



**Agenda
Council Meeting**

Monday, August 9, 2021, 5:30 p.m.

Electronic Meeting

**The Corporation of the Town of Orangeville
(Mayor and Clerk at Town Hall - 87 Broadway)
Orangeville, Ontario**

NOTICE

Due to efforts to contain the spread of COVID-19 and to protect all individuals, the Council Chambers at Town Hall will not be open to the public to attend Council meetings until further notice.

Members of the public who have an interest in a matter listed on the agenda may, up until 10:00 a.m. on the day of a scheduled Council meeting: Email councilagenda@orangeville.ca indicating your request to speak to a matter listed on the agenda. A phone number and conference ID code will be provided to you so that you may join the virtual meeting and provide your comments to Council.

Members of the public wishing to raise a question during the public question period of the Council meeting may beginning at 8:00 p.m. on the evening of the Council meeting, call +1 289-801-5774 and enter Conference ID: 289717007#

Correspondence/emails submitted will be considered as public information and entered into the public record.

Accessibility Accommodations

If you require access to information in an alternate format, please contact the Clerk's division by phone at 519-941-0440 x 2256 or via email at clerksdept@orangeville.ca

Pages

- 1. Call To Order**
- 2. Approval of Agenda**
Recommendations:
That the agenda and any addendums for the August 9, 2021 Council Meeting, be approved.
- 3. Disclosure of (Direct and Indirect) Pecuniary Interest**
- 4. Closed Meeting**
Recommendations:
That a closed meeting of Council be held pursuant to s. 239 (2) of the Municipal Act for the purposes of considering the following subject matters:
 - 4.1. Council Minutes**

2021-07-12 Council Minutes, provided to Council under separate cover as pecuniary interest was declared by a member

2021-06-28 Council Minutes

4.2. Economic Impact – Development of 82, 86-90 Broadway, CMS-2021-017

Proposed or pending acquisition or disposition of land by municipality or local board; 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.

4.2.1. Presentation from Scott Walker, NBLC, 82, 86-90 Broadway

Proposed or pending acquisition or disposition of land by municipality or local board; 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.

4.3. Public Office Holders

Personal matters about an identifiable individual, including municipal or local board employees.

5. Open Meeting - 7:00 p.m.

6. Singing of National Anthem

7. Land Acknowledgement

We would like to acknowledge the traditional territory of the Anishinaabe people including the Ojibway, Potawatomi and Odawa of the Three Fires Confederacy.

8. Announcements by Chair

This meeting is being aired on public television and/or streamed live and may be taped for later public broadcast or webcast.

Your name is part of the public record and will be included in the minutes of this meeting.

9. Rise and Report

Recommendations:

That the 2021-07-12 Closed Council Minutes, be approved;

And that 2021-06-28 Closed Council Minutes, be approved;

And that Economic Impact – Development of 82, 86-90 Broadway, CMS-2021-017 regarding proposed or pending acquisition or disposition of land by municipality or local board 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, be received;

And that the presentation from Scott Walker, NBLC, 82, 86-90 Broadway regarding proposed or pending acquisition or disposition of land by municipality or local board 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, be received;

And that Public Office Holders regarding personal matters about an identifiable individual, including municipal or local board employees, be received;

And that staff proceed as directed.

10. Adoption of Minutes of Previous Council Meeting

7 - 19

Recommendations:

That the minutes of the following meetings be approved:

2021-07-12 Council Minutes

2021-05-25 Council Special Meeting Minutes, as amended

11. Presentation, Petitions and/or Delegation

11.1. Angela Lockhurst, Orangeville Kin Club, Toll Road

Request:

That Council pass a by-law to authorize a road closure on September 18, 2021 from 9:00 a.m. to 4:00 p.m. for the Kin Club of Orangeville Road Toll.

11.2. Sanskriti Shindakar, OBotz Orangeville, STEM Awareness

20 - 33

11.3. Damian Dochev, Crosswalks on Broadway

12. Staff Reports

12.1. 60-62 Broadway, Recommendation Report, OPZ-2019-06, INS-2021-047

34 - 58

Recommendations:

That Report INS-2021-047, 60-62 Broadway, Recommendation Report, OPZ-2019-06, be received;

And that the Official Plan Amendment and Zoning By-law Amendment Applications (OPZ-2019-06) be approved;

And that Council pass a By-law to adopt Amendment No. 128 to the Official Plan for the Town of Orangeville, to re-designate Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138, Town of Orangeville, County of Dufferin, municipally known as 60 and 62 Broadway from "Service Commercial" and "Open Space Conservation" to "Central Business District" and "Open Space Conservation" to permit a mixed-use building;

And that Council pass a By-law amending Zoning By-law 22-90, as amended to rezone Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138, Town of Orangeville, County of Dufferin, municipally known as 60 and 62 Broadway from "Service Commercial (C3) Zone" to "Central Business District (CBD) Zone, Special Provision 24.227, with Holding

- (H) Symbol”, “Central Business District Floodplain (CBD-F) Zone” and “Open Space Conservation (OS2) Zone” to permit a 5-storey, 58-unit mixed use building with retail at grade.
- 12.2. 2020 Surplus Allocation, CPS-2021-051 59 - 61
 Recommendations:
 The report CPS-2021-051, dated August 9, 2021, 2020 Surplus Allocation, be received;
 And that Council approves the allocation of \$10,000 of the 2020 Surplus for an orange crosswalk to be installed, as per Motion 2021-257;
 And that Council approve the transfer of \$1,901,535 to General Capital Reserves.
- 12.3. 2021 Second Quarter Operating Fund Variance, CPS-2021-058 62 - 68
 Recommendations:
 That report CPS-2021-058 regarding the 2021 Second Quarter Operating Fund Variance, be received.
- 12.4. 2021 Second Quarter Capital Progress, CPS-2021-060 69 - 78
 Recommendations:
 That report CPS-2021- regarding the 2021 Second Quarter Capital Progress, be received.
- 12.5. 2021 Community Grants Update, CPS-2021-061 79 - 81
 Recommendations:
 That report CPS-2021-061, dated August 9, 2021 Community Grants Update, be received;
 And that Council approve distribution of 2021 Community Grant budgeted funds of \$2,500.
- 12.6. Restaurant Licence Extension, CPS-2021-057 82 - 84
 Recommendations:
 That report CPS-2021-057, Restaurant Licence Extension, be received;
 And that the expiry date for Restaurant Licences issued in 2020 be extended to September 30th of 2021;
 And that Council amend By-law 2004-117 to change the expiry date for Restaurant Licences going forward.
- 12.7. Sale of Rail Spur Land Adjacent to 120 C Line, CPS-2021-055 85 - 100
 Recommendations:
 That report CPS-2021-055 regarding the sale of rail spur land adjacent to 120 C Line, be received;
 And that Council pass a by-law declaring the closed rail spur lands

legally described as Parts 3 and 4, Reference Plan 7R-2408 as surplus to the needs of the Town;

And that Council pass a by-law authorizing the sale of the closed rail spur lands legally described as Parts 3 and 4, Reference Plan 7R-2408 to Aligroup Properties Inc. in the amount of \$400,000.00 and in accordance with the terms and conditions contained in the Agreement of Purchase and Sale dated July 9, 2021.

13. Correspondence

101 - 170

Recommendations:

That the following correspondence be received:

Township of Amaranth, Amarline Site Alteration

Township of Amaranth, Residential Schools

Township of East Garafraxa, Notice of Passing of By-law, Z8-21

Township of East Garafraxa, Notice of Passing of By-law, ER-33

Town of Grand Valley, Request for Consideration OPP Detachment Boards

Township of Melancthon, Truth and Reconciliation Commission

Township of Melancthon, Residential Schools

Township of Melancthon, Conservation Authorities Act

County of Dufferin, Notice of Application Proposed Official Plan Amendment

Proclamation Request for National Forest Week from September 19 to 25

Guy Giorno, Town of Orangeville Integrity Commissioner, Newman v. Brown, 2021 ONMIC 11

Guy Giorno, Town of Orangeville Integrity Commissioner, Montforts v. Brown, 2021 ONMIC 10

And that September 19 to September 25, 2021 be proclaimed as National Forest Week.

14. Committee/Board Minutes

171 - 185

Recommendations:

That the minutes of the following meetings be received:

2021-05-13 Heritage Orangeville Minutes

2021-05-18 Orangeville Police Services Board Minutes

15. Notice of Motion Prior to Meeting

None.

16. Notice of Motion at Meeting

17. New Business

18. Question Period

19. By-Laws

186 - 197

Recommendations:

That the by-laws listed below be read three times and finally passed:

A by-law to amend Restaurant By-law 2004-117 to change the expiry date of the licences of those businesses operating within the Town of Orangeville.

A By-law to Adopt Amendment No. 128 to the Official Plan (2040771 Ontario Inc.; OPZ-2019-06).

A By-law to amend Zoning By-law No. 22-90 as amended, with respect to Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138 municipally known as 60 and 62 Broadway (25755845 Ontario Inc., File No. OPZ-2019-06).

A by-law to declare as surplus and to authorize the sale of the rail spur lands legally described as Part 3 and 4, Reference Plan 7R-2408.

A by-law to confirm the proceedings of the Council of The Corporation of the Town of Orangeville at its Regular and Closed Council Meeting held on August 9, 2021.

20. Adjournment

Recommendations:

That the meeting be adjourned.



Council Meeting Minutes

July 12, 2021, 5:30 p.m.

Electronic Meeting

**The Corporation of the Town of Orangeville
(Mayor and Clerk at Town Hall - 87 Broadway)
Orangeville, Ontario**

Members Present: Mayor S. Brown, was present at Town Hall
Deputy Mayor A. Macintosh
Councillor J. Andrews
Councillor G. Peters
Councillor L. Post
Councillor D. Sherwood
Councillor T. Taylor

Staff Present: D. Benotto, Software Operations Supervisor
K. Landry, Town Clerk, was present at Town Hall
J. Lackey, Manager, Transportation and Development
A. McKinney, General Manager, Corporate Services
R. Osmond, General Manager, Community Services
M. Pourmanouchehri, IT Technician
N. Syed, Treasurer
T. Macdonald, Assistant Clerk
B. Ward, Manager, Planning

1. Call To Order

The meeting was called to order at 5:30 p.m.

2. Approval of Agenda

Resolution 2021-262

Moved by Councillor Peters
Seconded by Councillor Post

That the agenda and any addendums for the July 12, 2021 Council Meeting, be approved.

Carried

3. Disclosure of (Direct and Indirect) Pecuniary Interest

Mayor Brown declared a conflict on Item 4.4 in Closed Session as well as Item 9, Rise and Report.

4. Closed Meeting

Resolution 2021-263

Moved by Deputy Mayor Macintosh
Seconded by Councillor Andrews

That a closed meeting of Council be held pursuant to s. 239 (2) of the Municipal Act for the purposes of considering the following subject matters:

2021-06-28 Closed Council Minutes

Confidential Verbal Report from Mayor Brown, 100 Mill Street

A proposed or pending acquisition or disposition of land by the municipality or local board; 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.

Confidential Report from Ed Brennan, CAO - 120 C Line, Rail Line Spur

A proposed or pending acquisition or disposition of land by the municipality or local board; 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.

41 William Street, Appeal of a Committee of Adjustment Decision, INS-2021-046

Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

5. Open Meeting - 7:00 p.m.

6. Singing of National Anthem

Council collectively sang the National Anthem.

7. Land Acknowledgement

The Mayor acknowledged the traditional territory of the Anishinaabe people including the Ojibway, Potawatomi and Odawa of the Three Fires Confederacy.

8. Announcements by Chair

Mayor Brown advised the gallery and viewing audience with respect to the public nature of Council Meetings and that it is webcast.

9. Rise and Report

Resolution 2021-264

Moved by Councillor Peters

Seconded by Councillor Andrews

That the 2021-06-28 Closed Council Minutes be approved;

And that Confidential Verbal Report from Mayor Brown, 100 Mill Street regarding a proposed or pending acquisition or disposition of land by the municipality or local board; 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, be received;

And that Confidential Verbal Report from Ed Brennan, CAO - 120 C Line, Rail Line Spur regarding a proposed or pending acquisition or disposition of land by the municipality or local board; 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, be received;

And that staff proceed as directed.

Carried

Note: Mayor Brown declared a pecuniary interest in this matter as his son is a principal in the matter.

Deputy Mayor Macintosh assumed the Chair as Mayor Brown has declared a pecuniary interest in the matter.

Resolution 2021-265

Moved by Councillor Post

Seconded by Councillor Sherwood

And that Report INS-2021-046, 41 William Street, Appeal of a Committee of Adjustment Decision regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose, be received;

And that staff proceed as directed.

Carried

Mayor Brown resumed the Chair.

10. Adoption of Minutes of Previous Council Meeting

Resolution 2021-266

Moved by Councillor Taylor

Seconded by Councillor Andrews

That the minutes of the following meeting be approved:

2021-06-28 Council minutes

Carried

11. Presentation, Petitions and/or Delegation

11.1 Matthew Melchior, Primacare Living Solutions, Headwaters Seniors Campus, Humber Lands

Matthew Melchior, Primacare Living Solutions provided an outline for a campus of care senior residence that provides a continuum of care and that a potential location for such a facility would be on the Humber Lands. Mr. Melchior requested to purchase the Humber Lands from the Town of Orangeville.

Resolution 2021-267

Moved by Councillor Post
Seconded by Councillor Andrews

That the Primacare Living Solutions proposal be referred to staff for review, comment and recommendation;

And that alternative potential uses of the Humber Lands be considered in the staff report;

And that staff report back to Council no later than September 30, 2021.

Carried

12. Staff Reports

12.1 2021 Business Improvement Area Levy, CPS-2021-050

Resolution 2021-268

Moved by Councillor Sherwood
Seconded by Councillor Taylor

That report CPS-2021-050, 2021 Business Improvement Area Levy be received;

And that Council adopt the 2021 BIA levies as proposed for the 2021 fiscal year;

And that Council pass a By-law to provide for the levy and collection of a special charge upon ratable property in the Orangeville Business Improvement Area in the Corporation of the Town of Orangeville for the year 2021.

Carried

12.2 Appointment of Animal Control Officers, CPS-2021-052

Resolution 2021-269

Moved by Councillor Taylor
Seconded by Deputy Mayor Macintosh

That report Appointment of Animal Control Officers, be received:

And that Council pass a By-law to appoint Megan Archer, Caroline Godsend, Meridith Edney and Rachel Noonan as Animal Control Officers for the purpose of enforcing the Town's Animal Control By-law.

Carried

12.3 Terms of Reference Amendment and Appointments – Men's Homelessness Committee, CPS-2021-053

Resolution 2021-270

Moved by Councillor Andrews
Seconded by Councillor Taylor

That report CPS-2021-053 regarding terms of reference amendment and appointments to the Men's Homelessness Committee be received; and

That the terms of reference be amended to increase the number of citizen appointments from six to eight; and

That Council pass a by-law to amend By-law 2021-019 to appoint Anthony Carnovale, Christopher Sheehan, James Jackson, Louis Sapi, Margo Young, Michael Demczur, Nolan Bentley and Terrance Carter to the Men's Homelessness Committee.

Carried

12.4 Alder Recreation Centre Pool Liner Funding, CMS-2021-015

Resolution 2021-271

Moved by Deputy Mayor Macintosh
Seconded by Councillor Peters

That report CMS-FP-2021-015, titled Alder Recreation Centre Pool Liner Funding dated July 12, 2021 be received;

And that Council approve additional capital funding to complete the expansion of the 6 lane 25 metre lap pool to 8 lanes and replacement of the leisure pool liner at the Alder Recreation Centre based on:

Option 1: Proceed with the completion of a full stainless steel lap pool and a leisure pool with stainless steel sides with a PVC (vinyl) membrane floor and spray pad features for a total cost of \$4,600,534.70.

Carried

13. Correspondence

Resolution 2021-272

Moved by Councillor Peters

Seconded by Mayor Brown

That the following correspondence be received:

Town of Shelburne, Residential Schools

Town of Shelburne, Truth and Reconciliation Commission of Canada

Town of Mono, Regulatory Proposals (Phase 1) under the Conservation Authorities Act

Town of Mono, Residential Schools

Town of Mono, Unencapsulated Polystyrene Foam

Credit Valley Source Protection Authority;

And that the correspondence from the County of Dufferin regarding Residential Schools be received and endorsed;

And that Chris Gerrits be recommended as the municipal group representative on the CTC Source Protection Committee.

Carried

14. Committee/Board Minutes

Resolution 2021-273

Moved by Councillor Andrews

Seconded by Deputy Mayor Macintosh

That the minutes of the following meetings be received:

2021-02-23 Police Service Board Minutes

2021-03-23 Police Service Board Minutes

2021-04-20 Police Service Board Minutes

2021-02-25 Cultural Plan Task Force Minutes

2021-03-23 Business and Economic Development Committee Minutes

2021-05-25 Orangeville Library Board Minutes

Carried

15. Notice of Motion Prior to Meeting

15.1 Mayor Brown, Legion Monument

Resolution 2021-274

Moved by Mayor Brown

Seconded by Councillor Post

That Council allow the Royal Canadian Legion to construct a stone monument on Town Property at Greenwood Cemetery;

And that authorization be given to issue a letter to the Orangeville Legion, indicating that the Town has sufficient funds for the monument project and that the Town approves of locating the Legion monument on Town lands at the Cemetery;

And that staff be directed to oversee the construction of the work;

And that the Town authorizes the use of the Town of Orangeville's crest as part of the planned monument;

And that staff report back to Council with information pertaining to plans for acknowledgement of private donors.

Carried

16. Notice of Motion at Meeting

None.

17. New Business

Councillor Andrews extended a thank you to all individuals involved in the healing and reflection evening held at the end of June to support the Indigenous Community.

Councillor Andrews extended a thank you to Councillor Post for her initiative with respect to the installation of a crosswalk to honor the Indigenous Community.

Councillor Post advised that the Celebrate Your Awesome virtual event will be launched on August 7, 2021.

Councillor Taylor advised that the Terry Fox Run is coming up in the fall and that Council will be asked to participate.

Councillor Taylor advised that Theatre Orangeville is featuring the Third Life of Eddie Mann in July.

Councillor Sherwood reminded the public about the Summer Concert Series and that more information is available on the Town website.

18. Question Period

None.

19. By-Laws

Resolution 2021-275

Moved by Deputy Mayor Macintosh
Seconded by Councillor Andrews

That the by-laws listed below be read three times and finally passed:

A by-law to provide for the levy and collection of special charge upon ratable property in the Orangeville Business Improvement Area in the Corporation of the Town of Orangeville for the Year 2021;

A by-law to amend By-law 021-2019 to confirm appointments to various Boards and Committees;

A by-law to appoint Megan Archer, Caroline Godsend, Meridith Edney and Rachel Noonan as Animal Control Officers for the Town of Orangeville

A by-law to confirm the proceedings of the Council of The Corporation of the Town of Orangeville at its Regular and Closed Council Meeting held on July 12, 2021.

Carried

20. Adjournment

Resolution 2021-276

Moved by Councillor Taylor
Seconded by Councillor Post

That the meeting be adjourned at 8:44 p.m.

Carried

Sandy Brown, Mayor

Karen Landry, Clerk



Minutes of Council - Special Meeting

March 25, 2021, 11:30 a.m.

Electronic Meeting

**The Corporation of the Town of Orangeville
(Mayor and Clerk at Town Hall - 87 Broadway)
Orangeville, Ontario**

Members Present: Mayor S. Brown, was present at Town Hall
Deputy Mayor A. Macintosh
Councillor J. Andrews
Councillor G. Peters
Councillor L. Post
Councillor D. Sherwood
Councillor T. Taylor

Staff Present: E. Brennan, CAO
D. Benotto, Software Operations Supervisor, was present at Town Hall
D. Jones, General Manager, Infrastructure Services
C. Khan, Deputy Clerk
K. Landry, Town Clerk, was present at Town Hall
A. McKinney, General Manager, Corporate Services
R. Osmond, General Manager, Community Services
M. Pourmanouchehri, IT Technician, was present at Town Hall
T. Macdonald, Assistant Clerk, was present at Town Hall

1. Call To Order

The meeting was called to order at 11:30 a.m.

2. Approval of Agenda

Resolution 2021-121

Moved by Councillor Andrews

Seconded by Councillor Peters

That the agenda and any addendums for the March 25, 2021 Council - Special Meeting, be approved.

Carried

3. Disclosure of (Direct and Indirect) Pecuniary Interest

None.

4. Singing of National Anthem

David Nairn, Theatre Orangeville provided a pre-recorded version of the National Anthem which was played.

5. Land Acknowledgement

The Mayor acknowledged the traditional territory of the Anishinaabe people including the Ojibway, Potawatomi and Odawa of the Three Fires Confederacy.

6. Announcements by Chair

Mayor Brown provided information regarding how the public is able to participate in the Council meeting, advised the gallery and viewing audience with respect to the public nature of Council Meetings and that it is webcast.

7. Staff Reports

None.

8. Correspondence**8.1 Police Service Board Appointments****Resolution 2021-122**

Moved by Mayor Brown

Seconded by Councillor Andrews

That By-law 021-2019 appointment to various boards and committees, be amended by deleting Mayor Brown as a member of the Police Services Board and adding Deputy Mayor Macintosh as a member of the Police Services Board.

Carried Unanimously

9. Question Period

None.

10. By-Laws

Resolution 2021-123

Moved by Councillor Peters

Seconded by Councillor Andrews

That the by-laws listed below be read three times and finally passed:

A by-law to amend By-law 021-2019 to confirm appointments to various Boards and Committees

A by-law to confirm the proceedings of the Council of The Corporation of the Town of Orangeville at its Special Council Meeting held on March 25, 2021

Carried Unanimously

11. Adjournment

Resolution 2021-124

Moved by Deputy Mayor Macintosh

Seconded by Councillor Andrews

That the meeting be adjourned at 11:38 a.m.

Carried

Sandy Brown, Mayor

Karen Landry, Clerk



STEM Opportunities: Our Community

The Current Situation



Low engagement

Lack of opportunities



Elementary teachers –
limited experience

STEM activities – low awareness



“This looks very exciting, but I am very limited in my experiences in this area, next to none.

How would I be able to support this in my classroom. I am not even sure I can explain the idea.”

- A Dufferin
Elementary
Teacher



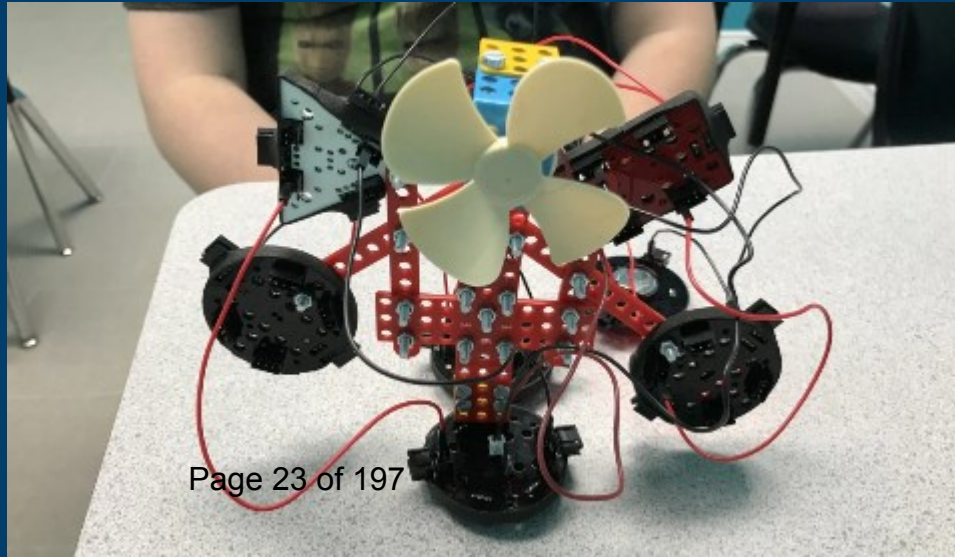
Examples

OBotz Robotics Orangeville

- ▶ Workshops, Competitions, etc.
- ▶ Lack of awareness from parents and teachers in the community

Significance

- ▶ Next generation: missing opportunities to explore STEM and its benefits



Benefits of STEM Programs



Confidence



Communication

Problem-solving



Critical thinking





Our Proposed Solutions

- ▶ Free STEM summer camps
- ▶ Month-long competitions
- ▶ In-school workshops

Your Support

Outreach

- ▶ Emails to public (for our summer camp)
- ▶ Word of mouth
- ▶ Council's support on future endeavours

<input type="checkbox"/>	MP Kyle Seeback	★ Updates on the programs for businesses, seniors and students + Good News Stories A number of impr...	Inbox	2020-05-22
<input type="checkbox"/>	MP Kyle Seeback	★ Let's nominate a local community hero ...stories which serve to bring positivity, hope, and celebrate the ...	Inbox	Apr. 1
<input type="checkbox"/>	Kyle Seeback	★ Gypsy moth Blood donation Parking near local parks ...be respectful to private property. This way, we ...	Inbox	Jun. 7

Your Support

Digital Presence

- ▶ Feature on your website
- ▶ Help us create awareness for STEM
- ▶ Share through social media



Your Support

Opportunities

- ▶ To network and spread awareness
- ▶ Opportunities to do in-class workshops
- ▶ A platform to interact with parents



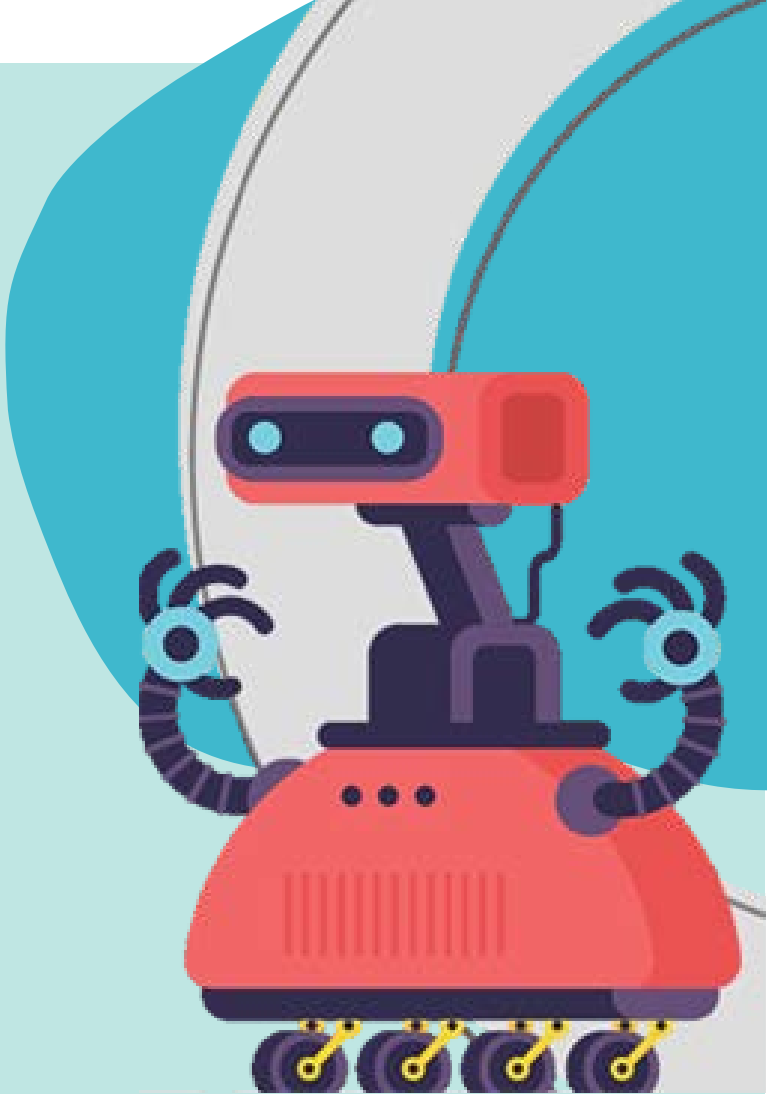
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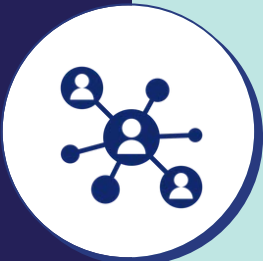
Thank you!

Any questions?

OBOTZ ROBOTICS ORANGEVILLE: WHO WE ARE



A local, family-owned business which teaches kids the principles of STEM and robotics.



Very involved in our community, through our numerous workshops, competitions, and upcoming camps.



We help kids build critical thinking, problem-solving, and other essential skills they'll retain for a lifetime.



Our students and participants have greatly benefited from our robotics program...



...and we want to give these opportunities to more kids in our community.

CONTACT US AT
ORANGEVILLE@OBOTZ.CA

PAST EVENTS



01

Science Case
Competition

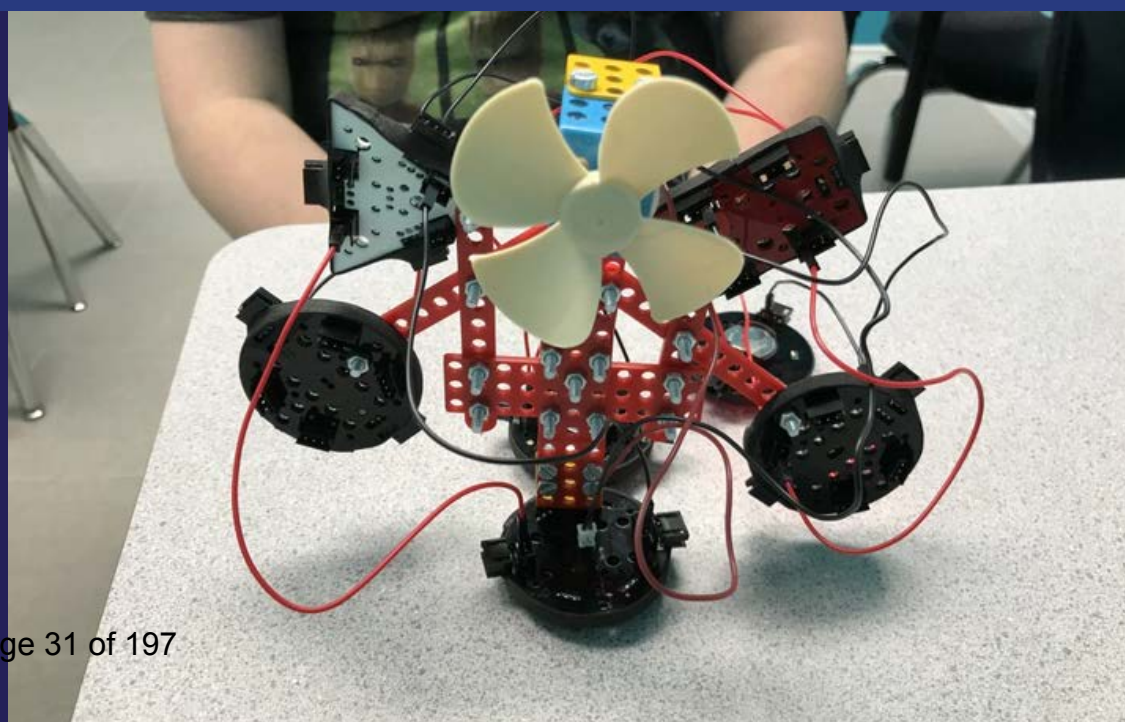


02

Robotics Design
Competition

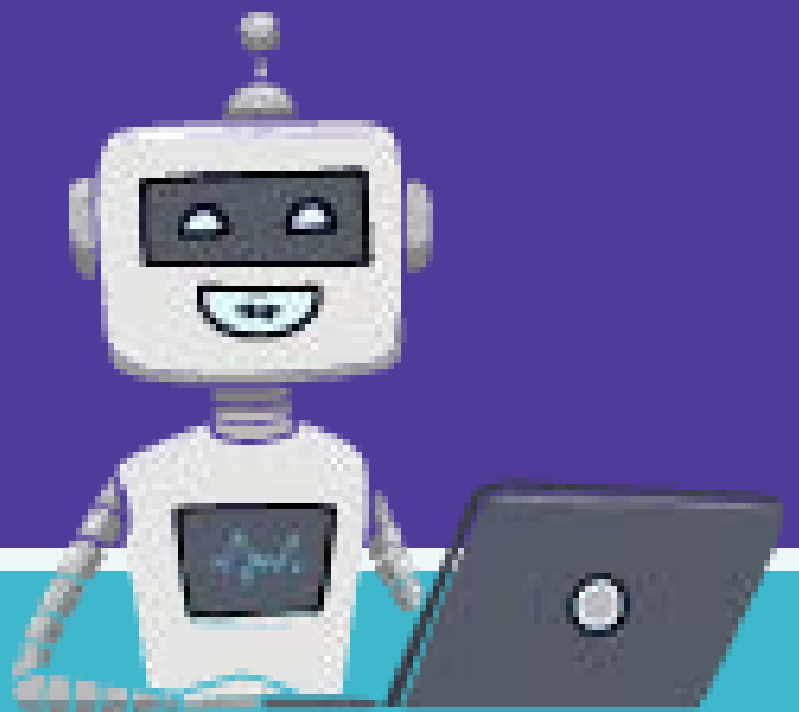
03

Coding, robotics, and
STEM workshops



UPCOMING INITIATIVES

OBotz Orangeville is planning a few initiatives for our community: here's a quick run-through of them.



FREE SUMMER CAMP

We are hosting a free summer camp, and through concepts including coding and robotics, will teach students to solve real-world problems.

COMPETITIONS

From science case competitions to robotics design competitions, we have lots to offer. All participants get feedback, and our winners get trophies and prizes.

IN-SCHOOL WORKSHOPS

We're hoping to implement these beginning next year, and have activity-filled, STEM workshops.





YOUR SUPPORT

HOW WE CAN INTRODUCE OUR COMMUNITY TO STEM



Outreach

- Emailing public about free programs and activities
- Word of mouth to spread awareness



Digital Presence

- Through Dufferin websites
- Sharing information about STEM through social media



Opportunities

- To network and spread awareness about STEM
- To do in-class workshops

We hope that our local municipality can support us on our mission to give more kids in our community the opportunity to participate in STEM activities!

Questions? Please email us at orangeville@obotz.ca, or give us a call at 416-723-6871.

Subject: 60-62 Broadway, Recommendation Report, OPZ-2019-06

Department: Infrastructure Services

Division: Planning

Report #: INS-2021-047

Meeting Date: 2021-08-09

Recommendations

That Report INS-2021-047, 60-62 Broadway, Recommendation Report, OPZ-2019-06 be received;

And that the Official Plan Amendment and Zoning By-law Amendment Applications (OPZ-2019-06) be approved;

And that Council pass a By-law to adopt Amendment No. 128 to the Official Plan for the Town of Orangeville, to re-designate Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138, Town of Orangeville, County of Dufferin, municipally known as 60 and 62 Broadway from from “Service Commercial” and “Open Space Conservation” to “Central Business District” and “Open Space Conservation” to permit a mixed-use building;

And that Council pass a By-law amending Zoning By-law 22-90, as amended to rezone Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138, Town of Orangeville, County of Dufferin, municipally known as 60 and 62 Broadway from “Service Commercial (C3) Zone” to “Central Business District (CBD) Zone, Special Provision 24.227, with Holding (H) Symbol”, “Central Business District Floodplain (CBD-F) Zone” and “Open Space Conservation (OS2) Zone” to permit a 5-storey, 58-unit mixed use building with retail at grade.

Background and Analysis

The lands subject to these applications are comprised of two parcels located on the south east corner of Broadway and Wellington Street, municipally known as 60 & 62 Broadway. The two parcels have a combined lot area of approximately 0.631 hectares (1.56 acres), with approximately 59.1 metres (167.1 feet) of frontage along Broadway and approximately 131.9 metres (423.8 feet) of frontage along Wellington Street. Attachment No. 1 includes a location map of the subject properties.

Proposed Development

On, August 29, 2019, MHBC Planning Ltd. submitted applications on behalf of 2575845 Ontario Inc. & 2659546 Ontario Inc. to amend the Town's Official Plan and Zoning By-law to facilitate the development of a 5-storey mixed-use building. The applications were deemed incomplete by Planning Division staff on September 11, 2019, and subsequently deemed complete on December 13, 2019.

A public meeting was held on March 9, 2020 to present the proposed development to Council and members of the public, answer any questions and obtain feedback. Several questions and concerns were expressed with respect to the proposed development and its potential impacts to traffic and natural features, as well as its compatibility with the surrounding area. In response to the comments received, and through the application review process, the applicant has revised the concept plan. The current concept plan is included as Attachment No. 4. Key revisions made in comparison to the original development plan are summarized in the following table:

Statistic	Original Concept	Current Concept
Number of Units	60	58
Retail Gross Floor Area	800 sq. m.	587 sq. m.
Height	21.0 m (5 storeys)	<ul style="list-style-type: none"> - 16.0 m (4 storeys) for the portion of the building that is within 21 metres of the easterly side lot line - 20.0 m (5 storeys) for the remainder of the building

Analysis

Subsection 3(5) of the Planning Act states that where a municipality is exercising its decision-making authority affecting a planning matter, such decisions “shall be consistent with” policy statements issued under the Act and “shall conform to”, or “shall not conflict with” the provincial plans that are in effect on that date. The following sections provide an analysis of the proposal's adherence to provincial, County and Town planning policy in support of the recommendation for Council's decision concerning this application.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The 2020 PPS came into effect on May 1, 2020, replacing the former PPS of 2014. PPS policies require municipalities to facilitate the development of compact, complete communities in a manner that encourages efficient use of existing infrastructure and public service facilities while protecting public health and safety and the natural environment.

The Official Plan and Zoning By-law amendment applications are consistent with the policies of the PPS because the approval of these amendments would assist in:

- promoting efficient development and land use patterns, avoiding development patterns which may cause environmental or public health safety concerns, and promoting cost-effective development to minimize land consumption and servicing costs (Section 1.1.1);
- contributing to land use patterns within a settlement area that are based on densities and a mix of land uses which a) efficiently use land and resources; and b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (Section 1.1.3.2);
- implementing the minimum targets for intensification and redevelopment within built-up areas, as established by the County and Town (Section 1.1.3.5);
- promoting appropriate development standards which facilitate intensification, redevelopment and compact form while avoiding or mitigating risks to public health and safety (Section 1.1.3.4); and
- providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet long term needs (Section 1.3.1.a).

