 Project - Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f))

### Analysis

4.1 Two votes were held. First, Council voted to receive information, and provided direction to list resolutions on an upcoming council agenda. Second, Council voted to receive a separate report for information. These were all procedural votes and all pertained to an ongoing negotiation matter. As such, they were properly held within closed session.

5.1 Council voted to receive a report for information. The report contained information supplied in confidence by a level of government. Accordingly, this vote was properly taken in closed session.

5.2 Council voted to receive legal advice, and to provide direction to “proceed with awarding the tender” for a specific project, to a specific bidder, at a future open session of council. This was not procedural, nor was it instructions to staff; the conclusion that Council would award a tender to a particular bidder was a substantive decision, and therefore should not have been voted on in closed session.

## **December 13, 2021**

### Agenda

4.1 Expropriation and Related Litigation Update - Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)); and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

### Analysis

4.1 This agenda item discussed ongoing litigation matters, as well as how they may affect other decisions made by the City. In the minutes, it is clear that staff requested that Council provide direction on how to respond to certain types of inquiries being received, in relation to that ongoing matter. Although the necessity to protect the confidentiality of this meeting prevents us from wholly describing the resolution itself, it is sufficient to note that it is not, in fact, worded as providing instructions on what answer to give. Rather, the resolution reads as a final decision on hypothetical future requests, and not a response to questions. City staff, when asked, advised that the intent of the resolution was to provide staff with instructions on responses to inquiries. As this aligns with what the minutes show, we accept, on a balance of probabilities, that the resolution was not a final decision, and was therefore properly in closed session.

## **December 20, 2021**

### Agenda

4.1 CUPE 197 Outside Workers Division Contract Negotiations Update - Labour relations or employee negotiations (section 239.(2)(d));

5.1 Appointment to Festival Hydro Services Inc. Board of Directors - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

### Analysis

4.1 Council voted to ratify a memorandum of settlement with a union. The discussion indicates that the memorandum of settlement includes specific wage increases. No mention is made of this matter being set for discussion in open session, or simply providing direction to staff; rather, this appears to be a substantive, final decision made by Council. Accordingly, this vote was improperly held in closed session.

5.1 Council voted to list an appointment to a Board of Directors on an upcoming Council agenda. Staff confirm that the agenda included the individual's resume, which contained personal information such as address, phone and e-mail. This was a procedural matter that fell within the cited exception. As such, this vote was properly held in closed session.

## **January 5, 2022**

Agenda

3.1 Good Governance Education and Training Session - A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

2006, c. 32, Sched. A, s. 103 (1). (section 239.(3.1))

Analysis

3.1 No vote was held during this meeting.

**January 20 2022**Agenda

3.1 Development Charges Education and Training Session - A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.

2006, c. 32, Sched. A, s. 103 (1). (section 239.(3.1)).

Analysis

3.1 No vote was held during this meeting.

**February 2, 2022**Agenda

3.1 Good Governance Education and Training Session - A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied: 1. The meeting is held for the purpose of educating or training

the members.

2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.  
2006, c. 32, Sched. A, s. 103 (1). (section 239.(3.1)). Carried

### Analysis

3.1 No vote was taken during this meeting.

## **February 9, 2022**

No vote was taken during this meeting.

## **February 28, 2022**

### Agenda

4.1 Update on Negotiations with the Stratford Professional Firefighters Association (SPFFA) - Labour relations or employee negotiations (section 239.(2)(d)).

### Analysis

4.1 The only vote held was to receive for information an update on labour negotiations. This was procedural and properly within a closed session exception and was, accordingly, a proper closed session vote.

## **March 2, 2022**

No vote was held during this meeting.

## **March 7, 2022**

### Agenda

3.1 Policy Grievance Update - Labour relations or employee negotiations (section 239.(2)(d));

4.1 Consideration of Appointment - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

#### Analysis

3.1 The only vote was to receive an update on a grievance matter. This was properly held in closed session, as it was procedural in nature and pertained to the labour relations exception.

4.1 Council voted to appoint an individual as Director of Corporate Services and Treasurer, and to list a by-law for their appointment on an upcoming open session agenda. As with previous votes where this format was followed, it was improper for Council to make a substantive decision in closed, even if they also vote to list the by-law enacting this decision in open session. Accordingly, this vote was not properly held in closed session.

### **March 14, 2022**

#### Agenda

4.1 Update – Development for Future City-Owned Industrial Lands - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);

5.1 Senior of the Year and Ontario Senior Achievement Award – 2022 Nominations - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)). Carried

#### Analysis

4.1 Council voted to accept a report for information and provide instructions to staff regarding certain steps to be taken with respect to land acquisition. The vote was properly held in closed, as it was procedural and provided staff direction, and as it pertained to an exception enumerated in the act.

5.1 Council provided staff with direction to prepare a report regarding nominees for 2022 Senior of the Year. The nominations appear to have come from the floor, being made by Council members. The only personal information discussed was related to volunteer

experience. In our opinion, this did not qualify for the cited exception, and the vote was, therefore, not properly held in closed session.

## **March 28, 2022**

### Agenda

4.1 Expropriation and Related Litigation March 2022 Update - Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

4.2 Review of Lease Agreements with Festival Theatre - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)), and Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);

5.1 Senior of the Year and Ontario Senior Achievement Award – 2022 Nominations Follow-up - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

### Analysis

4.1 Council voted to provide the City solicitors with instructions in an ongoing legal matter. This was a proper vote, as it provided instruction and pertained to a matter covered by an exception under the Act.

4.2 Council voted to provide direction to enter into a one-year lease with respect to City property. This was properly voted on in closed session.

5.1 Council voted to nominate an individual for 2022 Senior of the Year and 2022 Ontario Senior Achievement awards. This was a substantive decision and does not appear to fall under any exceptions. Indeed, the City has confirmed that no personal information was discussed. Accordingly, this vote was improperly held in closed session.

## **April 6, 2022**

No vote was taken during this meeting.

**April 11, 2022**

Agenda

4.1 Arbitration Award with the Stratford Professional Fire Fighters Association (SPFFA) - Labour relations or employee negotiations (section 239.(2)(d)); and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

5.1 Employment Services Transformation – Service System Manager - Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them (section 239. (2)(h)); And A trade secret or scientific, technical, commercial, financial, or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position, or interfere significantly with the contractual or other negotiations of a person, group of persons or organization (section 239.(2)(i)).

Analysis

4.1 Council voted to receive for information a report on a labour arbitration award. This was a procedural vote on a matter covered under an exception, and therefore was properly held in closed session.

5.1 Council voted to receive a report for information. The report pertained to information explicitly provided in confidence. Accordingly, this was properly voted on in closed session.

**April 25, 2022**

Agenda

4.1 Appointment of a Director to the Stratford Economic Enterprise Development Corporation - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

5.1 Proposed Development on Municipally Owned Parcel of Land - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years), and A position, plan,

procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)). Carried

### Analysis

4.1 Council voted to list for public session a resolution and by-law appointing a Director of a municipal corporation. Staff have confirmed that personal information, including address, e-mail, and phone number, were appended to the agenda. Accordingly, this matter was properly in closed session.

5.1 Council voted on a lengthy motion containing a number of directions to staff and the City solicitor regarding potential negotiations for the use of City property. All of these directions were procedural in nature, and involved positions in bargaining, information gathering, etc. This vote was properly held in closed session.

## **May 9 2022**

### Agenda

4.1 Insurance Claim Update - Security of the property of the municipality or local board (section 239.(2)(a)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

4.2 Update – Development for Future City-Owned Industrial Lands - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years), and  
A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)).

### Analysis

4.1 Council voted to receive a report for information. The report pertained to legal advice regarding a security issue. This was a procedural vote pertaining to matters that could be discussed in closed session. Accordingly, the vote was properly held in closed.

4.2 Council voted to receive for information an update on negotiations relating to City-owned lands. This was a procedural vote regarding matters covered under exceptions, and therefore was properly held in closed session.



**May 16 2022**Agenda

3.1 Canadian Union of Public Employees (CUPE) Local 1385 Inside Workers Negotiations Update - Labour relations or employee negotiations (section 239.(2)(d)).

Analysis

3.1 Council voted to ratify a memorandum of settlement with one of the unions representing City employees. It then provided direction that the City Clerk list a by-law authorizing acceptance of the Memorandum at a public meeting. As has been canvassed above, this is not the correct procedure; by voting in camera to ratify the agreement and then to list a by-law, Council was taking a substantive decision in closed and merely rubber stamping it in open. Accordingly, this vote was not properly taken in closed.

**May 24 2022**Agenda

4.1 Future Festival Hydro Water and Sewage Billing Service Agreements - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

5.1 Update - Development of Future City-Owned Industrial Lands - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);

6.1 Mediation Arbitration Update - Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

7.1 City of Stratford's Mandatory Vaccination Policy Status Update - Labour relations or employee negotiations (section 239.(2)(d)).

### Analysis

4.1 Council voted to provide instructions to staff to enter into negotiations. This was a procedural decision regarding matters covered by a closed meeting exception and was therefore properly held in closed.

5.1 Council provided staff with a number of directions, contained in a single motion. Some of these were procedural in nature, providing direction for negotiations being held regarding land acquisition or sale, and therefore were properly held in camera. However, one of the matters voted on purported to provide the CAO with delegated authority to issue an RFP and then actually enter into a contract for specified services, in an amount up to \$300,000. This was not a procedural motion but rather a substantive decision, and accordingly was not properly held in closed session.

6.1 Council voted to receive a report providing updates on ongoing mediation and potential arbitration and provided direction to continue with these processes. These were procedural votes on matters covered by a number of exceptions, and therefore were properly held in closed session.

7.1 Council voted to receive a report on a matter pertaining to one of the City's employment policies. The matter related to labour relations, including to termination of employment. Accordingly, this matter was properly voted on in closed session.

