



STRATFORD CITY COUNCIL ADDENDA

Adoption of Addenda to the Regular Council Agenda:

Motion by

THAT the Addenda to the Regular Agenda of Council and Standing Committees dated August 12, 2024 be added to the Agenda as printed to include the following:

3. Adoption of the Minutes:

Attachment – draft Regular Council Minutes dated July 22, 2024

Motion By

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

7. Orders of the Day:

7.11 Correspondence – Ontario Land Tribunal Decision OLT-23-001049 - 173 William Street, Stratford

Attachment – Memorandum of Oral Decision and Order of the Tribunal dated August 9, 2024

Following publishing of the agenda, the attached Memorandum of Oral Decision and Order of the Ontario Land Tribunal was received regarding Case No. OLT-23-001049, 173 William Street.

For the information of Council.

INFRASTRUCTURE, TRANSPORTATION AND SAFETY COMMITTEE

ADDENDUM

Adoption of the Addendum to the Infrastructure, Transportation and Safety Committee
Agenda:

4. Delegations:

4.2 Request for Delegation from Climate Momentum Re: Community Climate Action Plan

Following the publishing of the agenda, Bill James-Abra, Co-ordinator, and Ava Cappie, Social Media Organizer, of Climate Momentum requested to speak to Committee in support of the Community Climate Action Plan. Bill James- Abra and Ava Cappie will be providing new information following the delegation made to the July 24, 2024 Infrastructure, Transportation and Safety Sub-committee.

Motion

THAT Bill James-Abra and Ava Cappie from Climate Momentum be heard.



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

Meeting #: 4750th
Date: Monday, July 22, 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, Audrey Pascual - Deputy Clerk, Kim McElroy - Director of Social Services, Tim Wolfe - Director of Community Services, Karmen Krueger - Director of Corporate Services, Adam Betteridge - Director of Building and Planning Services, Neil Anderson - Director of Emergency Services/Fire Chief, Dave Bush- Director of Human Resources, Miranda Franken - Council Clerk Secretary

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

Respectful Workplace Policy Statement

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 Beatty declared a pecuniary interest on Item 5.2 - July 22, 2024 In-Camera Session - 4.1 Proposed Disposition of Land in the Crane West Business Park. Councillor Beatty's business partners are involved in the sale of the property.

Councillor Beatty declared a pecuniary interest on Item 7.1 - Housing Projects and Initiatives Update (COU24-081). Councillor Beatty's business partners are involved with a housing project.

3. Adoption of the Minutes:

R2024-268

Motion by Councillor Biehn

Seconded by Councillor Burbach

THAT the Minutes of the Regular Meeting of Council of The Corporation of the City of Stratford dated July 8, 2024 be adopted as printed.

Carried

4. Adoption of the Addendum/Addenda to the Agenda:

R2024-269

Motion by Councillor Burbach

Seconded by Councillor Hunter

THAT the Addenda to the Regular Agenda of Council and Standing Committees dated July 22, 2024 be added to the Agenda as printed.

Carried

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

5.1 At the July 15, 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,

At the In-camera Session, a report and advice subject to solicitor client privilege were received. Direction was given to staff and legal counsel to continue negotiations.

5.2 At the July 22, 2024, Session under the Municipal Act, 2001, as amended, matters concerning the following items were considered:

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 Judicial Review: Stratford (City) v. Stratford Professional Fire Fighters Association Local 534 - Labour relations or employee negotiations (section 239.(2)(d)).

At the In-camera Session, direction was given to staff regarding Item 4.1 and Council received a report relating to a labour relations or employee negotiations matter for Item 5.1.

6. Hearings of Deputations and Presentations:

6.1 Request for Delegation - Communities in Bloom 2024 Judges

R2024-270

Motion by Councillor Henderson

Seconded by Councillor Beatty

THAT Bob Ivison, International Communities in Bloom Judge and Susan Ellis, National Chair Person, Communities in Bloom Board of Directors, be heard.

Carried

Bob Ivison and Susan Ellis addressed Council regarding the Communities in Bloom judging taking place in Stratford. Highlights of their presentation included:

- an overview of their roles and participation in Communities in Bloom;
- Stratford being a part of the Communities in Bloom for 30 years and having won multiple awards;
- the Communities in Bloom being a unique and distinguished club and not many members have stayed for as long as Stratford;
- Stratford having an amazing parks system and parks program;
- Communities in Bloom being a business network of communities that brings together an information network under the slogan of growing great places together;
- Communities in Bloom celebrating its 30th year this year and holding its 2024 National Symposium in Charlottetown, PEI;
- Stratford celebrating its 31st year of membership in 2025 and hosting the 2025 Communities in Bloom Symposium, an international event;
- communities having changed following COVID and Communities in Bloom having changed as well and now looks at how communities engage with one another, how they respond to climate change and climate mitigation and the judging reflecting this;
- Stratford exhibiting that it understands what is happening in its community and what is happening on a worldwide basis in dealing with climate change; and
- Communities in Bloom having developed several tools which Stratford has access to, including the clean air calculator and green cities elements.

The Mayor thanked Ms. Ellis and Mr. Ivison for taking the time to come and get to know Stratford. The Mayor also recognized Ted Blowes who was a big advocate for Communities in Bloom in Stratford. The Mayor thanked Councillor Beatty, Councillor Henderson, and the Manager of Parks, Forestry and Cemetery, for their work with Communities in Bloom.

6.2 Request for Delegation and Correspondence Regarding Item 8.1

R2024-271

Motion by Councillor Burbach

Seconded by Councillor Henderson

THAT Ken Wood, Robert Roth, Jane Marie Mitchell, David Yates, Tim Forster, Barb Shaughnessy, and Jason Davis be heard.

Carried

R2024-272

Motion by Councillor Briscoe

Seconded by Councillor Hunter

THAT the correspondence from Joan Bidell dated July 18, 2024 and Mike Sullivan dated July 22, 2024 be received.

Carried

Ken Wood spoke to Council in support of the motion to be considered under Item 8.1. Highlights of the presentation included:

- words having meaning but can be easily misunderstood and with regard to the Respect in the Workplace policy, there having been a failure to communicate;
- the CAO was quoted as saying “words can hurt”, Mr. Wood noting that words alone are not violence and referenced a children’s rhyme and how it was used to refrain people from engaging in bullying;
- civil dialogue being important and how in civil society, words are used to communicate respect with a hope for a return of that respect;
- an outline of the etymology of various words and honorifics used in politics to communicate respect including Your Worship;
- an outline of the etymology of the word chamber as it relates to politics which is being a debate chamber and not a simple workplace as it is a place where free speech should be sacred;
- an outline of the official definition of the word workplace and there being a common understanding of what it is;

- an outline of the official definition of the word respect and how it is similar to attentiveness and analogous to thoughtfulness, consideration;
- an overview of the research by Dr. Paul Ekman related to facial micro aggressions including how such expressions occur within a fraction of a second and are not controllable;
- there being a democratically elected Council that is to represent all citizens and not just their supporters or voters or people that they like;
- most elected members getting in because of splitting votes with numerous candidates and no one having an endorsement with 50% of the votes or the majority, with some getting in with 15% of the votes;
- Council members being urged to be humble and to take the job seriously even though it is a part-time gig and to realize that they have power and it must be used properly;
- the layout of Council Chambers with Council seated with their backs to the audience possibly being regarded as an insult and not respectful in other cultures;
- an overview of Mr. Wood's experience as one of the many "bannees" beginning from the events of February 26, 2024, Mr. Wood's receipt of a letter notifying him of complaints under the Respectful Workplace Policy and the ban from City facilities, the appeal proceedings that ensued, and the interview with the City's HR Director; and,
- how being judged guilty by city bureaucracy is concerning to anyone as it is stepping into free speech, going against the Charter Rights of Canada, dampening involvement in the City and how Council needs to step in as it not an operational matter.