Growth Plan for the Greater Golden Horseshoe (2019)

The current provincial Growth Plan (A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019) came into effect on May 16, 2019 and was most recently updated as of August 28, 2020. The Growth Plan provides an overall growth strategy for the Greater Golden Horseshoe region aiming to create compact, vibrant and complete communities by directing new growth and development (i.e. residential and employment) to occur within settlement areas, with a focus on providing a diverse range of housing and employment, high quality public open spaces, easy access to local amenities and protection of cultural heritage resources.

The Official Plan and Zoning By-law amendment applications conform to the policies of the Growth Plan because the approval of these amendments would contribute to:

- focusing growth to a delineated built-up area within a settlement area that has existing municipal water and wastewater systems (Section 2.2.1);
- achieving the minimum intensification target that applies to the County of Dufferin for all residential development occurring annually (Section 2.2.2.1 b)); and
- supporting the achievement of a complete community through providing a diverse range and mix of housing options (Section 2.2.1.4).

County of Dufferin Official Plan

The subject lands are designated “Urban Settlement Area” on Schedule ‘B1’ in the County of Dufferin Official Plan (County OP).

The County OP identifies urban settlement areas as focal points for growth, which are intended to accommodate a broad range of uses. These areas are comprised of lands

that provide full municipal services (i.e. sewage, water and stormwater management) and support a broad range of land uses and densities, including a mix of housing types. Urban settlement areas are to be designed to support walkable communities with opportunities for public transit use. The range of permitted uses and associated land use policies are to be prescribed in municipal official plans.

The Official Plan and Zoning By-law amendment applications are consistent with the policies of the County OP.

Town of Orangeville Official Plan

The subject lands are designated 'Service Commercial' and 'Open Space Conservation' on Schedule 'A' (Land Use Plan) in the Town of Orangeville Official Plan ("OP"), with Site Specific Policy E8.62.

The 'Service Commercial' designation permits a range of automotive-related uses, including dealerships, used car lots, parking depots, service stations and public garages, as well as other commercial uses such as motels, building supply sales, warehouses with accessory retail, furniture and home stores, wholesale outlets, hardware stores, animal hospitals or boarding kennels, repair service and rental establishments, commercial recreation uses, private clubs, funeral homes, day care centres and other similar uses that require large display or storage areas (Section E2.7.2). Site Specific Policy 8.62 removes permissions for automotive uses such as automobile parking depots, automobile dealerships and used car lots. The intent of this policy is to reinforce and complement the focus of the east Broadway area as the easterly gateway into Town, and the entry into the Downtown Heritage Conservation District, and the Town's continuing efforts to beautify this area (Section E8.62).

The OP amendment proposes to re-designate the subject lands as 'Central Business District' and 'Open Space Conservation' on Schedule 'A' (Land Use Plan).

The subject lands are located adjacent to the current boundary of the 'Central Business District' and the proposed OP amendment would enlarge the boundary of this designation to include the developable portion of the subject lands. The 'Central Business District' area accommodates the largest and most diverse concentration of central functions in the Town, including retail, office, services, entertainment and other commercial uses, as well as governmental, institutional, residential and community activities (Section E2.4.1).

The undevelopable remainder of the land is proposed to be designated 'Open Space Conservation' which will prohibit development on this portion of the site and will protect the natural features within. Permitted uses are limited to public works associated with watercourses (i.e. bridges, wells and sewage treatment facilities), outdoor recreational uses, and accessory uses, subject to approvals by all appropriate agencies (Section E5.3.6).

The subject lands are located within the “Built Boundary” on Schedule ‘B1’ (Built Boundary) in the OP. The corresponding policies generally support intensification of previously developed areas where appropriate, in order to maximize existing infrastructure and efficiently utilize developable land.

The Official Plan amendment and Zoning By-law amendment applications are in keeping with the policies of the Town OP because the applications would:

- increase supply of good quality living accommodations with a full range of types, densities and architectural forms (Section B2.2);
- provide a balanced range of housing that meets a variety of needs in terms of size, type, ownership status and location (Section E1.2.3);
- contribute to the intensification target of 50% of all residential development occurring annually to be situated within the ‘Built Boundary’ (Section E1.11.8);
- contribute to the economic vitality and community value of the Central Business District (Section E1.11); and
- contribute to the creation of a complete community that provides a diverse mix of land uses, high quality of urban design, and complements the established character of the neighbourhood (Section E1.11.7).

The proposed Official Plan Amendment (OPA No. 128) is included as Attachment No. 2.

Town of Orangeville Zoning By-law No. 22-90

The subject property is zoned ‘Service Commercial’ (C3 Zone) on Schedule ‘A’ to Zoning By-law No. 22-90, as amended. The ‘C3’ Zone permits a range of commercial uses including:

- | | |
|---|---|
| • assembly hall | • kennel |
| • automotive uses | • printing and photocopying establishment |
| • adult entertainment parlour | • real estate office |
| • building supply outlet | • recreational establishment |
| • club house | • restaurant |
| • dry cleaning or laundry establishment | • variety store |
| • farm implement sales | • vehicle storage facility |
| • funeral home | • veterinarian clinic |
| • hardware store, | • video film outlet |
| • home furnishing or improvement retail uses, | • warehouse |
| • hotel or motel | • wholesale establishment |

The Zoning By-law amendment application proposes to rezone the developable portion of the subject lands to ‘Central Business District’ (CBD), with a Holding (H) Symbol to permit the proposed development. The ‘CBD’ Zone permits a range of commercial uses, including:

- art gallery,
- personal service shop,

- assembly hall
- business or professional office,
- cinema,
- financial establishment,
- funeral home,
- library,
- medical laboratory,
- museum,
- nursery school,
- recreational establishment,
- repair, service or rental establishment,
- restaurant,
- retail store,
- school,
- theatre,
- veterinarian clinic,
- wholesale establishment
- residential uses on upper floors

In addition, the undevelopable portion of land is proposed to be rezoned as 'Open Space Conservation (OS2) Zone', and will be dedicated to the Town. The 'OS2' zone will protect the lands for conservation uses.

Lastly, a portion of the lands is proposed to be rezoned as 'Central Business District Floodplain (CBD-F) Zone.' These lands make up a 6.0 metre deep portion of lands between the proposed 'CBD' and 'OS2' zones. The Floodplain 'F' suffix denotes that the development of the lands requires written approval by Credit Valley Conservation (CVC). The applicant has satisfied the CVC's requirements to accommodate parking in this area; however, the discretion for the development of the lands remains with CVC given the 'F' overlay.

In order to permit the development as proposed, new site-specific zone standards are required. The following table provides a comparison of the parent CBD zone standards, and the proposed site-specific CBD regulations sought to accommodate this development:

Regulation	Standard CBD Zone	Site-Specific CBD Zone
Lot Area (min)	nil	-
Lot Frontage (min)	nil	-
Front Yard (min)	nil	-
Interior Side Yard (min)	Abutting Residential zone – 4.5 m Abutting all other zones – nil	-
Exterior Side Yard (min)	nil	-
Rear Yard (min)	7.5 m	-
Building Height (max)	23.0 m (6-storeys)	- 16 metres (4 storeys) for the portion of the building that is within 21 metres of the easterly side lot line

		- 20 metres (5 storeys) for the remainder of the building
Coverage (max)	75%	-
No. of Units (max)	n/a	58

The Zoning By-law Amendment application also requests relief from Section 5.17.7(a) of the By-law, which stipulates that a 1.0 metre landscape strip must be provided where any parking area abuts a street. The site-specific special provisions reduce this requirement to 0.4 metres along the Wellington Street lot line, as the proposed development concept includes retail parking abutting the entrance into the development, at the rear of the building.

A Holding (H) Symbol will be applied to the subject land through the Zoning By-law Amendment. Removal of this Holding (H) Symbol will require a subsequent Zoning By-law amendment application submission, with approval granted once the Town is satisfied that the appropriate servicing requirements have been confirmed and are formally allocated to the development.

The proposed Zoning By-law Amendment is included as Attachment No. 3.

Additional Applications Required

In addition to the Official Plan and Zoning By-law Amendment approvals for the subject lands, the following applications will be required:

1. **Residential Demolition Permit** to facilitate the demolition of the existing dwelling on the subject land prior to development. A Residential Demolition Permit application has not been submitted to date in conjunction with this application.
2. **Site Plan Approval** to facilitate the proposed development. The site plan review and approval process will address the exterior elements of the development in detail, including site servicing, drainage and stormwater management, architectural design, lighting, and landscaping, as applicable. An executed Site Plan Agreement between the Town and the applicant will be required prior to the commencement of construction. A Site Plan Application has not been submitted to date in conjunction with this application.
3. **Lifting of the Holding (H) Symbol** to formally confirm and allocate the appropriate servicing capacities needed to accommodate the development. An application to remove the Holding (H) Symbol will be required after Site Plan approval has been granted and has not been submitted to date in conjunction with this application.

4. **Plan of Condominium (exemption):** to establish the individual units and common elements (i.e. internal roadway, landscape and amenity areas, internal common spaces, etc.) that will form the condominium plan. A Condominium Exemption Application has not been submitted to date in conjunction with this application.

Review and Consultation

Internal Departments and External Agencies

The applications and supporting documentation were circulated to internal departments and external agencies for comment, pursuant to the mandate and technical area of expertise of each reviewing department/agency.

Comments from the following agencies, Town departments and Committees have expressed **no concerns** with the application, or have provided standard conditions to be included in the future Site Plan Agreement:

- Infrastructure Services, Planning
- Infrastructure Services, Building
- Infrastructure Services, Environment
- Infrastructure Services, Transportation and Development
- Community Services, Fire
- Heritage Orangeville
- Dufferin County
- Credit Valley Conservation Authority
- Dufferin Peel Catholic District School Board
- Conseil Scolaire Viamonde
- Enbridge Gas
- Orangeville Hydro
- Hydro One
- Canada Post
- Rogers

No additional comments have been received from internal departments or external public agencies with respect to this application.

Public Consultation

A public information meeting was held in accordance with the Planning Act requirements on March 9, 2020. The purpose of this public meeting was to provide an opportunity for the applicant to present their application to the public and Council, to receive comments, and answer any questions raised about the proposed development.

Comments and questions were expressed at the public meetings seeking clarification on certain aspects of the proposal and responses were provided by Planning division staff and the applicant's representative in attendance at the meeting. The questions and

comments raised at the meeting which required further exploration as part of the application review process, as well as staff responses, are summarized in the following table:

Issue	Response
<p>Building Height</p> <ul style="list-style-type: none"> - Impact on property to the east - Interface with Broadway - Not consistent with heritage district 	<ul style="list-style-type: none"> - The Central Business District permits a height of 23.0 m, however the permitted height within the area of the Downtown Heritage Conservation District is restricted to a maximum of 12.0 m. The height of the building within 20 metres of the east property line has been reduced to 16.0 m (4-storeys). The height of the remainder of the building is 20 m (5-storeys). Revised elevations are included as Attachment No. 5 to this report. - The building is located at the street line, which is consistent with the built-form within the Central Business District. No changes are proposed. - The property is located outside of the Heritage Conservation District. However, the applicant has provided several façade treatment options to Heritage Orangeville in order to address massing and height concerns. The preferred option is included as Attachment No. 6 to this report. Heritage Orangeville has expressed no further concerns with the development concept at this time and will be further consulted at the Site Plan Application stage.
<p>Impacts on Mill Creek</p>	<p>The applicant has worked with the Credit Valley Conservation Authority to establish the development limits for the property. The land that is not developable will be designated and zoned Open Space Conservation, and will be transferred to Town ownership.</p>
<p>Traffic</p> <ul style="list-style-type: none"> - Volume Impact - Location of Proposed Access / Potential Access to Broadway 	<ul style="list-style-type: none"> - A Traffic Study was submitted and reviewed as part of the application. The study concluded that the proposed development will have a negligible impact on traffic operations at this location. - The existing site has two accesses onto Broadway and these will be removed as part of the redevelopment (i.e., all access is proposed off of Wellington Street). Since Broadway is a major arterial road, it is considered desirable to locate access off intersecting public roads. This minimizes the number of access points along Broadway, which is beneficial from an access management / potential conflict perspective. Providing a right-out restriction onto Broadway is possible; however, it typically has enforcement issues, unless a centre median is also provided. As such, the provision of a right-out onto Broadway at this location is not desirable.

Pedestrian Safety	The applicant is proposing a sidewalk along the east side of Wellington. This will assist with pedestrian connectivity to the building and out to Broadway.
Too Much Retail	The proposed retail area has been reduced by approximately 30%, from 800 sq. m. to 587 sq. m. As Orangeville continues to grow, additional retail and jobs will be required to support the growth. In keeping with the Central Business District, the proposed retail units are small, and are not intended to accommodate large big-box retailers.
Lack of Parking	The proposed development includes 86 parking spaces which meets the parking requirements of the Zoning By-law. The requirements are broken down as follows: <ul style="list-style-type: none"> - Residential: 1 space per unit = 58 spaces - Visitor: 0.25 spaces per unit = 14 spaces - Retail: 1 space per 40 sq. m. of GFA = 14 spaces

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Sustainable Infrastructure

Objective: Plan for Growth

Sustainable Neighbourhood Action Plan

Theme: Land Use and Planning

Strategy: Co-ordinate land use and infrastructure planning to promote healthy, liveable and safe communities.

Notice Provisions

The applications were received on August 29, 2019 and deemed incomplete by Planning Division staff on September 11, 2019. The applications were subsequently deemed complete by Planning Division staff on December 13, 2019, following the receipt of outstanding documentation required for the applications to be considered a complete submission.

In accordance with the requirements of the Planning Act, on October 3, 2019, a Notice of Complete Application and Public Meeting was:

- i. circulated to all property owners within 120 metres of the subject property;
- ii. advertised in the Orangeville Citizen;
- iii. published to the Town website; and
- iv. posted via signage on the subject property.

An additional Notice of Public Meeting was advertised in the Orangeville Citizen and published to the Town website on February 13, 2020.

Financial Impact

There are no anticipated financial impacts to the Town arising from this Report.

Respectfully submitted

Reviewed by

Douglas G. Jones, M.E.Sc., P. Eng.
General Manager, Infrastructure Services

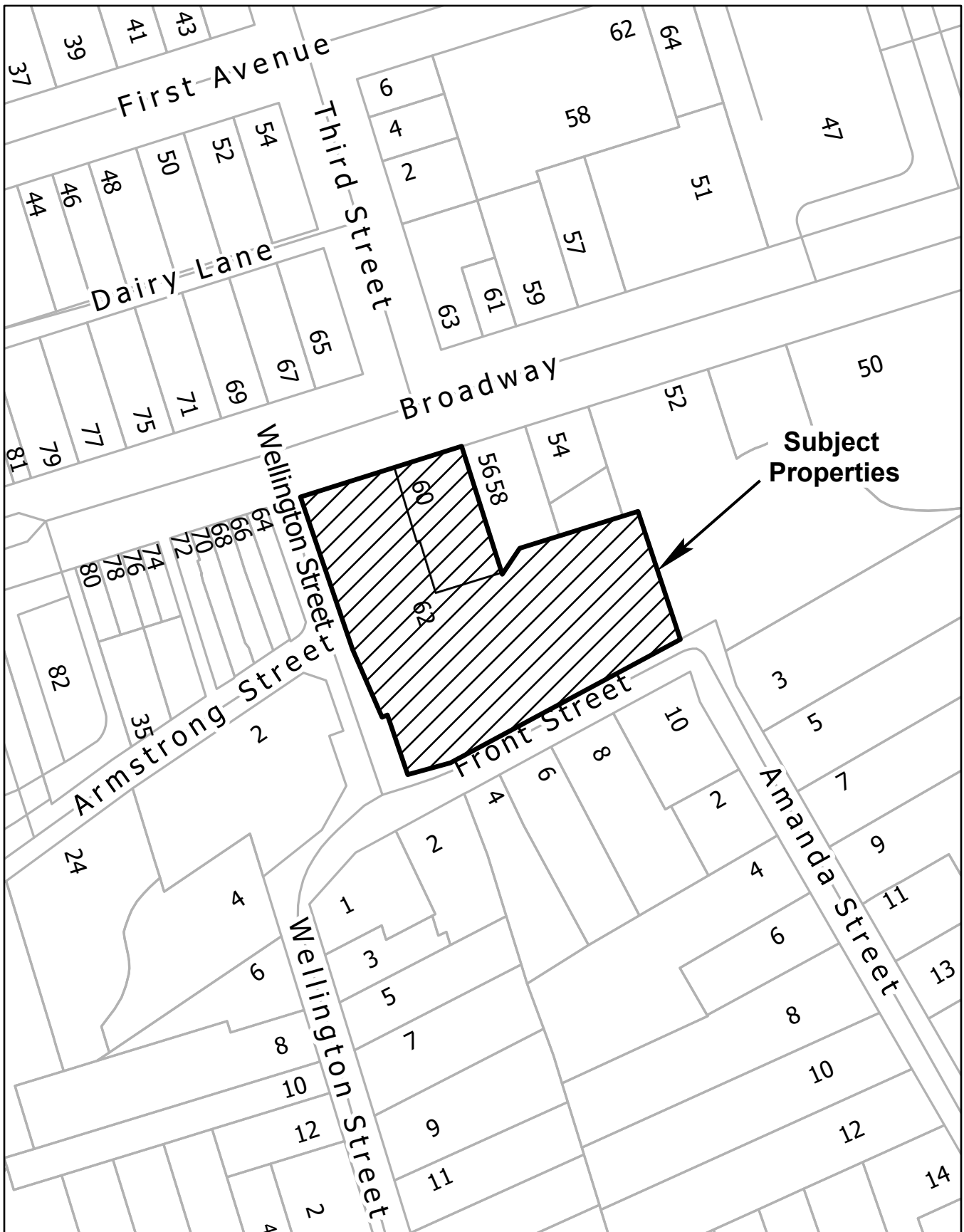
Brandon Ward, MCIP, RPP
Manager, Planning

Prepared by

Larysa Russell, MCIP, RPP
Senior Planner, Planning

Attachments:

1. Location Map
2. Official Plan Amendment
3. Zoning By-law Amendment
4. Conceptual Site Plan
5. Conceptual Renderings
6. Preferred Façade Treatment





The Corporation of the Town of Orangeville

By-law Number _____

A By-law to Adopt Amendment No. 128 to the Official Plan (2040771 Ontario Inc.; OPZ-2019-06).

The Council of the Corporation of The Town of Orangeville, in accordance with the provisions of Section 22 of the Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, hereby enacts as follows:

1. Amendment No. 128 to the Official Plan for The Town of Orangeville, consisting of the attached explanatory text and maps is hereby adopted.

Passed in open Council this 9th day of August, 2021.

Sandy Brown, Mayor

Karen Landry, Clerk

**The Official Plan
for the
Town of Orangeville
Amendment No. 128**

The attached explanatory text and map, constituting Amendment Number 128 to the Official Plan for the Town of Orangeville, was adopted by the Council of the Corporation of the Town of Orangeville, under the provisions of Section 22 of the Planning Act, R.S.O., 1999, C. P.13 on August 9, 2021.

Sandy Brown, Mayor

Karen Landry, Clerk

**The Official Plan
for The Town of Orangeville
Amendment No. 128**

Part A – The Preamble

1. Purpose of the Amendment

The purpose of the amendment is to re-designate the subject lands from “Service Commercial” and “Open Space Conservation” to “Central Business District” and “Open Space Conservation”.

2. Location

This amendment applies to the lands described as Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138, municipally known as 60 and 62 Broadway. The subject lands are located on the south east corner of Broadway and Wellington Street and bounded by Front Street to the south. The subject lands are comprised of two parcels, with a combined lot area of approximately 0.631 hectares.

3. Basis of the Amendment

The subject lands are located in an area comprised of several uses. To the immediate west is the “Central Business District” which permits a range of residential and commercial uses, and to the east the “Service Commercial” area permits a range of commercial uses including automotive-related uses. To the north and south are low-density residential neighbourhoods. The subject lands have been historically used for automotive-related uses, in addition to residential uses at 60 Broadway.

A complete application to amend the Official Plan was received on December 13, 2019, which sought to re-designate the subject lands to permit a five (5) storey, mixed-use building containing 60 dwelling units and ground-level commercial uses. On March 9, 2020, a statutory public meeting was held for public review and comment. Following the public meeting and in response to comments from the public and Council, the applicant reduced the height of the proposed building on the east side of the property from 5-storeys to 4-storeys, reduced the proposed number of residential units from 60 to 58, and reduced the proposed retail floor area on the ground floor. A related Zoning By-law amendment application will implement the development as proposed.

The subject lands are designated “Service Commercial” and “Open Space Conservation” on Schedule ‘A’ “Land Use Plan” in the Town of Orangeville Official Plan. An Official Plan Amendment is required to re-designate the subject lands as “Central

Business District” and “Open Space Conservation” to permit the development of a 5-storey, 58-unit mixed use building with 587 square metres of ground floor retail.

The basis for this amendment is as follows:

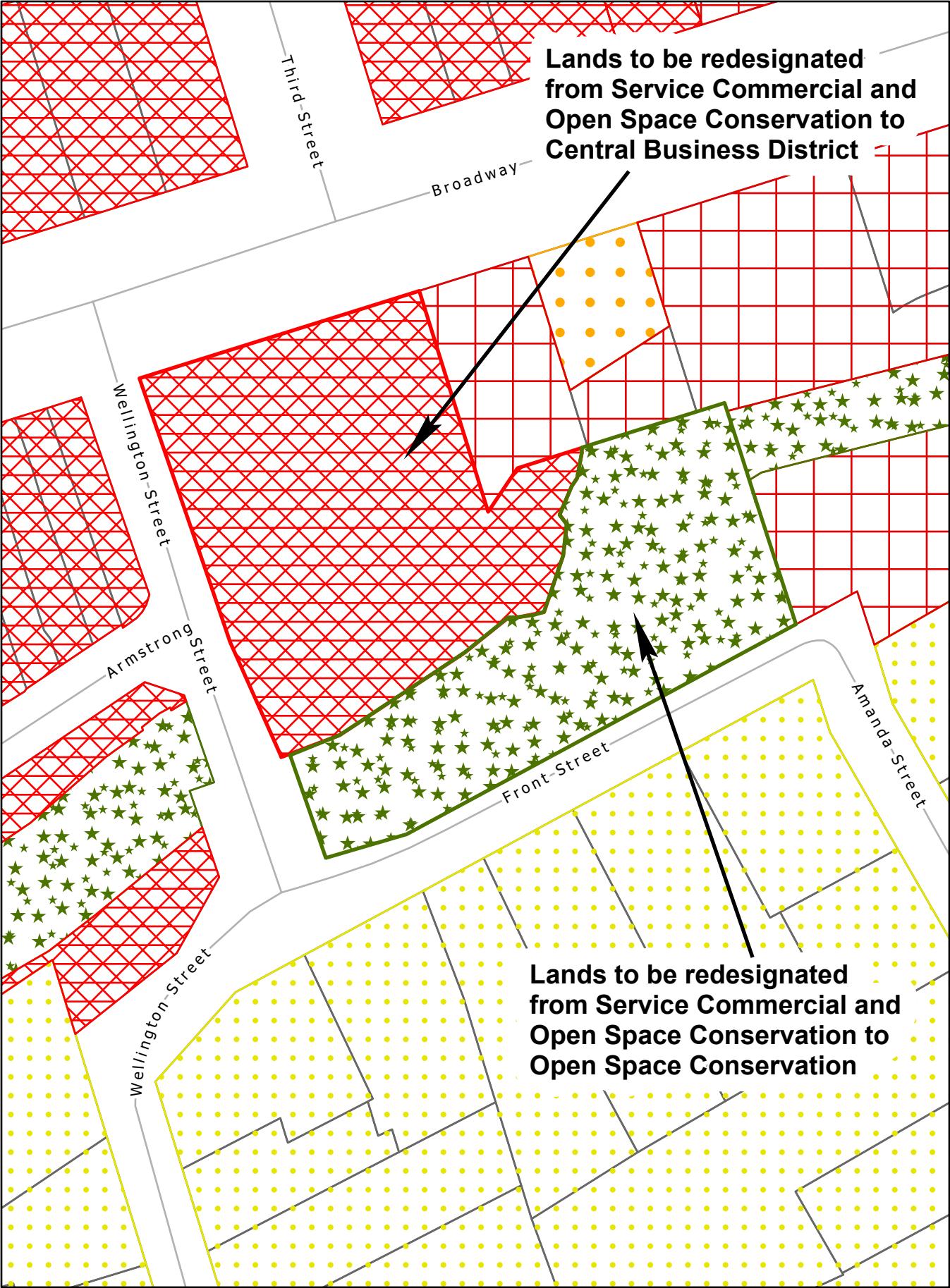
1. The proposed development is consistent with the Provincial Policy Statement, 2020.
2. The proposed development conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.
3. The proposed development conforms to the Dufferin County Official Plan.
4. The proposed development conforms to the general intent and purpose of the Town of Orangeville Official Plan.
5. The proposed development will assist the Town in achieving intensification and housing goals.
6. The proposed development will assist in providing a range of uses to achieve a complete community.
7. The proposed development is appropriate within existing neighbourhood context.
8. The proposed development will connect to full municipal services.
9. The proposed development will result in protected Open Space lands.

Part B – The Amendment

The Official Plan for the Town of Orangeville is amended as follows:

1. Schedule “A” “Land Use Plan” is hereby amended by designating the lands to “Central Business District” and “Open Space Conservation” as shown on the attached Schedule “A” to this amendment.

Schedule 'A' to Official Plan Amendment No. 128





**The Corporation of the Town of Orangeville
By-law Number _____**

**A By-law to amend Zoning By-law No. 22-90 as amended,
with respect to Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138
municipally known as 60 and 62 Broadway**

(25755845 Ontario Inc., File No. OPZ-2019-06)

Whereas the Council of the Corporation of the Town of Orangeville is empowered to pass By-laws to permit the use of land pursuant to Sections 34 and 36 of the Planning Act, RSO 1990, as amended;

And whereas Council considers it desirable to pass a By-law to amend Zoning By-law No. 22-90, as amended, to permit a 5-storey, 58-unit mixed use building on Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138, municipally known as 60 and 62 Broadway.

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

1. That Schedule "A", Map C5 to Zoning By-law No. 22-90, as amended, is hereby further amended by rezoning the lands as depicted on Schedule "A" attached to this By-law.
2. That Section 24 of By-law 22-90, as amended, is hereby further amended by adding the following thereto:

"24.227 Notwithstanding the provisions of Section 13A.2 (7) of By-law 22-90, as amended, the following provisions shall apply to the lands zoned as Central Business District (CBD) Zone, Special Provision 24.227:

Maximum Dwelling Units: 58 units

Building Height (maximum): 16 metres or 4 storeys, whichever is the lesser, for the portion of the building that is within 21 metres of the easterly side

lot line, and 20 metres or 5 storeys,
whichever is the lesser, for the
remainder of the building.

Notwithstanding Section 5.17.7(a), the following regulations shall apply to
the lands zoned Central Business District (CBD) Zone, SP 24.227:

Landscape Strip (minimum)

- Abutting the Wellington Street lot line 0.4 metres"

Holding Symbol

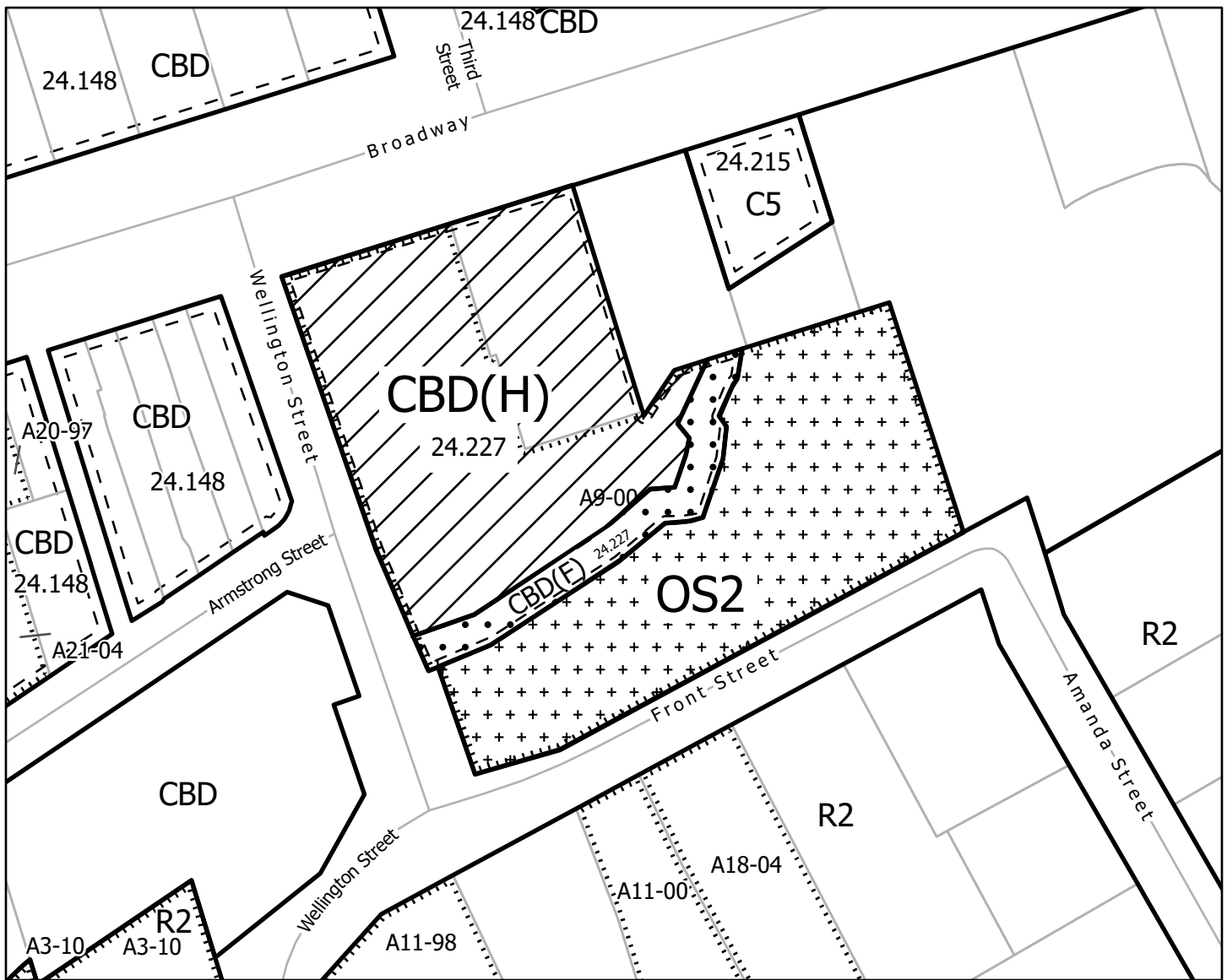
The Holding Symbol (H) shall only be removed from all or a portion of the
lands when the Town is satisfied:

- 1) that there is sufficient water supply and sewage treatment capacity to
service the development or portion thereof as the case may be.

Passed in open Council this 9th day of August, 2021.

Sandy Brown, Mayor

Karen Landry, Clerk



The Corporation of The Town of Orangeville
 Schedule 'A' Town of Orangeville Zoning By-law 22-90

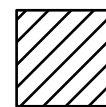


Schedule **"A"** to by-law

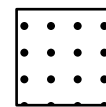
Passed the _____ day of _____

 Mayor

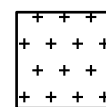
 Clerk



Lands to be rezoned from
 Service Commercial (C3) Zone to
 Central Business District (CBD)(H)
 Zone, S.P. 24.227



Lands to be rezoned from
 Service Commercial (C3) Zone to
 Central Business District (CBD)(F)
 Zone, S.P. 24.227



Lands to be rezoned from
 Service Commercial (C3) Zone and
 Service Commercial (C3)(F) Zone
 to Open Space - Conservation
 (OS2) Zone

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Subject: 2020 Surplus Allocation

Department: Corporate Services

Division: Finance

Report #: CPS-2021-051

Meeting Date: 2021-08-09

Recommendations

The report CPS-2021-051, dated August 9, 2021, 2020 Surplus Allocation, be received;

And that Council approves the allocation of \$10,000 of the 2020 Surplus for an orange crosswalk to be installed, as per Motion 2021-257;

And that Council approve the transfer of \$1,901,535 to General Capital Reserves.

Background and Analysis

The 2020 Budget approved by Council on February 2, 2020 provided an estimate to allow for the prioritization of projects, programs and service levels based on anticipated revenue and expenses. The operating budget plans for the municipality's day-to-day expenditures while the capital budget plans for the purchase and financing of assets or improvement of existing infrastructure. The budgets are prepared using the modified accrual accounting method which is permitted by [Ontario regulation \(O.Reg.\) 284/09](#) (for more information, readers may wish to refer to the tip sheet on Ontario Regulation 248/09 developed by the [Municipal Finance Officers' Association](#), the regulation, or the Municipal Act).

The 2020 Audited Financial Statements presented to Council at the May 31, 2021 meeting report on the actual resources used and the full cost of the services delivered to the public via the accrual method of accounting. The accumulated surplus or deficit reported in the Financial Statements does not necessarily indicate performance. An accumulated surplus occurs when all the municipality's assets (financial and non-financial) exceed all its liabilities. This excess in assets (financial and non-financials) can be used to provide future services. The Municipal Act requires that municipalities prepare their financial statements using accrual accounting, in accordance with Public

Sector Accounting Board (PSAB) standards. For more information, refer to [section 294.1 of the Municipal Act](#) and other sections in the legislation.

The annual calculation of surplus means that revenues are greater than expenses, while accumulated surplus means that total assets (financial and non-financial) exceed liabilities. For 2020, the Audited Financial Statements present an accrual surplus that includes non-cash expenses including the change in capital and reserves. Whereas, the operating/general surplus, presented here, is cash realized.

For the 2020 fiscal year the Town of Orangeville's Net Cash Surplus position is \$1,911,535. Motion 2021-257 from the June 28, 2021 Council meeting directed staff to allocate \$10,000 of the 2020 Surplus for an orange crosswalk to be installed at Broadway and First Street to commemorate Indigenous children. Therefore, the net surplus amount to be transferred is \$1,901,535.

Staff are recommending allocation of the 2020 general cash surplus to the Town's General Capital Reserves. Council would recall adopting a similar approach for 2018 and 2019.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Strong Governance

Objective: This report supports the Town's objectives of financial responsibility

Sustainable Neighbourhood Action Plan

Theme: Corporate and Fiscal

Strategy: Encourage and support inter-departmental collaboration and communication to facilitate the adoption of sustainable practices in the municipality

Notice Provisions

Not Applicable

Financial Impact

The approval of the recommended allocation of the 2020 net cash surplus would result in an increase to General Reserves of \$1,901,535.

Respectfully submitted

Nandini Syed, MPA, CMM III, CPA, CMA
Treasurer, Corporate Services

Prepared by

Mandip Jhajj, CPA, CGA
Asset Management Specialist, Corporate Services

Attachment(s): Not Applicable

Subject: 2021 Second Quarter Operating Fund Variance

Department: Corporate Services

Division: Finance

Report #: CPS-2021-058

Meeting Date: 2021-08-09

Recommendations

That report CPS-2021-058 regarding the 2021 Second Quarter Operating Fund Variance be received.

Background

The purpose of this report is to provide Council with a corporate summary of the Operating Fund performance for the period ending June 30, 2021 and to summarize significant variances that have been identified during the first and second quarters.

This report and the explanations provided are intended to highlight trends being monitored for Council's information and to address significant year-to-date ("YTD") variances.

While the variances mentioned below may not be indicative of future trends or variances for the remainder of the year, it is important to highlight the current variances to ensure that Council is aware.

Analysis

The overall operating fund operations resulted in a favourable variance of \$4,350,526 or 39%. This is largely due to less expenditures than expected. The two key areas for this variance are reserve transfers, which is a timing issue and will narrow as capital project reach completion, and a significant gap in the compensation envelope. Further details are provided in the body of this report.

Appendix 1 – 2021 First Quarter Operating Fund Variance provides a comparison of the actual operating results to the operating budget allotment as of June 30, 2021 by

division. Table 1 below summarizes the first quarter operating fund results by source. Significant divisional variances are highlighted below.

The consolidated revenues to date are \$1,264,325 or 3.1% below the second quarter YTD budgeted allotment. Revenues to date represent approximately 66% of the annual budget and are 1% lower than the second quarter YTD for 2020.

The consolidated expenditures to date show a variance of \$4,424,194 or 17.4% lower than the second quarter YTD budget allotment for spending. Expenditures to date represent approximately 49% of the annual budget and are 6% lower than the second quarter YTD of 2020.

The province of Ontario had imposed various stages of lockdowns throughout the first and second quarter of 2021 which impacted mainly the Library, Facilities and Recreation divisions. The main driver of the variances mentioned above is due the measures taken to minimize the impacts and spread of COVID-19 including; closure of facilities, service delivery changes, modified working environment for employees, redirected resources and casual and seasonal part-time layoffs.

The consolidated internal transfers to date are \$1,190,657 or 28% lower than the second quarter budget allotment. The main drivers of this variance are due to reserve and capital transfers. The annual transfer to Insurance Reserve is \$149K lower than anticipated budget, and transfers to reserve funds and to capital have been lower than budgeted in Corporate Allocations. These type of transfers only occur when funding is needed.

Table 1 – 2021 Second Quarter Operating Fund Variance by Source

	YTD Actuals	YTD Budget	YTD Variance in dollars	YTD Variance %	Annual Budget
	Millions				Millions
Revenues	\$(39.5)	\$(40.8)	\$(1,264,325)	(3.1%)	\$(59.5)
Expenses	20.9	25.4	4,424,194	17.4%	43.0
Internal Transfers	3.5	4.2	1,190,657	28%	8.1
Total Operations	\$(15.5)	\$(11.2)	\$4,350,526	38.9%	

For reference, revenues higher than budget and expenses less than budget result in a positive (+) variance, and revenues less than budget and expenses higher than budget result in a negative (-) variance.