### **June 13 2022**

### Agenda

4.1 Mediation Service - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

4.2 Land Negotiation Update - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years), Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

5.1 Appointment to Festival Hydro Inc. and Festival Hydro Services Inc. Board of Directors - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

## Analysis

4.1 Council held multiple votes during this agenda item. Each will be analyzed separately.

First, Council voted on a motion to refer changes to the Code of Conduct to the CAO for review. While this was administrative in nature, we can identify no basis upon which such a matter could be discussed in closed session. Changes to Council's Code of Conduct are a matter for public discussion and debate. While certain aspects could be addressed in closed – for example, obtaining legal advice on a proposed change – the general decision to explore such an amendment must occur in open session. Therefore, this vote was improperly held in closed session.

The next motion pertained to receiving and actioning an implementation plan. Based on descriptions provided to us, the plan was to implement recommendations provided by legal counsel. A report on recommendations from a lawyer can properly be considered in closed session.

The third motion called for a review of mechanisms for informal discussions and escalation of complaints to be referred to the CAO. The minutes mention employment obligations, and the staff response also mentioned employer-employee relations. Based on this, we conclude that this fell within the employment exception, and was therefore properly in closed.

Finally, Council voted to receive the CAO's report on the mediation for information. This was properly conducted in closed session.

4.2 Council voted to receive a report for information, and to list a by-law for open session. Both pertained to negotiations relating to a construction project. This was properly voted on in closed session.

5.1 Council provided staff directions to list by-laws for appointment to boards on the next public session agenda. Staff confirm that personal information, including address, e-mail, and phone number, were circulated. This matter was, properly discussed in closed session.

## **June 20, 2022**

### Agenda

3.1 Proposed Development on Municipally Owned Parcels of Lands - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years), Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be

carried on by or on behalf of the municipality or local board (section 239.(2)(k)).

### Analysis

3.1 Council voted on a variety of matters in a single motion. All but one of these were to provide directions and instruction to staff on various issues regarding negotiating development on City-owned lands. These votes were properly held in closed session.

However, one matter contained in the resolution was authorization for the CAO to retain a specific engineer to provide project management services.

We have been provided a copy of the relevant Procurement by-law for the City. Based on that by-law, it appears that there are some circumstances where the CAO could have retained the firm without Council approval, and others where approval would be necessary. With respect to consultants, such as engineers, the by-law specifies that retaining them either has to be approved in the budget, or directly by Council. The minutes do not indicate to us whether Council was asked to approve the choice of engineer, or whether it acted on its own initiative. In our opinion, either way, Council made a substantive decision – to proceed with a specific consultant – which should have occurred in open session.

## **June 27, 2022**

### Agenda

4.1 Proposed Disposition of Land in the Crane West Business Park - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years).

### Analysis

4.1 Council voted to list, at a public meeting, by-laws for the sale of certain City properties. This is the correct process to follow in selling City properties. The votes were procedural in nature and addressed a matter that fell within a closed session exception. Accordingly, they were properly held in closed.

## **July 11, 2022**

### Agenda

4.1 Proposed Disposition of Land in the Wright Business Park - Proposed or pending acquisition or disposal of land by the municipality or local

board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);

5.1 Arbitration Update - Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)).

### Analysis

4.1 Council voted to instruct the CAO to execute an option agreement for the purchase and sale of property owned by the City. This was a substantive decision, and accordingly the vote was not permitted to be held in closed session.

5.1 Council provided directions to prepare a framework for settlement of an ongoing matter, to be brought to Council at a future in-camera session. This was a procedural motion, only providing direction and not a substantive decision, and dealt with a matter covered by one of the closed session exceptions. Accordingly, the vote was properly held in closed session.

## **August 8, 2022**

### Agenda

4.1 Arbitration Update with the Stratford Professional Fire Fighters Association (SPFFA) - Labour relations or employee negotiations (section 239.(2)(d)); Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)); and Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e));

4.2 Draft Accommodation Licensing By-law - Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

4.3 Draft Site Alteration By-law - Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

### Analysis

4.1 Council voted to receive a report for information and provided instructions regarding the legal process to be followed. These were procedural motions regarding a matter that could be discussed in closed session, and accordingly were properly held in closed session.

4.2 Council voted to receive legal advice. This was properly conducted in closed session.

4.3 Council voted to receive legal advice. This was properly conducted in closed session.

## **August 10, 2022**

### Agenda

3.1 Unsolicited Request to Purchase [Redacted] - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);

4.1 Adjustment to Staff Remuneration - Labour relations or employee negotiations (section 239.(2)(d)).

### Analysis

3.1 Council voted on a single motion containing a number of procedural decisions, most of which were directions to staff to begin the steps needed to sell municipal property. These votes were properly held in closed session.

4.1 Council voted to provide an economic adjustment to the CAO's salary. A specific percentage increase was provided for. This was a substantive decision and was not properly held in camera.

## **August 15, 2022**

### Agenda

3.1 Arbitration Update - Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), Advice that is subject to solicitor client privilege including communications necessary for that purpose (section 239.(2)(f)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

3.2 Proposed Development on Municipally Owned Parcels of Land - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years), Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)).

### Analysis

3.1 Council received legal advice from the City Solicitor. Council also voted to provide instructions to the solicitor in the context of ongoing legal matters. This was properly in closed session.

3.2 Council voted on a motion which accepted a report for information and provided staff with a number of directions relating to ongoing negotiations. This vote was properly held in closed session.

## **September 12, 2022**

### Agenda

4.1 Arbitration Update - Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)), and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

4.2 Human Resources Matter - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), and Labour relations or employee negotiations (section 239.(2)(d))

### Analysis

4.1 Council voted to receive for information a report containing updates and legal advice regarding a dispute. This vote was properly taken in closed session.

4.2 Council received for information a report regarding ongoing human resources matters. This vote was properly taken in closed session.

## **September 26, 2022**

### Agenda

4.1 Draft Lease Agreements with the Stratford Festival Theatre for the Discovery Center and the Municipal Parking Lot - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

4.2 Appointment to Corporate Leadership Team - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)), and Labour relations or employee negotiations (section 239.(2)(d));

4.3 Code of Conduct Legal Matter – Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

### Analysis

4.1 Council provided staff with instructions to be used in ongoing negotiations with a third party. This matter was properly voted on in closed session.

4.2 Council voted to receive for information a report relating to hiring matters. This vote was properly held in closed session.

4.3 Council voted to receive a report for information; that report contained legal advice with respect to the City's Code of Conduct. Council also voted that the amended Code be placed on a future agenda for consideration. In our opinion, this was essentially instructions to staff to put a version of the code, amended to include the recommended changes, before Council in open session. Council did not vote that it approved the changes. Accordingly, this vote was properly in closed session.

## **October 11, 2022**

### Agenda

3.1 City Industrial Land Pricing Policy – 2022 Annual Review - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years);



4.1 Billing Services Negotiations with Festival Hydro - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k));

5.1 Proposed Development on Municipally Owned Parcels of Land - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years); and, Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)); and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)).

### Analysis

3.1 Council provided staff instructions to prepare a policy amendment for consideration at the next regular council meeting. This was an administrative decision, providing direction to staff, and pertained to a matter – sale prices of City land – that could be discussed in closed session. Accordingly, the vote was properly held in closed session.

4.1 Council voted to provide staff instructions on the City’s position in negotiations. This vote was properly held in closed session.

5.1 Council voted to receive a report and provide instructions relating to ongoing negotiations. While the general instructions – to continue to negotiate – were procedural in nature, Council also provided the CAO authorization to retain a specific third-party firm to conduct due diligence in this matter. As noted earlier in our report, hiring a specific third party was a substantive decision which should not have been made in closed session.

## **November 28, 2022**

### Agenda

3.1 Collective Bargaining Update - IBEW 636 (Parallel Transit) - Labour relations or employee negotiations (section 239.(2)(d))

### Analysis

3.1 Council voted to provide staff with direction on the City’s negotiating position in ongoing labour negotiations. This vote was properly held in closed session.

**December 19, 2022**Agenda

4.1 Contract Negotiations Update - IBEW Local 636 (Parallel Transit) - Labour relations or employee negotiations (section 239.(2)(d));

5.1 Code of Conduct Responsibilities and Obligations - Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

5.2 Appointment to Corporate Leadership Team - Personal matters about an identifiable individual, including municipal or local board employees (section 239.(2)(b)).

Analysis

4.1 Council voted to provide staff with instructions to prepare by-laws allowing for the ratification of a memorandum of settlement in the labour negotiations context, and to list those by-laws for public session. This vote was properly held in closed session.

5.1 Council voted to receive a legal opinion for information and provided staff instructions to work with the City solicitor to develop guidance for Council members on the City's Code of Conduct. In our opinion, guidance on complying with the Code of Conduct properly falls within the closed meeting exception for legal advice because it was to be developed in conjunction with the City solicitor. As such, this item was properly discussed and voted on in closed session.

5.2 Council voted to receive a report for information. The report provided an update on a hiring matter and included personal information about the individual hired. This vote was properly held in closed session.

**January 9, 2023**Agenda

3.1 2022 Accessibility Advisory Committee Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

3.2 2022 Active Transportation Advisory Committee Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

3.3 2022 Board of Park Management Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

3.4 2022 Committee of Adjustment Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

3.5 2022 Communities in Bloom Advisory Committee Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

3.6 2022 Energy and Environment Committee Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

3.7 2022 Heritage Stratford Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

3.8 2022 Stratfords of the World (Ontario) Committee Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

3.9 2022 Stratford Police Services Board Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b));

3.10 2022 Stratford Public Library Board Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

#### Analysis

Our office received a complaint pertaining to this specific meeting at the same time as the complaint dealt with in this report. A report on the January 9, 2023, meeting was released on June 28, 2023. In it, we found that each of the agenda items addressed at this meeting was properly addressed in closed session.

No votes were held at this meeting.

**February 6, 2023**

The only matter dealt with at this meeting was Council training, and no votes were held.

**February 13, 2023**Agenda

3.1 2022 Downtown Stratford Business Improvement Area Board of Management Applications - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b))

Analysis

No vote was held in closed session.