Robert Roth spoke to Council in support of the motion to be considered under Item 8.1. Highlights of the presentation included:

- Mr. Roth bearing the insignia of the Royal Canadian Regiment, the oath it came with to defend this country and the values for which it stands;

- Mr. Roth being compelled to don the insignia again to seek peace from the Respectful Workplace Policy, a policy whose assault on free speech has left both the public image and the functionality of the municipality in ruins;
- Council members being thanked for their response to the open letter sent by Mr. Roth relating to the issue and the meaningful dialogue that occurred;
- the Respectful Workplace Policy having no place in Council Chambers as it is not a traditional workplace but a hall of democracy that carries specific legal, moral, and democratic traditions and obligations that soar far above the parameters of a simple workplace;
- wording from the policy being interpreted as a ban to anything you don't want to hear;
- the Ontario Court of Appeal ruling that the Canadian Charter of Rights and Freedoms takes precedence workplace policies;
- people being legally entitled to use tough, unflattering, and even hostile language to criticize politicians, not pleasant or preferable but it is the law;
- workplace policies being for employees and not members of the general public as per the Court ruling;
- an overview of Mr. Roth's experience as a journalist, university instructor, and Councillor, and an experience with trying to pass a maintenance by-law at another municipality;
- a detail of how Mr. Roth and their fellow Council members dealt with the public disapproval of the proposed by-law and how the situation was resolved;
- the refusal of the Stratford Police Service to enforce the policy being a convincing repudiation of the workplace policy;
- how the City's decision-making has come to a screeching halt because of meetings being closed down;
- the banning of speech not being enough and facial expressions now being banned by calling them facial micro-aggressions;

- the City needing a respect for the people policy, respect for democracy policy;
- how public accountability is being eluded by labeling decisions as “administrative matters”;
- how censoring committee members speech and facial movements and banning people from Council Chambers not being administrative matters but political decisions in the extreme;
- a recommendation that the policy be withdrawn permanently from application to public meetings;
- the Procedural By-law giving ample authority to control unruliness at public meetings;
- a recommendation to review the excessive way the policy has been implemented in the office setting, with the review being done by an Ad Hoc Committee composed of Councillors and citizens-at-large; and,
- the Council Chambers not belonging to Council but to the people and a request to return it to the people.

Jane Marie-Mitchell spoke to Council in support of the motion to be considered under Item 8.1. Highlights of the presentation included:

- Ms. Mitchell being in support of the suspension and even the rescindment of the policy as it is not necessary to police members of the public;
- an outline of the legislative acts referenced in the policy and how most of these rightly concern the workplace, employers, employees, contractors, but not citizens;
- an overview of the central role being played by city council chambers in the democratic process for local municipalities;
- an outline of the governmental policies that tell what is allowed in Council Chambers;
- an overview of the fundamental freedoms covered under the Canadian Charter of Rights and Freedoms as well as the protected rights under the Ontario Human Rights Code;

- the Procedural By-law providing the Mayor with the authority to maintain order during meetings and outlining the acceptable behaviours by delegations;
- there being no need for another policy to police residents speaking at a Council meeting as a delegate or other City meetings because of this By-law;
- the policy being subjective and unnecessary to use against taxpayers, being used inappropriately to stop citizens from giving their opinion about a few issues and make others think twice about participating in local government issues;
- an overview of the speeches in question which occurred on the February 26 Council meeting;
- there being no incident report provided to the individuals to review the complaints and to appeal the judgement and only receiving a lawyer's letter following the incident;
- the rights and freedoms of speech being protected to express opinions especially in Council Chambers;
- a discussion between Council and the seniors being suggested;
- a meeting being requested with the Mayor, CAO, and Clerk in June 2023 to discuss closed meeting investigations, the Procedural By-law, and the set-up of Council Chambers to make it more accessible; and,
- Councillors being reminded to consider delegations made and show that they are compassionate, attentive, and serving all residents under their care.

David Yates spoke to Council in support of the motion to be considered under Item 8.1. Highlights of the presentation included:

- Mr. Yates not being involved in the ban but was a victim of collateral damage;
- an outline of Mr. Yates' objections to the policy which make it unworkable;

- the first one being that it inverts the municipal hierarchy, it should be staff report to Council and provide recommendations to Council and Council makes decisions;
- staff making no recommendations with respect to the Respectful Workplace Policy but instead making a proclamation that individuals shall be banned with no input from Council being requested or required, preventing Council from weighing in on the decision;
- the second objection being that by refusing to enforce the bans, the unintended consequence is that all citizens were prevented from addressing Council, control of the chamber being ceded to people who were supposed to be banned;
- Mr. Yates becoming victim of the policy on the night of the public meeting for the proposed development of the Krug factory;
- an overview of the meetings that were cancelled due to the presence of individuals banned from City facilities; and,
- a request that Council suspend the policy and make something that actually works.

Tim Forster spoke to Council in support of the motion to be considered under Item 8.1. Highlights of the presentation included:

- Mr. Forster offering their home to share ideas during a previous delegation but nobody contacted them;
- the proposed suspension being simple which is to take the policy off or keep it on;
- Mr. Forster supporting the suspension for two reasons;
- firstly, it being a sign that Council understand and appreciate the harm the use of this policy has done to the City's relationship with its residents and the City's reputation;
- secondly, the reading of the Respectful Workplace Policy at the beginning of Council being found to be arrogant and demeaning, the type of message an authoritarian regime would read;
- the Respectful Workplace Policy statement being so different from the Land Acknowledgement where it recognizes the Indigenous

People who were once themselves neglected with their rights and freedoms violated;

- Councillors not supporting the motion affirm that they are entrenched in the path of pitting staff against the public;
- there being loss of work, loss of Council meetings, legal expenses, and embarrassment to the City as a result of the policy;
- the policy having defamed residents and tarnished staff at the same time; and,
- the Respectful Workplace Policy being dead and Council being asked to support the motion.

Barb Shaughnessy spoke to Council in support of the motion to be considered under Item 8.1. Highlights of the presentation included:

- the Respectful Workplace Policy having no safeguards but the Violence and Harassment Policies having a section called malicious complaints to stop bad faith, frivolous, vexatious actions and the Respectful Workplace Policy needing to have the same safeguards;
- the Respectful Workplace Policy needing to be suspended as it does not align with the other policies as promised;
- the policy could use charts and language as in other municipalities to stop what residents feel is abuse and misuse;
- an overview of an example where if there was a threat or intimidation during the February 26 meeting, the police should have been called;
- the reporting of an unjustified complaint to police being public mischief and making a false statement that accuses another of an offence being up to two years in jail;
- there being no threats by Mr. Shaughnessy's group so the police were not called;
- an overview of how a police investigation is not about emotions just facts;

- the Respectful Workplace Policy not being legislated while Violence, Harassment, and Discrimination Policy was required by legislation as are many other policies supported by Ms. Shaughnessy;
- there being no examples of municipal scans provided to support the new policy during the April and May 2023 meeting when the policy was presented to Council;
- there being no questions or discussion from Council regarding the Respectful Workplace Policy during the meeting;
- there being a fulsome discussion needed during the review of the policy;
- the financial implication being noted as none during the initial presentation of the policy but there being legal costs associated with the pushback against the policy;
- the policy needing to be suspended to ensure that the penalties comply with the Canadian Charter of Rights and Freedoms and all current Appeals Court decisions;
- a third-party review of the policy being in order;
- an overview of the Authentika Consulting webpage on building trust; and,
- Council being urged to support the motion.