Significant divisional variances that are greater than 15% are highlighted below:

\$29,095 Council – The main cause of this variance from budget is due to timing and requirements for expenses of the division. Memberships & subscriptions were \$4.1K higher, supplies, workshops & training were \$9.5K lower, public relations were \$10.9K lower, and sympathy & other

gifts were \$5.1K lower. These variances are expected to narrow by year-end. Additionally, fringe benefits are \$6.3K lower than budget due to the budgeted amount being an estimation.

- \$1,902,291 Corporate Allocations** – while this favourable variance is minor at 6.4%, it is worth noting the following significant variances. The most noteworthy variances include, the Town received \$355K in provincial grants (Safe Restart and Ontario Cannabis Legalization Implementation Fund) not budgeted for, tax write-offs are \$119K lower than budget, \$414K in budgeted debt payments were not incurred, \$1.26M transfers from reserves and levies to capital remains to be recorded to fund capital projects as they achieve completion. These variances are offset by \$101K in supplementary tax adjustments, and \$134K increase in insurance premiums compared to budget. Majority of variances in Corporate Allocations are due to timing, however, the variances in provincial grants, debt payments and insurance premiums will remain.
- \$82,979 Clerks** – Clerks are currently \$98K below budget for compensation expenses due to vacant positions. This variance will remain. Various expenses such as memberships & subscriptions, training, marriage licenses and office equipment & supplies are below budget due to requirements of the division in the first two quarters. These margins are expected to narrow by year-end.
- \$171,633 Finance** – The finance division is currently \$222K lower than budget for compensation. This is due to several vacant positions throughout the year that were budgeted for but, have not yet been filled. This is offset by \$19K in professional fees related to property assessments that were not budgeted for and \$30K in transfers to capital that has not yet been utilized. The compensation and professional fees variances will remain, while the transfers to capital variance is a timing issue.
- \$63,920 Crossing Guards** – Variance is due to the closures of schools which resulted in a reduction of hours for crossing guards during those periods, therefore, compensation was less than budget. This variance will remain.
- \$111,444 Economic Development & Culture** – \$36K of this variance is due to compensation. A new full-time position was approved for 2021 and was filled in late March and a subsequent vacancy was filled in May. \$88K in grants related to the SBEC and Digital Main St. Programs were received that were not budgeted for. Funds will be expended by the end of each program. Various marketing & advertising expenses are underspent by \$17K in the first half of the year due to limitations imposed by travel restrictions. As the Tourism Branding project is rolled out, and promotion of the community resumes, marketing and advertising expenditures expected to increase. Some variances related to SBEC are partner

contributions (revenues) \$18K below budget and expenses for enhanced virtual consulting of \$18K were not budgeted for. Variances are mainly due to timing and are expected to narrow by year-end.

\$259,840	Recreation & Events – Majority of this variance is due to the closure of the recreation programs as a result of COVID-19. Compensation expenses are down \$540K compared to budget, while programming revenues are down \$400K. Partner Services expenses were down \$44K and special project expenses were down \$17K. The remaining variance is attributed to less programming supplies and expenses required due to the closures.
\$522,724	Public Works – 13% of this variance is due to compensation (lower due to various factors). The main drivers of this variance from budget are due to timing and requirements for certain expenses of the division. Compared to budget, fleet expenses are \$58K lower, snow removal services are higher by \$93K, sanding & salting materials are \$231K lower, outside services are \$117K lower, and tree maintenance costs are \$65K lower. These are the largest variances of the division and the margins are expected to narrow by year-end.
\$6,396	Cemetery – Variances in this division are due to timing and use of services by the community as well as the Town. Revenues are down \$3.6K and expenses are down \$10K most of which is outside services.
\$44,834	Transit –The Town received a transit grant from The Ministry to cover operational costs related to COVID-19. This grant was for \$86K which offset the decrease in user fees & recoveries of \$65K. The overall impact on revenues was \$21K above budget. Fleet costs are currently \$27K over the budgeted amount and outside service expenses are down \$50K, both of which are expected to narrow by year-end.
\$50,173	Building – Permit revenues are down \$12K which is reasonable given we cannot accurately estimate the number of permits required each year. COVID-19 has also impacted permit revenues due to shut-downs and increased material costs. Remainder of variance is due to compensation as part of one employees wages and benefits were approved to be reallocated to the Crossing Guards division.

Overall, the 2021 second quarter operating fund variance of \$4,350,526 is stable given the measures taken to reduce the impact and spread of COVID-19. The second quarter variance is not indicative of a trend and is subject to change, especially given the unprecedented current pandemic. The financial position of the Town will continue to change throughout the balance of the year due to factors such as the impacts of

COVID-19, weather related activity, utility and fuel usage and rates, tax write-offs, position vacancies and development activity.

Reporting quarterly on the operating fund variance supports Council in achieving its fiduciary responsibilities and the Strategic Plan's Strong Governance pillar and financial responsibility to balance the need for service and investment with fiscal restraint.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Strong Governance

Objective: This report supports the Town's objective of financial responsibility

Sustainable Neighbourhood Action Plan

Theme: Corporate and Fiscal

Strategy: Encourage and support inter-departmental collaboration and communication to facilitate the adoption of sustainable practices in the municipality

Notice Provisions

Not applicable

Financial Impact

There is no immediate impact as a result of the second quarter operating variance analysis.

Respectfully submitted

Reviewed by

Nandini Syed, CMM III, CPA, CMA
Treasurer, Corporate Services

Mandip Jhajj, CPA, CGA
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Prepared by

Rebecca Medeiros, CPA, CA
Financial Analyst - Operations, Corporate Services

Attachment(s): 1. 2021 Second Quarter Operating Fund Variance

Attachment 1. 2021 Second Quarter Operating Fund Variance



Operating Fund Variance by Division

For the period ending June 30, 2021

	June 2020 YTD Actuals	June 2021 YTD Actuals	June 2021 YTD Budget	YTD Budget \$ Variance	YTD Budget % Variance	Annual 2021 Budget	2021 Budget Remaining	2021 Budget %
Council	\$154,847	\$154,935	\$184,030	\$29,095	16%	\$368,064	\$213,129	57.9%
Committees:								
Access Orangeville Committee	3,312	\$0	\$12,350	\$12,350	100%	\$25,000	\$25,000	100.0%
Emergency Committee			5,000	5,000	100%	10,000	10,000	100.0%
Heritage Orangeville	316	4,074	4,491	417	9%	10,000	5,926	59.3%
Honours Committee	0	0	2,000	2,000	100%	2,000	2,000	100.0%
Sustainability Action Team (OSAT)	-365	2,919	13,200	10,281	78%	30,000	27,081	90.3%
Police Service Board	0	167,445	130,306	-37,139	(29%)	260,609	93,164	35.7%
Committees Sub-Total	3,263	174,438	167,347	-7,091	(4%)	337,609	163,171	48.3%
Administration	213,298	176,738	191,348	14,610	8%	382,691	205,953	53.8%
Corporate Allocations	-30,060,657	-31,508,315	-29,606,024	1,902,291	(6%)	-32,015,040	-506,725	1.6%
Police	4,597,438	0	0	0	0%	0	0	0.0%
Ontario Provincial Police	0	3,402,923	3,937,488	534,565	14%	7,874,979	4,472,056	56.8%
Corporate Services								
By-Law Enforcement	143,185	218,755	216,692	-2,063	(1%)	448,455	229,700	51.2%
Clerks	306,946	320,140	451,298	131,158	29%	897,204	577,064	64.3%
Communications	183,862	186,830	198,996	12,166	6%	401,448	214,618	53.5%
Human Resources	254,118	392,938	451,993	59,055	13%	903,999	511,061	56.5%
Finance	523,338	525,995	697,628	171,633	25%	1,383,542	857,547	62.0%
Information Technology	413,112	648,944	683,556	34,612	5%	1,367,106	718,162	52.5%
Community Services								
Crossing Guards	82,719	115,593	179,513	63,920	36%	359,024	243,431	67.8%
Economic Development & Culture	276,418	250,072	361,516	111,444	31%	604,092	354,020	58.6%
Facilities	1,088,007	1,151,518	1,332,651	181,133	14%	2,376,285	1,224,767	51.5%
Parks	324,810	449,669	428,830	-20,839	(5%)	924,458	474,789	51.4%
Recreation & Events	588,073	415,441	675,281	259,840	38%	1,254,718	839,277	66.9%
Fire	1,742,609	1,761,093	1,991,048	229,955	12%	3,922,464	2,161,371	55.1%
Library Services	800,793	826,332	960,167	133,835	14%	1,910,644	1,084,312	56.8%
Infrastructure Services								
Planning	116,783	152,506	140,327	-12,179	(9%)	327,849	175,343	53.5%
Public Works	2,087,118	2,001,686	2,518,014	516,328	21%	5,040,560	3,038,874	60.3%
Cemetery	11,583	6,745	13,141	6,396	49%	11,142	4,397	39.5%
Transit	216,218	180,847	225,681	44,834	20%	432,516	251,669	58.2%
Building	170,713	96,456	146,629	50,173	34%		-96,456	
Water	1,037,349	1,101,157	1,206,041	104,884	9%		-1,101,157	
Wastewater	1,023,516	1,189,200	1,051,375	-137,825	(13%)		-1,189,200	
Total Operations	-13,700,541	-15,607,364	-11,195,434	4,411,930	(39%)	-486,191	15,121,173	

Subject: 2021 Second Quarter Capital Progress

Department: Corporate Services

Division: Finance

Report #: CPS-2021-060

Meeting Date: 2021-08-09

Recommendations

That report CPS-2021- regarding the 2021 Second Quarter Capital Progress be received.

Background

The purpose of this report is to provide Council with a summary of the status of capital projects as of June 30, 2021 and to provide variances that have been identified for each project to the end of the second quarter. This report provides a snapshot in time that compares actual expenditures to date with the approved budget per project. As many capital projects span more than one year, all outstanding projects have been organized into three categories, Completed, In Progress or To Be Initiated.

The Tables in the Attachment to follow, list outstanding capital projects in chronological order by the year the project was approved. In addition, comments in the Authorization column have been provided by the project managers.

Analysis

As of the second quarter of 2021, 1% of all approved outstanding capital projects were completed, 93% are in progress and 6% are yet to be initiated.

Table 1: Capital Projects Completed as of June 30, 2021

Table 1 provides the actual capital spending by project, for those projects that were completed during the second quarter, compared to the approved budget. Overall, the financial performance of these projects was favourable with projects being completed under budget by 13% or \$47,244. This favourable variance is driven by 2 projects in the Facilities division, 2 projects in the Parks division and 1 project in the Wastewater division, offset with an overspend in 1 project in the IT division.

Figure 1 below shows the aggregate variance by Division for the completed projects in the second quarter of 2021.

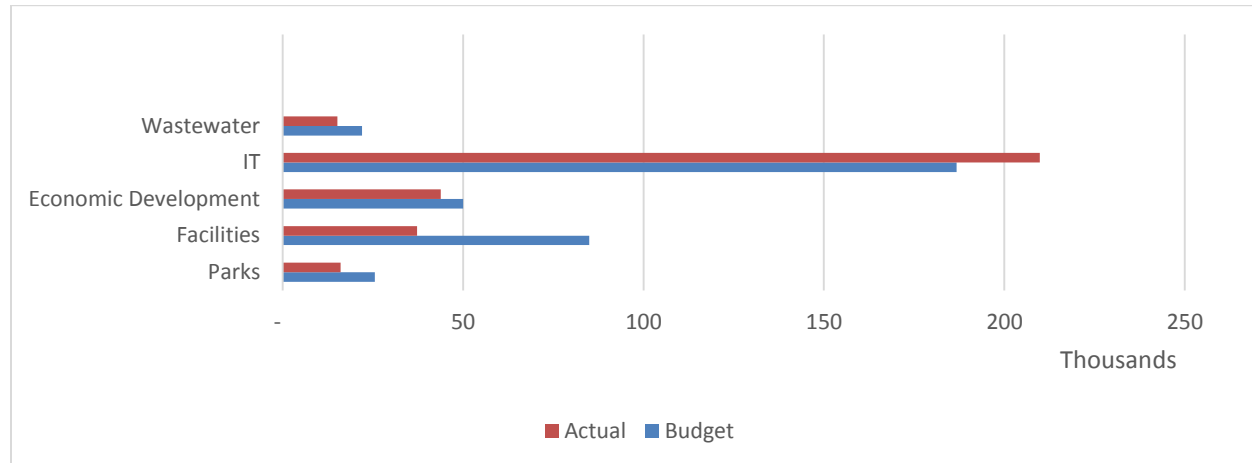


Figure 1: Aggregate Variance by Division of Completed Projects at June 30, 2021

Table 2: Capital Projects in Progress as of June 30, 2021

Table 2 compares actual expenditures to budget for on-going projects as of the second quarter 2021. As at June 30, 2021 approximately 25% of the approved budget for on-going projects has been utilized. There are three divisions driving this, IT (utilized 50% of budget), Library (47%) and Wastewater (53%). This is offset by lower spending in corporate allocations (5%), economic development (1%) and Transit (1%).

Figure 2 below shows the year-to-date budget utilized, by division for on going projects as of June 30, 2021.

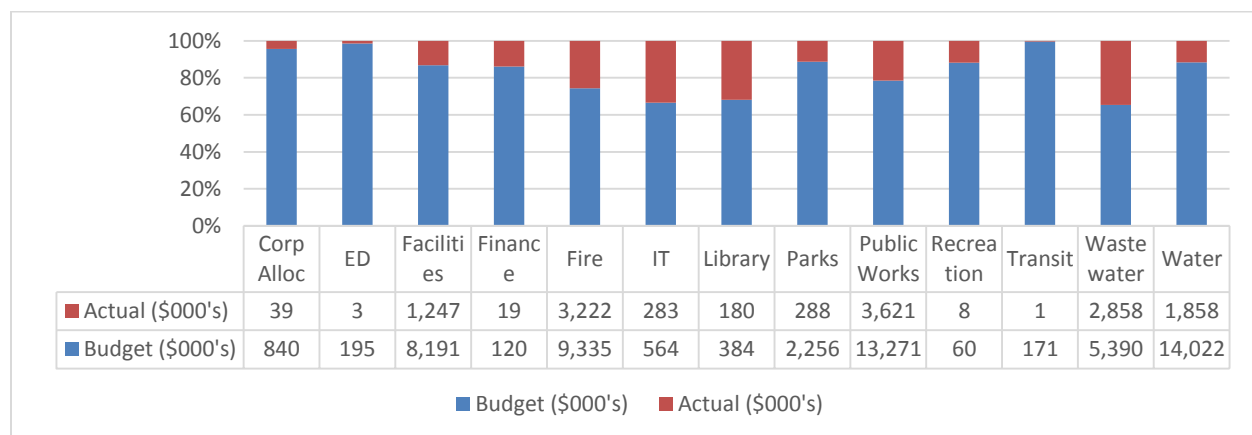
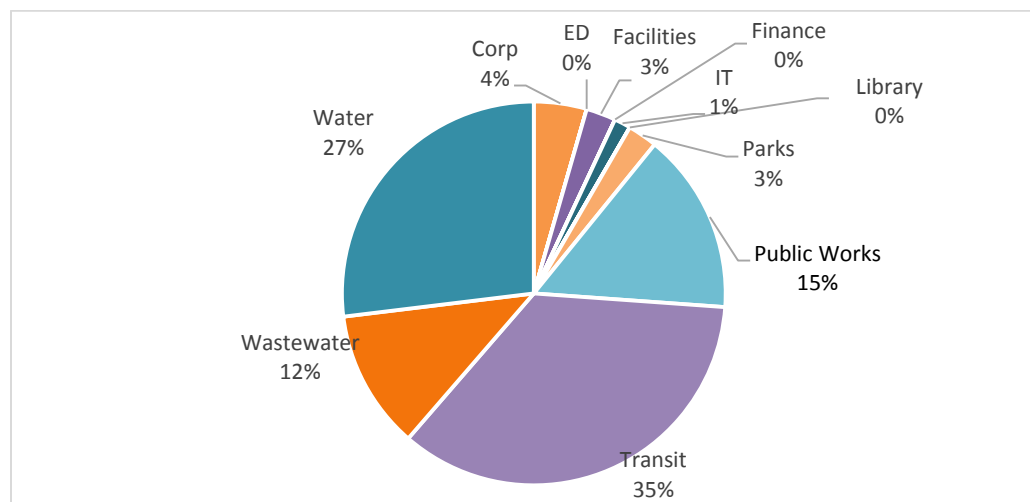


Figure 2: Budget Utilized by Division for Projects in Progress at June 30, 2021

Table 3: Capital Projects To Be Initiated as of June 30, 2021

Table 3 shows the capital projects to be initiated as of June 30, 2021. In total, there were \$3.6 million dollars of capital projects approved but not yet started as of the second quarter of 2021. Of these projects, approximately 53% are from the 2021 approved capital budget. At the end of the first quarter there were \$13.7 million dollars of projects not yet started. The two largest projects that moved from this status to in progress during the second quarter are the water meter and billing upgrade project with an approved budget of \$4.4 million and the digester number 2 refurbishment project with an approved budget of \$1.5 million.

Figure 3 below shows the amount to be initiated by Division.

**Figure 3: Projects to be initiated as of June 30, 2021 by Division**

The second quarter progress report is subject to timing issues given the unprecedented current pandemic. The progress of capital projects may be affected by factors such as, but not limited to the impacts of COVID-19 and weather conditions.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Strong Governance

Objective: This report supports the Town's objective of financial responsibility

Sustainable Neighbourhood Action Plan

Theme: Corporate and Fiscal

Strategy: Encourage and support inter-departmental collaboration and communication to facilitate the adoption of sustainable practices in the municipality

Notice Provisions

Not applicable

Financial Impact

There is no immediate impact as a result of the second quarter capital progress report.

Respectfully submitted

Nandini Syed, MPA, CMM III, CPA, CMA
Treasurer, Corporate Services

Prepared by

Mandip Jhajj, CPA, CGA
Asset Management Specialist, Corporate Services

Attachment(s): 1. Capital Progress

Table 1: Capital Projects Completed as of June 20, 2021

Division	Capital Project Name	Authorization	Approved Funding	Total Cost	Difference
Facilities	Reception Desks - Town Hall	2018CB	60,000	33,317	26,683
IT	Security and Data Integrity	2019/20CB	186,800	209,829	(23,029)
Parks	Lighting Upgrades -- Dragonfly Park	2019CB	10,000	4,129	5,871
Parks	Parking lot Lighting Retrofit -- Rotary Park	2019CB	5,500	3,729	1,771
ED	Tourism Strategy	2020CB	50,000	43,792	6,208
Facilities	Sound System Upgrades Tony Rose	2021CB	25,000	3,970	21,030
Parks	Community Gardens Shed	2021CB	10,000	8,161	1,839
Wastewater	Mixer #5 Replacement	2021CB	22,000	15,129	6,871
		Total Project Complete as of June 20, 2021	369,300	322,056	47,244

Table 2: Capital Projects in Progress as of June 30, 2021

Division	Capital Project Name	Authorization (Comments provided by Division)	Approved Funding	Total Cost	Difference
Water	Water Meter and Billing Upgrade	2011/12/20CB (consultant contract should be signed by end of July 23 2021)	4,375,000	2,748	4,372,252
Public Works	Transit Shelters	2013/14/18CB (on going)	50,841	-	50,841
Parks	Boardwalk - Dragonfly Park	2013/17/18CB (on going, waiting on CVC regarding permits)	389,500	13,135	376,365
Public Works	Salt Storage Shed - Operations Ctr	2013CB (on going)	500,000	8,392	491,608
Water	Generator -- Reservoirs	2014/15/20CB (generator for operations centre on order - delivery expected by August 2021)	396,000	34,644	361,356
Wastewater	Sewage Pumping Station -- First St.	2014CB (In progress, electrical work to be complete by end of summer/early fall)	125,000	11,168	113,832
Public Works	3 Bay Expansion - Operations Ctr	2015/17CB (on going)	720,000	15,316	704,684
Water	West Sector Reservoir	2015/20CB (class EA process has started)	2,115,000	51,587	2,063,413
Parks	Bravery Park Monument	2015CB Motion 2015-01, Donations (work to be completed in August, grand opening on September 3rd)	163,789	132,150	31,638
Water	GUDI Well Treatment Upgrades	2016/19CB (class EA process has started)	975,000	46,510	928,490
Parks	Park Fencing	2017/18/19CB (on going)	87,000	54,945	32,055
Water	SCADA Systems	2017/19/20CB (on going)	534,200	303,190	231,010
Public Works	Transit Transfer Station	2017/20CB (on going)	210,000	40,711	169,289
Wastewater	Digester No 1 Roof Repl -- WPCP	2017-32, PW-2018-38, 2019CB, ENV-2019-009 (there was minor additional work required in June)	2,787,500	2,778,380	9,120
Water	Water Supply	2017-39/2019/20CB (on going)	3,150,000	1,324,393	1,825,607
Finance	Work Order System	2017CB	50,000	19,392	30,608
Parks	Trails -- Edelbrock	2017CB (on hold, waiting on outcome of ORDC future plans)	30,000	-	30,000
Public Works	Streetlights post/Luminaire Re	2018/19/20CB (on going)	180,000	123,835	56,165
Public Works	Recon - Faulkner/Westmin/Elizabeth	2018/19CB (complete, awaiting final acceptance)	724,000	969,562	(245,562)
Public Works	Recon - Gifford St	2018/19CB (complete, awaiting final acceptance)	715,000	606,398	108,602
Corp	Asset Management Plan Study	2018/20CB	485,400	5,078	480,322
Fire	Fire Station	2018/20CB (in progress)	8,045,000	2,317,734	5,727,266
Finance	Payroll Information Systems	2018CB	50,000	-	50,000
Facilities	Drainage grates - Fire Dept	2018CB	20,000	-	20,000
Public Works	Hansen Blvd Bridge-Lower Monora Creek	2018CB (approvals underway, construction January 2022)	2,087,000	89,493	1,997,507
Facilities	Emergency eyewash/shower stations	2018CB (completed, pending invoice)	107,000	26,350	80,650
Fire	Building Improvements - Fire Dept	2018CB (on going)	20,000	27,901	(7,901)
Facilities	Hose drying area cat walk - Fire Dept	2018CB (on hold)	6,000	1,526	4,474
Recreation	Upgrades to Soffits -- Alder Rec Ctr - 275 Alder St	2018CB (on hold, need to find a new vendor for this project)	25,000	473	24,527
Public Works	Mill Creek Rehab Centre St. to Bythia St.	2018CB (study underway)	30,000	7,576	22,424
Water	Standpipe Cleaning & Painting	2018CB (underway - but actual construction to commence in 2022)	1,834,000	26,786	1,807,214
Water	Standpipe Valve & Service Repl	2018CB (underway - construction expected to be completed by end of Q3)	32,000	14,155	17,845
Facilities	Security Cameras -- Alder Rec Ctr	2019/20CB (in progress)	60,000	4,000	56,000
Wastewater	SCADA Server Replacement	2019/20CB (in progress)	170,400	68,166	102,234

Table 2: Capital Projects in Progress as of June 30, 2021

Division	Capital Project Name	Authorization (Comments provided by Division)	Approved Funding	Total Cost	Difference
Wastewater	Clarifier 3 Centre Unit Replacement	2019/20CB (RFP to be issued by end of Q2)	410,000	-	410,000
Water	Venturi Meter Replacement	2019/20CB (tender closed, reference checks are underway)	164,000	33,551	130,449
Facilities	Eco Chill Refridgerration System - Alder Rec Ctr	2019-10-28 Motion 6, 2020CB (delayed, funds to be moved for pool renovation)	2,011,769	11,845	1,999,924
Facilities	Police Building Upgrades Design	2019-12-09 Motion 8 (working on deficiencies)	1,333,000	1,085,749	247,251
Facilities	Public Counter - Orangeville Theatre	2019CB (completed, pending invoice)	60,000	51,046	8,954
Facilities	Flooring -- Orangeville Theatre	2019CB (completed, pending invoice)	35,000	-	35,000
Water	B-Line Watermain-Alder/Spencer	2019CB (in final design, then PIC. Tender closed but not yet awarded)	257,000	20,871	236,129
Facilities	Digital Flat Screen TV & software	2019CB (in progress)	60,000	2,667	57,333
Facilities	Wayfinding Signage -- Town Hall	2019CB (in progress)	7,500	2,856	4,644
Facilities	Wayfinding Signage -- Alder Rec Ctr	2019CB (in progress)	9,000	2,654	6,346
Public Works	Recon - Little York-JohnE/ParkLot	2019CB (on going)	1,279,000	1,205,908	73,092
Public Works	Bridge - Dawson Rd	2019CB (on going, completion in September 2021)	269,000	32,098	236,902
Public Works	Bridge - Tideman Dr	2019CB (on going, completion in September 2021)	217,000	12,691	204,309
Facilities	Exterior Door and Frame Replacement -- Alder Rec Ctr	2020/21CB (awarded and ordered)	40,000	-	40,000
Transit	Transit Transfer Station	2020/21CB (on going)	170,869	773	170,096
Corp	Corporate-wide Digitization	2020CB	355,000	34,011	320,989
Finance	Purchase Order System	2020CB	20,000	-	20,000
Parks	Outdoor Pool -- Lion's Park	2020CB (50% donation received from Lions, on going)	50,000	30,036	19,964
Library	Furniture & Equip -- Public Library	2020CB (A number of items currently on order)	130,000	62,003	67,997
Facilities	Second St Entrance Doors -- Town Hall	2020CB (acquiring quotations)	10,000	-	10,000
Facilities	Green Rink Tube Heaters	2020CB (awarded)	20,000	-	20,000
Parks	Play Structure Replacement - Princess of Wales	2020CB (awarded, waiting delivery and installation-September)	50,000	3,908	46,092
Facilities	Red Rink Tube Heaters	2020CB (awarded, waiting for vaccination clinic to end)	15,000	-	15,000
Water	Well 5/5A Variable Frequency Drive	2020CB (class EA process has started)	40,000	-	40,000
Library	Computer Hardware	2020CB (complete, pending invoice)	24,000	-	24,000
Facilities	Bridge - Mill Creek Trail	2020CB (completed, pending invoice)	20,000	-	20,000
Parks	Trail Development Plan -- Phase 2	2020CB (Delayed waiting on rail contract to end at the end of this year)	860,000	16,307	843,693
Fire	Fire Bunker Gear Replacement Program	2020CB (equipment ordered - 90% recieved)	54,000	20,927	33,073
Recreation	Projector and drop-down screen for Saputo Ctr	2020CB (Fall 2021)	15,000	-	15,000
Parks	Karen Court Multi-Purpose Pad	2020CB (in progress)	25,000	-	25,000
Parks	Rotary Park Dugout Roofs	2020CB (in progress, Engineer completing specs for roof structure)	8,500	-	8,500
Facilities	Camera System Town Hall	2020CB (in progress, September completion)	15,000	9,589	5,411
Recreation	Walking Track Murals -- Alder Rec Ctr - 275 Alder St	2020CB (Last round of artist submissions is in progress - fall 2021 completion)	20,000	7,622	12,378
Fire	Replace 2005 Pumper Rescue Truck	2020CB (Motion 2021-140 for additional funds of \$65,575. Going to assembly line first week of August)	865,575	855,702	9,873

Table 2: Capital Projects in Progress as of June 30, 2021

Division	Capital Project Name	Authorization (Comments provided by Division)	Approved Funding	Total Cost	Difference
Public Works	Operations Ctr - Roof Replacem	2020CB (Motion 2021-156 for additional funds of \$206,490, on going)	326,490	232,411	94,079
Parks	Rotary Park Redevelopment Plan	2020CB (moving into stakeholder input)	45,000	382	44,618
IT	Digital First Strategy	2020CB (multi-year project, in progress)	408,000	130,855	277,145
IT	Computer Hardware	2020CB (nearing completion)	130,500	107,404	23,096
Parks	Kay Cee Gardens Walkway and lighting	2020CB (on going)	100,000	36,359	63,641
Public Works	Transit Study	2020CB (on going)	10,000	2,303	7,697
Public Works	Climate Change Risk Assessment	2020CB (on going)	50,000	-	50,000
Public Works	Emerald Ash Borer	2020CB (on going)	93,600	36,265	57,335
Facilities	HVAC System -- Town Hall	2020CB (on hold)	125,000	10,324	114,676
Parks	Professional Services for Monora Creek	2020CB (plans submitted to CVC waiting on approvals)	50,000		50,000
Public Works	Rehab - Broadway Blvd Brick	2020CB (postponed to Fall 2022)	900,000	22,983	877,017
Facilities	Cupola Dome -- Town Hall	2020CB (quotation stage)	45,000	61	44,939
Facilities	Chimneys -- Town Hall	2020CB (quotation stage)	10,000	-	10,000
Facilities	Feasibility / Business Plan for Regional Recreation Facility	2020CB (RFP for release late August 2021)	60,000	-	60,000
Wastewater	Detritor Centre Unit Replacement	2020CB (RFP to be issued by end of Q2)	135,000	-	135,000
Wastewater	Digester No. 2 Refurbishment	2020CB (RFP to be issued by July 23, 2021 closing on August 23, 2021)	1,518,000	550	1,517,451
Planning	Official Plan Review	2020CB (RFP to be issued in August, with a consultant to be selected and begin background review and consultation in the fall)	38,466	-	38,466
Water	SCADA Master Plan	2020CB (SCADA staff person hired July 5 2021)	150,000	-	150,000
Public Works	Recon -- Centennial	2020CB (underway - 3 year project, completion in 2023)	3,758,000	165,078	3,592,922
Fire	Fire Radio Replacement Program	2020CB (waiting on an update on the Peel Region Communications project and how we can align with the overall regional system. Awaiting further information/presentation)	350,000	-	350,000
Public Works	Noise Fence	2020CB, 2019 CF (on going)	149,077	3,590	145,487
ED	Orangeville Community Improvement Plan	2021CB	100,000	202	99,798
ED	Tourism Branding	2021CB	20,000	137	19,863
ED	82-90 Broadway Re-development	2021CB	75,000	2,381	72,619
Facilities	RTU replacement - Fire Hall	2021CB (awarded, awaiting delivery and install)	15,000	550	14,451
Facilities	Lap Pool Liner Replacement Alder	2021CB (awarded, construction to start end of July)	3,000,000	36,496	2,963,504
Parks	Riddell Road under pass Lighting	2021CB (complete, pending invoice)	7,000		7,000
Parks	Roof Pavilion - Rotary Park	2021CB (complete, pending invoice)	45,000	541	44,459
Public Works	Guiderail - Rolling Hills	2021CB (completed, pending invoice)	18,000	-	18,000
Parks	Consulting & Redesign of Rebecca Hills Park	2021CB (consultant hired late July, first RFQ process did not have any submissions)	140,000		140,000
Library	Library Branding Project	2021CB (contract has been awarded, in early implementation stage)	35,000		35,000
Facilities	Roof Top Unit Replacement	2021CB (in design phase)	800,000	-	800,000
Facilities	Council Chamber Upgrades	2021CB (in progress)	50,000	-	50,000

Table 2: Capital Projects in Progress as of June 30, 2021

Division	Capital Project Name	Authorization (Comments provided by Division)	Approved Funding	Total Cost	Difference
Facilities	Alder Multi Purpose Rooms Re-development	2021CB (on going)	30,000	-	30,000
Facilities	Red and Green Sprinkler Pipe replacement	2021CB (on going)	75,000	-	75,000
Public Works	Traffic Signal Upgrades	2021CB (on going)	125,000	-	125,000
Public Works	Traffic By-Law Amendment - Town Wide Speed Limit	2021CB (on going)	25,000	18,976	6,024
Public Works	Riddell Road Intersection - Left Turn Signals	2021CB (on going)	87,000	-	87,000
Public Works	Rehab - Bredin Pkwy Phase 1 (First -Goldgate)	2021CB (on going, construction has started)	209,000	672	208,328
Public Works	Cotton Lane (Lane 6E9) Rehabilitation	2021CB (on going, construction has started)	26,000	-	26,000
Public Works	Cotton Lane (Lane 6E8) Rehabilitation	2021CB (on going, construction has started)	41,000	-	41,000
Public Works	Honey Suckle Lane (Lane 6N12) Rehabilitation	2021CB (on going, construction has started)	53,000	-	53,000
Public Works	Hydrogeological Investig	2021CB (on going, report in Fall 2021)	50,000	26,317	23,684
Library	Library Collections	2021CB (on track to complete by Dec 2021)	195,000	118,285	76,715
Wastewater	Sump Pump Replacements	2021CB (ordered, awaiting delivery)	78,000	-	78,000
Wastewater	Digester Recirculation Pump Replacement	2021CB (ordered, awaiting delivery)	56,000	-	56,000
Parks	Parks Truck # 7	2021CB (ordered, delivery in the 4th quarter)	55,000		55,000
Public Works	Truck 3 Replacement-2011 International Snow Plough	2021CB (purchased and awaiting delivery)	280,000	76	279,924
Public Works	Truck 4 Replacement	2021CB (purchased and awaiting delivery)	50,000	-	50,000
Facilities	Orangeville Theatre Accessibility Ramp	2021CB (quotations in progress)	30,000	-	30,000
Wastewater	Buena Vista Sewage Pumping Station Optimization & Upgrades	2021CB (RFP to be issued by end of Q3)	110,000	153	109,847
Facilities	Town Hall - Network Cabling Upgrades	2021CB (September completion)	40,000	-	40,000
IT	Phone System Upgrades	2021CB (to be completed in September)	25,000	25,323	(323)
Parks	Monora Creek Rehabilitation	2021CB (waiting on CVC)	150,000		150,000
Facilities	Tony Rose Facility Truck	2021CB (waiting on delivery)	41,000	549	40,451
Facilities	Alder Facility Truck	2021CB (waiting on delivery)	41,000	397	40,603
IT	COVID-19	Not Budgeted (unknown duration)	-	19,113	(19,113)
		Total Capital Projects in progress as of June 30, 2021	54,798,976	13,627,236	41,171,740

Table 3: Capital Projects To Be Initiated as of June 30, 2021

Division	Capital Project Name	Authorization (Comments Provided by Division)	Approved Funding
Water	Well 7 Filtration Equipment	2012/14CB (Report to Council on Dec 14, 2020 (INS-2020-11) Work deferred until Rehab and Optimization of Existing Sources of Supply Study is completed. Study is part of the draft 2021 budget)	124,000
Water	Well 5 Building & Drainage	2014CB (Report to Council on Dec 14, 2020 (INS-2020-11) Work deferred until Rehab and Optimization of Existing Sources of Supply Study is completed. Study is part of the draft 2021 budget). This project will be completed in 2022 as part of the additional water storage required to support taking the WSR offline for rehab	455,000
Water	United Lands Well Decommissioning Study	2014CB (Report to Council on Dec 14, 2020 (INS-2020-11) Work deferred until Rehab and Optimization of Existing Sources of Supply Study is completed. Study is part of the draft 2021 budget). This project will be completed in 2022 as part of the additional water storage required to support taking the WSR offline for rehab	50,000
Parks	New Skateboard Park - Alder	2017CB/Donations (on hold)	10,000
Wastewater	Inflow and Infiltration Study - WPCP	2018CB	271,000
IT	Ind/Comm Fibre to the Business	2019CB (on hold)	50,000
Facilities	Hand Scanners -- Alder Rec Ctr	2019CB (Q4 implementation)	10,000
Corp	Enterprise Risk Management	2020/21CB	110,000
Facilities	AV System for Meeting Rooms -- Alder Rec Ctr	2020CB (on hold-pending outcome of Alder multi-purpose room re-development)	20,000
Water	Electrical & Mechanical Upgrades	2020CB (RFP development TBI, planned for end of Q3)	100,000
Public Works	Rehab John Street Bridge	2020CB (RFP pending, constructoin expected in 2022)	338,000
Wastewater	SCADA Master Plan	2020CB (to be initiated in Q3, SCADA staff person hired)	150,000
Corp	Workforce Planning	2021CB	50,000
Public Works	EV Fleet Charging Stations	2021CB	60,000
Transit	Meter Low Floor Buses and Route Expansion	2021CB	1,265,910
Public Works	Survey Lane (Lane 3E6) Rehabilitation	2021CB (Lane to be closed, repurposed as a trail)	71,500
Water	PRV Replacement Program	2021CB (quote closed, PO pending receipt of certificate of insurance and H&S documentation)	48,000
Water	Rehabilitation & Optimization of Existing Sources of Supply Study	2021CB (RFP development TBI, planned for end of Q3)	105,000
Parks	Artificial Turf Field Business Plan	2021CB (RFP in progress, to be released late August)	30,000
Parks	Alexandra Park Developement Plan	2021CB (RFP in progress, to be released late August)	50,000
Public Works	Recon - Church St.	2021CB (RFP to be issued in Fall)	80,000
Facilities	Fan Coil Units	2021CB (RFQ being written)	60,000
Water	Vehicle Replacement - Truck 20	2021CB (truck ordered, delivery expected later in 2021)	86,000
		Total Capital Projects to be initiated as of June 30, 2021	3,594,410

Subject: 2021 Community Grants Update

Department: Corporate Services

Division: Finance

Report #: CPS-2021-061

Meeting Date: 2021-08-09

Recommendations

That report CPS-2021-061, dated August 9, 2021 Community Grants Update, be received;

And that Council approve distribution of 2021 Community Grant budgeted funds of \$2,500.

Background and Analysis

Each year during the Annual Budget deliberations, Council considers a budget amount for Community Grant Funding. Eligible organizations are requested to submit an application before an initial deadline outlining the need and uses for any funds requested, any funds remaining become part of a rolling program. After the approval of the Annual Budget, staff review the applications for eligibility and present the applications for Council consideration. The purpose of this report is to provide information to Council on the applications received for the Community Grant Program for 2021; and to seek Council's decision on the distribution of 2021 budgeted funds.