**March 27, 2023**Agenda

3.1 Proposed Lease of Municipal Property – 17 George Street West - A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k))

3.2 Proposed Disposition of Land (Long-Term Care Home) - A proposed or pending acquisition or disposition of land by the municipality or local board (239.(2)(c) and Advice that is subject to solicitor-client privilege, including communications necessary for that purpose (section 239.(2)(f)).

3.3 Legal Opinion Regarding 31T21-003 and Z13-21 (Cachet Development) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose (239.(2)(f)).

3.4 Legal Opinion regarding Notice of Intent to Designate under the Ontario Heritage Act (Avon Crest) - Advice that is subject to solicitor client privilege, including communications necessary for that purpose (239.(2)(f)).

Analysis

3.1 Council voted to give staff directions regarding negotiations. This vote was properly held in closed session.

3.2 Council voted to receive a report for information and provide instructions regarding ongoing negotiations. This vote was properly held in closed session.

3.3 No vote was held on this agenda item.

3.4 No vote was held on this agenda item.

### **April 11, 2023**

#### Agenda

4.1 Expropriation and Related Litigation April 2023 Update - Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board (section 239.(2)(e)), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f));

4.2 Legal Opinion regarding Notice of Intent to Designate under the Ontario Heritage Act (Avon Crest) - Advice that is subject to solicitor client privilege, including communications necessary for that purpose (239.(2)(f)).

#### Analysis

4.1 Council voted on direction to provide to its solicitor in an ongoing litigation matter. This was properly voted on in closed session.

4.2 Council voted to receive legal advice from the City Solicitor. This vote was properly held in closed session.

### **April 24, 2023**

#### Agenda

4.1 Proposed Disposition and Transfer of Land in the Wright Business Park - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years), and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

4.2 Appointment of Directors to the Stratford Economic Enterprise Development Corporation (SEEDCo./investStratford) - Personal matters about an identifiable individual(s) including municipal employees or local board employees (section 239.(2)(b)).

4.3 Proposed Disposition of Land in the Wright Business Park - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for more than 21 years) and Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)).

### Analysis

4.1 Council voted to provide a number of instructions to staff. These included directions to communicate positions to other parties, transfer legal rights and obligations, and execute an agreement. The votes stemmed out of the transfer of property from one party to another, and the impact on certain contractual rights held by the City. This was not the proper way to approach this issue; Council was within its rights to discuss and debate in closed, but should have instructed staff to prepare a by-law for open session authorizing execution of the necessary documents, and other substantive measures. The votes, as they were taken, were not properly conducted in closed session.

4.2 No vote was held on this matter.

4.3 Council provided staff direction to execute an agreement providing for an extension to an option agreement regarding property. The decision to execute an agreement was substantive in nature, and not merely providing direction to staff. Accordingly, this vote was not properly held in closed session.

### **May 8, 2023**

No votes were taken during this session.

### **May 23, 2023**

### Agenda

4.1 Collective Bargaining Update – SPFFA Local 534 - Labour relations or employee negotiations (section 239.(2)(d)).

5.1 Proposed Disposition of Land (Long-Term Care Home) - Proposed or pending acquisition or disposal of land by the municipality or local board (section 239.(2)(c)) (includes municipal property leased for

more than 21 years); Advice that is subject to solicitor-client privilege including communications necessary for that purpose (section 239.(2)(f)); and A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (section 239.(2)(k)).

### Analysis

4.1 Council voted to provide direction on the City's position in collective bargaining. This vote was properly held in closed session.

5.1 Council voted on a single resolution providing a number of instructions to staff with respect to negotiating the lease of City owned land. Those instructions were all procedural and all fell within an exception. As such, this vote was properly held in closed session.

## **Conclusion and Recommendations**

Before providing our conclusions and recommendation, we wish to first remind the reader that the scope of the complaint in this matter was significant. Over 140 meetings spanning nearly five years were reviewed. Over that period, there have been a number of changes, not least of all being two municipal elections, with the period of this report starting just before the 2018 elections, and ending some months after the 2022 elections. That period also saw other closed meeting reports, including two from our office and at least one from another investigator. We highlight these changes in order to acknowledge that the manner in which City Council has conducted its closed session votes at various times in the past, and thus the improper votes identified in this report, may not be reflective of the practices today, given both changeover in Council membership, and various reports identifying shortcomings. We note, for example, that we only found three improper votes which occurred after our October, 2022, report was released.

It is also important to acknowledge that the improper votes we identified can be viewed on a spectrum. On the one end, some votes were clearly improper, and constitute concerning breaches of the *Act*. On the other end, however, were a number of situations where the question of whether a vote was held improperly was less clear, and the breaches we identified more technical or minor in nature. Although all improper votes must be avoided, and all of the improper votes we identified represent opportunities to learn and improve, we encourage Council to pay closest attention to the more flagrant or egregious breaches.

As always, we recommend that Council and staff obtain training to ensure that they are properly following the processes as required under the *Act*.

Consistency is key. We noted that topics which were repeatedly frequently did not always follow the same procedure. The result is that sometimes Council conducted its votes properly, while other times it did not. As a general recommendation, Council should work towards creating procedures for topics that arise often, like contracts, land sale or employment decisions. Similarly, Council should have a clear process for moving substantive decision making into the open.

Some specific problems occurred frequently, and warrant their own recommendations:

- Council should ensure that resolutions are clearly worded, and that, where possible, they clearly provide instructions to staff rather than making substantive decisions
- Council should have clear procedures for moving into open session, including in cases where members are concerned that a vote or discussion is no longer properly in closed;
- Decisions should not be bundled together, particularly where they are unrelated. We identified numerous occasions where Council had voted on a single lengthy motion, some of which was appropriate in closed and some of which was not.

In providing our analysis and conclusions, it is important to note that many of the meetings we analyzed were on the line between permissible and impermissible votes. In some of these cases, our conclusion that Council's vote was allowed in closed session is based off narrow and specific reasoning. In moving forward, the City should not view any of our conclusions as an endorsement of a specific practice or procedure, or as an indication that a specific subject matter can always be voted on in closed. The fact that the specific circumstances of a vote or meeting rendered the vote permissible does not mean that the same vote would be permissible under different circumstances. Rather, Council and staff should holistically review and consider their approach to in camera votes, in the goal of avoiding such situations in the future.

Sincerely,

**Cunningham, Swan, Carty, Little & Bonham LLP**

Tony E. Fleming, C.S.  
LSO Certified Specialist in Municipal Law  
(Local Government / Land Use Planning)  
Anthony Fleming Professional Corporation

TEF:jm





**Cunningham Swan**

LAWYERS

• EST 1894 •

Tony E. Fleming  
Direct Line: 613.546.8096  
E-mail: [t Fleming@cswan.com](mailto:t Fleming@cswan.com)

**CONFIDENTIAL**

February 20, 2024

**SENT BY EMAIL TO: TDafoe@stratford.ca**

Mayor and Members of Council  
c/o Tatiana Dafoe, City Clerk  
City of Stratford  
1 Wellington Street  
P.O. Box 818  
Stratford, ON N5A 6W1

Dear Mayor and Members of Council:

**RE: Closed Meeting Investigation  
Our File No.: 36684-4**

This public report of our investigation is being provided to Council in accordance with Section 239.2(1) of the *Municipal Act*. We note that Section 239.2(11) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Closed Meeting Investigator is prepared to attend at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. Council does not have the authority to alter the findings of the report, only consider the recommendations. Per section 239.2 (12), if the report contains a finding that all or part of a meeting was held in

{01254807.DOCX:}

TEL: 613-544-0211  
FAX: 613-542-9814  
EMAIL: [INFO@CSWAN.COM](mailto:info@cswan.com)  
WEB: [WWW.CSWAN.COM](http://www.cswan.com)

closed session contrary to the *Act*, then Council is required to pass a resolution stating how it intends to address the recommendations in the report.

The Closed Meeting Investigator has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Investigator is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Investigator the duty to conduct investigations in response to complaints under the *Municipal Act*, and that the Investigator is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Investigator's final decision in this matter.

### **Complaint, Background, and Procedure**

In October 2022, we released a report following an investigation of complaints with respect to a large number of closed session meetings held by the City of Stratford (the "October 2022 Report"). Each meeting that we addressed in that report was the subject of an individual complaint naming that specific meeting and alleging that it was improperly held in closed session. As noted in that report, no complaint was received with respect to the November 23, 2020, meeting, although it fell within the time period of all the other complaints, and therefore we did not investigate that meeting.

We have now received a complaint with respect to the November 23, 2020, closed session. As with the other complaints that formed part of the October 2022 Report, the complaint alleges that this meeting did not meet certain closed session requirements. This complaint was received at the same time as a further complaint with respect to votes held at all closed sessions from 2018 to 2023. That complaint is the subject of its own separate report, released at the same time as the present report (the "February 2024 Report").

In the interest of efficiency and enhancing understanding, this report will address both questions – whether the meeting of November 23, 2020 was properly held in closed session, and whether any votes were properly conducted in closed session. This report should be read in conjunction with the October 2022 Report and the February 2024 Report, as it applies the same procedure, analysis, and reasoning as found in those reports.

### **Analysis of the November 23, 2020, Meeting**

Our October 2022 Report concluded that motions to move into closed session used at meetings during this period were deficient. We repeat that finding here for the November 23, 2020 meeting.

In terms of the substance of the meeting, as well as votes held, we find as follows:

Agenda items 4.1 through 4.6 were all discussions of appointments to various committees. In each case, personal information from the applicants appears to have been discussed. As such,

we find that these were properly discussed in closed session. For each of these topics, the vote held was to direct staff to place appointments on a public agenda; we find each of these was properly voted on in closed session. However, in two of those votes, Council also instructed staff to re-advertise for vacant positions; vacant positions necessarily do not involve personal information, and therefore this instruction must be provided in open session.

Item 4.7 was also scheduled as a discussion of appointments, this time to the Town and Gown Advisory Committee. However, there were no applicants for this position, and the Minutes instead reflect a decision to re-advertise. With no applicants, there can not have been any discussion of personal information within the meaning of the *Municipal Act*. Accordingly, this discussion was not properly held in closed session. In that vein, we also find that the vote to re-advertise the vacant positions was not properly held in closed session, for the same reason.