Jason Davis spoke to Council in support of the motion to be considered under Item 8.1. Highlights of the presentation included:

- an overview of Mr. Davis' personal experience dealing with violence and the importance of feeling safe in the workplace;
- there being checks and balances between the feelings of City staff and the actions on behalf of the City;
- the need for checks and balances being in place to stop the unconscious or subconscious bias from going forward to taking actions against citizens based on race, beliefs, or other bias;
- in the halls of Council Chambers, there still being laws that regulate speech, laws against libel, defamation, harassment, and threats but they are handled by the judicial system without stopping

democracy and the judicial system already exists and has checks and balances that have been tried and tested for over a century;

- with this system, it being inevitably required that someone who isn't an elected official to be the final say on whether or not members are being banned from being able to speak;
- if ban is done as an administrative decision, the citizens never having the ability to hold anyone accountable;
- there being several questions that remain unanswered by the City and the public not understanding what happened or not knowing what the lines are on whether or not they can be reprimanded by the City;
- the feelings of one, which are valid, being pushed as an attack on the person who made the feelings happen without any form of public engagement or challenge;
- someone having facial microaggressions for example being intimidated because of an unconscious facial movement made while interacting with staff, this being policing at a level that is unprecedented that requires checks and balance;
- it being extremely important to have a respectful workplace safety policy especially when dealing with City staff in their own place of work and when dealing with City staff with each other and with Councillors; and,
- it also being important that citizens who come to speak in this room be able to have the same feelings and not feel intimidated or not feel fear that something they do, even subconsciously, could be turned around and sent a letter or an email within the hour they finish speaking.

A member thanked all of the delegations. The member also thanked Council and staff and reminded everyone to work respectfully. The member noted that everyone is working for the community and that they can work together for the community.

6.3 Added - Request for Delegation Regarding Item 5.1 Proposed Disposition of Land (Long-Term Care Home)

R2024-273

Motion by Councillor Henderson

Seconded by Councillor Nijjar

THAT Jason Davis be heard.

Carried

Jason Davis addressed Council regarding concerns with the proposed disposition of land for a long-term care home. Highlights of the presentation included:

- the land in question being designated in 2021 as a perfect location according City staff for attainable housing;
- there being no update that the attainable housing project is no longer active but the land is now being turned into a long-term care facility;
- it being noted that between the Avon Crest development for long-term care and this proposed development, 1% will be added to the entire municipality's population that is strictly only over the age of 65 while the population is already several years above the median age;
- there being no staff to work the long-term care facilities and without housing, there being a staff shortage for the 1% population increase;
- the long-term care facility proposed being a for-profit facility that is being built 100 of the 160 beds with provincial funding;
- the essential municipal land being taken and handed to a for-profit facility that will be built with provincial dollars and will reap the profits;
- it being questioned whether the proposal is the best for the community;
- Mr. Davis noted that they spoke to Council in January 2023 regarding a statistical analysis on the need of housing;

- the decision to put the land as unnecessary and put up for sale being done unanimously; and,
- it being questioned why the land is no longer being used for housing as promised three years ago.

Mayor Ritsma noted that the report for the proposed disposition of land referred to by Mr. Davis will be considered at the July 23, 2024 Special Council Meeting.

7. Orders of the Day:

7.1 Resolution - Housing Projects and Initiatives Update (COU24-081)

The CEO of investStratford and the Manager of Housing provided Council with an overview of the report. Highlights of the presentation included:

- an overview of the housing continuum, the role of the City Social Services in providing housing-related services, and where the attainable housing project is located in the continuum;
- an overview of the statistics of the current community needs;
- an overview of the status of the Stratford attainable housing project;
- an overview of the current housing projects currently underway including the Social/Community Housing in Milverton and the Supportive Housing in Stratford;
- the new Housing Specialist supporting the community with matters related to secondary dwelling units;
- the affordable rental project being currently under research and the project being developed in partnership with NOW Housing;
- an update on the Community, Affordable Ownership Rental project at 161 Erie Street and staff bringing back concepts for partnerships to Council for consideration;
- the idea of public/private partnerships being key in getting things done; and,

- there being strong relationships in this community and with individuals, including the not-for-profit partners who would all like to work together on various projects.

A question and answer period was held between the Members of Council, the CEO of investStratford, and the Manager of Housing regarding the following:

- on whether there has been much uptake with the Housing Specialist for people looking to make secondary dwellings, the CEO of investStratford noted that there has been some but it is still early in the promotion of the project. The CEO further noted that other communities have developed toolkits and staff are looking at developing similar toolkits for residents to help them navigate the process. The CEO added they cannot confirm if people are doing it because of the project as they may have already done but staff will work to make sure that it will be easier;
- with respect to the member enquiry about the status of the incentive toolkit, the CEO noted that the item was previously deferred to a future budget and staff will be bringing it to the next budget cycle for Council's consideration;
- with respect to the member enquiry of the planned start for the projects, the CEO noted that some projects are currently underway and other projects will be brought back to Council for consideration as part of the 2025 budget package;
- with respect to the member enquiry regarding funding, the CEO noted that the Housing Accelerator Fund Part 2 is currently open for applications and staff are reviewing the application and Council will be presented with items for consideration regarding new items on the application; and,
- with respect to the member requesting clarification regarding the ongoing housing projects and the numbers related to the community needs, the Manager of Housing noted that the City of Stratford Social Services Division is the consolidated municipal services manager for the area which means that the division is responsible for delivering housing, childcare and early years, and Ontario Works services for Stratford, the Town of St. Marys, and Perth County. The Manager of Housing further noted that Milverton

is part of the Perth-Stratford Housing Corporation portfolio which is why the Corporation has buildings there as well as in Listowel, Atwood, St. Marys, and Mitchell. The Manager of Housing added that the 500 applicants for social housing is for the entire portfolio.

The Mayor thanked the Manager of Housing and the CEO of investStratford for their work. The Mayor noted that the issue of housing is a global and national issue.

The Mayor called the question on the motion.

R2024-274

Motion by Councillor Burbach

Seconded by Councillor Henderson

THAT the report titled Housing Projects and Initiatives Update (COU24-081) be received as information.

Carried

Councillor Beatty having declared a pecuniary interest on this item did not participate in the discussion nor vote.

7.2 Resolution - Amendment to Maintenance Cost Apportionment – Line 29 Mileage 91.23 of Guelph Subdivision (COU24-075)

R2024-275

Motion by Councillor Nijjar

Seconded by Councillor Hunter

THAT the Chief Administrative Officer be authorized to execute the Maintenance Cost Apportionment Agreement for the Crossing Warning System for Line 29 between The Corporation of the City of Stratford, The Corporation of the Township of Perth South and Canadian National Railway Company, to revise the cost apportionment with the Township;

THAT the effective date for the City of Stratford be 01 January 2024, subject to Council approval;

AND THAT the Delegation of Authority By-law 135-2017 as amended, be further amended to delegate its authority to the Chief Administrative Officer to enter into agreements and amending agreements with railway companies and road authorities for railway lines crossing municipal roads, including but not limited to apportionment of costs for crossing warning

systems, operating and maintenance and upgrade costs, with signed copies to be provided to the Clerk's Office and Infrastructure Services Department.

Carried

7.3 Resolution - Abandonment of Portions of the Mullin Municipal Drain (COU24-076)

R2024-276

Motion by Councillor McCabe

Seconded by Councillor Beatty

THAT a by-law to abandon portions of the Mullin Municipal Drain within the limits of the City of Stratford in accordance with the Drainage Act, be adopted.

Carried

7.4 Resolution - Shakespeare Park Outdoor Fitness Equipment Proposal Award (COU24-077)

R2024-277

Motion by Councillor Wordofa

Seconded by Councillor McCabe

THAT the Request for Proposal (RFP-2024-12) for the design, supply, delivery, and installation of outdoor fitness equipment at Shakespeare Park be awarded to PlayPower LT Canada Inc. in the amount of \$118,761.87, including HST.

Members of Council and staff held a discussion regarding the following:

- with respect to a member enquiry regarding the impact, if any, and the work around the trees and green space related to the project, the Director of Community Services noted that with every playground or any new structure, tree stabilization and damage to roots are primary concerns and these having been taken into account for the placement. The Director of Community Services added that minimal damage to the roots was considered to ensure that the trees remain part of the park as they are a main component of the Shakespeare Park, particularly the shade they provide;
- a member thanked Bruce Whittaker for their work on this project and noted that donations are still being accepted for the project;

- a member thanked all the citizens who are concerned and involved and have come forward to help improve the City and improve parks; and,
- a member noted that this is a good and positive project.

