

Revised Council Agenda

Revised Items are Italicized.

Meeting Number: 9
April 30, 2019, 6:00 PM
Council Chamber

Alternate formats for this document are available upon request.
Council meetings are live video and audio streamed on the City's website.

Note: As per Section 7.1(h) of the Council Procedural By-Law, Council will take a ten minute recess after two hours have passed since the last break.

Pages

1. CALL TO ORDER

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

2. DISCLOSURE OF PECUNIARY INTEREST

3. APPROVAL OF PREVIOUS MINUTES

3.1 COUNCIL MINUTES APRIL 16, 2019

19

1. That the Minutes of the Council Meeting held on April 16, 2019, be adopted.

4. PRESENTATIONS

5. DEPUTATIONS

5.1 *DEPUTATIONS - RECOMMENDATION REPORT APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, DRAFT PLAN OF SUBDIVISION, ZONING BY-LAW AMENDMENT, AND SITE PLAN APPROVAL BY*

GEMTERRA (WOODBINE) INC. TO PERMIT TOWNHOUSES AT 9064 TO

*9110 WOODBINE AVENUE (WARD 2) FILE NOS. OP/SU/ZA/SC 17 153653
(10.3, 10.7, 10.5 & 10.6)*

The following individuals will address Council on this matter:

1. Brian Ferrier
2. Jennifer Li
3. Fanny Sipidias
4. Ming Lee
5. Kiran Vagale
6. Sarah Jin
7. Alex Wong
8. Erica Xia
9. Cecilia Luk
10. Lai Wong
11. Ken Wong
12. Susan Treki
13. Mika Lai

(Report No. 16, Item 8.1.1)

6. COMMUNICATIONS

6.1 13-2019 COMMUNICATION - QUESTIONS REGARDING GEMTERRA (WOODBINE) INC., (10.3, 10.7, 10.5 & 10.6)

44

Letter dated April 29, 2019 from the Directors of YRSCP 982, 953 and 1003 (Millbrook Village) providing comments regarding the proposed recommendation report.

(Report No. 16, Item 8.1.1)

That the letter dated April 29, 2019 from the Directors of YRSCP 982, 953 and 1003 (Millbrook Village) providing comments regarding the proposed recommendation, be received.

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

No Attachments

1. That the following proclamation issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:
 - *Be Kind to Animals Week - May 6-12, 2019*
 - Markham Fair Week - September 30 - October 7, 2019
2. That the following request for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:
 - Innovation Week in the City of Markham - May 6-12, 2019
(Organized by the City of Markham)

8. REPORT OF STANDING COMMITTEE

8.1 REPORT NO. 16 - DEVELOPMENT SERVICES COMMITTEE (April 1, 2019)

Please refer to your April 1, 2019 Development Services Committee Agenda for reports.

To the Mayor and Members of Council:

That the report of the Development Services Committee be received & adopted.
(1 Item):

8.1.1 RECOMMENDATION REPORT APPLICATIONS FOR OFFICIAL PLAN AMENDMENT, DRAFT PLAN OF SUBDIVISION, ZONING BY-LAW AMENDMENT, AND SITE PLAN APPROVAL BY GEMTERRA (WOODBINE) INC. TO PERMIT TOWNHOUSES AT 9064 TO 9110 WOODBINE AVENUE (WARD 2) FILE NOS. OP/SU/ZA/SC 17 153653 (10.3, 10.7, 10.5 & 10.6)

45

1. That the Staff report titled “Recommendation Report – Applications for Official Plan Amendment, Draft Plan of Subdivision, Zoning By-law Amendment, and Site Plan Approval by Gemterra (Woodbine) Inc. to permit townhouses at 9064 to 9110 Woodbine Avenue (Ward 2) File Nos. OP/SU/ZA/ /SC 17 153653” be received; and,
2. **That the deputation of Malcolm Ng be received; and,**
3. That the proposed amendment to the 2014 Markham Official Plan, attached as Appendix ‘A’, be finalized and approved; and,