Item 4.8 is indicated as deferred to another meeting. The propriety of this topic has already been analyzed in the context of the meeting at which it was discussed.

Item 5.1 was a lengthy discussion on a proposed industrial development. As with other meetings, the difficulty in analyzing this discussion is that it varied considerably. Portions of the discussion were undoubtedly properly in closed session, including legal advice as well as criteria and positions applied to negotiations. Other portions of the discussion appear to have strayed into matters that are properly discussed in open session. However, in line with guidance from the Court, and as discussed in our October 2022 report, Council should not be expected to move in and out of closed session continuously for every sentence or comment addressing a matter that does not fit the exceptions. By and large, the discussion pertained to ongoing negotiations and the City's position therein. As such, we find that this topic was appropriate for closed session. Although the minutes indicate several motions were made, they all appear to have been deferred, and no vote was held during this agenda item.

## **Conclusions and Recommendations**

As noted above, we found that agenda item 4.7 was not a proper subject for a closed session, and that the vote held during that item was also improper. We also identified similar improper components of two other votes held during the closed session. Both the October 2022 Report and February 2024 Report contain recommendations with respect to the same nature of issues as identified in this report. We repeat and rely upon the recommendations contained in those reports, and do not find that any further recommendation or comment is necessary.

This concludes our investigation into this matter.

Sincerely,

**Cunningham, Swan, Carty, Little & Bonham LLP**

Tony E. Fleming, C.S.  
LSO Certified Specialist in Municipal Law  
(Local Government / Land Use Planning)  
Anthony Fleming Professional Corporation

TEF:jm



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## MANAGEMENT REPORT

**Date:** January 24, 2024  
**To:** Infrastructure, Transportation and Safety Sub-committee  
**From:** Adam Ryan, Manager of Public Works  
**Report Number:** ITS24-001  
**Attachments:** Email Correspondence

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**Title:** Stratford Landfill Public Input Invited December 2023

**Objective:** To consider comments received regarding the operation of the Landfill site.

**Background:** As a requirement of Environmental Compliance Approval (ECA) Number A150101 for the Stratford Landfill Site, the public must be invited to make comments, either verbal or written, about the operation of the Landfill Site on a semi-annual basis.

**Analysis:** Notice was placed in the Beacon Herald Town Crier and Marketplace from November 9<sup>th</sup> through December 2<sup>nd</sup>, 2023, inclusive, inviting citizens to provide comments on the operation of the landfill site or request to appear as a delegation at the January 2024 Infrastructure, Transportation and Safety Sub-committee meeting.

Four comments were received by Staff, with staff responses noted below.

**Comment 1:** Landfill staff received praise for their courtesy and professionalism.

**Comment 2:** Suggestions relating to household hazardous waste included shifting the timing of Household Hazard Waste (HHW) events to the afternoon, to avoid conflict with the Farmer's Market traffic at the Rotary Complex, and the acceptance of hazardous waste more regularly and directly at the Landfill Site.

**Response 2:** Hours of operations are not proposed to be changed as they are specified on our provincially approved ECA document. Changing the hours of operations via an ECA amendment could be considered at Council's direction, noting that the process is onerous and can take a year or more. Staff are not recommending this change at this time.

**Comment 3:** Suggestions were also received related to garbage and recycling collection, with a suggestion that recycling be collected weekly, and waste be collected every other week.

**Response 3:** As of May 2024, Recycling collection frequency will be at the discretion of the Circular Materials Ontario who will be paying for collection services. Staff plan to evaluate collection services post-2026, once recycling collection transition is fully transitioned.

**Comment 4:** Finally, a recommendation encouraged additional signage to educate on which household appliances and tools should be received in the metal waste bins at the Landfill Site, to divert these recyclable materials from the Landfill.

**Response 4:** Staff have taken the comments for consideration.

### **Financial Implications:**

#### **Financial impact to current year operating budget:**

As a result of the public engagement there are no implications at this time.

#### **Financial impact on future year operating budget:**

Any change in service levels at the Stratford Landfill site would have a financial impact to be determined by staff and brought to a future meeting for consideration.

### **Alignment with Strategic Priorities:**

#### **Developing our Resources**

Optimizing Stratford's physical assets and digital resources. Planning a sustainable future for Stratford's resources and environment.

### **Alignment with One Planet Principles:**

#### **Culture and Community**

Nurturing local identity and heritage, empowering communities and promoting a culture of sustainable living.

#### **Zero Waste**

Reducing consumption, reusing and recycling to achieve zero waste and zero pollution.

#### **Zero Carbon Energy**

Making buildings and manufacturing energy efficient and supplying all energy with renewables.

**Staff Recommendation: THAT Council consider any comments received;**

**AND THAT the report on the Stratford Landfill Public Input December 2023 be received for information.**

**Prepared by:** Adam Ryan, Manager of Public Works  
**Recommended by:** Taylor Crinklaw, Director of Infrastructure Services  
 Joan Thomson, Chief Administrative Officer

**From:** Harry Cuerden  
**To:** Michelle Cronin  
**Subject:** Suggestion  
**Date:** Saturday, November 25, 2023 3:44:27 PM

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When I go to the dump I look in the bins that are for general household stuff and often see items that could go in the metal bin. People have no understanding of how modern scrap is handled when it goes through the shredder. My suggestion is to have signs letting people know that it's OK to put small kitchen appliances, garden tools, weed eaters, clothes line anything that includes any metal in its manufacture into the scrap metal bin. Maybe you will get more "shred" and less recycling going into landfill. If your not aware and I'm sure you are see shredding on YouTube.  
Harry Cuerden

**From:** [noreply@stratford.ca](mailto:noreply@stratford.ca) on behalf of [Kate Michelle Cronin](#)  
**To:** [Michelle Cronin](#)  
**Subject:** Swift  
**Date:** Tuesday, November 14, 2023 3:56:59 PM

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Overall I'm happy with the garbage collection & services at the landfill with one exception.

I'd like to see a hazardous waste disposal available at the landfill ideally year round but if that's not feasible then at least one day a week.



**From:** [noreply@stratford.ca](mailto:noreply@stratford.ca) on behalf of [Liz Payne](#)  
**To:** [Michelle Cronin](#)  
**Subject:** Landfill  
**Date:** Tuesday, November 14, 2023 2:54:03 PM

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The Stratford Landfill runs like a well oiled machine. I am there weekly to drop off cardboard from my local business and yard waste from my garden. I am always impressed with how tidy things are and the courtesy of the staff. Im not sure if this next comment is land fill site related or not but I do wish that recycling home pickup could be every week and regular household garbage requiring a tag could move to every second week - it would certainly reflect more accurately the changes we have made in moving towards greener community.  
Thanks

**From:** Susan  
**To:** Infrastructure Services Department  
**Subject:** Waste & Recycling Schedule  
**Date:** Thursday, November 9, 2023 1:42:42 PM

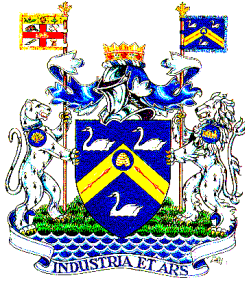
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I am impressed with the format and information contained in your Waste & Recycling Schedule.

I have a suggestion for next year's schedule regarding the timing for Household Hazardous Waste.

Because it is always on a Saturday at the Rotary Complex, the timing from 8AM conflicts with the Farmer's Market. Many times I have witnessed the chaos of traffic trying to go to both events. Would it not make more sense to have people bring their waste after Noon when the Farmer's Market is finished? Maybe it would work to have it from Noon to 6PM or even 1PM to 6PM after the farmers have packed up and left. Just food for thought.

Susan McLeod



**BY-LAW NUMBER XX-2024  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

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BEING a by-law to adopt the budget (estimates of revenues and expenditures) for tax supported and user pay purposes for the year 2024.

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**WHEREAS** Section 290 of the Municipal Act, S.O. 2001, c.25, as amended, ("the Municipal Act, 2001") requires municipalities to prepare and adopt a budget and establishes requirements under that legislation to set out the estimated revenues and expenditures for the municipality;

**AND WHEREAS** in accordance with Section 290 of the Municipal Act, 2001 Council has considered the sums required during the year for Municipal purposes and is prepared to pass a budget for the year 2024;

**AND WHEREAS** it is now necessary to adopt the estimates of revenue and expenditures for tax supported and user pay services for the Corporation of the City of Stratford;

**NOW THEREFORE BE IT ENACTED** by the Council of The Corporation of the City of Stratford as follows:

1. That the current estimates of operating revenues in the amount of \$167,948,747 and expenditures in the amount of \$167,948,747 for tax supported purposes and for user pay purposes for the City of Stratford are hereby adopted as summarized in the attached Schedule "A", to be known as the 2024 Net Operating Budget.
2. That the capital project estimates for expenditures in the amount of \$45,841,000 and revenues in the amount of \$45,841,000 for tax supported purposes and for user pay purposes for the City of Stratford are hereby adopted as set out in the attached Schedule "B", to be known as the 2024 Capital Program.
3. That Schedules "A" and "B" as attached hereto form and become part of this by-law.
4. That this by-law shall come into force and effect upon receiving the final passing thereof.

Read a FIRST, SECOND and THIRD Time and

FINALLY PASSED this 26th day of February, 2024.