The Mayor called the question on the motion.

Carried

7.5 Resolution - T-2024-17 Perth Line 36 Culvert Replacement Tender Award (COU24-078)

R2024-278

Motion by Councillor Nijjar

Seconded by Councillor Burbach

THAT the Tender (T-2024-17) for the Perth Line 36 Culvert Replacement Project be awarded to Lavis Contracting Co. Limited, at a total tender price of \$786,199.47, including HST;

AND THAT the Mayor and Clerk, or their respective delegates, be authorized to sign the necessary Contract Agreement for construction contract T-2024-17.

Carried

7.6 Resolution - Human Resources Investment and Revised Staffing Model (COU24-079)

The Director of Human Resources provided an overview of the report. Highlights of the presentation included:

- a review of the City's mission, vision, and values, how these have been used as direction to map the strategic priorities and how the priorities are rooted in what was heard from the community, staff, senior management, and Councillors;
- an outline of the four Strategic Priorities;
- a highlight of the priority to "Intentionally Change to Support The Future" and the objective under it to "Improve efficiency and service standards by implementing the findings of the Corporate Service Delivery Review";
- an outline of the objectives of the Corporate Service Delivery Review;

- a summary of the analysis contained in the document relating to HR Services and Payroll;
- a SWOT analysis being conducted of the corporation as well as speaking to leaders in the corporation and union executives and receiving unanimous support for staffing in Human Resources;
- there being four people in Human Resources since 1988;
- the objective of the report being to build a Human Resources Department that is properly resourced to support the Corporation of the City of Stratford in accomplishing its strategic priorities;
- as of 2024, the DEI portfolio was put under HR;
- an overview of the current Human Resources Department organizational structure;
- the HR industry best practice being the usage of a ratio of two HR staff for every hundred staff which would equal eight given the current HR to employee ratio which is four staff to 415, which is 0.96 per hundred;
- HR being underutilized as they do not have the staff to execute their mandate;
- an overview of the proposal for the additional roles in HR which includes a Human Resources Assistant, Wellness, Health & Safety Coordinator, and Organizational Development Coordinator;
- it being noted that the HRIS Coordinator 2026 was highlighted as the next ask from HR during the 2025 budget process is an HRIS system to automate manual processes;
- an overview of the cost of the additional roles and there being no impact to the 2024 budget as the funding will be offset through staffing variances or gapping, already approved in the budget, and if required support from the HR Salary Contingency Reserve;
- the recruitment and transition taking place in August with a start time in September 2024 which would have a four-month impact on 2024 of \$113,681;
- an overview of the Wellness, Health & Safety Coordinator role;

- an overview of the Organizational Development Coordinator role;
- the mandate of the Director of Human Resources including transformational change, modernization, and creating a culture to retain and attract talent;
- the average job posting a year being 180 for the last five years;
- the positions asked for being foundational HR positions which should have been part of the organization fifteen years ago;
- an overview of the Human Resources Assistant role; and,
- the decision being critical to moving the organization forward, the organization needing to support staff, their well-being and investing in its future success.

A question and answer period was held between Members of Council and the Director of Human Resources regarding the following:

- with respect to the cost to the municipality due to the constant turnover, the Director noted that for turnover typically the average is 1.5 of the salary per job, these are costs relating to the inefficiency, gapping, vacancy, double up when people are covering the role. The Director further noted that the cost would be greater than the cost of the roles being asked for. The Director added that there are cost savings through efficiency as noted in the service review and the cost savings can be applied down the road to better utilize the systems and structures;
- a member commented that it looks like the functioning of the HR system needs to be modernized and the idea that this many jobs are posted a year should be of concern. The member noting the turnover in Building and Planning and the costs of consultants which add up over time;
- with respect to the possibility of hiring part-time or only one or two of the requested roles due to the lack of money, the Director noted that alarms bells are being sounded now as they need support internally to build the corporation and achieve priorities. The Director added that the funding is already built into the budget this year, so the impact is negligible for this year. The Director further

added that they need the bodies to get in to help build up the systems to be better performing in the external;

- with respect to the DEI positions being hired on a part-time basis, the Director noted that there are currently two positions with the DEI mandate. The Director further noted that the request is for three HR practitioner roles and the DEI function was approved by Council three years ago, they have been a part of the organization since the inception and are full-time positions that complement HR. The Director added that the positions have not been explored as being part-time roles as the Manager of Inclusion, Equity and Indigenous Initiatives and the Accessibility, Diversity and Inclusion Coordinator are both currently full-time;
- a member commenting that due to the financial implication, maybe hiring one this year and two next year would be more feasible;
- the Director noted that the three positions are needed now to move the corporation forward. The Director added that if it's Council will to spread out the hiring, it will delay any progress or efficiencies found in the service review, which is five years old. The Director suggested that we need to keep moving to become better service providers to the community;
- with respect to hiring internal staff, the Chief Administrative Officer advised that the positions, if approved, would be posted and there will be opportunities for internal and external following the recruitment process;
- a member commenting that the request is approximately half a percent worth of tax money being added and there are concerns of doing this outside the budget process just for the reason of having time to find efficiencies to cover the cost. The member further noting that there is concern of approving this without seeing all the other expansion requests coming through so they would prefer this go through the budget process;
- a member commenting that it's important to retain the talent and a strong HR Department will help retain talent, including improving workplace culture so staff feel supported. The member further noting that with the 140 positions per year that turnover, there are costs associated and it's very expensive to have such high staff

turnover. The member added that they have seen two service reviews in their time and both recommended this as critical part of how to be more efficient as a city;

- with respect to the timeline for seeing the savings that could be realized through the service review study, the Director noted that the service review is five years old, being completed in 2021 and the timeline to implement it is to 12 to 18 months with considerable effort, directed with a project manager to implement the change and there systems connected to it as well. The Director added that this would require further investment but the yield back is when the efficiencies are found and there would be associated savings. The Director noted that this is the first step of many and there is a need to invest to reap the efficiencies;
- a member commenting that in their previous work experience, they needed to meet with staff often to bring people back to work or trying to fix the workplace so that it was safe. The member added they were surprised by the lack of staff in HR. The member adding it gives employees peace of mind to see that they have staff to support them and it would not take weeks or months;
- with respect whether implementing the HRIS system first would save resources and the hiring of new people, the Director noted that the HRIS system would be complementary to the request and it would not replace the request as the foundational positions are needed to build out the supports. The Directed further noted that the implementation of the HRIS system would result in savings and lead to the repurposing of roles due to the automation. The Director added that there would be no job loss relating to the modernization;
- with respect to needing less staff due to the modernization, the Director noted that it is not staff replacement but look at it as repurposing and look at the capabilities and reallocation of FTEs. The Director added that a layoff would be a decision that would require much discussion;
- with respect to having enough money to hire at this moment, the Director noted that there is money to hire the positions based on the staff variance reserve;

- with respect to the two DEI positions, the Director noted that the two positions under the DEI mandate are full time positions and were approved by Council three years ago;
- with respect to the balance of the reserve, the Director of Corporate Services commented that the balance is just over two million dollars, between 2 to 2.5 million dollars at the end of 2024 as projected; and,
- with respect whether a fair percentage of the reserve would be from the wage gapping, the Director of Corporate Services noted that in the last three years for sure, the bulk of the operational surplus has been due to staffing vacancies.

Motion by Councillor McCabe

Seconded by Councillor Briscoe

THAT Council approves the investment into three additional full-time positions for the Human Resources Department;

AND THAT the Director of Human Resources be authorized to proceed with recruitment of these positions.

Members of Council held a discussion regarding the following:

- a member commenting that ideally more positions would be hired for each department and funds and salaries will be increased to retain staff, but the money was not there when Council adopted over 7% increase in the last budget and nothing has changed so they are not comfortable with adding half a percent to the foreseeable future indefinitely so they would like to defer it to the 2025 budget discussion.