An application from The Kin Club of Orangeville was received on July 8, 2021. This is the second application received from the Kin Club of Orangeville this year. Council will recall the first application was approved for funding of \$6,000 at the Council meeting dated April 12, 2021. This funding was requested for the operational costs associated with the annual Orangeville Santa Claus Parade. This second application is to request funding of \$2,500. The funding will be used to provide reduced entrance fees for the 2021 Santa Claus Parade. The Kin Club of Orangeville would like to help the community to participate by reducing the financial barriers which were felt by many during the COVID-19 pandemic.

The 2021 approved budgeted amount for this program is \$80,000, of which, \$71,080 was previously approved by council to be used. Therefore, the remaining amount in this program is \$8,920. The total requests for 2021, including the request mentioned above, results in a favourable variance of \$6,420.

Based on the eligibility requirements of the Community Grant Funding program (Table 3.0) we recommend that council approve the funding request of \$2,500 to The Kin Club of Orangeville.

Table 3.0

Eligibility Requirements	The Kin Club of Orangeville
Demonstrable or potential social, economic benefit	Yes
In keeping with stated goals and objectives set by Council	Yes
Membership or registrants comprised of Orangeville residents	Yes
Services available to citizens in the community on an equal basis	Yes
Track record of providing value to the community for funding received	Yes
Demonstrates a reasonable effort to raise funds from other sources	Yes
Funds being received from other levels of government	No
Charitable or Not-for-profit organization	Yes
Application received by deadline	Yes

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Strong Governance

Objective: Financial Responsibility

Sustainable Neighbourhood Action Plan

Notice Provisions

None

Financial Impact

Favourable variance of \$6,420 (under budget).

Respectfully submitted

Nandini Syed, MPA, CMM III, CPA, CMA
Treasurer, Corporate Services

Prepared by

Mandip Jhajj, CPA, CGA
Asset Management Specialist, Corporate Services

Attachment(s): Not applicable

Subject: Restaurant Licence Extension

Department: Corporate Services

Division: Clerks

Report #: CPS-2021-057

Meeting Date: 2021-08-09

Recommendations

That report CPS-2021-057, Restaurant Licence Extension, be received;

And that the expiry date for Restaurant Licences issued in 2020 be extended to September 30th of 2021;

And that Council amend By-law 2004-117 to change the expiry date for Restaurant Licences going forward.

Background and Analysis

At its January 11, 2021 meeting, Council received report CPS-2021-005, Restaurant and Pet Shop Licences Extension and approved the extension of expiry dates for Restaurant Licences to be extended to April 30th going forward.

Since then, additional restrictions were put in place by the Province of Ontario in an effort to reduce the transmission of COVID-19. This included a third provincial declaration of emergency and a province-wide Stay-at-Home order effective April 8, 2021, which required everyone to remain at home except for essential purposes.

As a result of continued improvements in key public health and health system indicators, the Province of Ontario introduced its Three-Step Roadmap to Reopen, starting with Step One on June 11, 2021. Under this framework, restaurants have started to reopen in modified capacity per public health restrictions. Currently, Ontario is in Step Three which allows indoor and outdoor dining with capacity limits; no limits on the number of people per table; and buffet style dining.

In an effort to provide relief to local restaurants recovering from financial challenges and to allow for reasonable time to renew their licences, following the continued lifting of public health restrictions, the Clerk's division recommend that Council approve the following:

1. That the validity of Restaurant Licences due to expire on April 30th of 2021 be extended to September 30th, 2021.
2. That Section 5.1 of By-law 2004-117, a by-law to license, regulate and govern eating establishments in the Town of Orangeville, be amended to read as follows:

5.1 Any licence issued under the provisions of this by-law shall be for the current year and shall expire on the 30th day of September following the year of issue or until said licence is revoked.

This amendment will change the expiry date of restaurant licences from April 30th to September 30th going forward.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Strong Governance

Objective: Financial Responsibility

Notice Provisions

Not applicable

Financial Impact

The estimated financial impact is limited as the proposed approach does not waive licensing fees but rather defers them to a later date in 2021.

Respectfully submitted

Andrea McKinney
General Manager, Corporate Services

Reviewed by

Karen Landry
Town Clerk, Corporate Services

Prepared by

Carolina Khan
Deputy Clerk, Corporate Services

Subject: Sale of Rail Spur Land Adjacent to 120 C Line

Department: Corporate Services

Division: Clerks

Report #: CPS-2021-055

Meeting Date: 2021-08-09

Recommendations

That report CPS-2021-055 regarding the sale of rail spur land adjacent to 120 C Line be received; and

That Council pass a by-law declaring the closed rail spur lands legally described as Parts 3 and 4, Reference Plan 7R-2408 as surplus to the needs of the Town; and

That Council pass a by-law authorizing the sale of the closed rail spur lands legally described as Parts 3 and 4, Reference Plan 7R-2408 to Aligroup Properties Inc. in the amount of \$400,000.00 and in accordance with the terms and conditions contained in the Agreement of Purchase and Sale dated July 9, 2021.

Background and Analysis

Aligroup Properties Inc. submitted an Agreement of Purchase and Sale to the Town for the acquisition of the closed rail spur lands adjacent to 120 C Line and legally described as Parts 3 and 4, Reference Plan 7R-2408 (Attachment 2 to this report).

The Land Sale and Purchase Policy requires that:

- an appraisal of the land be obtained and provides that Council may sell the land for less than the fair market value, if in the opinion of Council, it is in the best interest of the Town.

The Town obtained an appraisal of the lands from Blake, Matlock and Marshall Ltd. effective June 15, 2021 which established a land value rate of +-\$425,000 to \$475,000 per Acre (discounted at 60 % for bi-lateral conditions of sale) results in a market value range of \$350,000 to \$390,000.

The agreement of purchase and sale includes the following terms and conditions:

- purchase price of \$400,000
- transaction to close on August 11, 2021
- subject to public approval by Council

The Town's solicitor reviewed and approved the agreement of purchase and sale. The Town is responsible for its own legal costs and paid for the appraisal of the lands.

Strategic Alignment

Orangeville Forward – Strategic Plan

Priority Area: Strong Governance

Objective: Financial Responsibility, transparent and fair-decision making processes

Sustainable Neighbourhood Action Plan

Theme: Economic Development and Culture

Strategy: Enhance economic resiliency through attraction, expansion and retention of diverse business industries that in turn, provide varied local employment opportunities

Notice Provisions

The Land Sale and Purchase Policy requires that:

- before selling any land, the Town must publish notice of the proposed sale on the Town's website and in a newspaper once per week for two consecutive weeks prior to the meeting at which the matter is to be considered

Notice was posted on the Town's website on July 22, 2021 and published in the Orangeville Citizen on July 22, 2021 and July 29, 2021, notifying the public that Council will be considering the matter at its meeting to be held on August 9, 2021 and that anyone interested may register as a delegate or make written submission.

Financial Impact

The proceeds of the sale will be directed to Corporate Allocations Sale of Land reserve.

Respectfully submitted

Prepared by

Andrea McKinney
General Manager, Corporate Services

Karen Landry
Town Clerk, Corporate Services

Attachment(s): 1. Agreement of Purchase and Sale
 2. Reference Plan

AGREEMENT OF PURCHASE AND SALE made this 9th day of July, 2021 (the "Effective Date"),

BETWEEN:

THE CORPORATION OF THE TOWN OF ORANGEVILLE

(the "Vendor")

-and-

ALIGROUP PROPERTIES INC.

(the "Purchaser")

WHEREAS the Vendor is the owner of lands known as the Spur Line located in the Town of Orangeville, Ontario, and more particularly described in Schedule "A" attached hereto (the "Property")

AND WHEREAS the Vendor has agreed to sell, transfer, assign, set over and convey the Property to the Purchaser and the Purchaser has agreed to purchase and acquire the Property from the Vendor on the terms and conditions contained in this Agreement;

FOR GOOD AND VALUABLE CONSIDERATION (the receipt and sufficiency of which are hereby acknowledged), the parties hereto hereby agree as follows:

1. PURCHASE AND SALE

The Vendor shall sell to the Purchaser and the Purchaser shall purchase from the Vendor the Property for the Purchase Price, exclusive of HST. The Transaction shall be completed on the Closing Date in the manner herein provided.

2. PURCHASE PRICE AND PAYMENT

- (a) The purchase price for the Property shall be **FOUR HUNDRED THOUSAND (CAN\$400,000) CANADIAN DOLLARS** (the "**Purchase Price**").
- (b) The Purchaser agrees to deliver to the Vendor within two (2) Business Days following the Effective Date, a deposit in the sum of **TWENTY-FIVE THOUSAND DOLLARS (CAN\$25,000.00) CANADIAN DOLLARS** (the "**Deposit**") by certified cheque, bank draft or wire transfer of immediately available funds, payable to the Vendor's lawyer in trust, to be held in an interest bearing trust account, pending completion or other termination of this Agreement which will be credited against the Purchase Price upon Closing.
- (c) The Purchaser agrees to pay the balance of the Purchase Price by delivery of a certified cheque, bank draft or wire transfer of immediately available funds to the Vendor or as the Vendor may direct in writing on the completion of the transaction

of purchase and sale provided in this Agreement (the "**Closing**") or in accordance with the DRA as hereafter defined, subject to the usual adjustments.

- (d) The usual adjustments (herein referred to as the "**Adjustments**") will include all realty taxes, local improvement rates and charges and other adjustments established by the usual practice in the Town of Orangeville for the purchase and sale of vacant land. In addition, the Adjustments will include the other matters expressly provided for in this Agreement, which are stated to be the subject of adjustment. Adjustments will be made as of the Closing Date as hereinafter defined.
- (e) Except as provided herein, interest on the Deposit shall be paid to the Purchaser as soon as possible after Closing.

3. **CLOSING DATE**

This Agreement will be completed on or before 5:00 p.m. on the 11th day of August, 2021 or such other date as the parties may mutually agree in writing or as may be set pursuant to section 4.3 below (the "**Closing Date**").

4. **CONDITIONS**

4.1 **Condition for Benefit of both Purchaser and Vendor**

This Agreement is conditional from the Effective Date until 10 am on August 10th, 2021 (the "**Council Conditional Period**"), upon:

- (a) passing of a municipal by-law approving execution of this Agreement of Purchase and Sale by the Vendor's municipal council on or before August 9th, 2021 and the expiry of the requisite public notice period without objection or appeal, all in compliance with the Vendor's Land Sale and Purchase Policy By-Law No. 83-2008, September 8, 2008 (the "**Approval Condition**").

The Approval Condition is in favour of both the Purchaser and the Vendor and cannot be waived if unfulfilled. The Vendor shall act in good faith to satisfy that portion of the Approval Condition relating to the passage of a municipal by-law approving execution of this Agreement of Purchase and Sale by the Vendor's municipal council on or before August 9, 2021. Subject to the Purchaser's right of extension, as set out below, if the Approval Condition is not satisfied on or before the expiry of the Council Conditional Period, then this Agreement will be deemed to be terminated and the Deposit together with accrued interest thereon will be returned to the Purchaser without deduction.

4.2 **Conditions for Benefit of Purchaser**

This Agreement is conditional from the Effective Date until 5:00 pm on July 28th, 2021 (the "**Zoning Conditional Period**"), upon:

- (a) the Purchaser being satisfied, acting reasonably, with respect to all matters concerning the zoning and the present and intended future use of the Property as a snack food manufacturing plant.

If the Purchaser is not satisfied, acting reasonably, with the foregoing condition and notifies the Vendor in writing on or before the expiry of the Zoning Conditional Period that it is not satisfied, then this Agreement will be deemed to be terminated and the Deposit together with accrued interest thereon will be returned to the Purchaser without deduction. Failing notification in writing as aforesaid, the condition as aforesaid shall be deemed to be satisfied and the Agreement shall be a firm and binding agreement of purchase and sale for the purchase of the Property in accordance with the terms hereof. The foregoing condition is inserted for the sole benefit of the Purchaser and may be waived in writing by the Purchaser, at any time or times prior to the expiry of the Zoning Conditional Period.

4.3 Extension of Council Conditional Period by Purchaser

In the event that the Approval Condition is not satisfied by 10 am on August 10th, 2021, the Purchaser shall have the option, in its complete discretion, to extend the Council Conditional Period for a maximum period of thirty (30) days, in which case the Closing Date shall be deemed to be two Business Days following the expiry of such extended Council Conditional Period, and the Requisition Date shall be deemed to be one Business Day after such expiry.

5. REPRESENTATIONS AND WARRANTIES; COVENANT

5.1 Vendor Representations

The Vendor represents and warrants to and in favour of the Purchaser that, to the best of its knowledge and belief after reasonable inquiry, as at the Effective Date and at Closing:

- (a) the Vendor is duly incorporated and possesses full authority and power to own and convey the Property to the Purchaser;
- (b) the Vendor is the sole legal and beneficial owner of the Property free and clear of all encumbrances save the Permitted Encumbrances;
- (c) no person is entitled to claim a lien under the *Construction Act* against the Property or any part thereof;
- (d) there are no realty taxes relating to the Property owing to the Vendor or others;
- (e) there are no leases, licenses or other rights of occupancy relating to the Property;
- (d) there is no claim or litigation pending or threatened against the Vendor which could affect the right of the Purchaser to own and occupy the Property or the ability of the Vendor to perform its obligations hereunder;

- (e) neither the Property, nor any part thereof, has been expropriated nor has the Vendor received any notice of any proposed expropriation;
- (f) as at the date of Closing, no objection or appeal has been received by the Vendor with respect to the Vendor's by-law approving the sale contemplated herein.
- (g) the Vendor is not aware of the presence of Hazardous Substances on, at, in, under, above or migrating to or from the Property;
- (h) the Vendor is not aware of the presence of waste materials or any other condition on or under the Property that may result in any contravention of any applicable legislation or that may result in any liability to the Purchaser to clean, remove or rectify such wastes, materials or other conditions under applicable legislation

5.2 Survival

The representations and warranties contained in section 5.1 shall not merge on Closing but shall survive Closing for a period of one (1) year thereafter.

5.3 Vendor Covenant

The Vendor covenants that it will provide on Closing vacant possession of the Property to the Purchaser.

6. AS IS, WHERE IS

The Purchaser agrees to purchase the Property in its current condition on Closing on an "as-is, where is" basis and further agrees that the Vendor shall not be obligated to perform any work in respect of the Property in order to bring the Property, or any part of the Property into compliance with any applicable standards of any relevant Governmental Authority. The Purchaser also agrees not to make any claim against the Vendor in respect of any such work that may be required in order to bring the Property or any part thereof into compliance. The Vendor makes no representations or warranties of any kind, either expressed or implied, as to the condition of the soil, the subsoil, the ground and surface water or any other environmental matters, the condition of the Property or the condition of structures, if any, or any other matters respecting the Property whatsoever, including the use to which it may be put and its zoning. In entering into this Agreement, the Purchaser has relied and will continue to rely entirely and solely upon its own inspections and investigations with respect to the Property, including the physical and environmental condition of the Property and the condition of the soil, surface water and ground water on or under the Property. On Closing, the Purchaser shall release the Vendor from and against all claims, whether known or unknown, which it may now or hereafter have against the Seller and its servants, agents, employees, or those for whom the Vendor is responsible at law relating to the Property, including, without limitation, claims brought by any tenant, licensee or lessee of the Property, the environmental condition of the Property and the presence of Hazardous Substances, whenever or however arising or discovered, on, at, in, under, above or migrating to or from the Property (the "**Release**"). For clarity, the Release is not intended to release the Vendor

from any breach of this Agreement. This covenant shall not merge but shall survive the Closing Date. On Closing, the Purchaser shall deliver such Release to the Vendor.

7. RESIDENCY

The Vendor warrants that it is not now and will not on Closing be a non-resident of Canada. The Vendor shall provide the Purchaser, on Closing, with a certificate of an officer on behalf of the Vendor that it is not now and at Closing will not be a non-resident of Canada under the *Income Tax Act* (Canada).

8. HST

On Closing, the Purchaser shall deliver to the Vendor a certificate confirming that the Purchaser is registered pursuant to the *Excise Tax Act* (Canada), as amended from time to time (the "Act"), for the purposes of paying and receiving HST in Canada, that such registration has not been amended or terminated and that the Purchaser is purchasing the Property on its own behalf and not on behalf of any other party, together with a copy of the Purchaser's HST registration confirmation and registration number under the Act. If the Purchaser shall fail to provide any of the foregoing before Closing or if the Purchaser is not registered as a registrant under the Act, then the Purchaser shall pay to the Vendor the HST required to be paid pursuant to the Act with respect to the Transaction. The Purchaser agrees to be liable for, to self assess and to remit to the appropriate governmental authority the HST which is payable in connection with the transfer of the Property, all in accordance with the Act. The Purchaser shall indemnify and save harmless the Vendor from and against all HST, penalties, interest and other amounts which may be payable by or assessed against the Vendor under the Act as a result of or in connection with the Vendor's failure to collect and remit HST in respect of the Transaction. The Purchaser shall tender on Closing a certificate and indemnity reflecting this Section 8 (the "Purchaser's HST Certificate").

9. TITLE SEARCH/RISK OF LOSS

The Purchaser is to be allowed until 5 pm on August 10th 2021 ("Requisition Date") to investigate the title to the Property at the Purchaser's expense and if within that time the Purchaser furnishes to the Vendor in writing any valid objection to title which the Vendor is unable or unwilling to remove, and which the Purchaser will not waive, this Agreement will be terminated and the Deposit returned to the Purchaser with accrued interest thereon without deduction. Save as to any valid objection so made by such day and except for any valid objection going to the root of the title or arising after the aforesaid date, the Purchaser shall be conclusively deemed to have accepted the Vendor's title to the Property.

The Purchaser shall not call for the production of any title deed, abstract, survey or evidence of title to the Property except such as are in the possession or control of the Vendor. In the event that a discharge of any mortgage or charge held by a chartered bank, trust company, credit union or insurance company which is not to be assumed by the Purchaser on Closing is not available in registrable form on Closing, the Purchaser agrees to accept the Vendor's solicitors'

personal undertaking that upon receipt of a discharge of such charge/mortgage in registrable form or such other documents as may be required to complete an electronic registration, to register same on title to the Property provided that on or before Closing, the Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee addressed to the Purchaser setting out the balance required to obtain the discharge, together with a direction executed by the Vendor directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on Closing.

On Closing, the Vendor will deliver to the Purchaser, or to whomsoever it may direct, good and marketable title to the Lands free and clear of all liens, taxes, charges, restrictions, leases, licenses, security interests and encumbrances unless caused by the Purchaser and save and except the following:

- (a) any registered restrictions or covenants that run with the Property provided that on or before Closing the Vendor provides the Purchaser with evidence that same have been complied with;
- (b) any registered municipal agreements and registered agreements with publicly regulated utilities provided that on or before Closing the Vendor provides the Purchaser with evidence that same have been complied with, or security has been posted to ensure compliance and completion, as evidenced by a letter from the relevant municipality or regulated utility;
- (c) any minor easements for the supply of utility or telephone services to the Property or adjacent properties;
- (d) any easements for drainage, storm or sanitary sewers, public utility lines, telephone lines, cable television lines, or other services which do not materially affect the use of the Property;

All of the above being hereinafter referred to as the "**Permitted Encumbrances**."

The Property shall be and remain at the Vendor's risk until Closing.

10. **TRANSFER**

The Transfer, save for the Land Transfer Tax affidavit, is to be prepared in registrable form at the expense of the Vendor. The Vendor covenants that the Transfer to be delivered on completion shall contain the statements contemplated by Section 50(22) of the *Planning Act*, R.S.O. 1990, c. 13.

11. **PLANNING ACT PROVISIONS**

This Agreement is also subject to the express condition that the provisions of the *Planning Act*, R.S.O. 1990, c. 13, as amended, apply to this transaction. The Vendor covenants and agrees to proceed diligently at its own expense to obtain any necessary consent by Closing.

12. CLOSING

12.1 Electronic Registration

The Vendor and Purchaser agree to cause their respective solicitors to enter into a document registration agreement (the "DRA") to govern the electronic submission of the transfer/deed of the Property to the applicable Land Registry Office. The DRA shall establish the procedures and timing for completing all registrations electronically and provide for all Closing Documents and closing funds to be held in escrow pending the submission of the transfer/deed to the Land Registry Office and their acceptance by virtue of each registration document being assigned a registration number. The DRA shall also provide that if there is a problem with the Teraview electronic registration system which does not allow the parties to electronically register all registration documents on Closing, then the Closing Date shall be deemed to be extended until the next day when the said system is accessible and operating for the Land Registry Office applicable to the Property. The Vendor's Solicitors shall prepare and deliver to the Purchaser's Solicitors a draft DRA not less than two (2) Business Days before Closing.

12.2 Vendor's Closing Deliveries

On Closing, the Vendor shall deliver to the Purchaser the following:

- (a) the Transfer in accordance with section 10 above;
- (b) the certificate of an officer as to residency in accordance with section 7 above;
- (c) ~~written proof of payment of realty taxes and local improvement rates to the date of Closing;~~
- (d) the Statement of Adjustments;
- (e) discharges and/or releases of all encumbrances, liens, taxes and charges on the Property;
- (f) the Vendor's Undertaking to Re-adjust;
- (g) a bring down certificate with respect to its Representations and Warranties;
- (h) the DRA; and
- (i) vacant possession of the Property.

12.3 Purchaser's Closing Deliveries

On Closing, the Purchaser shall deliver to the Vendor the following:

- (a) a certified cheque, bank draft or wire transfer of immediately available funds, payable to the Vendor or as it may direct as required by Section 2 above;

- (b) the Purchaser's Undertaking to Re-adjust;
- (c) the Purchaser's HST Certificate; and
- (d) a written title direction if title is to be registered to a party other than the Purchaser; and
- (e) the DRA.

12.4 Tender

Any tender of documents or money hereunder may be made upon the Vendor or Purchaser or upon the solicitor acting for the party on whom tender is desired, and it is sufficient that a cheque certified by a chartered bank or a bank draft be tendered instead of cash.

13. TIME OF THE ESSENCE AND ENTIRE AGREEMENT

This Agreement will constitute a binding agreement of purchase and sale, and time in all respects will be and time will continue to be of the essence of this Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, memoranda and negotiations between the parties. It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Property other than as expressed herein in writing. This Agreement may not be amended or modified except by instrument in writing executed by each of the parties.

14. NOTICE

All notices, approvals, waivers and other documents permitted or required or contemplated by this Agreement (a "Notice") will be in writing and will be given by facsimile, email or by delivery courier, addressed, if to the:

Vendor: **THE CORPORATION OF THE
TOWN OF ORANGEVILLE**

ATTN: ED BRENNAN
ebrennan@orangeville.ca

With a copy to: John Hart
Ritchie Ketcheson Hart & Biggart LLP
206-1 Eva Rd
Etobicoke, Ontario
M9C 4Z5
jhart@ritchieketcheson.com

Purchaser: **ALIGROUP PROPERTIES INC.**

ATTN: AHMED AL-ALI
ahmed@aligroupproperties.com

Fax: 905-564-1638

With a copy to: Anne H. Stevens
Barrister & Solicitor
400 Walmer Road, Suite 806
Toronto, Ontario
M5P 2X7

Email: astevens7841@rogers.com
Fax: 416-921-9680

Any Notice to be given or delivered to the Vendor pursuant to this Agreement will be sufficient if delivered personally or by facsimile or email to the Vendor with a copy to its solicitor and any Notice to be given or delivered to the Purchaser will be sufficient if delivered personally or by facsimile or by email to the Purchaser with a copy to its solicitors. Any Notice given or delivered as required will be deemed to have been received on the date of delivery, if delivered personally or on the date sent by facsimile or email if sent on a Business Day. Any Notice may be given or delivered by the parties or their respective solicitors on their behalf.

15. RELATIONSHIP OF THE PARTIES

Nothing herein shall be construed so as to make the Purchaser a partner of the Vendor or an owner of the Property for the purpose of the *Construction Act*, as amended.

16. SUCCESSORS AND ASSIGNS

This Agreement shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators and other legal representatives and to the extent permitted hereunder, their respective successors and assigns.

17. HEADINGS

The headings are for convenience of reference only and shall not affect the construction or interpretation of this Agreement.

18. APPLICABLE LAW

This Agreement shall be interpreted in accordance with the laws of the Province of Ontario and the laws of Canada applicable thereto.

19. FURTHER ASSURANCES

Except as provided herein, each of the parties shall, at the cost and expense of the other party, execute and deliver all such further documents and do such further acts and things as the other party may reasonably request from time to time to give full effect to this Agreement.

20. NON MERGER

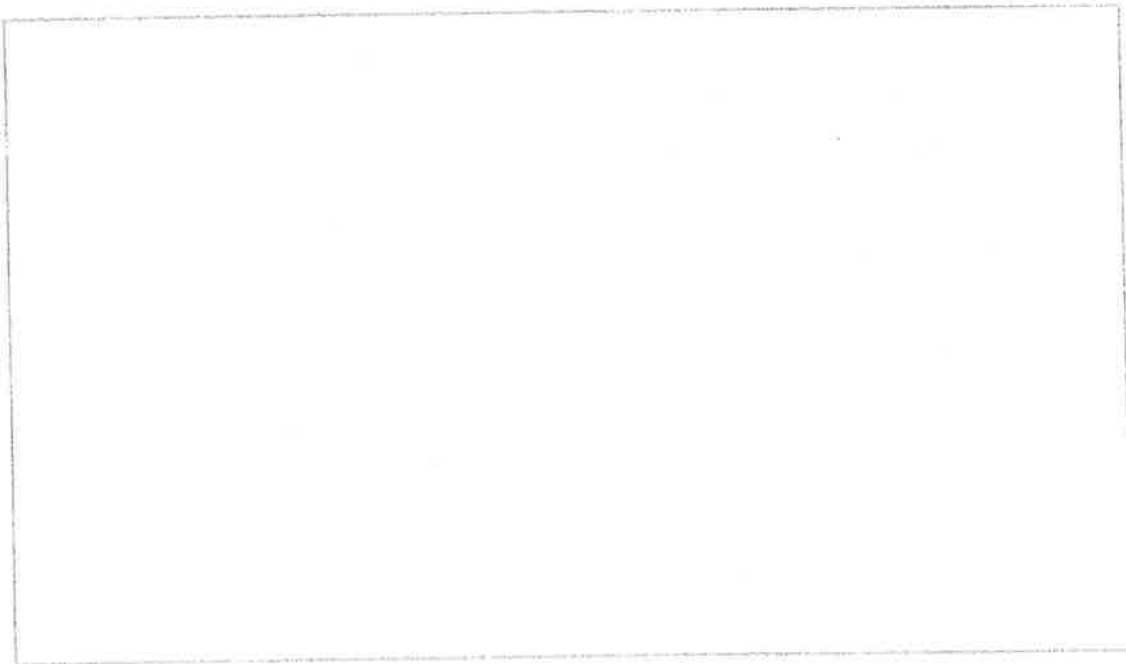
None of the provisions of this Agreement shall merge in the transfer of the Property or any other document delivered on the Closing Date and the provisions of this Agreement shall survive the Closing Date and shall continue in full force and effect for a period of one year following the Closing Date, except as otherwise set out in this Agreement with respect to any particular section or sections thereof.

21. COMMISSION

The Purchaser and the Vendor each represent and agree that they have not entered into any agreement or incurred any obligation which might result in an obligation for either party to pay a sales or brokerage commission or finder's fee for this transaction.

22. BUSINESS DAY

Business Day means any day other than a Saturday, Sunday or statutory holiday in the Province of Ontario.



IN WITNESS WHEREOF the Purchaser has executed this Agreement by its authorized signing officers this 9th day of July, 2021.

ALIGROUP PROPERTIES INC.

Per: _____

Name: Ahmed Al-Ali

Title: President

Per: _____

Name: _____

Title: _____

IN WITNESS WHEREOF the Vendor has executed this Agreement by its authorized signing officers this 13th day of July, 2021.

THE CORPORATION OF THE TOWN OF ORANGEVILLE

Per: _____

Name: Ray Osmond

Title: Acting CAO

Per: _____

Name: Karen Handry

Title: Clerk

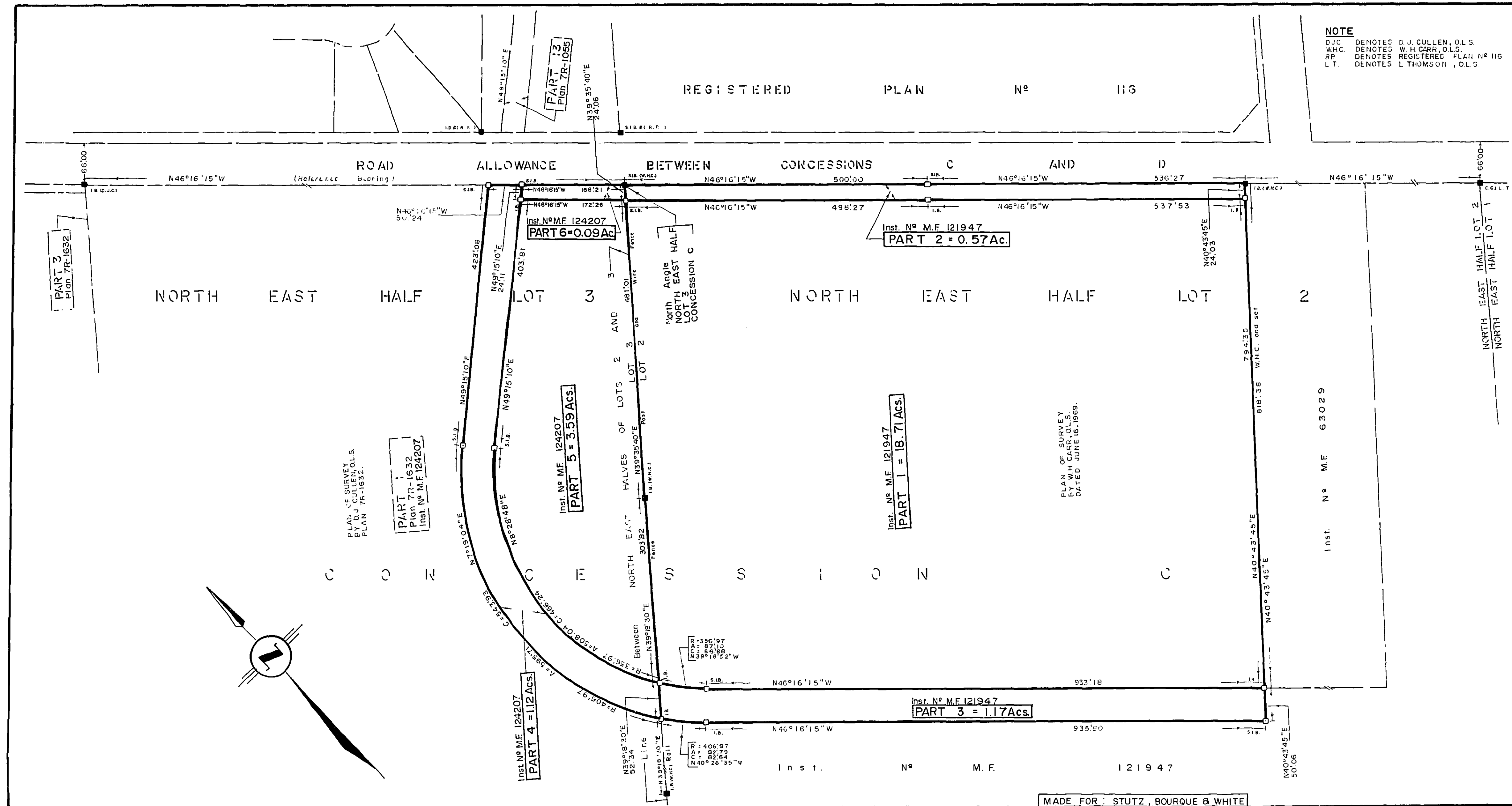
We have authority to bind
the Corporation

SCHEDULE "A"

Legal description of the Property

PART LOTS 2 & 3 CONCESSION C EAST GARAFRAXA, AKA SPUR LINE, PARTS 3 & 4
7R2408, PART 4 7R4182 EXCEPT PART 1 7R6551; TOWN OF ORANGEVILLE

PIN: 34003-2727 (LT)



NOTE
DJC DENOTES D.J. CULLEN, O.L.S.
WHC DENOTES W.H. CARR, O.L.S.
RP DENOTES REGISTERED PLAN No 116
LT DENOTES L. THOMSON, O.L.S.

CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.	I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT. November 8, 1985 (DATE) D.J. Cullen D. J. CULLEN Ontario Land Surveyor	PLAN 7R-2408 RECEIVED AND DEPOSITED January 10, 1986 (DATE) Joan Crawford Joan Crawford Land Registrar for the Registry Division of Dufferin (No 7)
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PART SCHEDULE				
PART	LOT	LOCATION	INST. No	AREA
1	Part of the NORTH	CONCESSION C	M.F. 121947	18.71 Acs.
2	EAST HALF			0.57 Ac.
3	LOT 2			1.17 Acs.
4	Part of the NORTH	(Township of EAST GARAFRAXA)	MF 124207	1.12 Acs.
5	EAST HALF			3.59 Acs.
6	LOT 3			0.09 Ac.

PLAN OF SURVEY OF
PART OF THE NORTH EAST HALVES
OF LOTS 2 AND 3
CONCESSION C
Formerly in the TOWNSHIP OF EAST GARAFRAXA
Now in the
TOWN OF ORANGEVILLE
COUNTY OF DUFFERIN
SCALE: 1 INCH = 100 FEET

1985
D. J. CULLEN, O.L.S.
SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS
ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER
2. THE SURVEY WAS COMPLETED ON THE SIXTH DAY OF NOVEMBER, 1985
NOVEMBER 8th 1985 D.J. Cullen
DATE D. J. CULLEN
ONTARIO LAND SURVEYOR

ALL HANGING LINES SHOWN ON THIS PLAN HAVE BEEN VERIFIED BY TWO
INDEPENDENT MEASUREMENTS.

BEARING REFERENCE
BEARINGS ARE ASTRONOMIC, DERIVED FROM THE NORTH WESTERLY LIMIT
OF THE ROAD ALLOWANCE BETWEEN CONCESSIONS C AND L SHOWN AS
N46°16'15"W ON PLAN 7R-1632.

— S.I.B. DENOTES STANDARD IRON BAR PLANTED 1" sq x 48"
— I.B. DENOTES IRON BAR PLANTED 5/8" sq x 24"

D. J. CULLEN LIMITED ONTARIO LAND SURVEYOR 59 THIRD STREET, ORANGEVILLE, ONTARIO L9W 2B3 TEL: 519-941-3881	
EXAMINED BY: A.J. MAES, C.S.T.(c) D. J. CULLEN, O.L.S.	PARTY CHIEF: D. CAMPBELL, C.S.T.
CALC. BY: E. LUSK, C.S.T.	PROJECT No 143-85
DRAWN BY: E. LUSK, C.S.T.	



374028 6TH LINE • AMARANTH ON • L9W 0M6

July 14, 2021

Town of Orangeville
87 Broadway
Orangeville, Ontario L9W 1K1

Dear Ms Karen Landry, Town Clerk:

Re: Amarline Site Alteration Application

Thank you for the correspondence dated June 14, 2021. The contents were received and discussed at the regular meeting of Council of the Township of Amaranth at its July 7 2021 meeting.

Council of the Township of Amaranth feels that as there is no active application at this time it would be premature to stop a project before an application has been received. When (and if) an application is received, circulation to agencies and neighbouring municipalities would be conducted at that time and comments would be asked for then.

Council will be sure to provide any further information to the Town of Orangeville as it becomes available.

Yours truly,

Nicole Martin, Dipl. M.A.
CAO/Clerk



374028 6TH LINE • AMARANTH ON • L9W 0M6

July 14, 2021

County of Dufferin
30 Centre Street
Orangeville, Ontario L9W 2X1

Dear Ms Michelle Dunn, Clerk:

Re: Dufferin County Council Motion – Residential Schools

Please be advised that the Council of the Township of Amaranth at the regular meeting of Council of July 7 2021 supported your resolution regarding Residential Schools.

Thank you for your commitment to municipal governance and this very important topic.

Yours truly,

Nicole Martin, Dipl. M.A.
CAO/Clerk



CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

065371 Dufferin County Road 3, Unit 2 • East Garafraxa ON • L9W 7J8

T: 226-259-9400 • Toll Free: 877-868-5967 • F: 1-226-212-9812

info@eastgarafraxa.ca • www.eastgarafraxa.ca

NOTICE OF THE PASSING OF A ZONING BY-LAW AMENDMENT CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA

Zoning By-Law Amendment Application File: Z8-21

TAKE NOTICE THAT the Council of the Township of East Garafraxa passed by-law number 41-2021 on the 20th day of July 2021 under Section 34 of the Planning Act, 1990 as amended.

AND TAKE NOTICE THAT any person or public body may, no later than the **12th day of August 2021**, appeal to the Ontario Land Tribunal (OLT) by filing with the Clerk of the Township of East Garafraxa a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, and shall be accompanied by the applicable fee made payable to the Minister of Finance. A copy of the appeal form is available at <https://olt.gov.on.ca/appeals-process/forms/>.

Only individuals, corporations, and public bodies may appeal a by-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

PURPOSE AND EFFECT OF THE BY-LAW:

If no appeals have been received on or before the above-mentioned appeal date, the subject lands, located at 6 Greenwood Crescent, Plan 115 Lot 16, under Zoning By-Law 60-2004 as amended, will be rezoned from Estate Residential (ER) to Estate Residential Exception Thirty Three (ER-33) Zone as identified on Schedule "A" to By-Law 41-2021, to permit a reduced minimum front yard setback of 27.94m for a proposed addition to the existing dwelling.

Dated this **23rd** day of **July 2021**

Susan M. Stone, CAO/Clerk-Treasurer
Township of East Garafraxa
Administration Office
065371 Dufferin County Road 3
Unit 2, East Garafraxa, ON L9W 7J8

The Corporation of The Township of East Garafraxa

By-Law Number 41-2021

Being a By-Law to further amend Zoning By-Law 60-2004 as amended to rezone the lands described as 6 Greenwood Crescent Plan 115 Lot 16 Township of East Garafraxa from Estate Residential (ER) Zone a to Estate Residential Exception Thirty Three (ER-33) Zone.