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Mayor – Martin Ritsma

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Clerk – Tatiana Dafoe

**THIS IS SCHEDULE "A" to By-law XX-2024****Adopted this 26<sup>th</sup> day of February, 2024**

City of Stratford 2024 Net Operating Budget:

<b>Account</b>	<b>Amount</b>
100 TAXATION	(80,090,376)
100 GENERAL REVENUES	(1,847,077)
101 MAYOR AND COUNCIL SERVICES	716,724
102 COMMITTEES OF COUNCIL	94,945
111 CAO'S OFFICE	952,071
112 HUMAN RESOURCES	1,166,301
121 CITY CLERK	876,443
134 INFORMATION TECHNOLOGY	0
135 PARKING	(587,334)
136 CROSSING GUARDS	257,950
139 GENERAL GOVERNMENT	761,224
141 CITY BUILDINGS	2,163,387
211 FIRE	9,877,547
250 BUILDING PERMITS	0
251 DEVELOPMENT SERVICES	680,617
252 BY-LAW ENFORCEMENT	378,632
310 ENGINEERING	1,320,212
315 FLEET	1,079,512
320 ROADS	7,311,046
330 SANITARY	0
340 STORM	4,929,662
350 WATER	0
360 WASTE	882,311
512 STRATFORD MUNICIPAL AIRPORT	73,049
513 INDUSTRIAL LAND SERVICING	0
610 SOCIAL SERVICES ADMINISTRATION	21,115
611 ONTARIO WORKS	624,920
612 HOMELESSNESS	239,010
613 ANNE HATHAWAY DAY CARE CENTRE	47,290
614 PS HOUSING CORP / LHC	2,131,545
615 HOUSING DIVISION-SERVICE MGR	791,270
616 CHILDREN SERVICES	326,421
618 BRITANNIA ST APARTMENTS	624,596
711 PARKS	2,779,472
715 FACILITIES	2,093,245
721 RECREATION	6,220,030
731 CEMETERY	503,508
750 TRANSIT	3,706,795
751 PARALLEL TRANSIT	646,955
752 COMMUNITY TRANSPORTATION	0
810 REQUISITIONS FROM OTHERS	27,197,114
872 COMMUNITY SUPPORT & GRANTS	1,049,868

**THIS IS SCHEDULE "B" TO BY-LAW XX-2024****Adopted this 26<sup>th</sup> day of February, 2024****CITY OF STRATFORD CAPITAL PROGRAM****Corporate Services - Parking**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/ Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
1	Erie Lot Improvements	\$1,500,000	\$0	\$0	\$0	\$0	(\$1,500,000)
2	Smart Parking Project	65,000	0	0	0	0	(65,000)
3	EV Charging Stations	262,000	0	0	0	0	(262,000)
4	Comprehensive Parking Management System	75,000	0	0	0	0	(75,000)

**Corporate Services – Information Technology Services**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/ Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
5	Personal Computers	\$192,000	\$0	\$0	\$0	\$0	(\$192,000)
6	Network Equipment	100,000	0	0	0	0	(100,000)
7	Video Surveillance Equipment	212,000	0	0	0	0	(212,000)

**Fire/Airport**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/ Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
8	Fire Station 2 Repairs	\$60,000	\$0	\$0	\$0	\$0	(\$60,000)

**Community Services – Parks and Forestry**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
9	Milton St Play Structure	\$111,340	\$0	\$0	\$0	\$0	(\$111,340)

**Community Services – Cemetery**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
10	Cemetery Garage Doors	\$28,500	\$0	\$0	\$0	\$0	(\$28,500)

**Community Services – Recreation Facilities**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
11	Boathouse Membrane and Railing	\$260,000	\$0	\$0	\$0	\$0	(\$260,000)
12	Dufferin Arena Cooling Tower	\$125,000	0	0	0	0	(\$125,000)
13	Anne Hathaway Ball Diamond Fencing	\$80,000	0	0	0	0	(\$80,000)

**Community Services – Recreation Facilities (continued)**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
14	Allman Arena Heating Boiler System	\$80,000	\$0	\$0	\$0	\$0	(\$80,000)
15	Allman Arena Roof	1,550,000	0	0	0	0	(1,550,000)
16	Allman Arena Concrete Foundation Walls Repairs	80,000	0	0	0	0	(80,000)
17	Allman Arena Flooring	95,000	0	0	0	0	(95,000)
18	Agriplex Guardrails	300,000	0	0	0	0	(300,000)
19	National Stadium Washrooms	100,000	0	0	0	0	(100,000)

**Community Services – Facilities – Other Buildings**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
20	Justice Building Roof	\$490,000	0	0	0	0	(\$490,000)
21	Justice Building Exterior Elements	75,000	0	0	0	0	(75,000)
22	Justice Building Accessible Ramp	200,000	0	0	0	0	(200,000)

**Community Services – Transit**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
23	Bus Storage/Facility Upgrades	\$135,840	(\$135,840)	\$0	\$0	\$0	\$0
24	Hybrid Buses (HEV)	2,310,000	(2,310,000)	0	0	0	0
25	Automatic Bus Wash	367,500	(367,500)	0	0	0	0

**Infrastructure Services – Roads and Traffic**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
26	Sidewalk Replacements	\$300,000	\$0	\$0	\$0	\$0	(\$300,000)
27	Accessibility Improvements	50,000	0	0	0	0	(50,000)
28	Pedestrian Crossing Improvements	100,000	0	0	0	0	(100,000)
29	Oakdale Multi-Use Trail	500,000	(500,000)	0	0	0	0
30	Downtown Intersection Improvements	1,200,000	(300,000)	0	0	0	(900,000)
31	Bridge Improvements	1,200,000	(750,000)	0	0	(450,000)	0
32	Signal Intersection Updates	50,000	0	0	0	0	(50,000)
33	Street Lighting Improvements	50,000	0	0	0	0	(50,000)
34	New Sidewalks, Collector and Arterial	200,000	0	(100,000)	0	0	(100,000)
35	Erie St Active Transportation	300,000	0	0	0	0	(300,000)



**Infrastructure Services – Storm**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
36	SWM Facility Maintenance	\$250,000	\$0	\$0	\$0	\$0	(\$250,000)
37	Lake Victoria Outfall Replacements	100,000	0	0	0	0	(100,000)
38	Roadhouse Municipal Drain Improvement	2,000,000	(2,000,000)	0	0	0	0

**Infrastructure Services – Water**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
39	Miscellaneous Water Repairs	\$100,000	\$0	\$0	\$0	\$0	(\$100,000)
40	Mechanical Well Upgrades	100,000	0	0	0	0	(100,000)
41	Bulk Water Station Upgrade	50,000	0	0	0	0	(50,000)
42	O'Loane Watermain at Perth Line 36	250,000	0	(250,000)	0	0	0
43	Well Chlorination System Upgrades	100,000	0	0	0	0	(100,000)
44	Glendon/Neal Watermain Connection Replacement	150,000	0	0	0	0	(150,000)

**Infrastructure Services – Miscellaneous**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
45	Public Works Facility Upgrades	\$200,000	\$0	\$0	\$0	\$0	(\$200,000)
46	New Public Works Facility	250,000	0	(200,000)	0	0	(50,000)

**Infrastructure Services – Sanitary**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
47	Water Pollution Control Plant Improvements	\$380,000	\$0	\$0	\$0	\$0	(\$380,000)
48	Basement Isolation	30,000	0	0	0	0	(30,000)
49	Miscellaneous Sanitary Repairs	30,000	0	0	0	0	(30,000)
50	Sanitary Relining Subsidy	50,000	0	0	0	0	(50,000)
51	Pumping Station Upgrades	150,000	0	0	0	0	(150,000)
52	O'Loane Trunk Sanitary Phase 1	300,000	0	(288,000)	0	0	(12,000)

**Infrastructure Services – Linear Infrastructure**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
53	Asphalt Resurfacing	\$2,250,000	(\$2,025,000)	\$0	\$0	\$0	(\$225,000)
54	Sewer Relining	750,000	0	0	0	0	(750,000)
55	Watermain Relining	700,000	0	0	0	0	(700,000)
56	Albert St Reconstruction 2024	4,100,000	(1,740,000)	0	0	0	(2,360,000)
57	Moderwell St Local Improvement	1,200,000	0	0	0	(95,000)	(1,105,000)
58	Albert St Reconstruction 2023	1,925,000	(1,000,000)	0	0	0	(925,000)
59	Ontario/Erie Resurfacing 2023	2,100,000	(1,890,000)	0	0	0	(210,000)

**Infrastructure Services – Fleet**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
60	L20 Pickup Truck Replacement	\$70,000	\$0	\$0	\$0	\$0	(\$70,000)
61	L30 Pickup Truck Replacement	70,000	0	0	0	0	(70,000)
62	W40 Backhoe Replacement	250,000	0	0	0	0	(250,000)
63	R50 Sidewalk Tractor/Attachments Replacement	250,000	0	0	0	0	(250,000)
64	R70 Sidewalk Tractor/Attachments Replacement	250,000	0	0	0	0	(250,000)

**Infrastructure Services – Fleet (continued)**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
65	N47 Mobile Painter Unit	\$20,000	0	0	0	0	(\$20,000)
66	M10 Roller Unit Replacement	90,000	0	0	0	0	(90,000)
67	P15 Tractor Loader and Backhoe Replacement	90,000	0	0	0	0	(90,000)
68	2023 Environmental Services Pickup	70,000	0	0	0	0	(70,000)
69	2023 Forestry Truck and Chipper Box	265,000	0	0	0	0	(265,000)
70	Parks and Recreation Pickup Truck	70,000	0	0	0	0	(70,000)
71	Public Works Pickup Truck	70,000	0	0	0	0	(70,000)
72	Environmental Services Pickup	70,000	0	0	0	0	(70,000)
73	Social Services Vehicle	55,000	0	0	0	0	(55,000)

**Infrastructure Services – Landfill**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
74	Landfill Buffer Acquisition	\$200,000	\$0	\$0	\$0	\$0	(\$200,000)