Motion by Councillor Sebben

Seconded by Councillor Biehn

THAT the item be deferred to the 2025 budget cycle.

Defeated

Members of Council continued the discussion regarding the following:

- a member commenting that they share concerns about the funding but is tasked with delivering quality service to residents and the turnover has made this more challenging, some departments having service issues due to being short staffed and have had to

hire outside consultants. The member noted that there is a struggle to give consistency occasionally to residents and if steps can be taken to minimize the turnover, then it improves the quality of service to residents and it makes life better for everybody in the corporation;

A member proposed an amendment to the motion.

R2024-279

Motion by Councillor Hunter

Seconded by Councillor Wordofa

THAT funding to offset the equivalency of three full-time positions be found through the implementation of the Service Review Study.

Carried

The Mayor asked the Deputy Clerk to read out the amended motion.

Motion by Councillor McCabe

Seconded by Councillor Briscoe

THAT Council approves the investment into three additional full-time positions for the Human Resources Department;

THAT the Director of Human Resources be authorized to proceed with recruitment of these positions;

AND THAT funding to offset the equivalency of three full-time positions be found through the implementation of the Service Review Study.

Members of Council continued the discussion regarding the following:

- a member commenting that they are proposing an amendment that all three positions be temporary one-year contract and that they be reviewed and brought back to Council after one year. The member further added that other bigger cities hire temporary and the positions could be hired and see if they make an impact. The member noting that a balance is needed between supporting staff and residents, it being not fair to not think about everybody outside of City Hall and they need to be supported as well.

Motion by Councillor Sebben

Seconded by Councillor Wordofa

THAT the three additional full-time positions be hired on a temporary basis for a one-year contract period;

AND THAT the three positions be brought back to Council for review following the one-year contract period.

Members of Council held a discussion regarding the following:

- a member commenting that if one is going to transform the culture then one does it and not wait and take the time to figure it out again. The member noted that it is obvious that there is a crisis with there being 180 postings a year and there are issues that need to be addressed. The member noted if there are issues in the organization that need to be addressed, that they do it now in the way that it should be and the member added that they are happy with the amendment which gives direction on where to find the savings;
- a member commenting that citizens will benefit from having these positions in place, the service level of the organization will go up, the quality of the service will go up if employees stay and work over time and build loyalty and become part of the community. The member noted that the organization is losing people to other municipalities as well as the private sector as working in the public sector is hard on employees and so there is a need to work hard to create a culture that supports employees, and this plan does that. The member further noted that this is an important investment in the service levels;
- a member commenting that they used to feel that positions should be hired for a year but they saw what happened with the Climate Coordinator, they start looking for other jobs by the eight or ninth month and by the time Council decides to extend, then they have found another job. The member noting that one does not know how to settle in a job if they know that they would lose the job after 10 or 11 months;
- a member commenting that it is unfair to categorize the hiring of the three positions as the be all end all of the human resources

struggles with the City of Stratford. The member noted that the City is losing people for a multitude of reasons and the City can't compete with other cities in some respects. The member added that with respect to appreciating the increase in the service levels, the people who can afford the 7% or 8% tax increase will appreciate it but for the many people on fixed incomes and struggling already, they frankly do not care and they care about the things they notice which is their tax bill going up and it impacts people on the rent income as well as landlords can apply to increase rents to 2.5% if taxes go up a significant level. The member noted that this impacts everybody but it very much mostly impacts those people who cannot afford the service levels that many other people benefit from.

The Mayor called the question on the motion.

Defeated

A member requested a recorded vote on the main motion as amended as follows:

R2024-280

Motion by Councillor McCabe

Seconded by Councillor Briscoe

THAT Council approves the investment into three additional full-time positions for the Human Resources Department;

THAT the Director of Human Resources be authorized to proceed with recruitment of these positions;

AND THAT funding to offset the equivalency of three full-time positions be found through the implementation of the Service Review Study.

In Support (7): Councillor Beatty, Councillor Briscoe, Councillor Burbach, Councillor Henderson, Councillor Hunter, Councillor McCabe, and Councillor Nijjar

Opposed (4): Mayor Ritsma, Councillor Biehn, Councillor Sebben, and Councillor Wordofa

Carried

Council recessed at 9:16 P.M.

Council reconvened at 9:27 P.M.

7.7 Resolution - Diversity, Equity, and Inclusion Policy (COU24-080)

The Manager of Inclusion, Equity and Indigenous Initiatives provided an overview of the report. Highlights of the presentation included:

- the DEI Policy being deeply informed by the principles of respect, recognition, and reconciliation that are fundamental to treaties guiding the commitment to an inclusive and equitable environment for all, ensuring all voices that are traditionally unheard at the decision-making table are there and are included;
- equity being at the heart of the vision, driving to build an inclusive community where everyone regardless of their background, identity, or culture can thrive and feel respected;
- the mission emphasizing the integration of equity into every aspect of City operations;
- there being a commitment to ensure that practices, policies, and services promote fairness and inclusivity, addressing and overcoming systemic barriers for participation and success for all members of the community;
- the values of respect being intertwined with value for equity, recognizing and valuing the unique experiences and contributions of all staff, community members, and partner organizations;
- equity being the fundamental value guiding efforts to provide fair access to opportunities, actively working to dismantle systemic inequities and promote justice across all City operations;
- equity enhancing the commitment to inclusion ensuring that all individuals feel welcome, empowered, and engaged and contribute in meaningful ways throughout the community;
- the objective of the equity policy being to ensure that diversity, equity, and inclusion are not just ideals but integral parts of the everyday operations and culture, aiming to create an environment where everyone feels like they belong and can thrive;
- the policy being designed to transform organizational practices and interactions to be more equitable and inclusive, providing a framework that supports a diverse workforce and community that contributes to the inclusive growth of the city and corporation;

- the purpose of the policy going beyond just making guidelines and quotas, to drive meaningful change as outlined;
- the scope of the policy being comprehensive, applying to City employees, contractors, and volunteers, and Council members being invited to embrace the policy as a change catalyst governing their roles and responsibilities;
- an overview of the responsibility of management and staff for upholding principles and creating a framework for prioritizing equity collectively;
- an overview of the procedure outlined in the policy, being designed to translate to the commitment to action; and,
- it being noted that the equity policy will hopefully be a core part and the beginning of the continuous work in shaping the corporate direction that allows the corporate to be one that is dramatically different.

The Mayor thanked the Manager for their work.

A member also thanked the Manager for the information sessions and the monthly reports that are very informative. The member added that they have learned a lot about diversity.

The Mayor called the question on the motion.

R2024-281

Motion by Councillor Burbach

Seconded by Councillor Nijjar

THAT the report titled, "Diversity, Equity, and Inclusion Policy" (COU24-080), be received for information.

Carried

7.8 Proclamation - 24th Annual Child Care Worker and Early Childhood Educator Appreciation Day

The 2024 Child Care Worker and Early Childhood Educator Appreciation Day theme is Worth More, as part of the continuing campaign for decent work and pay for the early years and child care workforce.

R2024-282

Motion by Councillor Henderson

Seconded by Councillor Briscoe

THAT Stratford City Council hereby proclaims October 24, 2024 as the 24th annual "Child Care Worker and Early Childhood Educator Appreciation Day" to recognize the education, dedication and commitment of child care workers to children, their families and quality of life of the community.

Carried

7.9 Proclamation - Rail Safety Week

R2024-283

Motion by Councillor Wordofa

Seconded by Councillor Burbach

THAT Stratford City Council hereby proclaims September 23-29, 2024 as Rail Safety Week in support of CN and Operation Lifesaver ongoing efforts to raise awareness, save lives and prevent injuries in communities including our municipality.