4. That Draft Plan of Subdivision 19TM-17004 submitted by Gemterra (Woodbine) Inc., be finalized and approved subject to the conditions outlined in Appendix 'B'; and,
5. That the draft plan approval for Plan of Subdivision 19TM-17004 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period; and,
6. That the Director of Planning and Urban Design, or their designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'B' as may be amended by the Director of Planning and Urban Design; and,
7. That the amendments to Zoning By-laws 19-94 and 177-96, as amended be approved and the draft implementing Zoning By-law, attached as Appendix 'C', be finalized and enacted without further notice; and,
8. That the Site Plan application by Gemterra (Woodbine) Inc. be endorsed, in principle, and that staff continue to work with the applicant to refine the site plan, prior to site plan endorsement by the Director of Planning and Urban Design; and,
9. **That Staff be directed to work with the applicant to explore the possibility of reducing the maximum elevations for units 32 and 33 to ensure an appropriate transition to the existing townhomes in the adjacent condominium complex to the north; and,**
10. That site plan endorsement shall lapse after a period of three (3) years from the date of Staff endorsement in the event that the site plan agreement is not executed within that period; and,
11. That in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the zoning by-law attached as Appendix "B" to this report, before the second anniversary of the day on which the by-law was approved by Council; and,
12. That servicing allocation for thirty-three (33) townhouse units be assigned to the subject development; and,

13. That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
14. **That Staff be directed to place this matter on the April 30, 2019 Council agenda for consideration; and further,**
15. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2 REPORT NO. 18 - DEVELOPMENT SERVICES COMMITTEE (April 15, 2019)

Please refer to your April 15, 2019 Development Services Committee Agenda for reports.

To the Mayor and Members of Council:

That the report of the Development Services Committee be received & adopted.
(Items 1 - 5):

8.2.1 RECOMMENDATION REPORT DEMOLITION PERMIT APPLICATION 19 110922 DP SINGLE DETACHED DWELLING 29 SUMNER LANE, THORNHILL HERITAGE CONSERVATION DISTRICT WARD 1 (10.13, 16.11)

90

1. That the report entitled “Demolition Permit Application 19 110922 DP, Single Detached Dwelling, 29 Sumner Lane, Thornhill Heritage Conservation District, Ward 1”, dated April 15, 2019, be received; and,
2. That the demolition of the derelict, vacant, non-heritage, single detached dwelling at 29 Sumner Lane be supported; and,
3. That final approval of the demolition permit application not be granted until the applicant provides documentation to the Building Department that a permit has been approved by the TRCA for the demolition of the structures and the infilling of the basement excavations; and,
4. **That the applicant be advised of the timeline following the issuance of a demolition permit after which development charges will be reassessed; and further,**
5. That staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.2 RECOMMENDATION REPORT INTENTION TO DESIGNATE A

97

PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE
ACT THOMAS H. BRUELS HOUSE 2 AILEEN LEWIS COURT,
WARD 4 (16.11.3)

1. That the staff report entitled “Intention to Designate a Property under Part IV of the Ontario Heritage Act, Thomas H. Bruels House, 2 Aileen Lewis Court”, dated April 15, 2019, be received; and,
2. That as a condition of the approved Site Plan Agreement, the Thomas H. Bruels House at 2 Aileen Lewis Court be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
3. That the Clerk’s Department be authorized to publish and serve Council’s Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
4. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.3 TRAFFIC CONTROL SIGNALS BY-LAW AMENDMENT (CITY-
WIDE) (5.12)

105

1. That the report entitled “Traffic Control Signals By-Law Amendment”, be received; and,
2. That Schedule 19 of Traffic By-Law 106-71, pertaining to “Traffic Control Signals”, be amended by including the following intersections:
 - Allstate Parkway at Norman Bethune Avenue / Centurian Drive
 - Birchmount Road at Aviva Way
 - Birchmount Road at Verdale Crossing
 - Birchmount Road, 125 metres south of Enterprise

Boulevard

- Bur Oak Avenue at Roy Rainey Avenue
 - Centurian Drive at Frontenac Drive
 - Enterprise Boulevard at Andre De Grasse Street
 - Enterprise Boulevard at Bill Crothers Drive
 - Enterprise Boulevard at University Boulevard (formerly Ravis Road)
 - Enterprise Boulevard / Unionville Gate at Main Street Unionville
 - John Street, 30 metres east of Rockingham Court (Lake to Lake Route)
 - Norman Bethune Avenue at Aristotle Avenue
 - YMCA Boulevard at University Boulevard (formerly Ravis Road)
3. That Schedule 12 of Traffic By-Law 106-71, pertaining to “Compulsory Stops”, be amended by rescinding the stop controls at the following intersections:
 - Allstate Parkway at Centurian Drive
 - Bur Oak Avenue at Roy Rainey Avenue
 - Centurian Drive at Frontenac Drive
 - Main Street Unionville at Unionville Gate
 4. That the amended by-law shall come into force and effect when the authorized traffic control signals have been energized; and,
 5. That York Region Police be requested to enforce the traffic signals upon passing of the By-law; and further,
 6. That staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-law 2019-52)