WHEREAS the Council of the Corporation of the Township of East Garafraxa is empowered to pass By-laws to regulate the use of land pursuant to Section 34 of the Planning Act, 1990, as amended;

AND WHEREAS the owner of the lands described as 6 Greenwood Crescent, Plan 115 Lot 16, Township of East Garafraxa has filed an application with the Township of East Garafraxa to further amend By-law No. 60-2004;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF EAST GARAFRAXA ENACTS AS FOLLOWS:

- 1. Schedule “A” to By-Law 60-2004 as amended is further amended by rezoning the lands described as 6 Greenwood Crescent, Plan 115 Lot 16, Township of East Garafraxa from “Estate Residential (ER) Zone” to “Estate Residential Exception Thirty Three (ER-33) Zone”, as identified on Schedule “A” to this By-Law.
- 2. Section 4.4 Estate Residential (ER) Zone is amended by adding the following new subsections to Section 4.4.3 Exceptions:

“4.4.3.33 Estate Residential Exception Thirty Three (ER-33) Zone
(Plan 115 Lot 16, 6 Greenwood Crescent)

Notwithstanding any other provisions of this by-law to the contrary, on lands zoned Estate Residential Exception Thirty Three (ER-33) Zone, the minimum required front yard shall be 27.9 metres.”

- 3. This by-law shall take effect from the date of final passing thereof, providing no appeal has been filed pursuant to Section 34, Subsection (19) of the Planning Act, 1990, as amended.

BY-LAW READ A FIRST AND SECOND TIME THIS 20th DAY OF July 2021

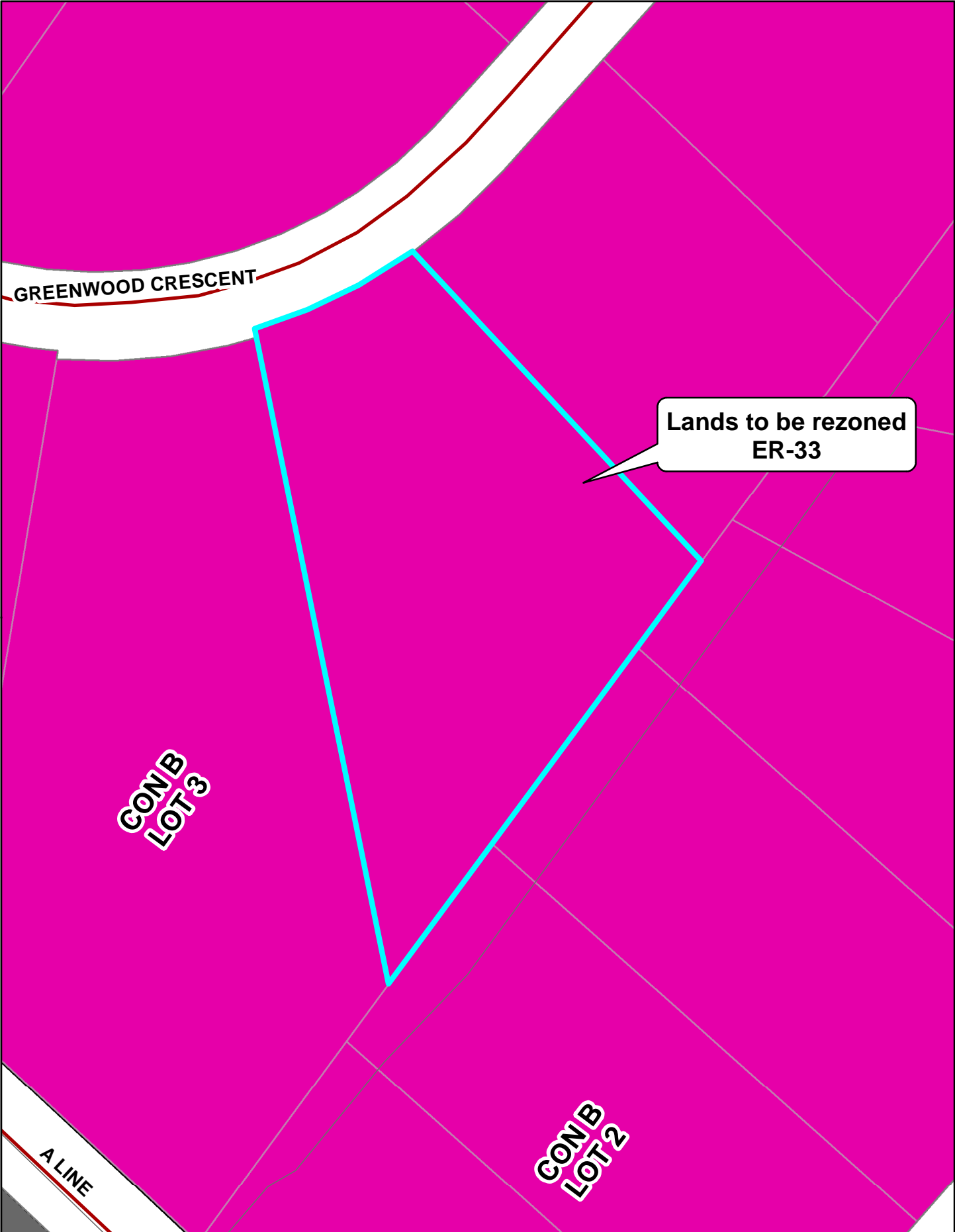
BY-LAW READ A THIRD TIME AND PASSED THIS 20th DAY OF July 2021

Susan Stone (Original Signed)

Clerk

Guy Gardhouse (Original Signed)

Head of Council



TOWNSHIP OF EAST GARAFRAXA ZONING BY-LAW



**SCHEDULE 'A' TO ZONING BY-LAW 41-2021 Being
a By-law to amend Zoning By-Law 60-2004 as
amended**



The Corporation of the Town of Grand Valley

5 Main Street North
Grand Valley, ON L9W 5S6
Tel: (519) 928-5652
Fax: (519) 928-2275

www.townofgrandvalley.ca

To the Mayors and Councils of
The Township of Amaranth
The Township of East Garafraxa
The Township of Melancthon
The Town of Mono
The Township of Mulmur
The Town of Orangeville
The Town of Shelburne

July 20, 2021

Re: Request for Consideration - OPP Detachment Board Composition

At their July 13, 2021 meeting, Council for the Town of Grand Valley received an update from the Solicitor General regarding OPP Detachment Boards, in which they request an update on the expected date of submission of outstanding joint proposals. To our knowledge, a single, jointly approved proposal has not been submitted on behalf of all member municipalities of the Dufferin OPP Detachment.

Based on this assumption, Council directed that the Town of Grand Valley take the lead in presenting a proposal to all Dufferin councils for consideration, taking into consideration the resolutions and letters that have been distributed by some of these councils. If this proposal is subsequently approved by all Dufferin councils, Grand Valley would coordinate the submission to the Solicitor General through the prescribed submission portal.

Below, please find the proposal created by the Town of Grand Valley. To create the proposal, Grand Valley considered the resolutions received by our office from Mono, Orangeville, Mulmur and Melancthon. If resolutions or statements from other Dufferin municipalities were created but their input not incorporated into the proposal, the proposal can be amended. Additionally, if further information is available to provide further clarification or justification for the proposal, it can be incorporated prior to submission.

PROPOSAL TO THE OFFICE OF THE SOLICITOR GENERAL

Upon review of the submission portal, the Solicitor General requests the following information. The corresponding responses to each were derived from the correspondence mentioned above:

Proposal Information	Response from Dufferin Detachment Municipalities
# Boards	4
Municipalities in each board	1 – Town of Orangeville 2 – Town of Shelburne 3 – Townships of Melancthon and Mulmur and the Town of Mono 4 – Townships of Amaranth and East Garafraxa and the Town of Grand Valley
Composition of each board	6 members on each board: 1 – Three (3) Orangeville Council, Three (3) Municipal Appointees 2 – Three (3) Shelburne Council, Three (3) Municipal Appointees 3 – One (1) Council and One (1) Municipal Appointee each from Melancthon, Mulmur and Mono 4 – One (1) Council and One (1) Municipal Appointee each from Amaranth, East Garafraxa and Grand Valley
Administration Resources Needed	Orangeville and Shelburne to provide their own administration. For the other boards, the respective councils shall determine from among them which municipality shall provide staff for secretary and treasury functions and the cost sharing arrangements for their respective boards.
Populations of each municipality	From 2016 Census: Orangeville – 28,900 Shelburne – 8,126 Amaranth – 4,079 Grand Valley – 2,956 East Garafraxa – 2,579 Melancthon – 3,008 Mono – 8,609 Mulmur – 3,478

Multiple Boards justification	<p>Orangeville is the largest urban municipality in Dufferin County with its own unique challenges. Additionally, the Town has only recently transitioned to the OPP for policing services. Therefore, it is desired that they maintain their own detachment board.</p> <p>Shelburne is the other urban area in Dufferin County, and they also only recently completed the process of transitioning policing to the OPP. Due to the newness of this arrangement, and the urban nature of the Town, it is desired that they maintain their own detachment board.</p> <p>The other two groups of municipalities share common issues of rural communities with small urban areas. Two boards will allow the boards to be of reasonable size while allowing all municipalities to be represented by both elected and public members.</p> <p>It is the position of the Dufferin County municipalities that provincial appointees bring nothing to their role that is not already covered by community members appointed by municipalities. We agree with AMO on this position and therefore have not included provincial appointees in our proposed board compositions.</p>
Is there approval for a coordinated response?	Grand Valley will say yes, pending concurrence to this proposal from all Dufferin municipalities.

Thank you for your consideration of this proposal. We look forward to your response.

Sincerely,

Meghan Townsend, MPS, BSc, Dipl.MA
CAO/Clerk-Treasurer

From: [Karen Landry](#)
To: [CouncilAgenda](#)
Subject: FW: Town of Shelburne Resolution - Truth and Reconciliation Commission of Canada
Date: Monday, July 19, 2021 11:25:35 AM

Thanks,
Karen Landry

From: Denise Holmes <dholmes@melanctontownship.ca>
Sent: Monday, July 19, 2021 11:20 AM
To: 'justin.trudeau@parl.gc.ca' <justin.trudeau@parl.gc.ca>; 'premier@ontario.ca' <premier@ontario.ca>; Kyle.Seeback@parl.gc.ca; 'sylvia.jones@pc.ola.org' <sylvia.jones@pc.ola.org>; Nicole Martin <nmartin@amaranth.ca>; suestone@eastgarafraxa.ca; Meghan Townsend <mtownsend@townofgrandvalley.ca>; Fred Simpson <fred.simpson@townofmono.com>; Tracey Atkinson <tatkinson@mulmur.ca>; Karen Landry <klandry@orangeville.ca>; Jennifer Willoughby <jwilloughby@shelburne.ca>
Subject: RE: Town of Shelburne Resolution - Truth and Reconciliation Commission of Canada

Good morning,

At the meeting of Melancthon Township Council held on July 15, 2021, the following motion was introduced and passed:

Moved by White, Seconded by McLean

Be it resolved that: "Council support the motion from the Town of Shelburne regarding the Final Report of the Truth and Reconciliation Commission of Canada;

And that a copy of this motion be forwarded to:

- Office of the Prime Minister of Canada, Rt. Hon. Justin Trudeau
- Office of the Premier of Ontario, Hon. Doug Ford
- Dufferin Caledon MP Kyle Seeback
- Dufferin Caledon MPP Sylvia Jones
- All Dufferin County Municipalities

Carried.

Thank you.

*Denise B. Holmes, AMCT
CAO/Clerk, Township of Melancthon
519-925-5525 Ext. 101*

From: Jennifer Willoughby <jwilloughby@shelburne.ca>
Sent: Tuesday, June 29, 2021 3:34 PM
To: Kyle.Seeback@parl.gc.ca; sylvia.jones@ontario.ca; Rebecca Whelan

<rwhelan@dufferincounty.ca>; suestone@eastgarafraxa.ca; Meghan Townsend
<mtownsend@townofgrandvalley.ca>; Nicole Martin <nmartin@amaranth.ca>; Denise Holmes
<dholmes@melancthontownship.ca>; 'Karen Landry' <klandry@orangeville.ca>;
tatkinson@mulmur.ca; Fred Simpson <fred.simpson@townofmono.com>; premier@ontario.ca

Subject: Town of Shelburne Resolution - Truth and Reconciliation Commission of Canada

Good Afternoon

On June 28, 2021, Council for the Town of Shelburne passed the following resolution regarding the final report of the Truth and Reconciliation report released in December 2015:

Motion #9

Moved By Councillor Kyle Fegan

Seconded By Councillor Walter Benotto

Whereas, In December 2015, The Truth and Reconciliation Commission released its final report including 94 calls to action directed to governments at each level to further reconciliation between Canadians and Indigenous peoples;

And Whereas, In light of the unmarked graves being discovered on the properties of the Kamloops and Saskatchewan Residential Schools; we must move our Country and our Governments beyond words of condolences and toward actions that advance truth and reconciliation. We must recommit to advancing the calls for action from the Truth and Reconciliation Commission of Canada, these actions must be far reaching and must work to advance access to housing, clean water, prosperity and justice for all indigenous people, in partnership with Indigenous communities;

Now therefore be it resolved, That Council refers the nine calls to action that were directed at municipal governments to the Diversity, Equity and Inclusion Committee for further consideration and asks that the Committee report back to Council with recommendations for implementation of those calls to action which are locally applicable;

And that, The Town of Shelburne, in a unified stance with our indigenous neighbours, do hereby call on the federal and provincial governments to honour the calls to action directed at those levels of government;

And that, this resolution be forwarded to the following:

- Office of the Prime Minister of Canada, Rt Hon. Justin Trudeau
- Office of the Premier of Ontario, Hon. Doug Ford
- Dufferin Caledon MP Kyle Seeback
- Dufferin Caledon MPP Sylvia Jones
- All Dufferin County municipalities

CARRIED, Mayor Wade Mills

Thank You

Jennifer Willoughby, Director of Legislative Services/Clerk

Phone: 519-925-2600 ext 223 | Fax: 519-925-6134 | jwilloughby@shelburne.ca

Town of Shelburne | 203 Main Street East, Shelburne ON L9V 3K7

www.shelburne.ca

The Town of Shelburne is proactively taking measures to limit the spread of COVID-19. Staff continue to work however there is no public access to Town Hall until further notice. While every effort will be made to support pick up scheduling Monday to Friday, appointments for 'curbside pick-up' will generally be scheduled on Tuesdays and Thursdays for such services as recycling and compost bins. We are encouraging everyone to take advantage of the digital processes. The best way to reach staff is by email. You can pay your bills online by visiting our webpage [Paying My Bills](#).

Thanks and stay healthy!.

From the County of Dufferin:

Good afternoon,

At the regular meeting of the County of Dufferin Council held on June 10, 2021
Council unanimously adopted the following motion:

WHEREAS a responsible Canada includes indigenous peoples from all across the nation, and

whereas Canada's indigenous peoples are entitled to the same rights and freedoms as guaranteed all under the charter of rights and freedoms;

AND WHEREAS "genocide" is defined as "the deliberate harm or killing of a large number of people from a particular nation or ethnic group with the aim of destroying that nation or group";

AND WHEREAS residential schools existed for more than a century in Canada, the aim of which was to assimilate indigenous peoples into society and to destroy their indigenous identity;

AND WHEREAS the residential school system perpetrated a genocide on indigenous children the fullness of which is only now becoming evident;

AND WHEREAS the government of Canada and many of its churches were complicit in this national tragedy both by their actions and by their silence;

AND WHEREAS many churches excepting the Roman Catholic Church have already apologized for their role in the residential schools system;

NOW THEREFORE be it resolved that the County of Dufferin demand that the Government of Canada in conjunction with Canada's indigenous people determine a plan to investigate all residential school sites as needed to find any of the lost or

missing children;

AND THAT in the spirit of reconciliation the Roman Catholic Church be petitioned and/or legally compelled to provide the truth about actions taken as part of the residential school system;

AND THAT the Government of Canada demand in the strongest possible terms the release of all church documents in Canada and at the Vatican that pertain to actions taken at residential schools in Canada, and that Pope Francis, leader of the Roman Catholic Church offer an apology to the indigenous peoples of Canada for their actions;

AND FURTHER THAT the Government of Canada take all necessary steps to provide for equitable access for Canada's indigenous peoples to clean water, safe housing, health care, education and safety and security;

AND THAT this resolution be forwarded to the following:

- Office of the Prime Minister of Canada, Rt Hon. Justin Trudeau
- Office of Cardinal Thomas Christopher Collins, Archdiocese of Toronto
- Dufferin Caledon MP Kyle Seebach
- Dufferin Caledon MPP Sylvia Jones
- All Dufferin County municipalities

-Carried-

From: [Karen Landry](#)
To: [CouncilAgenda](#)
Subject: FW: Dufferin County Motion - Residential Schools
Date: Monday, July 19, 2021 11:17:08 AM
Attachments: [Dufferin County Council Motion - Residential Schools.pdf](#)

Thanks,
Karen Landry

From: Denise Holmes <dholmes@melancthontownship.ca>
Sent: Monday, July 19, 2021 11:11 AM
To: 'justin.trudeau@parl.gc.ca' <justin.trudeau@parl.gc.ca>; 'webmaster@archtoronto.org' <webmaster@archtoronto.org>; Kyle.Seeback@parl.gc.ca; 'sylvia.jones@pc.ola.org' <sylvia.jones@pc.ola.org>; Nicole Martin <nmartin@amaranth.ca>; suestone@eastgarafraxa.ca; Meghan Townsend <mtownsend@townofgrandvalley.ca>; Tracey Atkinson <tatkinson@mulmur.ca>; Fred Simpson <fred.simpson@townofmono.com>; Jennifer Willoughby <jwilloughby@shelburne.ca>; Karen Landry <klandry@orangeville.ca>
Cc: mdunne@dufferincounty.ca; Rebecca Whelan <rwhelan@dufferincounty.ca>
Subject: Dufferin County Motion - Residential Schools

Good morning,

At the meeting of Melancthon Township Council held on July 15, 2021, the following motion was introduced and passed:

Moved by White, Seconded by Mercer

Be it resolved that: "Council support the motion from the County of Dufferin regarding Residential Schools;

And that a copy of this motion be forwarded to:

- Office of the Prime Minister of Canada, Rt. Hon. Justin Trudeau
- Office of Cardinal Thomas Christopher Collins, Archdiocese of Toronto
- Dufferin Caledon MP Kyle Seeback
- Dufferin Caledon MPP Sylvia Jones
- All Dufferin County Municipalities.

Carried.

Thank you.

Regards,
Denise Holmes



Denise B. Holmes, AMCT | Chief Administrative Officer/Clerk | Township of Melancthon | dholmes@melancthontownship.ca | PH: 519-925-5525 ext 101 | FX: 519-925-1110 | www.melancthontownship.ca |

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The Corporation of

THE TOWNSHIP OF MELANCTHON

157101 Highway 10, Melancthon, Ontario, L9V 2E6

Telephone - (519) 925-5525

Fax No. - (519) 925-1110

Website: www.melancthontownship.ca

Email: info@melancthontownship.ca

July 19, 2021

Liz Mikel
Ministry of Conservation and Parks
Conservation and Source Protection Branch
40 St. Clair Avenue West, 14th Floor
Toronto, Ontario
M4V 1M2

Dear Ms. Mikel:

Re: ERO 019-2986

At the meeting of Melancthon Township Council held on July 15, 2021, Council passed the following motion:

Moved by Mercer, Seconded by Besley

Be it resolved that: "Council support the letter from the Town of Mono regarding the Regulatory Proposals (Phase 1) under the Conservation Authorities Act." **Carried.**

Yours truly,

Denise B. Holmes, AMCT
CAO/Clerk

- c. Town of Mono
Hon. Sylvia Jones, MPP Dufferin-Caledon
Hon. David Piccini, Minister of Environment, Conservation and Parks
Nottawasaga Valley Conservation Authority
Grand River Conservation Authority
Saugeen Valley Conservation Authority
Municipalities in Dufferin County



June 25th, 2021

Liz Mikel
Ministry of Conservation and Parks
Conservation and Source Protection Branch
40 St Clair Ave W
14th Floor
Toronto, ON
M4V

RE: ERO 019-2986
Regulatory Proposals (Phase I) under the Conservation Authorities Act

Dear Ms. Mikel:

Thank you for the opportunity to review and comment on the above noted Environmental Registry of Ontario posting. The following comments are provided by Town of Mono staff as input to the Ministry to consider regarding Consultation on the Phase I Regulatory Proposals under the *Conservation Authority Act*. Our comments are set out below.

MOU's for Non-Mandatory Services

The Town of Mono is located at the headwaters of 4 major rivers, the Credit, the Nottawasaga, the Humber and the Grand. The Town is regulated by 3 Conservation Authorities. The coordination of the implementation of the regulatory proposals, and the need for MOU's for non-mandatory services will present a significant challenge for our municipality under these circumstances. The philosophical difference of municipalities, combined with varied technical sophistication within the 3 CA's will require our municipality to negotiate 3 separate MOU's for non-mandatory services.

As indicated above, the Town is located at the headwaters of 4 major rivers. What we and our CA's do locally to enhance water quality, such as tree planting, natural heritage planning and stream restoration, may become an afterthought for funding by the benefitting communities downstream. A comprehensive and integrated systems approach to the preparation of watershed resource management strategies is valuable in helping to ensure that inter-related systems within a watershed are not overlooked. If the intention is to provide a broad strategic watershed planning perspective, the requirements should not overlook other critical management program areas such as natural heritage system planning, restoration and management. The legislation does not consider that some non-mandatory services are provided locally for the benefit of the entire watershed. These should be re-evaluated and classified as mandatory services.

Downloading of Costs to Municipalities

With the Town of Mono's limited staff, legal and financial resources, it will be a challenge to negotiate 3 MOUs. Our costs will be triple those of many (larger) municipalities that only work with one CA. The process steps and transition planning requirements in the regulation should provide flexibility and also avoid the unnecessary requirements for administrative reporting to the Ministry that add little value.

Since its introduction by the Harris regime, the province has funded the Source Water Protection Program in its entirety (100%). The fact that it is now deemed a mandatory activity will require funding from municipal sources. We urge the province to provide long-term sustainable funding to either the CAs and/or municipalities to continue to support this important provincial water quality program.

In addition, the ongoing erosion of current provincial financial support for CA natural hazard programs continues with no inflation indexed transfer payments or increases to capital funds for dam and erosion control infrastructure. Municipalities are continuing to pay a greater share of the costs for these CA programs. For instance, in 2021, the province only provided 2% of the NVCA's budget, the municipalities provided 50%. We urge the province to make a renewed commitment to environmental protection of our communities from floods, poor water quality and drought.

Recreation and Trails

We are a rural municipality with breathtaking natural amenities such as the Hockley Valley, Mono Cliffs, the Nottawasaga Nature Reserve and the man-made Island Lake. Because of this, the Town has developed many partnerships with the CA's, neighbouring municipalities and other organizations such as the Bruce Trail to develop an integrated trail and parkland system. These trails and parklands, including conservation areas, are well-used and valued by ALL Ontarians. There are few revenue-generation opportunities for these resources. As a result of this legislation, we fear that some of these trails and parks will have to close, or that we will have to develop some type of fees for entry, or that we will have to use more municipal tax money to pay for them. These trails and parks are used extensively by people from the large urban areas to the south. The COVID pandemic has seen thousands of people from the GTA pour into Mono. Providing these recreation resources includes the need to provide safe parking, washrooms and basic signage and shelters for comfort and safety purposes.

Trails and Conservation areas, including the safety, comfort infrastructure, and educational programs should be classified as mandatory to ensure the long-time provision of these community amenities and resources for the use of ALL Ontarians.

Enforcement and Compliance

The Town of Mono is located within the GTA, albeit at the northern perimeter. As such we are driving distance from the growing communities in Peel Region, Halton Region and Toronto. The areas surrounding these communities, such as Mono, have become a dumping ground for excess fill from this development to the south. We have been faced with significant enforcement and compliance issues regarding illegal disposal of excess fill, and we have concerns with the ability of CA's to respond to this environmental issue. There is a disparity in regulatory powers which the Conservation Authorities have when compared to those that municipalities have with respect to regulating and managing fill within regulated areas.

The 2017 revisions to the CA Act included new and updated enforcement tools for non-compliance with the CA Act, including stop work orders and new fines. These provisions have yet to be proclaimed yet violations have been continuing at an alarming rate over the past few years. We urge the province to expedite the enactment of all Section 30 provisions, including Stop Work Orders to deal with enforcement matters such as excess fill projects and other development activity in highly sensitive and regulated areas such as wetlands, flood plains, and erosion hazards.

Implementation

Finally, the timing for implementation, January 2023, of these proposals represents a significant burden to municipalities such as ours, who will have 3 CA's to negotiate MOU's for non-mandatory services. We understand that the phase 1 and 2 regulations will not be released before fall, and we would suggest there is little hope of being able to implement in 2023. All Municipalities and CAs will need to revamp their budget formats, create different budget scenarios and negotiate agreements with each other for all non-mandatory programs and services. This is proposed to also be completed within an election year which from a municipal perspective has other unique challenges for valuable staff resources. Finally, internally within each our 3 CA's, Mono will have to review programs with all other municipal members (12 in CVC, 18 in NVCA, 6 in TRCA (3 Local + 3 Regional)) and ensure that all members are engaged, and hopefully universally supportive in the selection of programs and understanding of potential implications. There is little time for iterative reviews. We urge a re-thinking of the implementation timing, which in our opinion cannot be realistically met.

Thank you for the opportunity to provide comments on these regulatory proposals.

Regards,

TOWN OF MONO



Mark Early, MCIP, RPP, CMO
Chief Administrative Officer

Copies:

Town of Mono Council
Hon. Sylvia Jones, MPP Dufferin-Caledon
Hon. David Piccini, Minister of Environment, Conservation and Parks
Clerk, Dufferin County
Clerks, Dufferin Municipalities
Deborah Martin-Downs, CAO, Credit Valley Conservation
Doug Hevenor, CAO, Nottawasaga Valley Conservation Authority
John MacKenzie, CEO, Toronto and Region Conservation Authority

NOTICE OF APPLICATION PROPOSED OFFICIAL PLAN AMENDMENT

FLATO DEVELOPMENTS INC. PHASE 1 (OPA#2)

West Shelburne Main Street and 4th Line, Town of Shelburne
(Planning Act, R.S.O 1990, c. P.13, as amended, s. 22(6.4), O. Reg. 543/06)

TAKE NOTICE that Dufferin County is in receipt of a complete application to amend Dufferin County's Official Plan for the lands generally located at West Shelburne Main Street and 4th Line in the Town of Shelburne, and as shown on the key map below.

PURPOSE AND EFFECT: To expand the Urban Settlement Area boundary of the Town of Shelburne as identified on Schedules B and B1 to the County's Official Plan. The purpose of the Urban Settlement Area boundary expansion is to facilitate a site-specific local municipal official plan amendment and zoning by-law amendment to permit a Draft Plan of Subdivision to provide the necessary permissions for a mixed use development including a seniors housing building with up to 93 purpose built rental units and a commercial plaza of approximately 1,875 sq.m. of gross floor area (**NOTE:** The Town of Shelburne has confirmed receipt of complete related applications to amend the Town of Shelburne Official Plan and Zoning By-law).

PUBLIC MEETING: The appropriateness of the requested Dufferin County Official Plan Amendment will be considered at a future meeting of the Community Development and Tourism Committee, under the authority delegated to it by Dufferin County Council. You will receive another notice inviting you to attend this public meeting.

NOTICE OF ADOPTION OR REFUSAL: If you wish to be notified of the decision of the Official Plan Amendment, you must make a written request to the Clerk's Department located at 30 Centre Street, Orangeville, ON L9W 2X1, or by email to clerk@dufferincounty.ca.

APPEAL: If a person or public body would otherwise have an ability to appeal the decision of the County to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the County before a decision is issued, the person or public body is not entitled to appeal the decision. The person or public body may also not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the proposed Dufferin County Official Plan Amendment is available for viewing on the Dufferin County website www.dufferincounty.ca or at the Dufferin County administrative office (30 Centre Street, Orangeville) on an appointment basis only, by calling the number below or email clerk@dufferincounty.ca.

For information relating to the associated local municipal official plan and zoning by-law amendment applications, please contact the Town of Shelburne Planning Department at (519) 925-2600 x 252

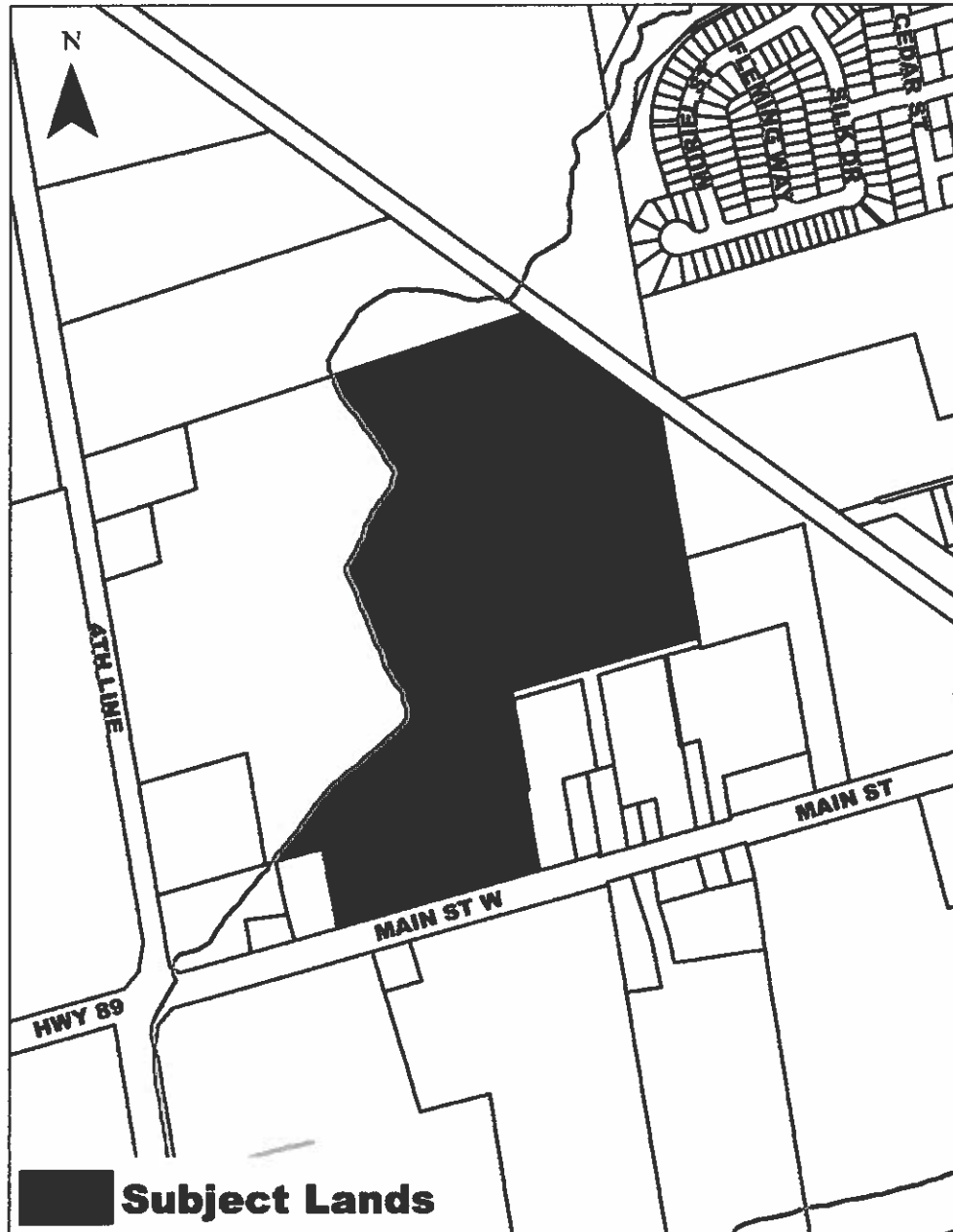
DATED at Orangeville this 7th day of July, 2021.



Michelle Dunne, County Clerk
Dufferin County
30 Centre Street, Orangeville, ON L9W 2X1
(519) 941-2816

**NOTICE OF APPLICATION
PROPOSED OFFICIAL PLAN AMENDMENT**

KEY MAP



New Proclamation Request

Hello,

Please note the following response to Proclamation Request has been submitted at Wednesday July 21st 2021 1:21 PM with reference number 2021-07-21-001.

- **Organization or Business Name**
Canadian Institute of Forestry
- **Organization or Business Website**
<https://www.cif-ifc.org>
- **Date that proclamation event is to begin**
2021-9-19
- **Date that proclamation event ends**
2021-9-25
- **Will you be requesting a community flag raising? If you answer yes, please provide additional details in the section below.**
No
- **Proclamation name, details and event information**
National Forest Week

Lead by the Canadian Institute of Forestry (CIF-IFC), National Forest Week is a one-week campaign that takes place during the last week of September each year and challenges Canadians across the country to learn more about the forest sector and its significance to Canada's culture, history, and future, while also supporting a greater recognition of forests as a valuable, renewable and green resource.

The theme this year "Our Forests - Continually Giving", will highlight the inextricable link between us and our forests. Now more than ever, forests are an important beacon of renewal, resilience and hope for the future. Throughout the week, CIF will be celebrating the endless cultural, social, ecological, economic and health benefits they provide whilst encouraging individuals to reflect on their personal connection

with forests and trees. CIF will further be recognizing the critical opportunities for reconciliation and Indigenous leadership within the management of our forests and the forestry economy. This year's theme also showcases the importance of sustainable management to ensure we give back to our forests so they remain resilient in the future. By emphasizing their role within our everyday lives, CIF's goal is to foster an enthusiasm for our forests and invite individuals to engage in sustainable action.

This September, CIF is inviting municipalities across Canada to recognize and celebrate National Forest Week (September 19-25, 2021) and would welcome the city of Orangeville to participate and declare National Forest Week.

A proclamation example is provided below:

WHEREAS: Covering 66% of the province and 71.1 millions hectares, Ontario's forests are an indispensable source of ecological, cultural, health, social and economic benefits.

WHEREAS: Its forests are also located on the traditional territory of diverse Indigenous nations and provide nourishment and cultural value to these groups.

WHEREAS: The city of Orangeville has numerous parks and a rich urban tree cover.

WHEREAS: Its forested green spaces provide valuable recreational opportunities for its residents and act as a centre for physical, mental, social and community well being.

WHEREAS: Its forest cover also contributes numerous essential ecological services for the city such as stormwater retention, energy savings and wildlife habitat.

WHEREAS: With its carbon sequestration and cooling capacities, Orangeville's urban tree cover is vital to the city's resilience in the midst of climate change.

WHEREAS: National Forest Week is an annual one-week campaign which recognizes its critical contribution to Canada and its people. This year, National Forest Week will be celebrated across the country by individuals and organizations with the theme of "Our Forests - Continually Giving".

THEREFORE: As mayor of Orangeville, I declare September 19-25, 2021 as: "NATIONAL FOREST WEEK" in Orangeville

- **Contact Name**

[REDACTED]

- **Email address**

[REDACTED]

- **Phone Numbe** |

[REDACTED]

- **Mailing Address**

[REDACTED]

[This is an automated email notification -- please do not respond]

TOWN OF ORANGEVILLE INTEGRITY COMMISSIONER,
GUY GIORNO

Citation: Newman v. Brown, 2021 ONMIC 11

Date: July 21, 2021

REPORT ON COMPLAINT

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THE COMPLAINT

1. This report concludes an inquiry into a complaint about a March 2021 letter from Mayor Sandy Brown (Respondent), to Town Council, announcing his resignation from the Police Services Board.
2. Ms Tracey Newman (Complainant) alleges that the Mayor's letter contravened sections 1.1, 3.2, 6.2, 12.2, 14.2, and 14.3 of By-law No. 044-2016, the Code of Conduct for Council, Local Boards and Committees.

SUMMARY

3. The inquiry and this report pertain only to Mr. Brown's conduct as Mayor. As Integrity Commissioner, I have no jurisdiction over his conduct as a member of the Police Services Board.
4. The Mayor's letter is mostly opinion, but includes some factual content.
5. The Police Services Board, out of respect for legal proceedings involving the Ontario Civilian Police Commission, is unable to respond to questions about certain claims made by the Mayor. Consequently, on certain key issues, I possess only the information in the Mayor's letter.
6. As a general principle of Canadian law, allegations must be proved. The individual against whom an allegation is made is not obliged to prove the allegation false. This is especially true when an alleged contravention, if established, can lead to suspension of pay or other sanctions. The Mayor is not required to prove that his letter complied with the Code.
7. Given the limits of information available, I find no evidence to disprove the principal factual components of the Mayor's letter.
8. The remaining portions of the letter contain the Mayor's opinion on political matters, or opinion on political matters mixed with factual claims. Political opinion, including political opinion mixed with factual claims, is neither true nor false. It is merely someone's opinion. The Code does not tell Council Members what opinions to hold and does not allow the Integrity Commissioner to police the truth of political speech.
9. In summary, I find that neither the opinion (including the mixed opinion-fact) portions of the letter nor the factual portions of the letter contravene the Code.

BACKGROUND

10. Sometime around March 24, 2021, Mayor Sandy Brown sent the following letter to Town Council:

Dear Members of Council:

Today I will be resigning my seat, until the end of this Council term, as a member of the Orangeville Police Services Board. I was notified on Friday March 19, 2021 that the Ontario Civilian Police Commission is beginning an investigation regarding Code of Conduct issues through what I believe is a politically motivated complaint instigated by PSB Chair Todd Taylor. I believe that the Mayor represents the taxpayers of the Town of Orangeville and has a duty to speak freely and report on issues of concern, particularly fiscal mismanagement and should not be muzzled. The current membership of the PSB is populated with OPS supporters – including Chair Taylor who continues to advocate for one of the poorest managed Police Services in the history of Ontario. Now that I am free of my bonds – there will be a lot more to report to Town Council and the citizens of Orangeville.