Carried

8. Business for Which Previous Notice Has Been Given:

8.1 Notice of Motion from Councillor Sebben

Motion by Councillor Sebben

Seconded by Councillor Biehn

THAT the "Respectful Workplace Policy," policy number H.1.36, be suspended;

AND THAT staff provide options for the review of the "Respectful Workplace Policy," policy number H.1.36, to council for consideration at a future meeting.

Members of Council held a discussion regarding the following:

- a member commenting that they put the motion forward as they have heard concerns from many people about the policy and its implementation. The member noted that they have also heard from people who have received notices and letters based on comments made at meetings. The member further noted that others are hesitant to seek help for concern of receiving a notice. The member

commented that the policy has created an atmosphere where people are becoming increasingly discouraged from engaging in Council and in their view it is Council's role to encourage engagement. The member noted that after one year, it is time to pause and reflect on a policy that is not working, directly impacting City business and increased tension in the workplace. The member noted that Council needs to rebuild public engagement and dialogue beginning with the immediate suspension of the policy;

- a member commenting that they support referring the policy to staff for review and revision, but they would like to see a strengthening of the procedures for implementing the policy and potential options for separate policies for staff, the citizens, and Council. The member noted that they do not see a need to suspend the policy while considering its revision;
- a member commenting that there has been confusion about the legal requirements relating to the Occupational Health and Safety Act which applies to every workplace in Ontario. The member noted the definition of a workplace under Section 1 of the Act and added that staff are required to be in Council Chambers during meetings therefore the room is a workplace and also a public forum. The member further noted that Section 32 of the Act which requires that policies be in place to protect workers from violence and harassment in the workplace. The member added that Council does not have authority to change requirement for the policies as it is a provincial legislation. The member stated that they have heard people referring to the Bracken case as standing for the proposition that Act only applies to workers, noting that as a misinterpretation of the case. The member outlined the Rainy River Town v. Olsen case where the court found that the Act does not apply to Mr. Olsen because he is not a worker and his violent acts did not occur in the workplace, similarly the court follows the logic in the Bracken case as Mr. Bracken's action did not occur in the workplace. The member added that the Respectful Workplace Policy applies to everyone in the workplace. The member commented that Council hear from many delegates and while they do not agree with Council, they do so in a way that does not disrespect anyone. The member noted that comments regarding staff being sensitive are likened to the experience of women who were first entering male-dominated workplace. The member referring to the allegations

regarding using the policy to stifle dissent, noted this as not being true as all delegates coming to Council receive unanimous support to be heard. The member noted that they cannot support the suspension of the policy as doing so wilfully puts the City in violation of the Act.

The Mayor asked the audience to remain respectful of the speakers.

- the member commenting that suspending the policy is a breach of legal obligations however they would support the review of the policy. The member noted that Council has a lot to get done and there is no need to put a high priority on the review as it is already in the agenda for review and could be dealt with accordingly;
- a member commenting that they do not agree with suspending the policy as it is. The member noted that the City has almost 600 employees and the policy is needed to protect employees. The member added that Council also needs to build trust between Council and the employees as well as between employees and the public, and this can be done by encouraging people to respect each other. The member noted their observation of the degradation of respect in many places. The member added that the policy encourages people to go back to respecting each other, noting that the policy is straightforward and not hard to follow. The member noted that they agree with the review of the policy and would support keeping the policy and taking the ideas from the delegations and considering them to further improve the policy;
- a member providing further clarification regarding the Bracken case and the Charter of Rights and Freedoms noting that in the Bracken case, the court provides that "you cannot swallow the right in whole" and it goes on to enumerate ways to preserve workplace safety while maintaining the right including providing contact to the City Solicitor, through email or sending a delegate, all of which were afforded to individuals and stand as a regular process. The member noted that the courts warning to balance that right with the workplace policy was heeded with the actions taken. The member added they would like to see the balance being further enumerated in the policy. The member added that an environmental and legal scan was undertaken and it found that the City is in walk step with over twenty municipalities that have very similar policies with another eighteen municipalities following a similar process for the appeals;

- with respect to the member enquiry whether it is in the best interest of the City and the citizens of Stratford to see the policy reviewed, the Director of Human Resources noted that they believe the time is now to do a fulsome review of the policy and to bring it back;
- a member commenting that the policy is a cornerstone of a commitment of maintaining a safe, inclusive, productive environment for employees, residents, and Council. The member noted that they have worked in environments where they did not have these policies and what was seen was instances of harassment, discrimination, and other inappropriate behaviours. The member added that a culture of respect and professionalism needs to be fostered and suspending the policy will lead to an increase in conflicts. The member noted that certain areas need to be looked at but they would not support suspending the policy in its entirety;
- a member commenting that Council would be put in peril by suspending the workplace policy and not affording the protection to employees like every other workplace. The member noted that the implementation of the policy may have gone awry but there was a real need, a felt need to protect employees from the public which should give people pause that such a need had prompted the actions taken. The member added that they agree with reviewing the procedures attached to the policy however it is important as a demolition of democracy in various ways are observed;
- a member commenting that we are one community and one county and there is a need to support each other. The member noted that everyone has rights but not to assault, abuse or discriminate. The member questioned whether there are different ways to change the policy. The member noted that they work and live in the community and represent the people. The member added that local residents affected did not have a right to access City facilities, including the Rotary Complex. The member questioned if there is a solution to be found regarding the policy;
- the Chief Administrative Officer commenting that the policy is needed and that this type of policy is not unusual, and there are examples of other municipalities. The CAO noted that they have heard the concerns and if additional clarity is required and Council gives direction, staff will take it back and provide the clarity requested. The

CAO added that having expected behaviour does not limit freedom of expression and Council has received legal advice related to this. The CAO referring to the comments regarding access to the Rotary Complex advised that the request was heard and accommodations were made;

- a member commenting that up until one year ago, many procedures and policies were in place to handle behaviour and comments in Council Chambers that are not appropriate or threatening. The member added that while the policy is common, what has happened is not normal. The member stated that the issue is not that the policy is in place but that it is not working, resulting to a Council that cannot function. The member further stated that residents reached out to Council but most did not respond, causing frustration to the residents. The member added that they have seen delegations being opposed to. The member noted that there has been a cascade where if people become a nuisance and their opinions are upsetting then they are brushed off as being a squeaky wheel. The member further noted that if the policy continues in its form, there should be actions to back decisions made relating to the policy otherwise it should be suspended and reviewed; and
- a member commenting that there is a distinction between the policy not working and individual action taken that goes beyond the scope of the policy and this was the situation being faced. The member added that based on the policy and the law of the land of Bracken, everything was done to the letter, individual actions outside of the City put the City in a place that was beyond the scope of the policy. The member noted that this is something that needs to be looked at, but the policy is still needed. The member commented that not capitulating is not 'not listening' and there are other considerations, Council is working with imperfect information, that there are twelve other sides of a story that may affect the results of a decision. The member noted that consequences are not the same as overriding a charter right and that persons in Council Chambers should be held to standard. The member reiterated the distinction between the policy not working and individuals actions taken beyond the scope of the policy which is now a cause of concern and warrants a review of the policy.

The Mayor called the question on the motion.

Motion by Councillor Sebben

Seconded by Councillor Biehn

THAT the "Respectful Workplace Policy," policy number H.1.36, be suspended.

In Support (2): Councillor Sebben, and Councillor Wordofa

Opposed (9): Mayor Ritsma, Councillor Beatty, Councillor Biehn, Councillor Briscoe, Councillor Burbach, Councillor Henderson, Councillor Hunter, Councillor McCabe, and Councillor Nijjar

Defeated

R2024-284

Motion by Councillor Sebben

Seconded by Councillor Biehn

THAT staff provide options for the review of the "Respectful Workplace Policy," policy number H.1.36, to council for consideration at a future meeting.