**Social Services**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
75	9 Fulton St Rebuild	\$5,301,500	(\$699,200)	0	(\$4,602,300)	\$0	\$0
76	Driveways and Parking Lots	50,000	0	0	0	0	(50,000)
77	Connectivity	846,000	(400,000)	0	0	0	(446,000)
78	Kitchen Replacements	300,000	0	0	0	0	(300,000)
79	Furnace Replacements	55,000	0	0	0	0	(55,000)
80	Roof Replacements	300,000	0	0	0	0	(300,000)
81	Window Replacements	55,000	0	0	0	0	(55,000)
82	Accessibility Upgrades	100,000	0	0	0	0	(100,000)
83	Electrical Upgrades	50,000	0	0	0	0	(50,000)
84	Fencing	5,000	0	0	0	0	(5,000)
85	Roofing Tie Offs and Access Ladders	100,000	0	0	0	0	(100,000)
86	Balcony Repairs	35,000	0	0	0	0	(35,000)
87	Asbestos Assessments and Abatement	100,000	0	0	0	0	(100,000)
88	Flooring Repairs and Replacement	10,000	0	0	0	0	(10,000)
89	Affordable Housing Project 398 Erie St	4,972,000	0	0	(4,972,000)	0	0

**Stratford Public Library**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
90	Library Collection	\$247,170	\$0	\$20,000	\$0	\$0	(\$227,170)
91	Computer Equipment	49,200	0	0	0	0	(49,200)
92	Staff Restroom Update	25,000	0	0	0	0	(25,000)
93	New Library Facility Expenses	75,000	0	0	0	0	(75,000)

**Stratford Police Service**

<b>Project Number</b>	<b>Project Name</b>	<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
94	Desktop Computer Refresh	\$30,600	0	0	0	0	(\$30,600)
95	Replacement (3) Vehicles	\$240,000	0	0	0	0	(240,000)
96	Closed Circuit TV	\$100,000	(100,000)	0	0	0	0
97	Backup Communications Centre	\$263,480	(263,480)	0	0	0	0
98	Server Room Upgrade	111,870	(100,000)	0	0	0	(11,870)
99	LiveScan Fingerprinting System	\$40,000	0	0	0	0	(40,000)
100	Replacement (1) Vehicle	70,000	0	0	0	0	(70,000)
101	Business Plan Consultant	100,000	0	0	0	0	(100,000)

**Totals**

<b>Total Project Cost</b>	<b>Federal/Provincial Funding</b>	<b>Development Charges</b>	<b>Long Term Debt</b>	<b>Other</b>	<b>City Reserves</b>
\$45,841,000	(\$14,581,020)	(\$858,000)	(\$9,574,300)	(\$545,000)	(\$20,282,680)



**BY-LAW NUMBER XX-2024  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

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BEING a By-law to authorize the execution of the Amendment No. 1 to the Software License and Services Agreement with HotSpot Parking Inc. for the delivery of a pay by phone parking payment system.

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**WHEREAS** Section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, ("the Municipal Act, 2001") provides that the powers of a municipality under this or any other Act, shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the Municipal Act, 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 10(1) of the Municipal Act 2001, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** Council of The Corporation of the City of Stratford wishes to continue to provide a pay by phone parking payment system;

**AND WHEREAS** Council for The Corporation of the City of Stratford wishes to extend the contract with HotSpot Parking Inc. by entering into an Amendment No. 1 to the Software License and Services Agreement;

**NOW THEREFORE BE IT ENACTED** by Council of The Corporation of the City of Stratford as follows:

1. That the Amendment No. 1 to the Software License and Services Agreement between The Corporation of the City of Stratford and HotSpot Parking Inc. for the delivery of a pay by phone parking payment system, be entered into and the Mayor and Clerk, or their respective delegates, be and the same are hereby authorized to execute the said agreement on behalf of and for this Corporation and to affix the corporate seal thereto.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 26th day of February, 2024.

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Mayor – Martin Ritsma

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Clerk – Tatiana Dafoe



**BY-LAW NUMBER XX-2024  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

---

BEING a By-law to amend By-law 10-2022 as amended, with respect to Zoning By-law Amendment application Z05-23, 245 Downie Street, located on the southeast corner of Downie Street and Falstaff Street, legally described as Lots 40, 41, and 44 and Part of Lot 45, PLAN 75 in the City of Stratford to amend the existing site specific Central Commercial C3-9 by adding a definition which will apply to this zone only.

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**WHEREAS** authority is given to the Council of The Corporation of the City of Stratford by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this by-law;

**AND WHEREAS** the said Council has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

**AND WHEREAS** the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 10-2022, as amended, known as the Zoning By-law, be further amended;

**NOW THEREFORE BE IT ENACTED** by Council of The Corporation of the City of Stratford as follows:

1. That By-law 10-2022 as amended, be further amended by adding the following:

**15.99**

d) Definition

- For the purposes of the defined area, the following shall apply:
  - i. INN means a building or portion thereof, used for the purposes of supplying temporary living accommodation to the public, and containing guest rooms, dwelling units or a combination thereof, wherein such dwelling units are not restricted to occupancy by a person as their principal residence.

2. This by-law shall come into effect upon Final Passage in accordance with the *Planning Act*.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 26th day of February, 2024.

---

Mayor – Martin Ritsma

---

Clerk – Tatiana Dafoe





**BY-LAW NUMBER XX-2024  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

---

BEING a By-law to amend By-law 10-2022 as amended, with respect Zoning By-law Amendment application Z06-23, 607 and 609 Downie Street, located on the east side of Downie Street between Norfolk Street and Bruce Street, legally described as Lots 33, 34, and 35 PLAN 381 in the City of Stratford to add and remove to the list of permitted uses, and add limitations to those uses.

---

**WHEREAS** authority is given to the Council of The Corporation of the City of Stratford by Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this by-law;

**AND WHEREAS** the said Council has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act;

**AND WHEREAS** the Council of The Corporation of the City of Stratford deems it in the public interest that By-law 10-2022, as amended, known as the Zoning By-law, be further amended;

**NOW THEREFORE BE IT ENACTED** by Council of The Corporation of the City of Stratford as follows:

1. That Schedule "A", Map 1 to By-law 10-2022 as amended, is hereby amended by adding those lands outlined in heavy solid lines and described as Neighbourhood Commercial (C1) Zone with site specific regulations C1-5 on Schedule "A", attached hereto and forming part of this By-law, and more particularly described as 607 and 609 Downie Street, located on the east side of Downie Street between Norfolk Street and Bruce Street, legally described as Lots 33, 34, and 35 PLAN 381 in the City of Stratford.
2. That By-law 10-2022 as amended, be further amended by adding Section 15.7.4 (C1-5), being Zone Exceptions of Neighbourhood (C1-5) Zone, to add the following:

**15.7.4**

- a) Defined area (607 and 609 Downie Street – By-Law XX-2024) C1-5 as shown on Schedule "A", Map 1
- b) Permitted use:
  - Existing single detached dwelling;
  - Motor vehicle repair shop as defined in Section c) Regulations below within the existing building;
  - Motor vehicle sales or rental establishment within the existing building;
  - Business office,
  - All other uses permitted in the C1 zone, and,

- Prohibited uses, a motor vehicle service station and a gas bar.

c) Regulations

- i) MOTOR VEHICLE REPAIR SHOP means a building which contains facilities for the repair and maintenance of vehicles on the premises and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed.
- ii) Motor vehicle Repair Shop activities shall only occur within the existing building.
- iii) Motor vehicle sales and rental establishment display areas shall only occur on existing asphalt and gravel parking areas.
- iv) Lighting associated with any motor vehicle repair shop or motor vehicle sales and rental establishment, if any, shall not spill onto abutting properties.

3. This by-law shall come into effect upon Final Passage in accordance with the *Planning Act*.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 26th day of February, 2024.

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Mayor – Martin Ritsma

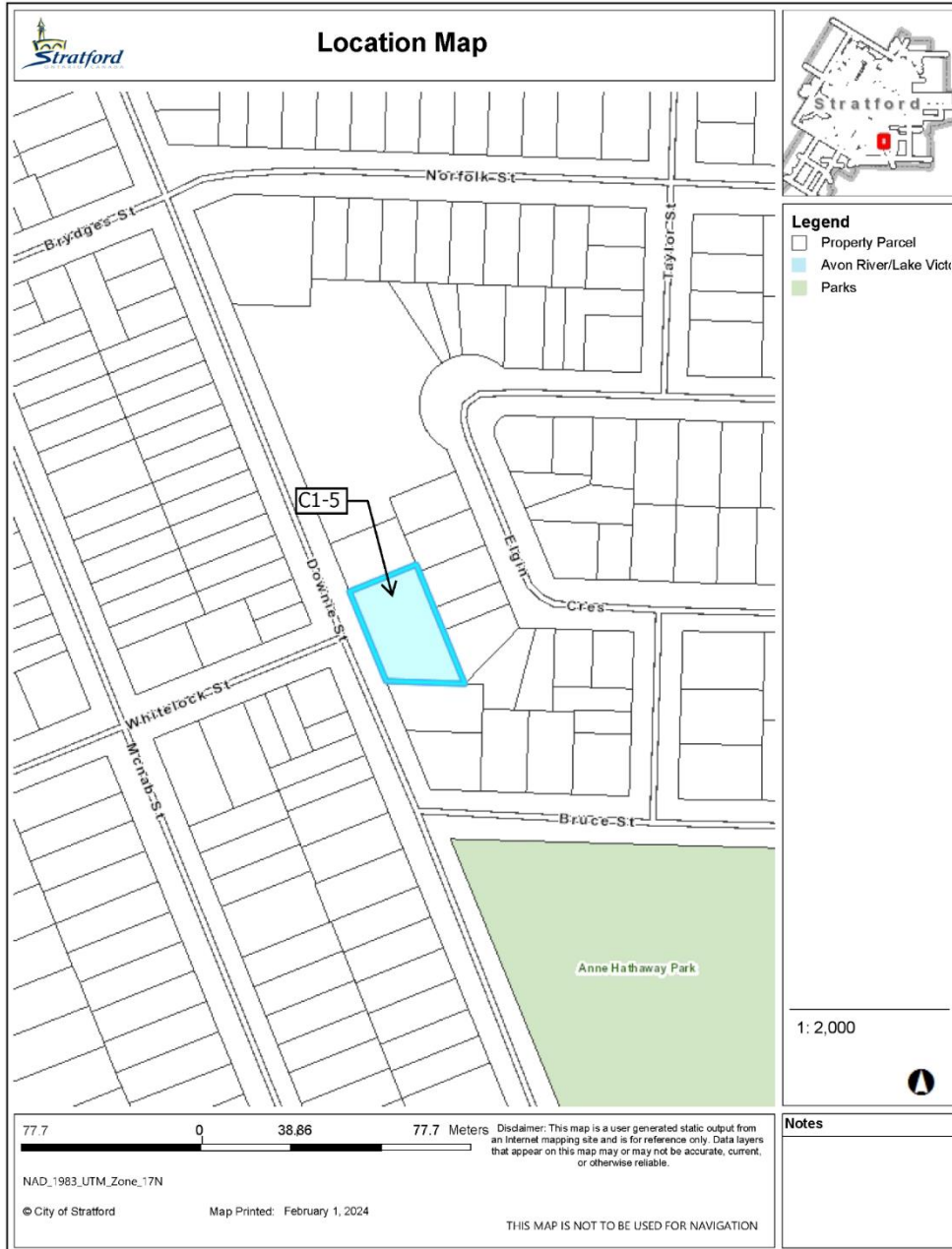
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Clerk – Tatiana Dafoe