I will be calling a Special Meeting of Town Council at 11:30 AM on Thursday March 25 for the purpose of selecting a member of Council to serve on the Police Services Board. The *Police Services Act* states that the Mayor is automatically on the PSB, unless he or she elects to step down – or is removed. I will be recusing myself from this vote as I am under the OCPC investigation. However, I strongly believe that the Deputy Mayor – the next ranking member of Council – should be selected as my replacement. Deputy Mayor Macintosh has a long career in Emergency Services and understands Policing through his countless hours of close interaction with multiple Police Services.

I am extremely proud of leading Council and taxpayers of Orangeville in the replacement of OPS with OPP. We are already seeing cost savings – and when we step into the new billing model, the savings will be millions of dollars per year. Money that can be used to freeze taxes for years and to continue to improve the amenities and infrastructure of our Town. We are already seeing the qualitative improvements in the local Police Service – improved police presence, improved traffic enforcement, increased criminal arrests, a new Street Crime Unit to fight drugs - and perhaps most importantly a motivated, professional group of police officers provided with excellent equipment and resources who inspired by excellent leadership are happy to be working in Orangeville and doing their best to serve our Town.

Sincerely,

[signed]

Mayor Sandy Brown
Town of Orangeville

11. The letter was included in the agenda package for the Special Council Meeting, and thereby became public. Several news media reported on it.

12. As the letter indicates, under Part III of the *Police Services Act*, the Mayor of Orangeville, as head of Council, is automatically a member of the Orangeville PSB unless the Mayor chooses not to be a member. In that case, another Council Member may be appointed by resolution of Council.¹

13. The Special Council Meeting was held March 25, at 11:30 a.m. The agenda, minutes, and a recording are all available online.²

14. The Mayor delivered the following prepared statement at the beginning of the meeting:

A complaint has been forwarded to the Ontario Civilian Police Commission over alleged Code of Conduct issues by the Mayor, statements by the Mayor regarding policing issues. The OCPC is conducting an investigation into these allegations. The requirement is for a member under investigation to step down while the investigation takes place. I have decided to resign from the Board in order to get some fresh thoughts and fresh perspective from another Member of Council. The matter is confidential until the investigation is completed, at which point all of the investigation will be made public. I will not be making any comments further, nor will I be answering any questions by the public or the press, beyond this statement.³

15. His resignation having created a vacancy on the PSB, the Mayor moved, seconded by Councillor Andrews, to appoint Deputy Mayor Andy McIntosh to the Police Services Board.⁴ The motion carried unanimously. (To be precise, I note that, while the recording shows that Mayor Brown moved the motion, the official minutes of the meeting state that Deputy Mayor McIntosh was the mover.⁵)

16. I subsequently received a Complaint that Mayor Brown contravened the Code by issuing the letter.

¹ *Police Services Act*, clause 27(5)(a): “the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council”

² See minutes and agenda online:
https://calendar.orangeville.ca/meetings/Index?_RequestVerificationToken=wG5fHEdzTmv51FaRPzEw-JZEULy4HNq-QBQGSF1yQjysM1Xbokjmuxxf9xBaVPu8ANc7bFnKDI2HtbFBPkMpB0ZWSWRPKNO6SKxC5JGFK1dqqYVzJTe9z7iDj8VG1Fr3pEtEC3vDpEXYmcVolZocZW9VXQ6P0Xgo5ByN2gOuHTs1&StartDate=03/25/2021&EndDate=03/25/2021

³ Orangeville Town Council, Special Council Meeting (March 25, 2021), recording, online:
<https://youtu.be/HduAdHioMBU>

⁴ *Ibid.*

⁵ Orangeville Town Council, Special Council Meeting (March 25, 2021), Minutes, item 8.1, online:
<https://calendar.orangeville.ca/meetings/Detail/2021-03-25-1130-Special-Council-Meeting/776ffa0f-557a-4d4f-bec9-ad0e00a0e206>

POSITIONS OF THE PARTIES

Position of Complainant

17. The Complainant alleges that the Mayor contravened six sections of the Code. For completeness, I am reproducing her argument on each section.

18. Section 1.1 of the Code sets out the “key principles that underline the Code of Conduct.” There are three sets of principles: First, accountability, ethics and integrity. Second, serving and being seen to serve constituents in a conscientious and diligent manner, avoiding improper use of influence of office, and conflicts of interest, both real and apparent. Third, performing duties in a manner that promotes public confidence and will bear close public scrutiny.

19. In alleging a violation of section 1.1, the Complainant submits:

By making accusations that an investigation by the Ontario Civilian Police Commission was due to a politically motivated complaint by Councillor Todd Taylor, Mayor Brown has failed to act accountably, has failed to demonstrate ethics or integrity and has improperly used the influence of his office.

By stating that the mayor should not be muzzled and is now free of his bonds, the Mayor does not promote confidence that Council is functioning effectively or with the best interest of its constituents.

By stating that Councillor Todd Taylor, who is the chair of the Police Services Board, continues to advocate for one of the poorest managed police services in the history of Ontario, Mayor Brown appears to act in conflict as he is currently under a confidential investigation. This action does not promote accountability, is not ethical, does not promote political confidence, or any of the virtues held within the Code of Conduct. I further fail to see how this letter does anything other than serve the Mayor’s own interests while under an investigation instead of those he accepted a responsibility to represent.

20. Section 3.2 of the Code provides that, “Members will conduct their dealings with each other in ways that maintain public confidence in the office to which they have been elected or appointed, are open and honest, focus on issues rather than personalities, and avoid aggressive, offensive or abusive conduct.”

21. The Complainant’s submission on section 3.2 of the Code is as follows:

By writing a letter that publicly alleges political motivation by another councillor, Mayor Sandy Brown has failed to conduct himself in a manner that maintains public confidence. This letter appears to be aggressive, offensive and abusive in its nature towards another councillor. It fails to pursue any of the avenues of proper and formal complaint, such as this process, and leads to nothing more than spreading unfound[ed] allegations and rumours.

22. Section 6.2 of the Code applies to decision-making on the awarding of contracts and the settlement of claims. It says Members shall not attempt directly or indirectly to influence these processes.

23. On section 6.2, the Complainant's position is as follows:

By writing a letter that claims political motivation and then proceeds to describe that a vote will take place to elect a replacement for Mayor Sandy Brown on the Police Services Board in which Sandy Brown recused himself due to the ongoing investigation against him, the Mayor proceeds to not only tell other councillors who he believes should be elected and why. This has direct influence on the decision-making process regarding a vote in which the Mayor was under investigation and supposed to be recused. This action is an improper use of his office and directly opposes his attempt to recuse himself, while he may not have voted on this issue, Mayor Brown certainly used his position of power by writing his letter on mayoral letterhead to suggest his wishes be executed.

24. Section 12.2 of the Code requires that Council Members conduct themselves with decorum during meetings, and show courtesy and not distract from business during presentations and when other Members have the floor.

25. The Complainant's submission on section 12.2 is simply that, "By writing this letter, the Mayor failed to demonstrate courtesy towards his fellow councillors."

26. Section 14.2 provides that, "Members shall treat every person, including other Members, the public, staff and volunteers, with dignity, understanding and respect."

27. According to section 14.3, "All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation." The section continues by requiring Members to ensure the work environment is free from discrimination and personal and sexual harassment.

28. The Complaint explains as follows her allegation that the Mayor contravened sections 14.2 and 14.3 of the Code:

By writing this letter, Mayor Brown has failed to treat Councillor Todd Taylor with dignity, understanding and respect. I find the content of the Mayor's letter to be harassing in its nature and fail to see what purpose it serves other than to attempt to bully a fellow councillor and to serve the Mayor's own self interests whilst under a serious and confidential investigation.

29. Because the Mayor did not submit a Response, the Complainant did not make reply submissions. (A Complainant is given the opportunity to reply to a Response from the Respondent.)

Position of Respondent

30. The Mayor, through legal counsel, asked for and was given an extension, until May 12, to submit a Response. No Response was ever provided.

31. I have no reason to believe that the omission was caused by anything other than inadvertence. Nonetheless, I decided to continue with the inquiry. In particular, I decided to seek relevant information from the Police Services Board, and then to give the Mayor an opportunity to address any relevant evidence or claim.

32. Given the position of the PSB (see paragraphs 40 to 43, below) it is not necessary for me to go back to the Mayor.

PROCESS FOLLOWED

33. In operating under the Code, I follow a process that ensures fairness to both the individual bringing a Complaint and the Council Member responding to the Complaint. This process is based on the Code of Conduct Complaint Procedure that was adopted by Council.

34. The Complaint was submitted April 19.

35. I issued a Notice of Inquiry on April 26. I informed both the Complainant and Respondent that I would be conducting an inquiry into whether the first paragraph of the Respondent's letter contravened section 3.2 of the Code. I also informed the parties that I would not be inquiring into whether the Respondent contravened sections 1.1, 6.2, 12.2, 14.2 and 14.3, as they are not the provisions of the Code that can give rise to a breach, do not apply to the facts of this case, or are otherwise redundant.

36. I also reminded the parties that sections 18 through 23 of the Complaint Protocol require confidentiality to ensure that the Complaint is investigated in a fair manner that respects the rights of both parties.

37. The Notice of Inquiry invited the Respondent to respond by May 5.

38. On May 2, legal counsel for the Mayor replied to me by email acknowledging the Notice of Inquiry and requesting an extension until May 12. I granted that request, but I did not receive any Response from the Mayor or legal counsel by May 12, or subsequently.

39. I reached out to the Police Services Board and its Chair, Councillor Todd Taylor, and invited both the PSB and Mr. Taylor individually to address the comments in the letter related to them.

40. The PSB as an institution and Mr. Taylor as an individual take the position that, because the Ontario Civilian Police Commission may be conducting an investigation of Mr. Brown (indeed, the Mayor's letter says precisely this), it would be inappropriate for them to comment on the Mayor's letter or the matters mentioned in the letter.

41. I understand and I respect their reasons for being unable to participate in this inquiry.

42. Mr. Taylor wears two hats. He is both the PSB Chair and a Town Councillor. Mr. Taylor takes the position – quite properly in my view – that he cannot remove his PSB hat and comment on the letter wearing only his Town Councillor hat. Everything he states on a matter related to policing must be a statement that is appropriate for him to make as PSB Chair; otherwise he cannot address the matter at all, he says. I accept this explanation and believe it is proper.

43. Chair Taylor and the PSB are aware that the inquiry is continuing without the PSB's version of events. This is inevitable given their appropriate decision not to comment in the wake of a potential OCPC investigation.

44. I have spoken again to the Complainant. She has laid out her arguments very articulately, but she possesses no more information about the subject of the Mayor's letter than is publicly available.

FINDINGS OF FACT

45. The Mayor, obviously, issued the letter.

46. I find as a fact that, based on the usual Council agenda distribution process, the Mayor knew, or reasonably ought to have known, that his letter would become public.

47. Because the Police Services Board, for very legitimate reasons, is unable to participate in this inquiry, I must make findings without the PSB's contribution.

48. On the Mayor's claim that the OCPC investigation was begun "through what I believe is a politically motivated complaint instigated by PSB Chair Todd Taylor," I have only the information in his letter, and no evidence to contradict it.

49. On his claim that, "[t]he current membership of the PSB is populated with [Orangeville Police Service] supporters," I have only the information in the Mayor's letter, and no evidence to the contrary.

50. On the Mayor's claim that Councillor Taylor "continues to advocate for one of the poorest police services in the history of Ontario," I have only the information in his letter and publicly available facts. It is a fact that the Orangeville Police Service no longer exists.

It is also a fact that it is not within a PSB's authority to decide whether policing will be provided by the OPP or by a municipal police service. That is a Council decision, not a PSB decision. I have confirmed that nobody currently on Council, including Councillor Taylor, is advocating (were it even possible) to revive the OPS and replace the OPP.

51. I find as a fact that Mayor Brown did not recuse himself from the vote to fill the PSB vacancy, though, as I explain below, that fact is not relevant to compliance with the Code.

ISSUES AND ANALYSIS

52. The Complaint alleges contraventions of six sections of the Code. In the Notice of Inquiry, I explained why the inquiry would only consider the allegation under section 3.2.

53. In this section, I will address each section of the Code to explain why it was not considered or, in the case of section 3.2, whether it was contravened.

54. As a general principle of Canadian law, allegations must be proved. The individual against whom an allegation is made is not obliged to prove the allegation false. This is especially true when an alleged contravention, if established, can lead to suspension of pay or other sanctions. The Mayor is not required to prove that his letter complied with the Code.

Section 1.1 (statements of principle)

55. In the Notice of Inquiry, I told that parties that I would not consider whether section 1.1 was breached. A statement of principle is not a provision that can be contravened and an allegation under a statement of principle cannot support a complaint. See: *Re Wilson*, 2017 ONMIC 13 (CanLII), at paras. 118-123; *Re Ford*, 2013 ONMIC 12 (CanLII). However, a statement of principle can be considered in interpreting substantive provisions of the Code. In this case, section 1.1 could be relevant to the interpretation of section 3.2.

56. A key reason why I do not feel a statement of principle can be breached is because this would lead to uncertain results. Here, for example, the Complainant uses section 1.1 to argue that the Mayor, "failed to act accountably, [and] has failed to demonstrate ethics or integrity." That language (from section 1.1) is so broad, and so general, that it could mean anything an Integrity Commissioner wants. Outcomes would be subjective, unpredictable and, quite possibly, inconsistent.

57. It is true that some Integrity Commissioners will accept a complaint alleging breach of a statement of principle, and some will even recommend a penalty for contravention of a vague or fuzzy platitude. In my view, however, it is unfair to impose penalties based on subjective, shifting interpretations of unspecific standards. Because Council Members

are subject to sanctions if they contravene the rules in the Code, it necessarily follows that the rules must be clear, certain, and unambiguous. Council Members must be able to understand clearly the conduct that is required.

58. I agree with one of Ontario's longest serving Integrity Commissioners, Mr. Robert Swayze, who stated the following in *Hayes v. Miles*, City of Brampton Report L05 IN (May 12, 2015):

In my experience members of councils in Ontario are busy people serving their community and want certainty in the interpretation of the many rules that apply to them. A code, by definition, is a set of rules of behaviour and should not be interpreted by each councillor according to subjective values. The rules need to be clear and where possible, capable of only one meaning. [emphasis added]

59. I accept and adopt Integrity Commissioner Swayze's comments about the need for clarity, certainty and lack of ambiguity in the rules. This is why it should not be possible to find a Member in contravention of a statement of principle, such as section 1.1.

Section 3.2 (focus on issues not personalities, avoid abuse)

60. Section 3.2 applies to dealings among Members of Council. The only such "dealings" conducted through the letter are the Mayor's dealings with Councillor Taylor. However, for legitimate reasons arising from his responsibilities as PSB Chair, Mr. Taylor is not commenting on the Mayor's letter.

61. The words of section 3.2 describe four standards that apply to the conduct of dealings among Council Members:

- First, the conduct of dealings must maintain public confidence in the elected offices.
- Second, the conduct of dealings must be open and honest.
- Third, the conduct of dealings must focus on issues rather than personalities.
- Fourth, the conduct must not be aggressive, offensive, or abusive.

62. The first standard is vague and subjective, particularly when applied to political speech. An Integrity Commissioner has no objective basis to assess whether words in a politician's letter do or do not maintain public confidence. A Member should not be subject to a financial penalty (suspension of pay) based on my or any Integrity Commissioner's subjective opinion of what public confidence entails.

63. Further, based on the evidence in the previous complaint involving the Mayor (*Montforts v. Brown*, 2021 ONMIC 10 (CanLII)), I find as a fact that public opinion of the Mayor is divided. Some in the Orangeville community, including the Complainant in this case, believe that the Mayor's communications diminish public confidence in elected officials. Others believe that the Mayor strives to uphold transparency, accountability, and financial responsibility, and thus he promotes public confidence. Both sides of the debate reflect legitimately held beliefs of people exercising their democratic rights. An Integrity Commissioner should not choose one position or another in this political debate.

64. The second standard, honesty (which literally means deliberately telling the truth), gives rise to the same challenge: Does the Code contemplate that the Integrity Commissioner will police the truth of political speech of elected officials? In my view, this is not what was intended.

65. Political communication involves implicit choices about **selection** and **salience**. The politician *selects*, from all the information possibly relevant to a topic, the pieces of information to highlight in the communication. The politician also determines how *salient* – that is, how memorable, meaningful, and noticeable – the information, as presented, will be.⁶ (This process is called framing.)

66. Very often, the claim that a communication is misleading or false merely reflects a different set of assumptions about what information to select and to elevate in salience.⁷

67. The Code of Conduct was not intended to regulate political judgments about the selection and salience of information in Council Members' communications. Otherwise, there is risk that an Integrity Commissioner, who frames an issue differently, might find against a Member without being conscious of different underlying assumptions about selection and salience. Justice Beverley McLachlin (later the Chief Justice) did not use the terminology of communication psychology, but nevertheless made a similar observation in the Supreme Court of Canada case, *R. v. Zundel*.⁸

68. More fundamentally, we must assume that the Code of Conduct is not intended to contravene the *Canadian Charter of Rights and Freedoms*, which protects freedom of expression. According to the Supreme Court of Canada, "The scope of constitutional

⁶ Entman, R.M. (1993). Framing: Towards clarification of a fractured paradigm. *Journal of Communications* 43(4), pp. 51-58.

⁷ Musolff, A. (2019). Metaphor framing in political discourse. *Mythos-Magazin: Politisches Framing* 1 (2019, Jan.), p. 8.

⁸ "Moreover, meaning is not a datum so much as an interactive process, depending on the listener as well as the speaker. Different people may draw from the same statement different meanings at different times. ... The result is that a statement that is true on one level or for one person may be false on another level for a different person." *R. v. Zundel*, [1992] 2 S.C.R. 731, at 756.

protection of expression is, therefore, very broad. It is not restricted to views shared or accepted by the majority, nor to truthful opinions.”⁹ [emphasis added]

69. On its face, the third standard, focus on issues, not personalities, seems straightforward, but it must be interpreted in the context of typical political communications, which often include reference to people’s records. In a democracy, politicians have a right to explain (defend) their own records, and to differ with (even criticize) the records of other politicians. In fact, the Supreme Court of Canada has confirmed the vital importance of being able to criticize a record of government decision-making, referring to the “interdependence between democratic governance and freedom of political speech,”¹⁰ including the freedom of “criticism and answer and counter-criticism, from attack upon policy and administration and defence and counter-attack.”¹¹ The Supreme Court of Canada has also stressed that, “a democracy cannot exist without that freedom ... to put forward opinions about the functioning of public institutions,” and the Court did not exclude from its comment the opinions of elected officials within public institutions.¹²

70. In other words, section 3.2 cannot reasonably be interpreted as a prohibition of referring to personalities while discussing issues.¹³ The Code must be understood to apply only to *ad hominem* comments that do not refer to issues, policies, positions, and records. In the Mayor’s letter, all the comments about people were made in the context of addressing issues and addressing people’s policies, positions, and records. (On the importance of being able to disagree publicly with another politician’s record, see *Gerrits v. Currie*, 2020 ONMIC 6 (CanLII), at paras. 45-47.)

71. The fourth standard of section 3.2 is that the conduct of dealings among Council Members must not be aggressive, offensive or abusive. As I have just stated, disagreeing with the policy, position or record of another politician is not prohibited by the Code. It is an expression of political opinion that lies outside an Integrity Commissioner’s purview. In a democracy, this type of opinion is subject to being tested through political debate: *Miles v. Fortini*, 2018 ONMIC 22 (CanLII), at para. 49. All politicians possess the same right to explain and to defend their positions, including the right to respond to criticism,

⁹ *Ross v. New Brunswick School District No. 15*, 1996 CanLII 237 (SCC), [1996] 1 S.C.R. 825, at para. 60.

¹⁰ *Ref re Remuneration of Judges of the Prov. Court of P.E.I.*, 1997 CanLII 317 (SCC), [1997] 3 SCR 3, at para. 102, per Lamer C.J.C.

¹¹ *Reference re Alberta Statutes*, 1938 CanLII 1 (SCC), [1938] S.C.R. 100, at 133, per Duff C.J., cited by *Ref re Remuneration of Judges of the Prov. Court of P.E.I.*, note 10.

¹² *Edmonton Journal v. Alberta (Attorney General)*, [1989] 2 S.C.R. 1326, at 1336, per Cory J.

¹³ Another reason for this interpretation is that politicians must obviously be free to explain and defend their own policies, positions, and actions. The reference to “personalities” in section 3.2 cannot prevent elected officials from speaking about their own records; that would be absurd. What is true of a politician’s own record is necessarily true of the records of others. All are permissible topics of political speech.

and the right to debate with others on issues. If one politician takes issue with what another politician has said, then utilizing the tools of political debate to respond to inaccuracies and exaggerations in political debate is far more appropriate than asking an Integrity Commissioner to police the political debate: *Re Maika*, 2018 ONMIC 11 (CanLII), at para. 139:

72. As a result, I find that Mayor Brown is not prevented from expressing disagreement with Councillor Taylor and the PSB, or from criticizing what he claims to be their positions, policies, and records.

73. There are additional reasons why I find no contravention of section 3.2. One is that, without hearing from Councillor Taylor on the matter, I cannot find that Mayor Brown's dealings with Councillor Taylor contravene the Code. To do so would be unfair to the Mayor. As I have held in several other cases, an Integrity Commissioner should not accept a complaint alleging ill treatment by one politician of another politician, unless the latter politician supports the complaint. See *Miller v. Bath-Hadden*, 2020 ONMIC 12 (CanLII), at paras. 65-70, and *Chan v. Therrien*, 2021 ONMIC 6 (CanLII), at paras. 95-96.

74. The Supreme Court of Canada has cautioned that it is very difficult to separate fact from opinion: the difference is "vague" and "elusive."¹⁴ Assuming that I am able to separate the letter's factual claims from the opinion, in the absence of input from the PSB and PSB Chair Taylor, I find no evidence to contradict the factual portions of the Mayor's letter, except the statement of mixed opinion and fact that Mr. Taylor "continues to advocate for one of the poorest managed police services in the history of Ontario." It is a matter of record that when Town Council voted 6-1 to move to OPP policing, Councillor Taylor was the lone, negative vote. However, it is also a fact that the Police Services Board had and has no role in deciding on OPP policing versus OPS policing, and that nobody on Council (including Councillor Taylor) is proposing to revive the OPS. The statement of opinion-fact that Councillor Taylor continues to advocate for Orangeville Police Service is questionable.

75. Nonetheless, I find that to focus on a single word ("continues") in one sentence of the Mayor's letter would be to apply to political speech a degree of scrutiny that the Code of Conduct does not contemplate and that Integrity Commissioners are not suited to police.

76. Otherwise, the Mayor was expressing his opinion, which the Code does not prevent him from doing.

¹⁴ *R. v. Zundel*, note 8, at 749-751.

Section 6.2 (influence decision-making on contracts and claims)

77. Code section 6.2 does not apply to the Mayor's letter. The Complaint does not suggest that the Mayor attempted to influence "the award of contracts or settlement of claims."

78. I understand the Complainant's argument that the Mayor was trying to influence the selection of a new PSB member, but section 6.2 is limited to influencing certain types of decisions – types of decision that involve the Town's dealings with businesses and other external entities.

79. I also note that the Mayor did not recuse himself from the vote on filling the PSB vacancy, even though his letter said he would. There was no requirement under the Code for a recusal in this case, so his failure to do so was not a contravention.

Section 12.2 (conduct at meetings)

80. Section 12.2 does not apply because the Complaint is not based on conduct during a meeting.

81. Further, aside from the references to Councillor Taylor (previously discussed), I do not find the letter to be discourteous to Council.

Section 14.2 (dignity, understanding and respect)

82. The allegation under section 3.2, already addressed, encompasses aggressive, offensive and abusive conduct, and dealings that are personality-based not issue-based. Section 14.2 covers similar ground, so considering it would be redundant and unnecessary.

83. In any event, I find that the Mayor's letter did not contravene section 14.2 of the Code.

Section 14.3 (abuse, bullying, intimidation or harassment)

84. The Complainant feels that the letter harasses and bullies Councillor Taylor.

85. I understand why Councillor Taylor is unable to comment on the letter. Nonetheless, as I have already observed, it would be unfair for me to find that Mayor Brown harassed and bullied Councillor Taylor, if Councillor Taylor himself does not take that position.

86. Further, under Ontario law, harassment typically (though not always) involves a pattern or course of conduct. This single letter does not constitute harassment. There

may have been other dealings between Mayor Brown and Councillor Taylor, not reflected in the letter, but I do not have evidence of those dealings and, because Councillor Taylor is unable to participate, do not have access to any such evidence.

87. I make the same finding on bullying. This single letter does not constitute bullying. There may be other dealings between Mayor Brown and Councillor Taylor, but these are not in evidence.

CONCLUSION

88. Given the limits of information available to me, I find no evidence to disprove the principal factual components of the Mayor's letter.

89. The remaining portions of the letter contain the Mayor's opinion on political matters, and/or opinion on political matters mixed with factual claims. Political opinion, including political opinion mixed with factual claims, is neither true nor false. It is merely someone's opinion. The Code does not tell Council Members what opinions to hold and does not allow the Integrity Commissioner to police the truth of political speech.

90. In summary, I find that the opinion (including the mixed opinion-fact) portions of the letter and the factual portions of the letter do not contravene the Code.

CONTENT

91. Subsection 223.6(2) of the *Municipal Act* states that I may disclose in this report such matters as in my opinion are necessary for the purposes of the report. All the content of this report is, in my opinion, necessary.

Respectfully submitted,



Guy Giorno
Integrity Commissioner
Town of Orangeville

July 21, 2021

TOWN OF ORANGEVILLE INTEGRITY COMMISSIONER,
GUY GIORNO

Citation: Montforts v. Brown, 2021 ONMIC 10

Date: July 19, 2021

REPORT ON COMPLAINT

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THE COMPLAINT

1. Ms Stephanie Montforts (Complainant) alleges that 16 Facebook posts of Mayor Sandy Brown (Respondent) contravened the *Libel and Slander Act* and six sections of the Code of Conduct for Council, Local Boards and Committees, By-law Number 044-2016.
2. I conducted an inquiry into whether sections 3.1, 14.2, and 14.3 of the Code were contravened. This is my report.

SUMMARY

3. The inquiry is limited to the Mayor's compliance with the Code of Conduct in his role as a Member of Council. It does not address whether he complied with the obligations of a member of the Police Services Board.
4. I find that the Mayor's January 16 social media posts did not contravene Code section 3.1 (General Standards of Conduct), or Code sections 14.2 and 14.3 (Respect for Others).
5. The factual portions of the Mayor's posts were accurate. The opinion portions of his posts were made in good faith and reasonably supported by the facts.
6. The Mayor was commenting on a matter of public interest: the trial and acquittal of an Orangeville Police Service whistleblower, Constable Stephen Fisher.
7. The Mayor had a reasonable basis to be angered by what the trial revealed about the leadership and operations of the former Orangeville Police Service – as demonstrated by the treatment of Constable Fisher.
8. Indeed, it would have been unreasonable for a civic leader to follow the entire trial, as Mayor Brown did, and not be troubled by what was revealed.

BACKGROUND

9. After years of discussion in the community, two municipal elections in which the issue figured prominently, and a 2017 Council vote (4-3) that went the other way, Orangeville Town Council decided to disband Orangeville Police Service and transition to Ontario Provincial Police services effective October 1, 2020.

10. Council decision-making on the OPP policing issue was related to two previous Integrity Commission inquiries, *Re Wilson*, 2017 ONMIC 13 (CanLII) and *Re Bradley*, 2017 ONMIC 15 (CanLII).

11. It is inappropriate for me, as Integrity Commissioner, to take sides in a municipal public policy debate. Nothing in this report should be interpreted as a statement of support for, or a statement of opposition to, the delivery of policing services by either the OPP or the former Orangeville Police Service.

12. On January 15, at the conclusion of a week-long trial, the Honourable Justice Shannon B. McPherson acquitted former Orangeville police constable Stephen Fisher of charges of breach of trust and disseminating a private communication.

13. The Respondent had been following the entire trial. Late Thursday night, he had posted the following in anticipation of the next day's proceeding:

Friday at 9:30 final submissions will be given in the criminal matter involving former OPS Constable Stephen Fisher. I have watched virtually the whole trial and witnessed the sworn testimony of the toxic environment of bullying and harassment that was caused by and supported by management. It's quite a story and if you are one of the handful of people who thought that OPS was worth saving – tune in on the link below Friday morning at 9:30 for a bit of an eye opener. Public is welcome to the virtual court proceeding

<https://ca01web.zoom.us/j/68967383689...>

14. At 2:08 p.m., Friday, the Respondent posted that first of what would be many posts by him in reaction to the verdict. He posted: "Update – 30 second acquittal on both counts."

15. On Saturday, January 16, that is, the day following the conclusion of Constable Fisher's trial, the Respondent posted a longer reaction on his Facebook account:

I'd like to share some thoughts about the Stephen Fisher trial.

- Kalinski suspended Fisher in fall of 2018 with full pay

- Fisher sits home for two years at a cost of \$205,000 to the Orangeville taxpayer – equivalent to burning this money in a barrel, because the Town received no product or service for this money

- oh wait, it's actually worse, because Kalinski reduced the complement of uniformed officers by one, meaning

- a) there was one fewer officer on a shift meaning the safety of the Town or the safety of on duty officers was compromised (this did happen) or b) officers filled Fisher's spot on overtime

16. "Kalinski" was Chief Wayne Kalinski, who led the Orangeville Police Service until it was disbanded.

17. Ms Montfort posted a comment in response to the Mayor. She told the Mayor that his post violated the Code of Conduct, and explained her position. Mayor Brown quickly replied that he “certainly” would not take advice from her.

18. Numerous comments, posted by the Complainant, the Respondent, Constable Fisher, former Council members, and many other individuals, quickly followed. Within less than two days, there were 222 comments that filled 86 pages when printed. I have reviewed and considered them all.

19. In the Appendix I have reproduced the Mayor’s original post and his 19 subsequent comments. For ease of reference I have numbered his posts using roman numerals I through XX.

20. On January 19, the Complainant filed a formal Complaint under the Code of Conduct. She alleges that 16 of the Mayor’s posts and comments (of 20 posts by the Respondent in total), including the post that started the thread, contravene the Code.

21. On March 24, the Mayor announced, in a public letter to Council, that he is being investigated by the Ontario Civilian Police Commission under Ontario Regulation 421/97 (Members of Police Services Boards – Code of Conduct). The Mayor did not provide specifics of the complaint against him, but wrote that he “has a duty to speak freely and report on issues of concern, particularly fiscal management and should not be muzzled.” I infer from this comment that the complaint relates to things the Mayor communicated in public. The Mayor resigned from the Police Services Board that day.

22. On April 23, the Ontario Civilian Police Commission issued a public admonition to Mayor Brown, in his capacity as a Police Services Board member, for comments he had made about a police officer in 2019. The admonition relates a complaint that had been made by the police association in 2019, and not the one recently revealed by the Mayor.

23. Several relevant posts relate to Constable Fisher’s trial. Some other relevant posts involve an incident affecting former Councillor Don Kidd. The background to these posts is set out below.

The Trial of Police Constable Stephen Fisher – R. v Stephen Fisher

24. Constable Stephen Fisher was charged with disseminating a private communication contrary to subsection 193(1) of the *Criminal Code* and with breach of trust for disclosing a private communication contrary to section 122 of the *Criminal Code*. He was tried in the Ontario Court of Justice, Court File No. Orangeville 0611 998 18 1523, before Justice S. McPherson. On January 15, the judge acquitted him. On February 11, the judge issued written reasons for judgment.

25. I have read the reasons for judgment, which are 24 pages and 144 paragraphs long. However, certain information related to the trial is subject to a common law publication ban pursuant to the case *R. v. Mentuck*.¹ It is not clear which passages of the judge's reasons are subject to the publication ban. Consequently, I have decided that in this report I will not mention any portion of Justice S. McPherson's reasons.

26. Instead, I will very briefly summarize the facts that are publicly available in news media reports and a labour arbitrator's decision. In June 2018, Constable Fisher came across a recording of two Orangeville Police Service members saying troubling and inappropriate things. Constable Fisher was aware of his duty to report under the law and under the applicable workplace harassment policy, but he did not have confidence to report through the chain of command what he had found. His reasons for lack of confidence included the relative seniority of the individuals on the recording (both ranked above him in the OPS hierarchy), his perception that OPS leadership ignored workplace harassment complaints, and the fact that an individual in the recording was the spouse of the Deputy Chief. Instead of disclosing the recording through the chain of command, Constable Fisher disclosed it to a special constable. The special constable, in turn, shared the recording with an OPS staff sergeant, with the Town of Orangeville human resources manager, with an OPS sergeant who was the police association president, and with an OPS constable who was the former police association president.

27. OPS leadership took no action against the two individuals who were recorded making inappropriate comments. Instead, it proceeded against Constable Fisher, the whistleblower. In August 2018, Constable Fisher received notice that a complaint had been made against him that, without authorization, he had "removed and disclosed property of the Orangeville Police Service." The OPS referred the matter to the OPP, which investigated and laid two charges under the *Criminal Code*. The OPP issued the following news release on December 19, 2018:

ORANGEVILLE POLICE OFFICER CHARGED

(ORILLIA, ON) - In August 2018, the Ontario Provincial Police (OPP) received a request for assistance from the Orangeville Police Service into the conduct of one of their officers.

On December 18, 2018, members of the Professional Standards Bureau of the OPP arrested and charged Stephen FISHER an Orangeville Police Officer with Breach of Trust and Disclosure of Private Communication contrary to the *Criminal Code* of Canada. The officer is scheduled to appear before the Ontario Court of Justice in Orangeville on February 5, 2019.

More information as to the employment of the officer should be directed to Orangeville Police Service.

¹ [2001] SCC 76, [2001] 3 S.C.R. 4.

28. The same day, Orangeville Police Service suspended Constable Fisher with pay. According to news stories,² the official OPS reaction was as follows:

"We always hold our staff to a very high standard of accountability. This is not a reflection on the dedicated and professional members of the Orangeville Police Service, who keep our community safe. We are committed to upholding the values and ensuring the integrity of our oath of office," said Chief Wayne Kalinski.

Since this matter is now before the courts, no further comments will be made.

29. Constable Fisher was separately served with a notice of misconduct under the *Police Services Act*.

30. Orangeville Police Service took no action against the second whistleblower, that is, the special constable who received the recording from Constable Fisher.

Allegation of Assault Against Former Councillor Don Kidd

31. Mr. Don Kidd served on Orangeville Town Council until his defeat in the 2018 municipal election.

32. Mr. Kidd was and (according to his interview in this inquiry) remains a supporter of the move to OPP policing in Orangeville.

33. An employee of the Orangeville Police Service alleged that Mr. Kidd touched her on April 27, 2017, following a public meeting on the cost of a proposal for OPP policing. The employee said that when asked about potential job losses by civilian members of the OPS (if the OPP were to assume responsibility for policing), Mr. Kidd replied, "don't worry, the OPP will look after you," and then repeatedly poked the employee in the chest, on the crest of an Orangeville Police Association golf shirt. The employee subsequently brought a complaint for assault and sexual assault.

34. Due to the nature of the complaint and the fact that the complaint was made by an OPS employee, it was decided that an external police service should conduct any investigation. Consequently, the matter was referred to the Owen Sound Police Service.

35. I obtained a copy of the Owen Sound Police Service investigation report, and I thank Owen Sound Police Chief Ambrose for assisting this inquiry.

36. The police report appears to have been written August, 2, 2017, but not entered into an online database until May 29, 2018.

² *Orangeville Citizen*, "OPS officer charged by OPP" (December 21, 2018), online <http://citizen.on.ca/?p=13510&upm>; 91.5 The Beat, "Orangeville Cop Facing Criminal Charges" (December 20, 2018), online, <https://scottandkat.ca/orangeville-cop-facing-criminal-charges/>; Matt Carty, CJOY/Global News, "Orangeville police officer charged with breach of trust" (December 19, 2018), online <https://globalnews.ca/news/4777144/orangeville-police-officer-charged/>

37. According to the police report, the employee recalls being poked by Mr. Kidd's index finger approximately nine times in the left chest directly on the crest of her Orangeville Police Association golf shirt. A witness, who was also present, recalls that Mr. Kidd poked the crest "a few times."

38. The police investigation determined that the crest on the shirt sat on the employee's upper chest and, "in addition, there is no evidence to suggest that the poking by KIDD was done for any sexual purpose whatsoever. It is clearly evident that KIDD was poking the crest on the shirt to emphasise the verbiage he was using in his conversation."

39. According to the police report, "The [employee] was not injured or physically impacted in any substantial way as a result of the poking of [the] chest by KIDD." It further found "that the actions of KIDD in this incident, though inappropriate, are trifling in nature and therefore do not warrant the laying of an information for a charge of assault."

40. The police report concluded, "The involved parties are to be notified of the results of the investigation. This matter can be considered closed."

41. Three days before the October 22, 2018, municipal election, the *Orangeville Banner* ran a front-page story beneath the headline, "Orangeville police employee alleges Coun. Don Kidd assaulted her at OPP meeting, no charges laid," and sub-headline, "Owen Sound police report into allegations involving Orangeville councillor obtained by media one year later."³

42. According to the story, the *Orangeville Banner* had received the police report on October 18, 2018.

43. The *Banner* did not explain from whom it obtained the police report, but it reported that then-Councillor Kidd said he had not even seen it. After receiving the police report, the *Banner* was telephoned by an individual who declined to be named, but who claimed to be the employee involved and who was able to cite the Owen Sound Police Service occurrence number for the investigation. The *Banner* also reported that the Owen Sound Police Service declined to confirm whether or not Mr. Kidd was investigated.

44. On election day, Mr. Kidd finished in seventh place. (The top five candidates for Councillor were elected.) He received 828 fewer votes than when he was elected in 2014 and had finished in second place.