In Support (11): Mayor Ritsma, Councillor Beatty, Councillor Biehn, Councillor Briscoe, Councillor Burbach, Councillor Henderson, Councillor Hunter, Councillor McCabe, Councillor Nijjar, Councillor Sebben, and Councillor Wordofa

Carried

9. Reports of the Standing Committees:

9.1 Report of the Infrastructure, Transportation and Safety Committee:

R2024-285

Motion by Councillor Burbach

Seconded by Councillor Nijjar

THAT the Report of the Infrastructure, Transportation and Safety Committee dated July 22, 2024 be adopted as printed.

Carried

9.1.1 Stratford Landfill Public Input Invite June 2024 (ITS24-012)

THAT Council consider any comments received as part of the Stratford Landfill Public Input June 2024;

AND THAT the report titled Stratford Landfill Public Input Invite June 2024 (ITS24-012) be received for information.

9.1.2 Exemption to Noise Control By-law 113-79 for a private event held at Memorial Baptist Church in Stratford (ITS24-011)

THAT approval be granted to the event organizers from Memorial Baptist Church, located at 113 Bruce Street, Stratford for an exemption to Noise Control By-law 113-79 for a private event to be held on Saturday, August 10, 2024 from 5:00 p.m. to 11:00 p.m. from the following provisions:

- Unreasonable noise [Schedule 1 clause 8]
- The operation of loudspeakers and amplification of sound [Schedule 2 Clause 2]

10. Notice of Intent:

10.1 Added - Notice of Public Meeting under the Planning Act

Notice was given that Stratford City Council will hold a public meeting under section 34 and 21 of the Planning Act on Monday, August 12, 2024, at 7:00 p.m. to hear from members of the public on the following application:

- Zoning By-law Amendment Application (Z02-24) and Official Plan Amendment Application (OPA01-24), 3188 Vivian Line 37

11. Reading of the By-laws:

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

R2024-286

Motion by Councillor Hunter

Seconded by Councillor Nijjar

THAT By-laws 86-2024 to 89-2024 be taken collectively.

Carried unanimously

R2024-287

Motion by Councillor Henderson

Seconded by Councillor Burbach

THAT By-laws 86-2024 to 89-2024 be read a First and Second Time.

Carried two-thirds support

R2024-288

Motion by Councillor Briscoe

Seconded by Councillor Biehn

THAT By-laws 86-2024 to 89-2024 be read a Third Time and Finally Passed.

Carried

11.1 Delegation of Authority to Sign Agreements and Amending Agreements with Railway Companies and Road Authorities – By-law 86-2024

To amend By-law 135-2017, as amended, to delegate Council's authority to the Chief Administrative Officer to enter into agreements and amending agreements with railway companies and road authorities for railway lines crossing municipal roads, including but not limited to apportionment of costs for crossing warning systems, operating and maintenance and upgrade costs.

11.2 Abandon Mullin Drain – By-law 87-2024

To abandon a portion of the Mullin Municipal Drain in the City of Stratford.

11.3 Award Tender for Supply and Delivery of Outdoor Fitness Equipment at Shakespeare Park – By-law 88-2024

To authorize the acceptance of a proposal from PlayPower LT Canada Inc. for the design, supply, delivery, and installation of outdoor fitness equipment at Shakespeare Park (RFP-2024-12).

11.4 Award Tender for Perth Line 36 Culvert Replacement Project – By-law 89-2024

To authorize the acceptance of a tender, execution of a contract and the undertaking of work from Lavis Contracting Co. Limited for the Perth Line 36 Culvert Replacement Project (T-2024-17).

12. Consent Agenda: CA-2024-121 to CA-2024-129

12.1 CA-2024-124

Members of Council considered the resolution letter from The Corporation of the Township of Otonabee-South Monaghan regarding the importation, sale, and storage of Lithium-ion Batteries.

R2024-289

Motion by Councillor Biehn

Seconded by Councillor Hunter

THAT CA-2024-124, being a resolution from The Corporation of the Township of Otonabee-South Monaghan regarding the Importance of Safe Use of Lithium-ion Batteries, be endorsed.

In response to a member requesting comment regarding the matter, the Fire Chief noted that they fully support the resolution. The Chief noted that the use of lithium-ion batteries has garnered a lot attention from fire services throughout North America and the Ontario Fire Marshall now has a separate reporting method for lithium-ion related fires. The Chief mentioned that an e-bike fire was reported in the previous week but they were not able to determine if the battery was UL approved due to its condition. The Chief added that they support the standards proposed and other municipalities are now refusing to let e-bikes and e-scooters into their public transportation because of fear of having non-UL batteries or chargers. The Chief noted supporting the request is a large step forward.

The Mayor called the question on the motion.

Carried

13. New Business:

None noted.

14. Adjournment to Standing Committees:

The next Regular Council meeting is August 12, 2024 in the Council Chamber, City Hall.

R2024-290

Motion by Councillor Henderson

Seconded by Councillor Biehn

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

- **Community 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.

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 July 22, 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 disclosures of pecuniary interest were made by a member at the July 22, 2024, Council Reconvene Meeting.

15.2 Reading of the Confirmatory By-law (reconvene):

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

By-law 11.5 Confirmatory By-law – By-law 90-2024

To confirm the proceedings of Council of The Corporation of the City of Stratford at its meeting held on July 22, 2024.

R2024-291

Motion by Councillor Biehn

Seconded by Councillor Burbach

THAT By-law 90-2024 be read a First and Second Time.

Carried two-thirds support

R2024-292

Motion by Councillor Henderson

Seconded by Councillor Nijjar

THAT By-law 90-2024 be read a Third Time and Finally Passed.

Carried

15.3 Adjournment of Council Meeting

R2024-293

Motion by Councillor Sebben

Seconded by Councillor McCabe

THAT the July 22, 2024 Regular Council meeting adjourn.

Carried

Meeting Start Time: 7:01 P.M.

Meeting End Time: 10:09 P.M.

Reconvene Meeting Start Time: 10:27 P.M.

Reconvene Meeting End Time: 10:28 P.M.

Mayor - Martin Ritsma

Deputy Clerk - Audrey Pascual

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: August 09, 2024

CASE NO(S): OLT-23-001049

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant	Karen Heron
Subject:	Minor Variance
Description:	To facilitate the construction of a single detached dwelling supported by an elevator shaft.
Reference Number:	A13-23
Property Address:	173 William Street
Municipality/UT:	Stratford/Perth
OLT Case No:	OLT-23-001049
OLT Lead Case No:	OLT-23-001049
OLT Case Name:	Heron v. Stratford (City)

Heard: May 30, 2024 by Video Hearing

APPEARANCES:

Parties

Karen Heron
City of Stratford

Counsel

Eric Davis
Paula Lombardi

**MEMORANDUM OF ORAL DECISION DELIVERED BY N. ALLAM AND S. DEBOER
ON MAY 30, 2024 AND ORDER OF THE TRIBUNAL**

[Link to Order](#)

INTRODUCTION

[1] The matter before the Tribunal was the Appeal by Karen Heron (“Appellant”) under s. 45(12) of the *Planning Act* (“Act”) due to a decision by the City of Stratford (“City”) Committee of Adjustment (“COA”) to deny the minor variance application (“Application”) request of an increase in the permitted height for a new detached dwelling from a maximum permitted height of 10.0 metres to a requested permitted height of 11.39 metres. The municipal address of the Subject Property is 173 William Street, in the City of Stratford.

SITE CONTEXT

[2] The Subject Lands are designated as R2 in the City’s Official Plan and are located centrally in the City. Victoria Lake is adjacent to the south of the Subject Lands and the City’s downtown is located on the south side of Victoria Lake. William Street is generally residential in nature, with most of its dwellings being of single detached, two to two-and-a-half (2 – 2.5) storeys in height.

[3] Waterloo Street is the main street providing vehicular and pedestrian access to the downtown. A pedestrian walkway is located between the Subject Lands and Victoria Lake.

[4] The Subject Lands have a frontage of approximately 20.117 metres and a depth of 32.187 metres, with a total lot area of 647.2 square metres.

APPLICATION HISTORY

[5] The Application before the Tribunal – in its current form – was submitted to the City on June 28, 2023, and was heard at the COA meeting on July 31, 2023.