**This is Schedule "A" to By-law XX-2024  
Adopted this XX day of February, 2024**

Amending By-law 10-2022  
Of  
The Corporation of the City of Stratford

**File Z06-23: 607 Downie Street, 609 Downie Street**





**BY-LAW NUMBER XX-2024  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

---

BEING a By-law to authorize the execution of an agreement with The Township of Perth East for the disposal of household hazardous waste generated in the Township at the City's Household Hazardous Waste Events.

---

**WHEREAS** Section 8(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended, ("the Municipal Act, 2001") provides that the powers of a municipality under this or any other Act, shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the Municipal Act, 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 10(1) of the Municipal Act 2001, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** The Corporation of the City of Stratford (the "City") is the owner of the Stratford Landfill Site located at 777 Romeo Street South, and the Rotary Complex located at 353 McCarthy Road, in Stratford;

**AND WHEREAS** Council for The Corporation of the City of Stratford wishes to enter into an agreement with The Township of Perth East for the disposal of household hazardous waste generated in the Township at the City's Household Hazardous Waste Events for a period of two years from April 15, 2024, to May 15, 2026;

**NOW THEREFORE BE IT ENACTED** by Council of The Corporation of the City of Stratford as follows:

1. That the Agreement between The Corporation of the City of Stratford and The Township of Perth East for the disposal of household hazardous waste generated in the Township at the City's Household Hazardous Waste Events, be entered into and the Mayor and Clerk, or their respective delegates, be and the same are hereby authorized to execute the said agreement on behalf of and for this Corporation and to affix the corporate seal thereto.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 26th day of February, 2024.

---

Mayor – Martin Ritsma

---

Clerk – Tatiana Dafoe



**STRATFORD CITY COUNCIL**  
**CONSENT AGENDA**

February 26, 2024

**REFERENCE NO.      CONSENT AGENDA ITEM**

CA-2024-018      Resolution from The Corporation of the Municipality of Calvin regarding Provincial and National Fire Fighting Strategy.

This item has been carried over from the February 12, 2024 Regular Council Consent Agenda. Additional information was requested by Council and the following information has been provided by the Director of Emergency Services/Fire Chief in this regard:

“The basis for this resolution has to deal with the requirement to combat Wildland fires through a recommended federal government increase to provincial funding and development of a National Firefighting Strategy. It also supports a National fleet of water bombers and reintroduction of an Emergency Preparedness Program. Although this wouldn’t directly impact the City or Stratford Fire Department, the smoke and pollution that did result from the Wildland fires was a health and safety issue that impacted everyone. It is for this reason that I strongly support this Resolution.”

Attachment – Resolution from the Corporation of the Municipality of Calvin dated January 30, 2024

Endorsement of the resolution is requested.

CA-2024-020      In accordance with By-law 135-2017 as amended, the Infrastructure Services Department is providing notification that:

William Street from Waterloo Street to Lakeside Drive North and Denison Street will be temporarily closed on Saturday, February 24, 2024 from 4:00 p.m. to 7:30 p.m. A fire and emergency personnel lane will be maintained on all streets during this time.

CA-2024-021      Resolution from The Corporation of the Town of Petrolia regarding the re-establishment of an annual combined conference for both OGRA & ROMA.

Attachment – Letter from The Corporation of the Town of Petrolia dated February 8, 2024.

Resolution is provided for information.

CA-2024-022

I, Tim Wolfe, Director of Community Services, as authorized by By-law 135-2017, do hereby authorize that;

- An exemption be granted to Off-Road Vehicle By-law 135-2020 to operate an ATV/RTV on recreational trails on municipal property under the jurisdiction of The Corporation of the City of Stratford as outlined on the attached map, for the duration of the Hog Jog event on Wednesday, June 19, 2024 with the following conditions:
  - Not permitted on City roads. The use of the Off-Road Vehicle is only permitted on recreational trails.
  - Not permitted off the special event site.
  - Off-Road Vehicle needs to be trailered to the site. (e.g. can not be driven on City roads to the site)
  - Ontario Pork Industry Council – Hog Jog Committee personnel may only operate the Off-Road Vehicle and must have a G license.
  - Not permitted on recreational trails if the ground is soft and is up to the discretion of the Manager of Parks or the Director of Community Services.
- That the event organizer provides the Events Coordinator with the required certificate of insurance for a minimum of \$5 million dollars, naming the City of Stratford as an additional insured and confirmation that the insurance covers the use of Off-Road Vehicles at least 48 hours prior to the event.
- That the grant of this exemption is subject to change should new information become available prior to the start of the event.
- All other provisions of Off-Road Vehicle By-law 135-2020 that are applicable remain in force and effect.

Attachment - Map

CA-2024-023

In accordance with By-law 135-2017 as amended, the Infrastructure Services Department is providing notification that:

Strachan Street, from West Gore Street to Brydges Street, Stratford, was temporarily closed to through traffic, Tuesday, February 20, 2024, from 9:00 a.m. to 1:00 p.m. for Tree Removal.



# Corporation of the Municipality of Calvin

## Council Resolution

**Date:** January 30, 2024

**Resolution Number:** 2024-31

**Moved By:** Councillor Moreton

**Seconded By:** Councillor Manson

**Background:** Before Calvin township became a township, it was burned by numerous forest fires. This was before the time of fire towers, water bombers, and municipal fire departments. A 1881 report from Lawrence Tallan, Provincial Land surveyor, states: *"The township of Calvin has been traversed by repeated and severe fires – so well have the flames done their work that with the exception of an insignificant portion, scarcely a vestige of the original timber remains."*

History has a way of repeating itself, and now rural municipalities and remote areas need more than ever to be prepared to respond to forest fires. Invasive pests like the emerald ash borer and the spruce bud worm are killing large numbers of trees, leaving copious amounts of dry kindling in our forests just waiting for a careless human or a lightning strike. Our forests are choked with deadfall and forest fires are becoming increasingly difficult to control. Add to this the effects of rising temperatures and drier seasons, or climate change, and we could be facing increasingly disastrous forest fires. This is not the time to be caught short with limited forest fire-fighting resources.

Jordan Omstead of the Canadian Press recently wrote: "But as Canada's water bombers age – and wildfire seasons are expected to intensify – some wildland



firefighters and emergency preparedness experts say the country needs to prop up its fleet of firefighting aircraft, even though several provinces are playing down concerns about capacity.” He quotes Eric Davidson, president of the Ontario Professional Association of Wildland Firefighters, “We’re really starting to see the effect of the aging fleet.”

The article further states the John Gradek, lecturer at McGill University estimates that almost half of the larger water bombers used to fight Canadian forest fires are nearing the end of their service life.

However, a Canadian company making a large skimmer-style water bomber is backed up with orders from European countries until the end of the decade.

Ontario has its own fleet of aircraft. They have 20 fixed-wing aircraft which includes 9 CL215 and CL415 water bombers that are 24 years old on average. The remaining 11 aircraft are an average of 54 years old. Melissa Candelaria, a spokesperson for Minister Graydon Smith says the MNR can handle Ontario fires with these aircraft, but Jennifer Kamau, communications manager for the Canada Interagency Forest Fire Centre, CIFFC, noted that other provinces contract out firebombers and last year there was a strain in Canada to get the resources to areas in need because there were so many fires across the country at the same time and very few aircraft available.

Peter Zimonjic of the CBC quoted the Canadian Association of Fire Chiefs (CAFC) President Ken McMullen, “It's not often that the fire chiefs sound the alarm. We are very concerned about this impending crisis that the summer of 2024 and beyond is going to bring our sector.”

In 2023 we all smelled the smoke and saw the sky turn brown. Buildings can be replaced, but lives cannot. And once an area is burned it takes more than a lifetime for it to return to its original state.

**WHEREAS** Forest fires are a very real threat to rural municipalities.



**AND WHEREAS** smoke from forest fires put people's health at risk. This is especially true of children and the elderly. The David Suzuki Foundation reports that wildfires kill many thousands of people per year and most of the deaths are from smoke inhalation.

**AND WHEREAS** forest fires are a very real danger to the climate and according to The Guardian, in 2023 they emitted three times as much carbon as the entire carbon footprint of Canada.

**AND WHEREAS** according to the John Crace interview in The Guardian with William Kurz, a retired scientist with Natural Resources Canada, around two billion tonnes of carbon have been released into the atmosphere from forest fires in 2023.

**AND WHEREAS** carbon emissions from forest fires are not counted against Canada's Paris agreement commitments, according to Kurz, but they far exceeded all of the emissions tied to Canada's economy (670 mega tonnes, or 0.67 billion tonnes, according to Environment and Climate Change Canada).

**AND WHEREAS** that standing healthy forest serves as a carbon sink, drawing in carbon, but once destroyed by fire, even though second growth takes its place, it is much less effective for many decades.