³ Chris Halliday, *Orangeville Banner*, "Orangeville police employee alleges Coun. Don Kidd assaulted her at OPP meeting, no charges laid: Owen Sound police report into allegations involving Orangeville councillor obtained by media one year later" (October 19, 2018), online <https://www.orangeville.com/news-story/8975888-orangeville-police-employee-alleges-coun-don-kidd-assaulted-her-at-opp-meeting-no-charges-laid/> and <https://www.toronto.com/news-story/8975888-orangeville-police-employee-alleges-coun-don-kidd-assaulted-her-at-opp-meeting-no-charges-laid/>

POSITIONS OF THE PARTIES

Position of Complainant

45. The Complaint alleges that the Mayor's posts contravene sections 1.1, 3.1, 3.2, 14.1, 14.2 and 14.3 of the Code, and the *Libel and Slander Act*. I inquired into the allegations under sections 3.2, 14.2 and 14.3. My reasons for not inquiring into the other allegations are set out at paragraphs 116 through 120.

46. The Complainant alleges that 16 of the Mayor's posts were contrary to the Code and provides detailed submissions related to every single one.

47. The Complainant makes the following arguments:

- The Mayor was "making false statements" about unverifiable information, such as suggesting that former members of the OPS engaged in sexual harassment and bullying.
- The Mayor made a "grossly incorrect" statement about matter of fact, when he stated that a Crown Attorney was "bullied" by Chief Kalinski into laying charges against Mr. Fisher.
- The Mayor's Facebook posts were "instigating harassment" by people who read and acted on his posts.
- The Mayor engaged in "complete degradation" of the Police Services Board by using abusive language.
- The Mayor was "defaming" former municipal elections candidates using abusive language.
- The Mayor "eroded public confidence" by labelling individuals who disagree with him as "Internet trolls."
- The Mayor made allegations based on "information that was heard, not documented or pursued in public" and that this hearsay erodes public confidence in municipal institutions.

48. The Complainant argues that the merits of the debate over moving to OPP policing are not relevant to the inquiry. Instead, the only question is whether the Mayor contravened the Code. The Complainant does not want to "re-litigate OPS [versus] OPP but rather identify blatant Code of Conduct violations."

49. The Complainant suggests that, by accepting a position of public service, the Mayor made a “contract with the community” that ought to prevent him from criticizing or “putting down” his constituents. This means that the “role of elected official should always put the people they represent and the Municipality above oneself.”

50. The Complainant also submits that a Council Member who posts inflammatory content on social media should be responsible when other individuals are incited to harass, to intimidate, or to engage in inappropriate conduct.

51. The Town of Orangeville is no different then any other organization, the Complainant says. There should be consequences when its officials misuse social media:

What goes on my social media is my responsibility. I cannot comment on my company's behaviour without expecting discipline or consequences

52. In reply submissions, the Complainant argues that most of the Mayor's responses do not directly address the allegations that the Code was contravened.

Position of the Mayor (Respondent)

53. The Mayor confirmed during his interview that he “stands by each and every one of the statements” he made in the posts because “they are the truth and the public has a right to know the consequences of the decisions” made by Orangeville Police Service leadership.

54. The Mayor states that the Complainant has been a vocal supporter of the Orangeville Police Service for years, and opposed his election as Mayor. He says the Complainant has criticized him both on social media and in person.

55. Further, Mayor Brown contends that the Complainant has long-considered weaponizing the Code of Conduct as a political attack. He observes that the Complainant never made any effort to seek an an informal resolution, and instead proceeded immediately to the formal Complaint Procedure.

56. In his view, serving as Mayor does not mean he must respect people in the Town who don't deserve respect. He believes that, where warranted, a sitting politician remains free to identify, to name, and “call out” anyone deserving public criticism.

57. Mayor Brown rejects any suggestion that, under the Code of Conduct, elected officials bear responsibility for the actions of supporters on social media. First, a politician must be free to communicate facts to the public, even facts difficult to accept, without fear of sanction when members of the public take their own actions as a result of those facts. Second, he believes holding politicians accountable for the actions of other individuals on social media is unworkable and ludicrous because there is no credible way to determine who is a genuine supporter.

58. The Respondent stands by his comments about the leaking of the police report on former Councillor Don Kidd. He believes that the allegations were “despicable” and designed to silence and defeat a vocal supporter of the OPP. He also stands by his view that the circumstances and timing of the news story raise legitimate suspicion that it was a member of the Orangeville Police Service that leaked the report to the media.

59. In relation to the social media users with whom he engaged in posts VII, IX, XIII, and XIX (see Appendix) and who were interviewed as part of this inquiry, the Mayor claimed they were long-time, vocal critics of his, who have been posting “offensive comments” about him for years.

60. In response to the Complainant's observation that this statement was incorrect, the Mayor acknowledges that the charges against Constable Fisher were laid by the police and not, as one of his posts said, by the Crown Attorney.

61. The Mayor states that in 2018 (prior to the election), the Police Services Board agreed to clauses in the two collective agreements and in several employment contracts that provided six weeks' severance for each year of service. He said these were “poison pill” provisions intended as a financial penalty in the event the Town ever again considered moving to OPP policing.

COMMENTS OF INTERESTED PERSONS

62. This inquiry involves social media comments in which the Mayor mentioned other people. While the only question in this inquiry is whether the Mayor contravened the Code of Conduct, I felt that it was appropriate to give notice and an opportunity to be heard to the people specifically named in the Mayor's posts. My reasons for doing so are set out at paragraph 87.

Persons Not Participating

63. I wrote individually to former Police Chief Wayne Kalinski and former Deputy Chief Leah Gilfoy. I attached the text of relevant social media posts and invited each to address the content, including whether it was false or misleading, disrespectful, harassing or abusive, an encouragement or incitement of harassment or abuse, and fair comment on a matter of public interest. Mr. Kalinski declined. Ms. Gilfoy did not respond. (I wrote to her March 6.)

64. I wrote to the former Mayor, attached the social media posts that related to him, and invited him to address them, including whether they were false or misleading, disrespectful, harassing or abusive, an encouragement or incitement of harassment or abuse, and fair comment on a matter of public interest. On March 12, he said he would reply as time allowed, but he never did.

65. I wrote to the Orangeville Police Services Board member named in the posts. I wrote separately to the only other current Police Services Board member who served on the Police Services Board at the time of the events discussed in the Mayor's posts. I asked the same questions and made the same invitation. Through a representative, they declined to participate in this inquiry.

66. I subsequently became aware, from information made public by the Mayor in an open letter, that the Ontario Civilian Police Commission is currently investigating a complaint against him. The PSB has now confirmed to me that respect for any OCPC process is the reason its members declined to participate. When I originally contacted the Police Services Board members, I was unaware of the matters described in the Mayor's open letter. I now understand and appreciate why no current Police Services Board member is able to take part in this inquiry.

Comments of Stephen Fisher

67. Former Constable Stephen Fisher accepted the opportunity to comment on the social media posts that related to him and his trial.

68. Mr. Fisher states that, to his knowledge and from his experience, the posts are a fair and accurate representation of former Orangeville Police Service leadership. He feels that his trial was "an opportunity for the citizens of Orangeville to have an idea of what the real inner workings of the former Orangeville Police [were] like."

69. He pointed out that, while he was obviously not the trier of fact, the evidence in court was provided by multiple witnesses under oath, and therefore provides a fair basis to assess the decisions and actions of Orangeville Police Service leadership. He believes this evidence overwhelmingly demonstrates, "that the management of the OPS allowed, and even fostered, a toxic workplace environment that protected specific individuals regardless of their actions."

70. Mr. Fisher agreed with the Mayor that his suspension and trial cost taxpayers a significant amount of money while simultaneously removing a member of the police force from active duty. Over and above what the Mayor said the suspension and trial cost taxpayers, he said he was indemnified for his legal fees, which cost taxpayers an extra \$75,000.

71. Mr. Fisher takes no issue with his trial being used by the Mayor as evidence that "the OPP are a better organization for the Town of Orangeville and that the removal of the OPS was completely justified."

Comments of Don Kidd

72. Former Councillor Don Kidd was named directly in one of the Respondent's Facebook posts. He participated in an interview during the inquiry.

73. Mr. Kidd believes that the 2017 assault complaint against him was frivolous and says it was evident from the outset that it did not have any merit.

74. Further, he questions how much of an investigation took place, because he attempted on several occasions to obtain a copy of the police report into the serious allegations made, and was never provided documentation confirming an investigation.

75. Mr. Kidd shares the Mayor's view that a member of the Orangeville Police Service was the most likely source of the leak of the police report to the *Orangeville Banner* on the eve of the 2018 municipal election. He agreed with the Mayor that the leak was intended to take down a politician who had consistently supported moving to OPP policing.

Comments of Social Media Users

76. The inquiry included interviews with three local social media users, including two who engaged with the Mayor on Facebook, January 16, and were the subject of posts VII, IX, XIII, and XIX (see Appendix). Their contact information was provided by the Complainant, who first confirmed their willingness to participate in the inquiry.

77. All three attested to the fact that Mayor's posts stem from the long-standing and divisive debate over policing in the Town.

78. They all believe that the Mayor's posts reflect an "us versus them mentality" and a strategy of goading his political supporters to attack his perceived opponents through social media. They say the Mayor was able to use this strategy in the debate over policing, because many of his supporters are proponents of OPP policing and detractors of the former Orangeville Police Service, but they claim they Mayor applies the same strategy in other political contexts, too.

79. Each one cited several examples of being attacked on social media by supporters of the Mayor. For example, one stated that an obvious supporter who frequently posts on the Mayor's Facebook page has referred to Orangeville Police Service supporters as "crackheads" and "Internet trolls."

80. One user said that a supporter of the Mayor (who appears by name in the posts I reviewed) went back to the user's personal Facebook page and began attaching *ad hominem* personal attacks to posts of the user unrelated to Orangeville politics.

81. They were divided on the impact of online activity by the Mayor's supporters. One said these types of personal attacks by supporters of the Mayor are so "childish and immature" that they cannot be taken seriously. Another said the online attacks can have serious professional and economic repercussions, as the language can harm reputations in the community.

82. The language they used to describe the Mayor's political supporters include "socially-inept minions" and people deployed to "do the Mayor's dirty work."

PROCESS FOLLOWED

83. In operating under the Code, I follow a process that ensures fairness to both the individual bringing a Complaint and the Council Member responding to the Complaint. This process is based on the Code of Conduct Complaint Procedure that was adopted by Council.

84. The Complaint was submitted January 19. I decided to conduct an inquiry into the allegations under sections 3.1, 14.2 and 14.3 of the Code, and issued a Notice of Inquiry to both parties.

85. The Response was received February 4. The Complainant replied on February 14.

86. On February 15, I sent the parties a Supplementary Notice of Inquiry, informing them of the interview phase of the inquiry. Both parties' submissions were detailed and addressed the issues directly, but I offered the opportunity of oral interviews if they wished to provide additional information or comment. Each accepted the offer of an oral interview.

87. While the only question in this inquiry is whether the Mayor has contravened the Code of Conduct, the question arises in the context of social media posts that mention other people. Issues raised by the Complaint include whether the posts are honest, false, misleading, respectful and fair. I determined that I cannot make findings about social media posts that mention other people's conduct without giving those other people notice and an opportunity to be heard.

88. On March 6, I wrote separately to former Police Chief Wayne Kalinski, former Deputy Police Chief Leah Gilfoy, former Mayor (and former Police Services Board Chair) Jeremy Williams, former Councillor Don Kidd, former Constable Stephen Fisher, and Police Services Board members Ken Krakar and Mary Rose. I shared with them only the material in which I determined they had an interest – namely, the text of relevant social media posts (but no identification of the Mayor as author) – and offered them an opportunity to comment. I did not share them the Complaint, the submissions of the parties, or the names of the Complainant and Respondent. My objective was to give them a fair opportunity to address social media comments about them, not to offer them

standing in the inquiry, and not to invite them to make submissions on whether the Code was contravened.

89. The Complainant informed me that three social media users connected with the January 16 Facebook exchange were willing to be interviewed. They were.

90. I issued a delegation under subsection 223.3(3) of the *Municipal Act* to Paul Burbank, a lawyer who works with me, authorizing him to conduct interviews and gather evidence.

91. I obtained from the Owen Sound Chief of Police a copy of the police report on former Councillor Don Kidd.

92. I obtained a copy of the reasons for judgment, in the *Fisher* case, of the Honourable Justice Shannon B. McPherson. I am relying on the reasons but, because of the common law publication ban, I am not including any of the content in this report.

93. I reviewed news media coverage of the matters relevant to this inquiry, including the Stephen Fisher charges, trial, and acquittal, the Don Kidd allegations, the move to OPP policing, the winding down of Orangeville Police Service, and other topics.

94. The Complainant and Mayor both provided evidence related to the context and meaning of the online comments, and both provided written submissions and took part in oral interviews. The Complainant's submissions include a detailed breakdown of all the Mayor's comments and identify specific provisions of the Code that the Mayor allegedly contravened, with the supporting argument.

95. Each party had full opportunity to address the other's submissions and to address all the issues in this inquiry.

96. Even though only a summary of the evidence and submissions appears in this report, I have considered and taken into account all the evidence, all the information provided by the parties, all the interviews, and all the submissions, whether or not specifically mentioned in this report.

FINDINGS OF FACT

97. Relevant facts also appear above, under the "Background" heading.

98. The text of the Mayor's 20 Facebook posts appears in the Appendix.

99. I make the following additional findings of fact, based on the standard of a balance of probabilities.

100. I find as a fact that the trial of Stephen Fisher was a matter of public interest.

101. I find that the Mayor had a reasonable basis to be angered by what the trial revealed about the leadership and operations of the former Orangeville Police Service – as demonstrated by the treatment of whistleblower Stephen Fisher. This does not mean that I agree with the Mayor on every point; it means that it was reasonable for him to be angered by what he heard.

102. Indeed, I find that it would have been unreasonable for a civic leader to follow the entire trial, as Mayor Brown did, and not be troubled by what was revealed.

103. I find that the factual portions of the Mayor's comments about the trial (posts I, VI, VII, XIV) were accurate.

104. In relation to post VI, I find that the Mayor's comments about bullying of Constable Fisher, a 30-second acquittal, and a \$200,000 cost were factually correct.

105. Post VI also suggests there was interaction between the Police Chief and the Crown Attorney. The entire relevant sentence reads, "Chief Kalinski bullied Fisher and convinced a Crown Attorney to lay a baseless charge which led to a 30 second acquittal." In his response to the Complaint, the Mayor acknowledges that Crown Attorneys do not lay charges (the OPP charged Constable Fisher), and states his understanding that a Crown Attorney might in a particular case provide advice to the police. In fact, after charges are laid by the police, the decision to proceed to trial belongs to the prosecution. I have no evidence that Police Chief Kalinski convinced the Crown to take the case to trial.

106. I find that the factual portions of post XI were accurate. The Mayor provided detail to support his comment about ticket fixing. The former Police Chief and former Deputy Chief did not accept the invitation to address this comment (and various other posts) of Mayor Brown. Former Mayor Williams was invited but did not address the sentence of post XI that related to him; further, the factual portion of that sentence is consistent with publicly available information. I consider the reference to former Councillor Kidd in more detail below.

107. As noted, Police Services Board members were not able to participate in the inquiry. In the absence of contrary evidence, I accept the Mayor's statement that since 2018 the police collective agreements and several police employment contracts contained "poison pill" clauses (six weeks' severance per year of service) as a financial penalty to the Town if it decided to move to OPP policing. On that basis I find that the Mayor's comment in post X was made in good faith and that he had a reasonable basis to hold that opinion.

108. I find that the opinion portions of the Mayor's comments about the trial (posts I, VI, VII, XIII, XIV) and the opinion portions of the Mayor's comments about the Orangeville Police Service and the Police Services Board (posts VII, X, XVI) were made in good faith, and the Mayor had a reasonable basis for holding those opinions.

109. I find that the use of the word "despicable" to describe "some people" in the OPS (post VII) was reasonably supported by the Fisher trial.

110. Paragraphs 107 through 109 must not be taken to mean that I agree with the Mayor, or share the opinions. They simply mean that his opinions could be reasonably held.

111. I find that the December 19, 2018, Orangeville Police Service statement on the charges against Constable Fisher was materially misleading. On a recording, two OPS members said troubling and inappropriate things. Given that the only person charged was the whistleblower who brought the recording to light, the following sentences were deceptive, if not dishonest: "We always hold our staff to a very high standard of accountability. This is not a reflection on the dedicated and professional members of the Orangeville Police Service, who keep our community safe."

112. I find that the only plausible source of the leak of the police report on former Councillor Don Kidd was someone in a leadership position of Orangeville Police Service. That officer in leadership either provided the report to the *Orangeville Banner* or provided it to another OPS member who in turn fed the newspaper. (I find, on the facts, it is unlikely that the employee who made the complaint possessed or had seen the police report.⁴ The employee was most likely not the leaker.)

113. I find, on balance of probabilities, that the purpose of the leak was to defeat a Council Member who supported OPP policing.

114. Consequently, I find that the factual component of post IV was accurate.

115. I find that the remaining posts and portions of posts are properly characterized as statements of opinion.

ISSUES AND ANALYSIS

116. After reviewing the Complaint, I declined to inquire into the allegations of breach of the *Libel and Slander Act*, and of breaches of sections 1.1, 3.2 and 14.1 of the Code.

⁴ Someone claiming to be the employee involved, and able to verify by providing the investigation file number, phoned the *Orangeville Banner* but declined to leave a name. However, the police report contained the employee's name. If the employee had access to the report, then the employee would have known it was pointless not to self-identify to the *Banner* by the name that the *Banner* already possessed.

117. The *Libel and Slander Act* lies outside the jurisdiction of an Integrity Commissioner.

118. I declined to consider section 1.1 (Statements of Principle). A statement of principle is not a provision that can be breached and an allegation under statement of principle cannot support a complaint. See: *Re Wilson*, 2017 ONMIC 13 (CanLII), at paras. 118-123; *Re Ford*, 2013 ONMIC 12 (CanLII).

119. I did not consider section 3.2 (Dealings with other Members). This section only applies to a Council Member's dealings with another Member.

120. The inquiry did not include section 14.1 (Town Harassment and Violence Policies). The material submitted with the Complaint does not allege any conduct that would constitute a breach of these policies.

121. Before turning to the applicable sections of the Code, I wish to make general observations about communications by elected municipal officials. The role of a Council Member includes communicating with members of the public about local issues. This includes not just responding to residents but initiating communication with the public. In fact, the Courts have clearly stated that, as an elected representative of the public, a municipal councillor is entitled to take "an open leadership role" on an issue.⁵ As part of the political process, a Council Member has every right to form views, to hold views, to express views and, while in office, to give effect to those views.⁶

122. In a case involving the previous Mayor of Orangeville, I observed that a municipal elected official is not required to avoid communicating on controversial, high-profile issues. Quite the contrary. "Given the political and representational roles of a municipal councillor, controversial and/or highly visible topics are ones on which a Council Member would be expected to communicate and on which a Council Member is entitled to communicate." See *Greatrix v. Williams*, 2018 ONMIC 6 (CanLII), at para. 204.

123. In other words, Mayor Brown had every right, as Mayor, to tell the community what he thought of the Stephen Fisher whistleblowing prosecution and trial, and what he thought of the former Orangeville Police Service.⁷

124. I have considered the following issues:

- A. Did the Respondent make statements that he knew to be false, or mislead Council or members of the public, contrary to section 3.1 of the Code?

⁵ *Old St. Boniface Residents Assn. v. Winnipeg (City)* (1989), 1989 CanLII 177 (MB CA), 58 Man. R. (2d) 255 (C.A.) at 264, affirmed 1990 CanLII 31 (SCC), [1990] 3 S.C.R. 1170.

⁶ *Re Cadillac Development Corp. Ltd. and City of Toronto* (1973), [1973 CanLII 818 \(ON SC\)](#), 1 O.R. (2d) 20 at 43, cited with approval by *Old St. Boniface Residents Assn. Inc.*, 1990 CanLII 31 (SCC), [1990] 3 S.C.R. 1170 at 1193.

⁷ I am silent on what Mr. Brown was or was not entitled to say in his role as a Police Services Board member. That question lies outside my jurisdiction.

B. Did the Respondent contravene section 14.2 of the Code by failing to treat members of the public with dignity, understanding and respect?

C. Did the Respondent's posts contravene section 14.3 of the Code because they amount to abuse, bullying or intimidation?

A. Did the Respondent knowingly false make statements, contrary to section 3.1 of the code?

125. No.

126. Section 3.1 of the Code reads as follows:

Members are responsible for making honest statements. No member shall make a statement when they know that statement is false. No member shall make a statement with the intent to mislead Council or members of the public.

127. The first and second sentences of section 3.1 give rise to a two-part test: First, is a statement false? Second, does a Council Member know that the statement is false?

128. With one exception, I have found that the factual portions of the Mayor's posts were accurate.

129. The exception is the statement that the Police Chief convinced the Crown Attorney to proceed with the prosecution of Constable Fisher. I have no way of knowing whether this comment is accurate. Former Chief Kalinski declined to participate in the inquiry. I did not seek to interview the prosecutor, who would have been unable to discuss with me the Crown's decision to take the case to trial.

130. I do, however, make the following observations about whether the Police Chief convinced the Crown to bring Constable Fisher to trial. First, in the overall context of post VI, the reference to convincing is immaterial. The Mayor's principal and factually-accurate point was that the defendant was acquitted. Second, in Canada, the general legal principle is that the person who asserts must prove. This is particularly true in Code of Conduct cases where a Council Member may be subject to suspension of pay and other consequences. The onus does not lie on Mayor Brown to prove that his comment was accurate. On the contrary, he can only be found to have contravened the Code if it is established that his comment was inaccurate. The inaccuracy of that comment has not been established.

131. In this case, I have applied a fair and reasonable interpretation of what is opinion, as opposed to fact. Post VI said the charges against Constable Fisher were "baseless." That is the Mayor's opinion. Post X said that former Police Services Board members, "were (are) huge supporters of [former Chief] Kalinski and were more concerned about preserving OPS than the Orangeville taxpayer." That is the Mayor's opinion.

132. Section 3.1 of the Code does not apply to Council Members' opinions. Expression of political opinion lies outside an Integrity Commissioner's purview. It is not for me to pronounce an opinion true or false. Instead, a statement of opinion is subject to being tested through political debate: *Miles v. Fortini*, 2018 ONMIC 22 (CanLII), at para. 49.

133. Subject to paragraph 130, I have found on the evidence that Mayor Brown made factual statements. Nonetheless, Town Council may wish to consider whether section 3.1 ought to remain in the Code.

134. Many municipalities have similar provisions in their codes of conduct. Many others do not.

135. Political speech, by its nature, consists primarily of opinion, with fact cited to justify the opinion. Sometimes the line between fact and opinion is unclear. Council should ask itself, first, whether the Code of Conduct should regulate truth in political speech and, second, whether an Integrity Commissioner is able to police the truth of political speech.

136. In *Re Maika*, 2018 ONMIC 11 (CanLII), I considered whether an Integrity Commissioner is in a position to investigate and rule on whether a politician has misstated a fact. I concluded, at para. 139: "In my view, utilizing the tools of political debate to respond to inaccuracies and exaggerations in political debate is far more appropriate than having Integrity Commissioners police the truth of political speech."

137. Council should also consider the observations of the Supreme Court of Canada (in a decision written by Justice Beverley McLachlin, later Chief Justice McLachlin) that it is difficult to determine total falsity conclusively,⁸ that "a statement that is true on one level for one person may be false on another level for a different person,"⁹ that the distinction between fact and opinion is "slippery,"¹⁰ that the prohibition of false speech may be used to punish deviation from "currently accepted 'truths'" that later turn out to be wrong,¹¹ that, historically, restrictions on so-called false speech have been used to suppress the speech of minority and disadvantaged groups,¹² and that false statements may sometimes have value.¹³

B. Did the Respondent contravene section 14.2 by failing to treat people with dignity, understanding and respect?

138. No.

⁸ *R. v. Zundel*, [1992] 2 S.C.R. 731, at 757-758.

⁹ *Ibid.*, at 756.

¹⁰ *Ibid.*, at 768.

¹¹ *Ibid.*, at 769.

¹² *Ibid.*, at 766, 772.

¹³ *Ibid.*, at 754-755, 758.

139. Section 14.2 of the Code provides:

Members shall treat every person, including other members, the public, staff and volunteers, with dignity, understanding and respect.

140. In my analysis, I will separately consider the Mayor's comments about public figures (including former occupants of public office), and his comments about private people.

141. I gave every public figure named in a post an opportunity to address the Mayor's comments. Only Constable Fisher and former Councillor Kidd accepted the invitation, and they both agreed with the Mayor's statements. The other public figures did not participate in the inquiry and did not provide input. (Police Services Board members have a legitimate reason for being unable to participate in this inquiry. As a result, my findings related to the Mayor's PSB comments are necessarily made without PSB input.)

142. I have found that the Mayor was making comments about events that were significant to the community, and in which it was reasonable for the Mayor to show interest.

143. Mayor Brown expressed opinions about those events and, in the course of doing so, expressed opinions about public figures associated with those events. Whether I agree or disagree with those opinions is irrelevant. What is relevant is that the Mayor held those opinions in good faith, and had a reasonable basis for doing so.

144. The Mayor used strong language, but he was describing matters of serious concern, including harassment and bullying, and punishment of a whistleblower. As I have noted, when Constable Fisher was charged, the Orangeville Police Service issued a deceptive statement and concealed the fact that other OPS members had engaged in inappropriate conduct. The evidence at trial showed how misleading the statement was. I find that the online language used by the Mayor was proportionate to the gravity of the situation he was describing.

145. I now turn to the Mayor's online interactions with private persons. I begin by clarifying that I call these residents "private" because they are not current or former holders of public positions. They did, however, choose to engage on Facebook and, in particular, they chose to comment in a thread that the Mayor had initiated, on a public social media platform. This fact is important to my assessment. All these individuals choose to participate in a public online discussion in response to a post of the Mayor.

146. This is not a case where the Mayor, on his own initiative, decided to start talking about a private person who was uninvolved in the conversation. On the contrary, these individuals chose to enter a public online conversation that the Mayor had started. They made comments. Then the Mayor commented back.

147. I agree that section 14.2 of the Code continues to apply in this situation. The Mayor is required to treat people with dignity, understanding, and respect. In every case, however, what constitutes dignity, understanding, and respect is a function of the context. In this case, the context is that people voluntarily engaged the Mayor on social media.

148. The discussion thread involving the Mayor and others was a conversation. It was a public conversation, visible to a wide potential audience, but it was still a conversation among a group of Facebook users. That conversation has to be assessed according to the ordinary practices of social media users.

149. To those unfamiliar with social media, the word “troll” sounds worse than it is. “Internet troll” is slang for someone who posts online content with the goal of provoking other users, often those targeted by the content, to react. In other words, to call someone a troll is to say: “You are posting that content just to trigger a reaction.” While that is not necessarily a flattering observation, it is merely a statement of opinion about someone’s online activity. To express the opinion that someone is an Internet troll, or to accuse someone of trolling, does not rise to a level that contravenes the Code of Conduct.

150. I make no finding on whether private persons posted online content *with the goal* of provoking a reaction. (That may or may not have been the goal of the commenter who suggested twice that the Mayor had been drinking; the person’s goal is irrelevant to this inquiry.) I simply find that the Mayor did not contravene the Code when he expressed the opinion that people had posted online content with the goal of triggering a reaction. (It is evident, however, that the Mayor was motivated to react to these persons, just as those persons appear to have been motivated to react to the Mayor.)

151. I find that the Mayor’s other comments were within the bounds of typical online conversation among people who disagree. The Complainant told the Mayor to read the Code of Conduct because he was in contravention, and then posted additional explanations that the Mayor’s statements were inappropriate. (The Complainant had every right to do so.) Other commenters expressed views that the Mayor’s commentary was “juvenile and undignified,” “absolutely appalling” and “sad and disrespectful.” (They had every right to express themselves in this manner.) The Mayor then conveyed that he disagreed, in a manner within the range of what ordinarily occurs in online discussion threads.

152. It is relevant that everyone involved was a voluntary participant in the online conversation. In fact, nobody involved was a stranger to social media. Everyone knew that if you make a post you should anticipate reaction; if you criticize someone online, you must expect a response. Such is the nature of social media.

153. As I have explained, the Mayor was required by section 14.2 to treat everyone with dignity, understanding and respect, but those concepts are shaped by the nature of the conversation. In other words, a response can push back and still be dignified,

understanding and respectful. The Mayor was entitled to defend his position. To use the Mayor's word, the Code of Conduct does not require that a Council Member become a piñata. Rejecting a criticism – such as the assertion that the Mayor had broken rules or the insinuation that he was drunk – is not necessarily the same as failing to show dignity, understanding and respect.

154. I might or might not have used different words to express the same sentiments, and I might or might not have held those sentiments in the first place, but what I would have done is irrelevant. I am not the Mayor of Orangeville and it is not my role to tell the Mayor how to improve the wording of his communications to the community. My role is to report on whether the Code of Conduct was contravened. It was not.

C. Did the Respondent engage in abuse, bullying, intimidation or harassment contrary to section 14.3?

155. No.

156. The text of section 14.3 of the Code is as follows:

All members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation. All members shall ensure that their work environment is free from discrimination and personal and sexual harassment.

157. In my view, the Mayor's posts, considered in the context of typical, day-to-day social media discussion, did not amount to abuse, bullying, intimidation or harassment.

158. I adopt in this report the following observation in the recent City of Peterborough case, *Chan v. Therrien*, 2021 ONMIC 6 (CanLII), at para 128:

Further, it is essential to interpret section 10 of the Code with an understanding of how social media function. Nobody is required to follow Mayor Therrien. People are not confronted with her opinions; they choose to access them. Canadian courts have underscored the difference between messages that people can avoid and messages that confront a captive audience. [*Committee for the Commonwealth of Canada v. Canada*, 1991 CanLII 119 (SCC), *per* L'Heureux-Dubé, J.] This difference must be taken into account in interpreting "abuse, bullying or intimidation." Only people who choose to access the Mayor's posts will see them. In my view, their *voluntary* engagement with her online content is inconsistent with a finding that they are being abused, bullied or intimidated. One cannot be bullied or intimidated by a message that one need never view in the first place, and that one is free to ignore.

159. The same considerations apply here.

160. Further, I do not find that it is appropriate under the Code to hold the Mayor responsible for the actions of other social media users. Nothing in the Code of Conduct suggests he is responsible for the behaviour of others. Indeed, I do not think the *Municipal*

Act gives a municipal council the authority to impose sanctions on councillors because of the behaviour of other people.

161. I considered a similar issue in the *Greatrix v. Williams* case, and made these observations, at paragraph 187:

The Respondent is responsible only for his own conduct. It is the nature of public discussion that some members of the public (usually, and in this specific case, a small number) may make extremely improper or offensive contributions to the debate. It is not reasonable to blame elected representatives for the comments of member of the public. Further, elected representatives are not required to refrain from public communication on issues, including controversial issues, because of what a small number of individuals might say.

162. I adopt that finding and apply it for purposes of this inquiry.

CONCLUSION AND RECOMMENDATION

163. I have found that the Mayor did not contravene the Code of Conduct.

164. This does not mean that I agree or disagree with the positions taken by the Mayor, or with his choice of language. My role is not to tell Council Members how to communicate to the people of Orangeville. My role is limited to applying the Code of Conduct.

165. In closing, I wish to observe that not everything is an Integrity Commissioner issue. Not all issues need to be handled under the Code of Conduct.

166. This is particularly true of issues related to political speech. As the Honourable Donald Cameron, a former Superior Court judge, wrote when he was the Integrity Commissioner of Brampton: “I cannot and will not be a referee of free speech in a political arena provided it stays within the bounds ... of the Code.”¹⁴

167. It has been said that if someone uses political speech to make unfair or misleading comments, then political speech itself offers a remedy: *Re Maika*, 2018 ONMIC 11, at paras. 138-139; *Gerrits v. Currie*, 2020 ONMIC 6 (CanLII), paras. 38-48. In a democracy, political speech offers the opportunity to call out, to correct, and to criticize inaccuracy and unfairness – usually in a manner that is direct, immediate, and proportionate to the original speech.

168. In this case, Orangeville residents exercised their own freedom of speech to address the Mayor’s January 16 comments. They responded right away, in their own words, on the same social media platform, visible to the same audience.

¹⁴ City of Brampton, Report No. BIC-030-192 (December 4, 2012), Integrity Commissioner Donald Cameron, at p. 3.

169. Many people approved of the Mayor's position. As one said, "Sandy, you are standing up for right which is not always easy ... Very proud of you."

170. Many others disapproved, including one Facebook user who told the Mayor:

Actually you do have an obligation to act respectfully towards every person in your community. I am so disappointed in you. I truly had higher hopes for a Mayor who acted more respectfully and professionally towards his constituents.

171. Orangeville is a democracy, in which the voters have the final say.

172. Town Council should ask itself whether an Integrity Commissioner, reviewing social media posts weeks after the fact, can contribute anything of value to supplement the timely, direct, considered, and articulate responses of the Orangeville public.

173. I recommend that Town Council consider whether it wishes to continue to use the Code of Conduct and the Integrity Commissioner to police the truth of political speech, or whether section 3.1 of the Code should be repealed.

CONTENT

174. Subsection 223.6(2) of the *Municipal Act* states that I may disclose in this report such matters as in my opinion are necessary for the purposes of the report. All the content of this report is, in my opinion, necessary.

Respectfully submitted,



Guy Giorno
Integrity Commissioner
July 19, 2021

APPENDIX: SOCIAL MEDIA POSTS

All posts except XII, XV, XVII, and XX were mentioned in the Complaint.