[6] The Application was recommended for approval by the City’s Planning staff; however, the COA deferred the Application until the September 25, 2023, COA Meeting.

At the September 25, 2023 COA Meeting, the Application was refused. The Applicant then appealed the COA decision to the Tribunal.

THE MINOR VARIANCE HEARING

Status Requests

[7] At the commencement of the Hearing, the Tribunal received a written request for Party Status from Ms. Kathryn Fleming and Ms. Karen Fleming of 177 William Street. The Flemings are the adjacent neighbours to the Subject Lands. They were not able to attend the Hearing and were represented by Mr. Bill Henderson. Mr. Henderson is not legal counsel (“Counsel”) but a friend of the Flemings, and he stated that he was not offering paid services. Mr. Henderson stated that he had no prior experience with the Tribunal, and the Chair then explained the prerequisites of Party Status in great detail.

[8] Mr. Henderson emphasized that he had four important items that the Flemings called errors and omissions concerning the submissions to the COA in Council’s reports. These items were not submitted in the Flemings’ original statements. The Tribunal and the Parties agreed to accommodate Mr. Henderson by giving him the opportunity to provide a written statement on these four items. Mr. Henderson’s written statement was circulated to the Tribunal and to the Parties for review prior to any evidence or testimony being given. After receiving these issues in writing, the Tribunal then ruled that the Flemings would be granted Participant status only.

[9] The Tribunal was also in receipt of two other prior status requests, from Ms. Jennifer Lewington and Ms. Jane Watson, for Participant status. The Tribunal ruled these two requests as valid and granted Participant status to Ms. Lewington and to Ms. Watson.

LEGISLATIVE FRAMEWORK

[10] An appeal pursuant to s. 45 of the Act is a hearing *de novo* and the Applicant bears the onus of demonstrating that the four tests as set out in s. 45(1) of the Act have been met, namely that a requested variance:

- (a) maintains the general intent and purpose of the Official Plan (“OP”);
- (b) maintains the general intent and purpose of the Zoning By-law (“ZBL”);
- (c) is minor in nature; and
- (d) is desirable for the appropriate development or use of the land building or structure.

[14] In addition, s. 3(5) of the Act requires that a Decision of the Tribunal affecting a planning matter – in this case the application for a variance – must be consistent with the Provincial Policy Statement, 2020 (“PPS”) and must conform to the Growth Plan. The Tribunal must also have regard to matters of Provincial interest, as well as regard for the decision of the COA and the information considered by it in the course of making that decision.

Expert Witness

[15] The Appellant introduced land planning expert Trevor Hawkins, who was qualified to give expert opinion evidence in the area of land use planning.

[16] The Affidavit of Trevor Hawkins was marked as **Exhibit 1** to the hearing event.

[17] Mr. Hawkins took the Tribunal through the history of the Application, and he acknowledged that he has been involved in the application process since the original application took place and was involved in the revised application that is now before the Tribunal.

Maintains the general intent and purpose of the Official Plan (“COP”)

[18] Mr. Hawkins explained that the COP currently designates the Subject Lands as Residential Area as well as Parks and Open Spaces. The proposed development replaces a single detached dwelling with a new detached dwelling. The Application before the Tribunal does not introduce any new land uses, nor does it create a new lot requiring land use designations.

[19] Mr. Hawkins opined that the replacement of a single detached dwelling does not represent a form of intensification and that the current COP designation does not affect the new single detached dwelling. It was his opinion that the new single detached dwelling meets the existing requirements and existing designation of the COP and therefore meets the general intent and purpose of the COP.

Maintains the general intent and purpose of the Zoning By-law (“ZBL”)

[20] It was the opinion of Mr. Hawkins that the new single detached dwelling as proposed does meet the requirements of Residential Second Density (R2(1)). However, Mr. Hawkins opined that the ZBL does require a new height permitting a maximum of 11.39 metres whereas the ZBL only allows a maximum permitted height of 10.0 metres.

[21] Mr. Hawkins further opined that the newly requested overall height of 11.39 metres will not result in an overall height that would be inconsistent with the neighbouring dwellings. When taking into account that the average grade of the Subject Lands is 0.21 metres below the average grade of the neighbourhood, then in fact the overall height would be closer to a consistency with the surrounding neighbourhood. It was Mr. Hawkins' opinion that the requested variance does maintain the general intent and purpose of the ZBL.

Is the requested variance minor in nature?

[22] Mr. Hawkins gave opinion that the requested variance would have negligible impact on the surrounding properties. The new dwelling would maintain a height of 2.5 storeys, as have similar properties in the area. The requested variance would not result in any privacy issues nor create any undue impacts of overlook onto neighbouring properties. Shadow impact would be negligible on the surrounding properties, and the requested height variance would not impact the rooflines of the neighbourhood.

Is the requested variance desirable for the appropriate development or use of the land building or structure?

[23] Mr. Hawkins stated that the purpose of the requested variance is to add an elevator shaft for the new single detached dwelling. The requested height would allow the elevator shaft to be hidden within the roofline and is a preferred design option. Mr. Hawkins opined that hiding the elevator shaft within the roofline allows the dwelling to fit into the existing rooflines more seamlessly and would allow a built form that is compatible with the neighbourhood.

Overall Opinion

[24] It was Mr. Hawkins' overall opinion that the Application before the Tribunal meets the four tests and that he concurs with the reasons provided by the City Planning staff which had recommended approval of the Application. It was his opinion that the City staff's conditions should be attached as conditions pursuant to the approval of the Application should the Tribunal find it meets the tests of a minor variance application.

FINDINGS AND ANALYSIS

[25] In rendering a Decision, the Tribunal must take into account the evidence that has been presented before it, including any Participant statements. The Tribunal must

give regard to the decision of the COA and items presented before the COA, including public comments, both written and orally submitted.

[26] The Tribunal notes that the City attended the Hearing and was in support of the Application before the Tribunal. The City concurred with the expert opinion evidence provided by Mr. Hawkins that the minor variance Application before the Tribunal meets the four tests of a minor variance.

[27] Through the analysis of the uncontroverted evidence presented, the Tribunal finds that the Appellant has provided sufficient evidence that proves that the four tests of a minor variance application have been met.

[28] The Tribunal finds that the Appellant has demonstrated that the Application before it is a matter of Provincial interest as per s.2 of the *Planning Act*. The Tribunal finds that the minor variance application is consistent with the PPS. The Tribunal finds that the minor variance application meets the general intent and purpose of the COP and the ZBL, is minor in nature and is an appropriate use of the Subject Lands and is considered to be good land use planning.

[29] The Tribunal notes that Mr. Hawkins had taken into account all of the concerns of the Participants in this matter and Mr. Hawkins has demonstrated to the Tribunal through his oral and Affidavit evidence that these concerns have been dealt with appropriately.

[30] The Tribunal finds that the minor variance application before it should be approved with the noted conditions that were recommended by City Planning Staff.

ORDER

[31] **THE TRIBUNAL ORDERS THAT** the appeal is allowed and the variance to the City of Stratford Comprehensive Zoning By-law is authorized subject to the following conditions:

i. that the proposed building is substantially consistent with the proposed development shown in the Heritage Impact Assessment prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC) for 173 William Street, dated September 2022, to the satisfaction of the City's Director of Building and Planning;

ii. that the future building is substantially consistent with the elevations shown in submitted drawings A2.1, A2.2, A2.3 and A2.4, prepared by Chris Fernandes Design Corp., project No. 132.22.1, Heron Residence 173 Stratford, dated 2023.07.17, to the satisfaction of the City's Director of Building and Planning;

and,

iii. that the full building permit for the single detached dwelling at 173 William Street has been issued by the Building and Planning Department within one year from the date of this Decision.

"Nehad Allam"

NEHAD ALLAM
MEMBER

"Steve deBoer"

STEVE DEBOER
MEMBER

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.