**AND WHEREAS** the federal government owns no water bombers and assists the provinces through the CIFFC, Canadian Interagency Forest Fire Centre, a spokesperson with CIFFC says that last year there were too many requests and not enough inventory to meet the needs of the country.

**AND WHEREAS** as reported by De Havilland Canada who manufacture the Canadian made water bomber, they have contracts with European countries for the next 22 of its new DHC-515 planes, which will take until 2029 or 2030 to complete and there will be very little production available to replace the aging water bombers in Ontario and the rest of Canada.

**NOW THEREFORE BE IT RESOLVED THAT** the council of the Corporation of Calvin Township urges and encourages the Federal Government to commit additional funds for cost sharing of provincial firefighting and to consider the development of a national strategy of firefighting. Furthermore, we urge the federal government to consider the measures necessary for acquiring a national fleet of Canadian-made waterbombers, with home bases strategically located to best serve and respond to the needs of rural communities, and a national fire administration to better coordinate and manage efforts across the country. We also encourage the introduction of a program similar to the Joint Emergency Preparedness Program (JEPP) which was ended in 2013.

And we encourage Minister Graydon Smith to step up the on-the-ground firefighting capability and water bomber acquisitions in Ontario.

**AND THAT** this resolution be forwarded to The Right Honourable Justin Trudeau, Prime Minister of Canada, The Honourable Bill Blair, Minister of National Defence, The Honourable Doug Ford, Premier of Ontario, The Honourable Graydon Smith, Minister of Natural Resources and Forestry of Ontario, The Honourable Vic Fideli, Minister of Economic Development Ontario, the Federation of Canadian Municipalities (FMC) and the Association of Municipalities Ontario (AMO).

**AND THAT** this resolution be shared with all 444 municipalities in Ontario for their consideration and adoption.

**Results: Carried**

**Recorded Vote:**

<u>Member of Council</u>	<u>In Favour</u>	<u>Opposed</u>
Mayor Gould	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Moreton	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Latimer	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Grant	<input type="checkbox"/>	<input type="checkbox"/>
Councillor Manson	<input type="checkbox"/>	<input type="checkbox"/>

February 8, 2024

Rural Ontario Municipal Association  
 Attn: Board of Directors  
 Via email [roma@roma.on.ca](mailto:roma@roma.on.ca)

Ontario Good Roads Association  
 Attn: Board of Directors  
 Via email [info@goodroads.ca](mailto:info@goodroads.ca)

***Via email***

RE: return to combined ROMA and OGRA conferences

Dear ROMA & OGRA Board of Directors,

During the February 5, 2024 regular meeting of council, council in response to a notice of motion from Deputy Mayor Joel Field the following resolution passed:

MOVED: Bill Clark

SECONDED: Chad Hyatt

WHEREAS as a past attendee of combined conferences, it makes great sense for the OGRA & ROMA conferences to be returned to a combined conference effort, not only financially for the municipality but also for availability for participation of members of Council and staff; and

WHEREAS these conferences afford a vital opportunity for delegations with members of our provincial parliament, returning to a combined conference provides a better respect to their availability and participation; and

WHEREAS during the 2019 OGRA conference AGM a resolution was passed regarding the re-establishment of an annual combined conference for both OGRA & ROMA; and

WHEREAS it is understandable that little movement has happened since the resolution at the 2019 OGRA conference AGM was passed, due to delays of the COVID-19 pandemic; and

WHEREAS not all persons who wish to attend can do so in person, that a hybrid participation option be considered for the sessions;

NOW THEREFORE BE IT RESOLVED that the Council of the Town of Petrolia call upon both the ROMA & OGRA boards to re-establish a combined OGRA & ROMA annual conference.

FURTHERMORE that this resolution be forwarded to Premier Doug Ford, Minister Paul Calandra, MPP Bob Bailey and be circulated to Municipalities of Ontario; as amended

**Carried**

Phone: (519)882-2350 • Fax: (519)882-3373 • Theatre: (800)717-7694

411 Greenfield Street, Petrolia, ON, N0N 1R0

[www.town.petrolia.on.ca](http://www.town.petrolia.on.ca)



Kind regards,

*Original Signed*

Mandi Pearson  
Clerk/Operations Clerk

cc:

Premier Doug Ford [premier@ontario.ca](mailto:premier@ontario.ca)  
Hon. Paul Calandra [Paul.Calandra@pc.ola.org](mailto:Paul.Calandra@pc.ola.org)  
MPP Bob Bailey, Sarnia-Lambton [bob.bailey@pc.ola.org](mailto:bob.bailey@pc.ola.org)  
Ontario Municipalities



Phone: (519)882-2350 • Fax: (519)882-3373 • Theatre: (800)717-7694

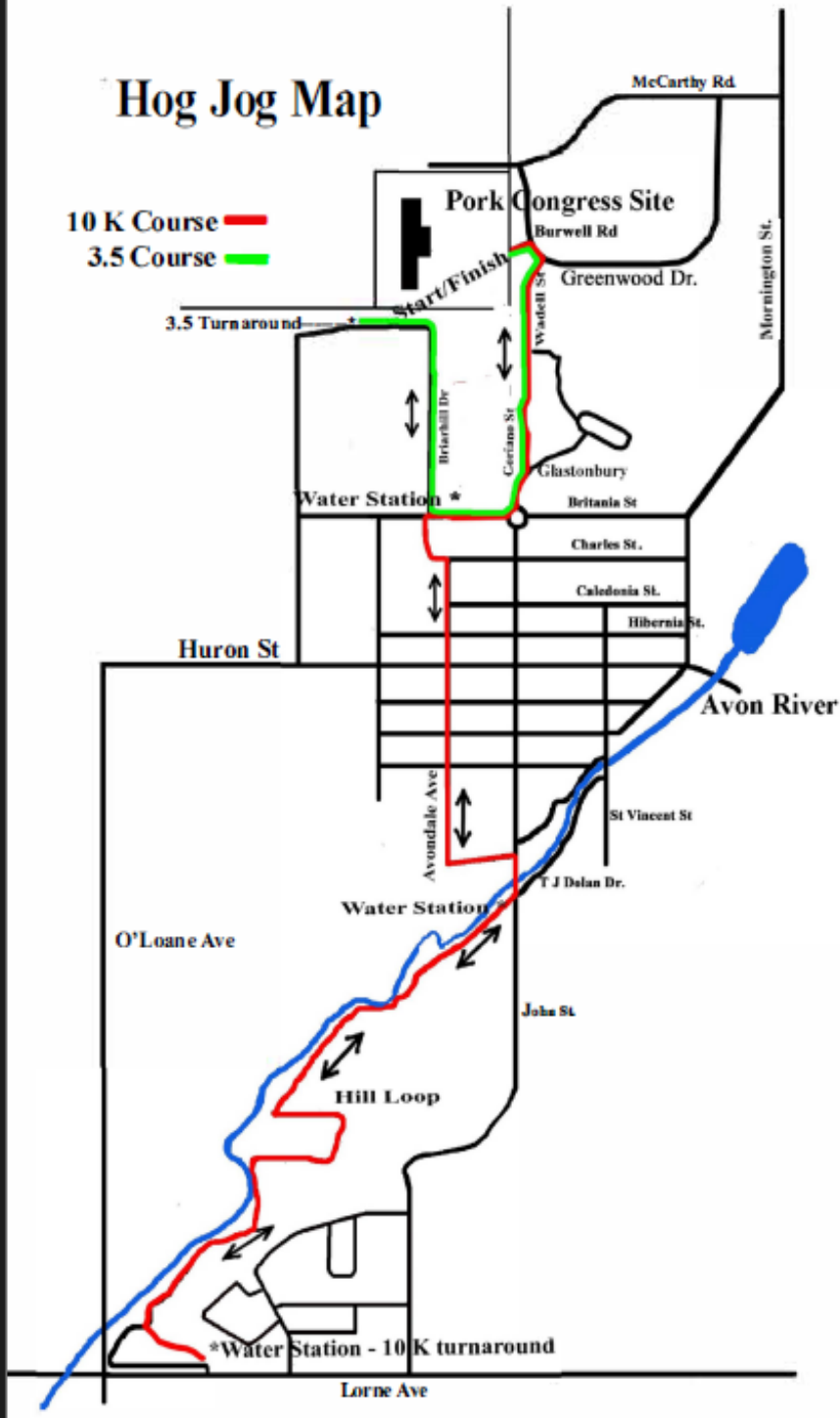
411 Greenfield Street, Petrolia, ON, N0N 1R0

[www.town.petrolia.on.ca](http://www.town.petrolia.on.ca)



# Hog Jog Map

10 K Course   
3.5 Course 





**BY-LAW NUMBER XXX-2024  
OF  
THE CORPORATION OF THE CITY OF STRATFORD**

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BEING a By-law to confirm the proceedings of Council of The Corporation of the City of Stratford at its meeting held on February 26, 2024.

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**WHEREAS** subsection 5(1) of the *Municipal Act, 2001, S.O. 2001 c.25*, as amended, (*the Act*) provides that the powers of a municipal corporation are to be exercised by its council;

**AND WHEREAS** subsection 5(3) of the *Act* provides that the powers of council are to be exercised by by-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** it is deemed expedient that the proceedings of the Council of The Corporation of the City of Stratford at this meeting be confirmed and adopted by By-law;

**NOW THEREFORE BE IT ENACTED** by the Council of The Corporation of the City of Stratford as follows:

1. That the action of the Council at its meeting held on February 26, 2024, in respect of each report, motion, resolution, recommendation or other action passed and taken by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each report, motion, resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Mayor of the Council and the proper officers of the City are hereby authorized and directed to do all things necessary to give effect to the said action, to obtain approvals where required, and, except where otherwise provided, to execute all documents necessary in that behalf in accordance with the by-laws of the Council relating thereto.

Read a FIRST, SECOND and THIRD time and

FINALLY PASSED this 26th day of February, 2024.

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Mayor – Martin Ritsma

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Clerk – Tatiana Dafoe