I	<p>I'd like to share some thoughts about the Stephen Fisher trial.</p> <ul style="list-style-type: none"> – Kalinski suspended Fisher in fall of 2018 with full pay – Fisher sits home for two years at a cost of \$205,000 to the Orangeville taxpayer - equivalent to burning this money in a barrel, because the Town received no product or service for this money – oh wait, it's actually worse, because Kalinski reduced the complement of uniformed officers by one, meaning <ul style="list-style-type: none"> a) there was one fewer officer on a shift meaning the safety of the Town or the safety of on duty officers was compromised (this did happen) or b) officers filled Fisher's spot on overtime
II	<p><i>[Responding to: Sandy Brown Your conduct on this public page is in contradiction to your mayoral code of conduct. [excerpts from Code omitted] As you are in violation of this code publicly I would suggest that you reread your expectations of your position and that of the members you represent. Thank you]</i></p> <p>I'm certainly not taking any advice from you [name] – thanks for checking in. Your campaign of love for OPS and its managers is well documented. The truth is now out so don't waste your internet troll time on me. There are probably other targets for your vitriol that care.</p>
III	<p><i>[Responding to: I find this highly inappropriate and insulting. Releasing opinion about any police agency as a member of the police services board is actually very concerning. I would suggest that you refrain from harassing your ratepayers behind your keyboard and adhere to the policies that this Town has in place in regards to conduct]</i></p> <p>– tell us [name] do you still wish the status quo had been maintained - that Kalinski and his stellar management group was still in charge – lets hear it [name]</p>
IV	<p><i>[Responding to: post unavailable]</i></p> <p>– correction [name]- “what they did to Don”</p>
V	<p><i>[Responding to: I am appalled at the lack of professionalism expressed in this post by current and former town leaders.]</i></p> <p>Are you an OPS management sympathizer? Did you watch the trial of Stephen Fisher?</p>

VI	<p><i>[Responding to: Sandy Brown I am on neither side and I have admittedly only seen part of the information on the trial. But that is irrelevant. The behaviour in this post is juvenile and undignified.]</i></p> <p>– does that mean you support workplace bullying and harassment? Do you support vexatious attacks on employees? Do you like the fact that Chief Kalinski bullied Fisher and convinced a Crown Attorney to lay a baseless charge which led to a 30 second acquittal. That attack on Fisher cost taxpayers \$200,000 and counting. Just sharing the truth</p>
VII	<p><i>[Responding to: Sandy Brown are you having buyers remorse on OPP? You seem angry about OPS now]</i></p> <p>[name] – are you really asking that? OPP has been a godsend to this community and stopped the sexual harassment, bullying of women and those with disabilities. Fantastic opportunities for exciting police careers. Buyers remorse?</p> <p>I couldn't be happier – and yes I am angry – after sitting through that trial which unveiled some despicable people. Are you prepared to make a statement about how you feel about policing in Orangeville today?</p>
VIII	<p><i>[Responding to: post unavailable]</i></p> <p>[name] - he'll always be Double Agent 0073 to me. And the Canadian Political Record Holder. 3 elections lost in one calendar year.</p>
IX	<p><i>[Responding to: Sandy Brown I respect all officers who serve with integrity no matter what force that work on. I have never said anything negative about OPP. It is incredibly sad and disrespectful how you keep mentioning OPS with your distaste. If you have issues with certain officers that's one thing. It's another to put your distaste under the entire OPS umbrella. But what trumps it all is you find it justifiable to put all your anger about it on Facebook. Not how the cool kids play.]</i></p> <p>[name] – don't twist my words – before, during and after the decision – I had nothing but good things to say about the rank and file. Management was another story. Regarding my truthful posts – would you like me to pull your FB history - people in glass houses shouldn't cast stones. Good night</p>
X	<p><i>[Responding to: I think the biggest failure here is the police service board. There [sic] job was to represent the taxpayers ... Yet they did nothing ... In effect supporting the police action that had no basis in reality ... If you know the true details you know the motivation to cross the blue line and turn on one of your own ...]</i></p> <p>[name] – that police Service Board including Williams and board member Krakar were (are) huge supporters of Kalinski and were more concerned about preserving OPS than the Orangeville taxpayer.</p>

XI	<p><i>[Responding to former Councillor Sylvia Bradley: So where are all the Kalinski fan club members? Nothing to say? Now you know what we've known all along. Nothing to be proud of.]</i></p> <p>Sylvia Bradley The Kalinski led OPS illegally manipulated a Municipal Election (unlawful release of private information tainting former Councillor Don Kidd). I was told by a principal to the matter that ticket fixing involving some of the OPS Facebook supporters occurred. There really should be an investigation. Of course Williams use of public money and the failure of that to be prosecuted has always been curious to me.</p>
XII	<p><i>[Further responding to Sylvia Bradley]</i></p> <p>Sylvia Bradley – there's [name 1] laughing Sylvia – I notice [name 2] tuned in to the trial for a bit on Friday. I'm not sure what's so funny about this. Its disgusting what happened</p>
XIII	<p><i>[Responding to: You're not hearing from us because you're irrelevant and so is the topic. Its time to move on. My guess is that there are A LOT of dirty secrets in everyone's closet. Time to move on for all of us!]</i></p> <p>[name] - you laughed at what was unveiled in sworn testimony last week. It is absolutely no time "to move on". Its time review this ugly chapter in the history of Orangeville and for those who supported the managers of OPS - its time for you to re-evaluate.</p>
XIV	<p><i>[Responding to several comments supporting the Mayor's position]</i></p> <p>– thank you [name]. Sexual harassment, bullying of female officers, bullying of cancer victims, bullying of employees injured on the job, bullying of employees suffering from PTSD</p> <p>- all allowed by the OPS management team and given as sworn testimony in a court of law. \$200,000 cost to shelve and persecute Constable Fisher and take him off the road. Disgusting. I have broad shoulders and thick skin. I took on the Chief of Police and his henchmen – these internet trolls are my amusement once and awhile. I only post the truth. If that upsets a few people – that's fine with me. Those who feel they need to please everyone - are not leaders.</p>
XV	<p><i>[Responding to Mythical Wolf: post unavailable]</i></p> <p>Mythical Wolf – thank you fake profile – I'm reporting you to FB</p>

XVI	<p><i>[Responding to former Councillor Sylvia Bradley: I know there are many out there wondering why the previous or even current Council did not do anything about many of these things although we knew what was going on. The town has NO CONTROL over the police. The only thing Council can do is approve or not approve their budget in its entirety. OPS is completely under the control of the Police Service Board and now we can see how well they did.]</i></p> <p>Sylvia Bradley – for some reason members of the Orangeville Police Service Board have historically been far too deferential to Police Service. For instance, not sure why 5 members of the last Police Service Board and the Chief thought it OK for the Executive Assistant to the Chief to also be the Secretary to the Police Service Board - a clear conflict of interest – this Board, under my leadership corrected this. Members of the Police Service Board should have to pass a Competency Exam – currently they don't. The Police Service Board is NOT PART OF THE Police Force, except in Orangeville where historically the PSB was operated out of the Chief's Office. The job of the Police Service Board is to be an oversight body - and a healthy dose of skepticism should be part of the make up of a Board member. PSB members should not be boot licking sycophants, in my opinion.</p>
XVII	<p><i>[Responding to: Unless you have a time capsule all this does is make you look like a sore winner ... time to move on. There's nothing you can do about it now, we're under the OPP now so it's time to stop whining and move on. Seriously, makes you look bad Sandy. Move on and focus on what['s] good for a while. Nothing you can do about it ... seems all we're hearing is negative from our Town leader right now. We need to hear some positive.]</i></p> <p>[name] – do you still wish Kalinski and crew were still in charge? Let's hear it [name]</p>

XVIII	<p><i>[Responding to post XVII]</i></p> <p><i>[And to: Sandy Brown actually no. I'm fully supportive of the choice made by Council to bring in the OPP. As when we had OPS I'm fully supportive of OPP. However, no matter what someone's personal perspective is you Sandy Brown is our leader of our community should uphold respect for each person in this community no matter what their opinion is. What you are demonstrating here with these horrible accusations calling other citizens trolls and making outlandish remarks all because they don't agree with you is both unprofessional and completely disrespectful and you should be ashamed to call any other citizen in a public forum names as you have been. I expected so much more! I expected you to conduct yourself in a professional manner no matter what form of public address you were using. Your hat as mayor does not ever come off after hours, you always represent our community and you are certainly not doing that now. I truly am shocked at your behaviour. You do not have to agree with what everyone else is saying but you do have to act respectfully towards the people who you represent, who hire you ...]</i></p> <p><i>– sorry [name] – I have no obligation to respect every person in our community</i></p> <p><i>– there are some reprehensible people that have not earned my respect. I'm flesh and blood just like you – not some piñata. And I'm happy to be judged some day as the person who calls out bullshit when he sees it. Have a nice night. GO BILLS!</i></p>
XIX	<p><i>[Responding to: posts VII and IX]</i></p> <p><i>[And to: Sandy Brown can I ask if you've been consuming any alcohol tonight? Your behaviour tonight is extreme even for you. Honest question? And you started the trolling by attacking some of my friends. Pot calling the question black?]</i></p> <p><i>[And to: Sandy Brown still curious about the alcohol consumption question. See how you're feeling in the morning.]</i></p> <p><i>[And to: Sandy Brown and see that's the problem with posting all your hate on social media. It's free for everyone to interpret how they/we want. You should know this. I'm sure you interpret things how you see fit. The rest of us have the same right. Is that a good thing or bad for you? Lol]]</i></p> <p><i>[name] – you really are the definition of internet troll – I feel sorry for you. I really do</i></p>
XX	<p><i>[Responding to: Sandy you are being investigated. Have you been charged yet? Why do you think you're better than Williams? He was never found to do anything wrong. What makes you say he's corrupt? @SandyBrown]</i></p> <p><i>[name] – another fake profile – geez</i></p>



Minutes of Heritage Orangeville

May 13, 2021, 7:00 p.m.

Chair and Secretary Participating Remotely The Corporation of the Town of Orangeville

Members Present: Councillor D. Sherwood
L. Addy
L. Banks
M. Hauck
G. Sarazin
M. Beattie

Staff Present: B. Ward, Manager of Planning
A. Graham, Secretary
B. Ewald

1. Call to Order

The Chair called the meeting to order at 7:01 p.m.

2. Disclosures of (Direct or Indirect) Pecuniary Interest

3. Adoption of Minutes of Previous Meeting - Not Applicable

4. Presentations

5. Items for Discussion and Reports

5.1 Comments from Bruce Ewald, Chief Building Official - Demolition of Dwelling - 14 William Street

Bruce Ewald, CBO presented to the Committee his observations and professional opinion from his visit to 14 William Street, in which he conducted a thorough inspection.

In his opinion the structure of this building, starting with foundation and to the roof is in very poor condition. A considerable amount of brick has been stuccoed and painted because the clay brick deteriorated badly. Mr. Ewald stated that previous repair work has not been done properly as the wood framing is substandard with significant rot in the floor joists. In his professional view, the dwelling cannot be restored to its original condition.

Recommendation: 2021-024

Moved by G. Sarazin

That the Committee approve the demolition at 14 William Street.

Carried Unanimously

6. Facade Improvement Applications

- 7. Correspondence**
- 8. New Business**
- 9. Date of Next Meeting**
- 10. Adjournment**

The meeting adjourned at 7:13 p.m.

Orangeville Police Services Regular (Public Session) Board Meeting Minutes

**Tuesday May 18, 2021
Electronic Meeting via Microsoft Teams
Orangeville, Ontario**

Members Present: Chair T. Taylor
Vice-Chair I. McSweeney
Member K. Krakar
Member A. MacIntosh
Member M. Rose
Secretary H. Asling

Staff Present: D. Benotto, Software Operations Supervisor
M. Pourmanouchehri, IT Technician

Invited Guests: Larry Scanlan, Tillsonburg Police Services Board
OPP Inspector – Detachment Commander T. Ward
Police Constable James Giovannetti

Minutes

1. Call to Order

The Public session was called to order at 5:05 p.m.

2. Disclosures of (Direct or Indirect) Pecuniary Interest

None.

3. Preliminary Matters

None.

Recommendation:

Motion that the Board discuss any preliminary matters.

4. Approval of Agenda

Recommendation:

Motion that the Board discuss and approve the Agenda for the May 18, 2021 Orangeville Police Services Board Regular (Public Session) Meeting.

Motion to approve the Agenda.

Moved by: Member Rose

Seconded by: Vice-Chair McSweeney

All in favour

Carried.

5. In-Camera Meeting

Recommendation: Convene into In-Camera Session.

Motion that at 5:11 p.m. the Board convene into the In-Camera Session of this meeting under Part III, Section 35(4) of the Police Services Act.

Moved by Member Rose

Seconded by: Member Krakar

All in favour

Carried

6. Public Session

Recommendation: Convene into Public Session.

Motion that at [insert time] the Board reconvene into the Public Session of this meeting.

7. Report from OPP PC Giovannetti – Mental Health Officer and the MCRT Program

Police Constable James Giovannetti noted that the OPP recognized the importance of having specially trained officers several years ago. Specially trained officers are available for 40 hours a week in Dufferin and are teamed up with a specially trained crisis worker.

He noted that there have been 158 calls for service for mental health matters which have resulted in referrals to different agencies for assistance. Persons are being diverted from the hospital and community resources are being utilized. The program is in the beginning stages and it can be tailored to suit Dufferin County. Police Constable James Giovannetti noted that wellness nights will occur in the future as opportunity to educate the community and community partners.

Police Constable James Giovannetti noted that having positive interactions with the police are resulting in fewer incidents. Members of the community are being triaged with services that assist them which result in fewer calls to the OPP for non-emergency services.

Chair Taylor inquired about the role of wellness nights, the impact and the types of speakers that would be in attendance. Police Constable James Giovannetti noted that mindfulness coaches and other supports for mental health are bringing emergency service workers to provide collaboration, wellness and coping supports.

Member Rose inquired about the situation table and how they are meeting during the pandemic.

Police Constable James Giovannetti noted that the situation table is still meeting and people within the community are being connected with resources more so now than ever. He noted that having separate police services previously complicated the situation with different agencies.

Police Constable James Giovannetti advised that there are “downtime visits” which sees people that CMHA are supporting in the community visited.

Chair Taylor inquired about whether officers attend calls in uniforms or in plain clothes. Police Constable James Giovannetti noted that this is at the discretion of the crisis worker. He noted that it is dependent upon the situation and how the crisis worker foresees the person may respond.

Chair Taylor thanked Police Constable James Giovannetti for his role and the work that he is doing in the community.

No motion required.

8. OPP Board Amalgamations – Guest Speaker Larry Scanlon, Chair of Tilsonburg Police Services Board, Tilsonburg Resolutions (see document OPP county Board resolution and TPSB resolution preamble)

Chair Taylor advised that he invited Larry Scanlon to join the Board and provide his insight and experience in the process of Police Board amalgamations.

Larry noted that Tillsonburg has a mental health unit within their policing system and it has worked very well.

Mr. Scanlan noted that he had inquired with Chair Taylor several months ago as to how the Orangeville Police Services had received the direction from the Solicitor General to amalgamate. He noted that Tillsonburg changed to OPP policing in 2000 and the cost per household was \$411 the OPP the cost per household currently is \$434. He noted that the policing services had remained the same or improved following the transition to OPP.

Mr. Scanlan noted that in his experience the competing interest of the different Boards during amalgamations is of considerable concern.

Member Rose requested clarification on the training that is required from Board Members and what types of training is required.

Chair Taylor thanked Mr. Scanlon for attending the meeting and providing his thoughts and experience.

No motion required.

9. Update from Inspector – Detachment Commander Terry Ward.

Inspector – Detachment Commander Ward noted that he would like to have Officers that run additional programs attend future meetings of the Orangeville Police Services Board.

Inspector – Detachment Commander Ward noted that many traffic complaints are coming in and officers are responding to these matters. The OPP are looking to purchase speeding devices as well to assist with

Vehicle thefts are increasing throughout Orangeville and officers are actively investigating. The OPP noted that the proximity of Orangeville to other locations makes it desirable for theft of vehicles.

Additionally, anti-mask demonstrations are still occurring throughout the Town. Inspector – Detachment Commander Ward noted that if the demonstrations continue more charges may be laid. The range of charges may be expanding depending on the legislation. He noted that the goal is education and only a few charges have been laid thus far.

Chair Taylor inquired about the 40 km/hour speeding following a resident complaint. Inspector – Detachment Commander Ward noted that traffic enforcement is being conducted throughout Town.

Inspector – Detachment Commander Ward noted the importance of residents calling the OPP directly and not contacting Town officials.

Inspector – Detachment Commander Ward requested support from Board Members to defer traffic complaints to the OPP directly.

Chair Taylor inquired if the OPP is enforcing the provincial pandemic rules concerning persons attending golf courses.

Motion that the Board receive the report.

Moved by: Member MacIntosh

Seconded by: Member Rose

All in favour

Carried.

10. Police Services Board Financials (see Police Services Board Financials as of April 26, 2021)

The most recent financial information providing a record of actuals versus the budget have been provided to the Board for their review and comment.

Recommendation:

Motion that the Board receive the report.

Moved by Member Rose

Seconded by Member MacIntosh

All in favour

Carried.

11. Human Trafficking Information (see email Community Safety and Policing Grant)

Inspector – Detachment Commander noted that the grant funds have been extended to future completion dates as a result of the current pandemic.

Recommendation:

Motion that the Board receive the report.

Moved by Member Rose

Seconded by Member Krakar.

All in favour

Carried.

12. Upper Grand District School Board – Task Force on Police Presence

Member Rose noted disappointment in the decision to discontinue the school resources officer program. She noted that the previous OPP detachment commander was able to raise the Board's concern

Chair Taylor advised that he was not informed of the UGDSB decision until it was provided by OPP Inspector – Detachment Commander Ward. He concurred with the disappointment in discontinuation of the policing services program within the local schools.

Vice-Chair McSweeney agreed with the disappointment and hopes to see the program continued in the future under the correct circumstances.

OPP Inspector – Detachment Commander Ward noted that the OPP remain committed to the UGDSB for policing supports when requested. He emphasized continuing to keep the lines of communication open and the OPP is creating a community liaison position within the OPP.

Member Rose inquired if this is a trend occurring across the province. It was confirmed that this is the case.

Recommendation:

Motion that the Board receive the update.

Moved by Member Rose

Seconded by Member Krakar

All in favour

Carried.

13. Noise Reduction Letter – Jerry and Lyn Hipfner (see document Noise Reduction Parkview).

Residents of Orangeville, Jerry and Lyn have brought forward a traffic complaint pertaining to speeding and noisy vehicles on residential streets. They have raised their concerns to the OPP whom have initiated a complaint.

Recommendation:

Motion that the Board receive the correspondence from Jerry and Lyn Hipfner and discuss the potential enforcement of the noise by-law within the Town.

This item was deferred to a future meeting.

14. Trustee Documentation: Task Force Report on Policing in our Schools (see documentation from Trustee decision on Policing in our schools)

The Final Report on the Police Presence in Schools Task Force which made recommendations to the Upper Grand District School Board on Policing in Schools will be reviewed. The equity, diversity and inclusivity of students in the UGDSB as they intersect with Police will be reviewed to collect, interpret and analyze data on a go-forward basis.

Recommendation:

Motion that the Board receive and discuss the report.

Duplicate removed

15. CSP Grant Local and / or provincial stream (see email CSP Grant – Local streams).

The CSP Grant – Local Streams – Mental Health Initiatives Final Report – (Year 2) and accompanying documents have been provided by Mary Lou Archer, Special Projects Officer at the Town of Orangeville.

Recommendation:

Motion that the Board receive and discuss the report.

Moved by Member Rose

Seconded by Member Krakar

All in favour Carried.

16. Black Cat Speed Measuring Device (see document re: Black Cat Speed Measuring Device).

The Board discussed the use and implementation of the speeding devices. OPP Inspector – Detachment Commander Ward noted that these devices save policing hours and determine traffic and speeding patterns in areas that are under observation.

OPP noted that the Black Cat cameras cost \$4,600 per unit and the lifecycle is approximately 10-15 years.

Member Rose inquired about whether the OPP was seeking Board funds.

OPP Inspector – Detachment Commander Ward noted that he is seeking funds from the Orangeville Town Council to keep the devices within Orangeville.

Recommendation:

Motion that the Board receive the report and that Member MacIntosh and Chair Taylor and suggest endorsement procurement of the devices for use only within Orangeville.

Moved by: Member Rose

Seconded by: Member Krakar

All in favour Carried.

17. Sharepoint shared Drive for Orangeville Police Services Board Administration (see documentation: Shared Drive next steps)

A discussion and demonstration by Mr. Benotto, Town of Orangeville IT services previewed the new SharePoint site for the Orangeville Police Services Board.

Chair Taylor requested that the meeting package be distributed via Sharepoint for

Motion that the Board receive the information and begin to utilize the shared drive.

Moved by: Member MacIntosh

Seconded by: Member Krakar

All in favour

Carried.

18. Bylaw Review presented by Member Krakar (see document “Under Review” and Appendices in other communities).

Revisions to By-Law No. 001-2020, the governing by-law to the proceedings of the Police Services Board for the Town of Orangeville have been amended by Member Krakar. Member Krakar will lead the Board in a discussion of suggested changes and / or revision to the by-law for Board comment and review.

This item will be deferred to a special meeting.

19. Adoption of Minutes of Previous Board Meetings

19.1 Minutes from the Orangeville Police Services Board Regular (Public Session) Meeting held on Tuesday, April 20, 2021)

Recommendation:

Motion that the Minutes from the Orangeville Police Services Board Regular (Public Session) meeting held on Tuesday, April 20, 2021 be approved.

Moved by: Member Rose

Seconded by Member MacIntosh

All in favour

Carried.

20. Board Member Claims for Special Remuneration

1. The Chair, Vice-Chair and Secretary attended the Joint PSB meeting with members from across Dufferin County on April 23, 2021. Their claims for special remuneration are attached.
2. Board members attended a special in-camera meeting of the Board on April 27, 2021. Board member claims for special meeting remuneration are attached.
3. The Secretary purchased computer peripheral equipment, the expense claim and receipt are attached.
4. Chair Taylor and Vice-Chair McSweeney attended a meeting with Duane Sprague and Emily Jefferson of the Ministry of the Solicitor General on May 14, 2021. The Chair's and Vice-Chair's claims for special remuneration are attached.

Motion to approve the expenses and submit them for remuneration to the Town of Orangeville.

Member Rose

Member MacIntosh

All in favour

Carried.

Recommendation:

Motion that the Board review and approve the above special remuneration and expense claims for reimbursement.

21. Question Period

None.

22. Presentations

None.

23. Delegations

None.

24. Correspondence

None.

25. Reports

26. New Business

27. Adjournment

Recommendation:

That the meeting be adjourned at 6:31 p.m.


Moved by Member MacIntosh

Seconded by Member Rose

All in favour

Carried.

Confirmation of Date and Time of Next Regular (Public Session) Meeting –
Tuesday June 15, 2021 at 5:00 p.m.



Todd Taylor
Chair Orangeville Police Services Board

Chair, Police Services Board



Secretary, Police Services Board



Minutes of a Committee of Adjustment Meeting

Electronic Participation

June 2, 2021, 6:00 p.m.

Chair and Secretary-Treasurer Participating Remotely The Corporation of the Town of Orangeville

Members Present: Hiedi Murray, Chair
Jason Bertrand
Alan Howe
Rita Baldassara
S. Wilson

Staff Present: L. Russell, Senior Planner
T. MacDonald, Acting Secretary-Treasurer

1. Call to Order

The meeting was called to order at 6:00 p.m.

2. Disclosures of (Direct or Indirect) Pecuniary Interest

None.

3. Adoption of Minutes of Previous Meeting

Recommendation: 2021-016

Moved by Rita Baldassara

That the minutes of the following meeting are approved:

2021-05-05 Committee of Adjustment Minutes

Carried

4. Statutory Public Hearing

4.1 File No. A-07-21- 386 Thompson Road

The Chair asked if anyone wished to speak in favour of the application. The applicant indicated that a longer driveway is required as there is need of an additional parking space to accommodate a third vehicle. Amanda McKill indicated her support of the application. Gerald Vendenberg indicated his support of the application.

The Chair asked if any of the members had any questions. Mr. Wilson inquired about the use of the garage and the applicant indicated that in order to park three vehicles and not encroach on the sidewalk or roadway they require space in addition to the garage and current driveway. Mr. Wilson questioned if the parking for all the units in the subdivision is suitable for two vehicles is it anticipated that other property owners would

also seek a minor variance. L. Russell, Senior Planner indicated that to date two other property owners have requested pre consultation meetings related to similar requests.

The Chair asked if anyone wished to speak in opposition to the application. No comments were made.

Recommendation: 2021-017

Moved by Jason Bertrand

That the following reports and correspondence be received:

- A report from L. Russell, Senior Planner, Infrastructure Services, dated May 5, 2021
- Correspondence from Gerald Vendenberg dated May 26, 2021

And that Minor Variance Application A07-21 to increase the depth of the driveway from 9.0 metres from the rear lot line to 11.0 metres, only as it relates to the extent of the driveway as shown on Attachment 2, be approved, subject to the following condition:

1. That any portion of the driveway between 9.0 metres and 11.0 metres from the rear lot line be comprised of permeable material.

Carried

5. Items for Discussion

None.

6. Correspondence

None.

7. New Business

None.

8. Date of Next Meeting

The next meeting is scheduled for July 7, 2021.

9. Adjournment

The meeting was adjourned at 6:17 p.m.



The Corporation of the Town of Orangeville

By-law Number 2021-

A by-law to amend Restaurant By-law 2004-117 to change the expiry date of the licences of those businesses operating within the Town of Orangeville.

Whereas pursuant to Section 150(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality; and

Whereas the Council of The Corporation of the Town of Orangeville deems it expedient to amend the expiry date of specified business licences;

Now therefore be it resolved that the Council for The Corporation of the Town of Orangeville hereby enacts as follows:

1. That section 5.1 of By-law 2004-117, a by-law to license, regulate and govern eating establishments in the Town of Orangeville, be deleted and replaced with the following:
 - 5.1 Any licence issued under the provisions of this by-law shall be for the current year and shall expire on the 30th day of September following the year of issue or until said licence is revoked.

Read three times and finally passed this 9th day of August, 2021.

Sandy Brown, Mayor

Carolina Khan, Deputy Clerk



The Corporation of the Town of Orangeville

By-law Number _____

A By-law to Adopt Amendment No. 128 to the Official Plan (2040771 Ontario Inc.; OPZ-2019-06).

The Council of the Corporation of The Town of Orangeville, in accordance with the provisions of Section 22 of the Planning Act, R.S.O. 1990, c.P.13 and amendments thereto, hereby enacts as follows:

1. Amendment No. 128 to the Official Plan for The Town of Orangeville, consisting of the attached explanatory text and maps is hereby adopted.

Passed in open Council this 9th day of August, 2021.

Sandy Brown, Mayor

Karen Landry, Clerk

**The Official Plan
for the
Town of Orangeville
Amendment No. 128**

The attached explanatory text and map, constituting Amendment Number 128 to the Official Plan for the Town of Orangeville, was adopted by the Council of the Corporation of the Town of Orangeville, under the provisions of Section 22 of the Planning Act, R.S.O., 1999, C. P.13 on August 9, 2021.

Sandy Brown, Mayor

Karen Landry, Clerk

**The Official Plan
for The Town of Orangeville
Amendment No. 128**

Part A – The Preamble

1. Purpose of the Amendment

The purpose of the amendment is to re-designate the subject lands from “Service Commercial” and “Open Space Conservation” to “Central Business District” and “Open Space Conservation”.

2. Location

This amendment applies to the lands described as Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138, municipally known as 60 and 62 Broadway. The subject lands are located on the south east corner of Broadway and Wellington Street and bounded by Front Street to the south. The subject lands are comprised of two parcels, with a combined lot area of approximately 0.631 hectares.

3. Basis of the Amendment

The subject lands are located in an area comprised of several uses. To the immediate west is the “Central Business District” which permits a range of residential and commercial uses, and to the east the “Service Commercial” area permits a range of commercial uses including automotive-related uses. To the north and south are low-density residential neighbourhoods. The subject lands have been historically used for automotive-related uses, in addition to residential uses at 60 Broadway.

A complete application to amend the Official Plan was received on December 13, 2019, which sought to re-designate the subject lands to permit a five (5) storey, mixed-use building containing 60 dwelling units and ground-level commercial uses. On March 9, 2020, a statutory public meeting was held for public review and comment. Following the public meeting and in response to comments from the public and Council, the applicant reduced the height of the proposed building on the east side of the property from 5-storeys to 4-storeys, reduced the proposed number of residential units from 60 to 58, and reduced the proposed retail floor area on the ground floor. A related Zoning By-law amendment application will implement the development as proposed.

The subject lands are designated “Service Commercial” and “Open Space Conservation” on Schedule ‘A’ “Land Use Plan” in the Town of Orangeville Official Plan. An Official Plan Amendment is required to re-designate the subject lands as “Central

Business District” and “Open Space Conservation” to permit the development of a 5-storey, 58-unit mixed use building with 587 square metres of ground floor retail.

The basis for this amendment is as follows:

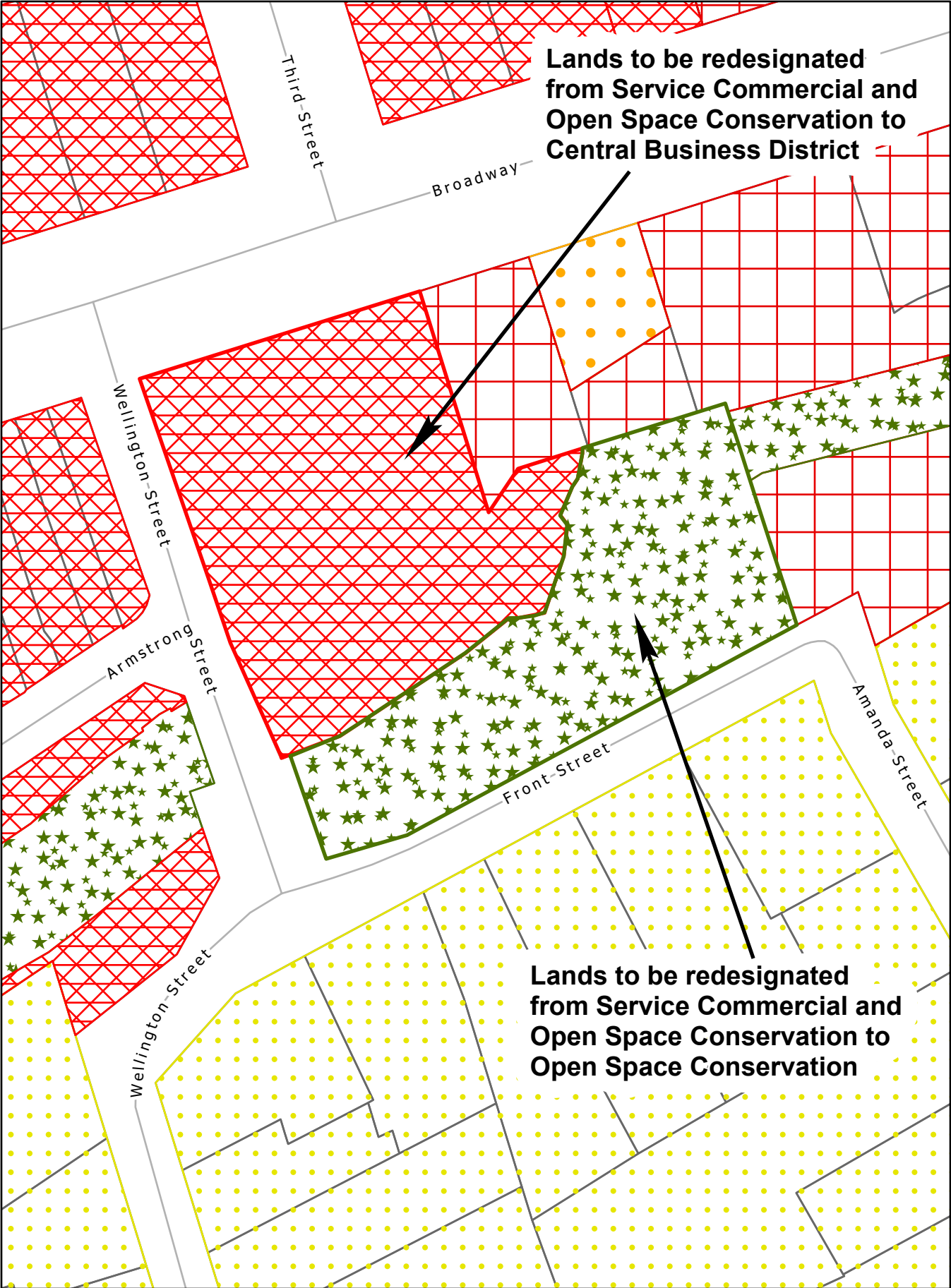
1. The proposed development is consistent with the Provincial Policy Statement, 2020.
2. The proposed development conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.
3. The proposed development conforms to the Dufferin County Official Plan.
4. The proposed development conforms to the general intent and purpose of the Town of Orangeville Official Plan.
5. The proposed development will assist the Town in achieving intensification and housing goals.
6. The proposed development will assist in providing a range of uses to achieve a complete community.
7. The proposed development is appropriate within existing neighbourhood context.
8. The proposed development will connect to full municipal services.
9. The proposed development will result in protected Open Space lands.

Part B – The Amendment

The Official Plan for the Town of Orangeville is amended as follows:

1. Schedule “A” “Land Use Plan” is hereby amended by designating the lands to “Central Business District” and “Open Space Conservation” as shown on the attached Schedule “A” to this amendment.

Schedule 'A' to Official Plan Amendment No. 128





**The Corporation of the Town of Orangeville
By-law Number _____**

**A By-law to amend Zoning By-law No. 22-90 as amended,
with respect to Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138
municipally known as 60 and 62 Broadway**

(25755845 Ontario Inc., File No. OPZ-2019-06)

Whereas the Council of the Corporation of the Town of Orangeville is empowered to pass By-laws to permit the use of land pursuant to Sections 34 and 36 of the Planning Act, RSO 1990, as amended;

And whereas Council considers it desirable to pass a By-law to amend Zoning By-law No. 22-90, as amended, to permit a 5-storey, 58-unit mixed use building on Part of Lots 1, 3, 4 & 5, Block 4, Registered Plan 138, municipally known as 60 and 62 Broadway.

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

1. That Schedule "A", Map C5 to Zoning By-law No. 22-90, as amended, is hereby further amended by rezoning the lands as depicted on Schedule "A" attached to this By-law.
2. That Section 24 of By-law 22-90, as amended, is hereby further amended by adding the following thereto:

"24.227 Notwithstanding the provisions of Section 13A.2 (7) of By-law 22-90, as amended, the following provisions shall apply to the lands zoned as Central Business District (CBD) Zone, Special Provision 24.227:

Maximum Dwelling Units: 58 units

Building Height (maximum): 16 metres or 4 storeys, whichever is the lesser, for the portion of the building that is within 21 metres of the easterly side

lot line, and 20 metres or 5 storeys,
whichever is the lesser, for the
remainder of the building.

Notwithstanding Section 5.17.7(a), the following regulations shall apply to
the lands zoned Central Business District (CBD) Zone, SP 24.227:

Landscape Strip (minimum)

- Abutting the Wellington Street lot line 0.4 metres"

Holding Symbol

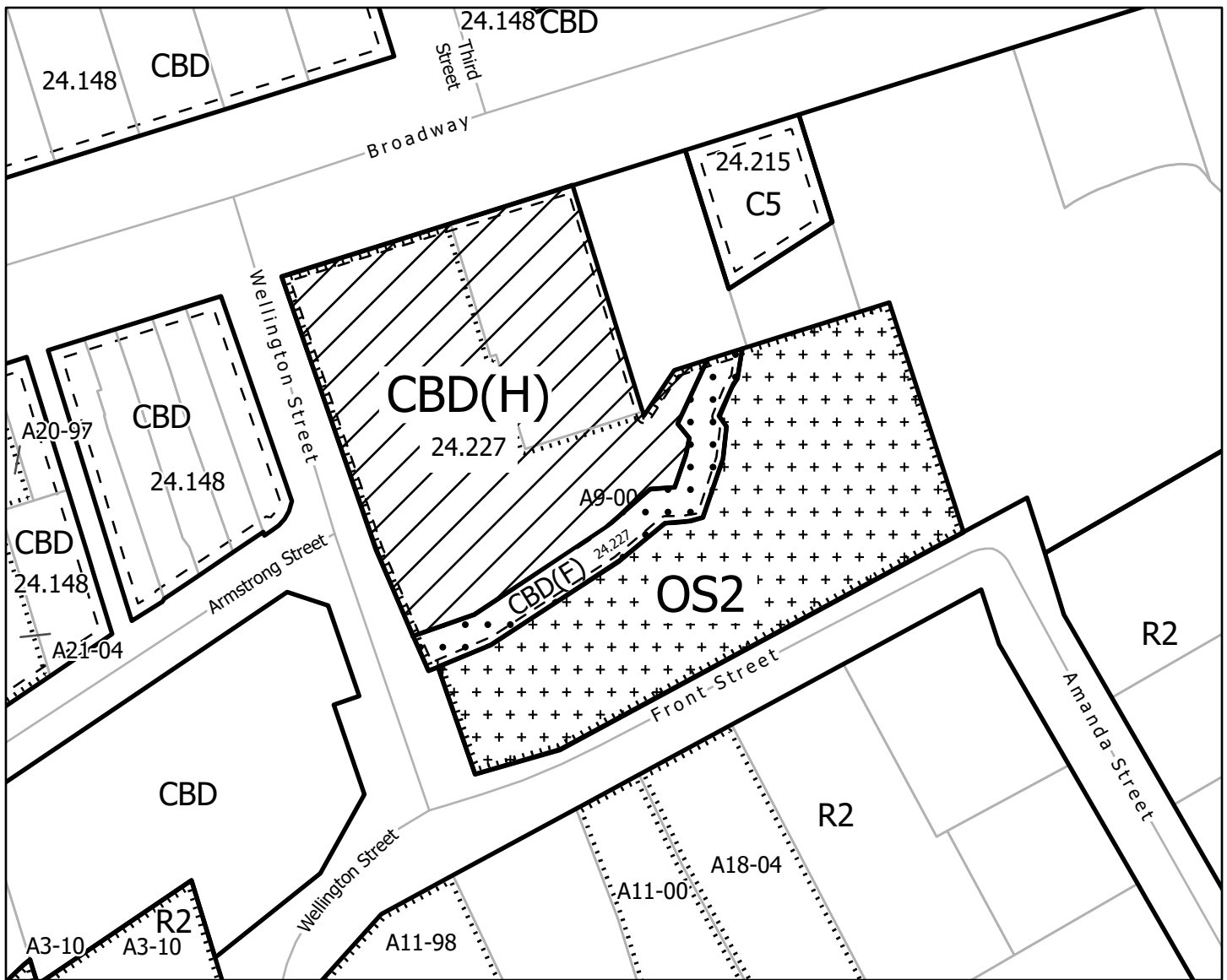
The Holding Symbol (H) shall only be removed from all or a portion of the
lands when the Town is satisfied:

- 1) that there is sufficient water supply and sewage treatment capacity to
service the development or portion thereof as the case may be.

Passed in open Council this 9th day of August, 2021.

Sandy Brown, Mayor

Karen Landry, Clerk



The Corporation of The Town of Orangeville
 Schedule 'A' Town of Orangeville Zoning By-law 22-90

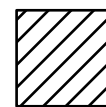
Schedule **"A"** to by-law

Passed the _____ day of _____

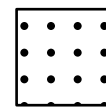
 Mayor

 Clerk

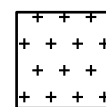
Zoning Map No. C5
 This is a reference map only



Lands to be rezoned from
 Service Commercial (C3) Zone to
 Central Business District (CBD)(H)
 Zone, S.P. 24.227



Lands to be rezoned from
 Service Commercial (C3) Zone to
 Central Business District (CBD)(F)
 Zone, S.P. 24.227



Lands to be rezoned from
 Service Commercial (C3) Zone and
 Service Commercial (C3)(F) Zone
 to Open Space - Conservation
 (OS2) Zone



The Corporation of the Town of Orangeville

By-law Number 2021

A by-law to declare as surplus and to authorize the sale of the unused rail spur lands legally described as Part 3 and 4, Reference Plan 7R-2408

Whereas the Municipal Act, 2001, S.O. 2001, c.25, s. 9 provides a municipality with the powers of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas notice of intention to pass a by-law to close and sell the land was posted on the Town's website on July 22, 2021 and published in the Orangeville Citizen on July 22, 2021 and July 29, 2021 in accordance with the Town's Notice Policy;

And whereas the notice advised that any person who submitted a written claim to the Clerk or registered as a delegate that their lands would be prejudicially affected by such by-law would be heard by Council on August 9, 2021.

Now therefore be it resolved that Council for The Corporation of the Town of Orangeville hereby enacts as follows:

1. That the lands legally described as Part 3 and 4, Reference Plan 7R-2408 be declared surplus to the needs of the Town.
2. That Council authorizes the entering into of an Agreement of Purchase and Sale with Aligroup Properties Inc. dated July 9, 2021 for the sale of lands legally described as Parts 3 and 4, Reference Plan 7R-2408, Town of Orangeville.
3. That the Mayor and Clerk are hereby authorized to execute any document to effect the transfer of the said lands.

Read three times and finally passed this 9th day of August, 2021.

Sandy Brown, Mayor

Karen Landry, Clerk



The Corporation of the Town of Orangeville

By-law Number 2021-

A by-law to confirm the proceedings of the Council of The Corporation of the Town of Orangeville at its Regular and Closed Council Meeting held on August 9, 2021

Whereas Section 5 (1) of the Municipal Act, 2001, as amended, provides that the powers of a municipal corporation shall be exercised by its council;

And whereas Section 5 (3) of the Municipal Act, 2001, as amended, provides that municipal powers shall be exercised by by-law;

Be it therefore enacted by the municipal Council of The Corporation of the Town of Orangeville as follows:

1. That all actions of the Council of The Corporation of the Town of Orangeville at its Regular and Closed Council Meeting held on August 9, 2021, with respect to every report, motion, by-law, or other action passed and taken by the Council, including the exercise of natural person powers, are hereby adopted, ratified and confirmed as if all such proceedings were expressly embodied in this or a separate by-law.
2. That the Mayor and Clerk are authorized and directed to do all the things necessary to give effect to the action of the Council of The Corporation of the Town of Orangeville referred to in the preceding section.
3. That the Mayor and the Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the Town of Orangeville.

Passed in open Council this 9th day of August, 2021

Sandy Brown, Mayor

Karen Landry, Clerk