8.2.4 DELEGATED AUTHORITY FOR ACCEPTANCE FOR MAINTENANCE AND ASSUMPTION (CITY WIDE) (10.7)

110

1. That the report “Delegated Authority for Acceptance for Maintenance and Assumption (City Wide)” be received;

and,

2. That the Director of Engineering be authorized to accept 'Plan' (Registered 65M-Plans and/or Reference Plans that contain Municipal infrastructures) for Acceptance for Maintenance and establish the maintenance period commencement date; and,
3. That the Director of Engineering be authorized to accept 'Plan' (Registered 65M-Plans and/or Reference Plans that contain Municipal infrastructures) for Assumption; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.2.5 FRIENDS OF THE MARKHAM MUSEUM BOARD MINUTES
DATED JANUARY 9, 2019 AND EXTRACT DATED MARCH 6,
2019 (16.0)

113

1. That the minutes of the Friends of the Markham Museum Board meeting held January 9, 2019, be received for information purposes; and,
2. That Council endorse the recommendations from the March 6, 2019 Friends of the Markham Museum Board Extract:

“That the list of artifacts (Attachment A) from the Chapman House Main Floor, Spinning Wheels & Wool Winders, Sewing Machines and the Maxwell Cabin be approved for deaccession and sent to the City of Markham for approval; and,
That the list of artifacts (Attachment B) from the Chapman House Main Floor Cont'd, Furniture – Visible Storage (Batch#1) be approved for deaccession and submitted to the City of Markham for final approval.”

8.3 REPORT NO. 19 - GENERAL COMMITTEE (April 23, 2019)

Please refer to your April 23, 2019 General Committee Agenda for reports.

To the Mayor and Members of Council:

That the report of the General Committee be received & adopted. (Items 1 to 4):

8.3.1 AWARD OF RFP 196-R-18 SUPPLY AND DELIVERY OF
WHEELED CURBSIDE GREEN BIN CONTAINERS (7.12)

126

1. That the report entitled “Award of RFP 196-R-18 Supply and Delivery of Wheeled Curbside Green Bin Containers” be received; and,
2. That the Contract for the supply and delivery of wheeled curbside green bin containers be awarded to the highest ranked / lowest priced bidder “Nova Products o/a Peninsula Plastics Ltd ” in the annual amount of \$112,731.76 inclusive of HST; and,
3. That the 2019 award amount of \$112,731.76 inclusive of HST be funded from Operating account number 770-773-4132 “Green Bins For Resale”; and,
4. That the remaining budget in the amount of \$17,268.24 be reported as part of the 2019 operating budget year-end variance and reduced from the 2020 Operating Budget; and,
5. That Staff be authorized to exercise the option to renew the contract for three (3) additional years (2020-2022) subject to the Consumer Price Index for Canada (“CPI”) (September to September) and Council approval of the 2020 to 2022 Operating budget as follows;
 - Year 1 (2020) \$112,731.76 (Incl. of HST) + CPI Index
 - Year 2 (2021) \$112,731.76 (Incl. of HST) + CPI Index
 - Year 3 (2022) \$112,731.76 (Incl. of HST) + CPI Index; and further,
 - That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.3.2 2018 CONSOLIDATED FINANCIAL STATEMENTS (7.0)

129

1. That the presentation titled “2018 Consolidated Financial Statements” be received; and,
2. That the report titled “2018 Consolidated Financial Statements” be received; and
3. That Council approve the draft Consolidated Financial Statements of The Corporation of the City of Markham (the City), the City of Markham Public Library (the Library), Community Boards, Business Improvement Areas (BIAs) and Investment in Markham Enterprises Corporation (MEC), for the fiscal year ended December 31, 2018; and,
4. That Council authorize Staff to publish the final audited

Statements for the fiscal year ended December 31, 2018 upon receiving the Independent Auditors' Report; and,

5. That the KPMG LLP Audit Findings Report for the year ended December 31, 2018 be received; and,
6. That this matter be forwarded to Council for adoption on April 30, 2019; and, further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

8.3.3 WATER RELATED BY-LAW UPDATE AND CONSOLIDATION (2.0 & 5.3) 200

1. That the report entitled "Water Related By-law Update and Consolidation", dated April 23, 2019, be received; and,
2. That the proposed Water Use By-law, as described in this report and in the form set out in Attachment "A" be approved and enacted; and,
3. That the four new Waterworks Fees as described in this report be approved, and that an amendment to By-law No. 2002-276 "Fee By-law", as amended, be approved and enacted in the form set out in Attachment "B"; and,
4. That an amendment to By-law No. 2016-84 "AMPS By-law for Non-Parking Offences", as amended, be approved and enacted in the form set out in Attachment "C"; and,
5. That an amendment to By-law No. 2012-137 "Licensing, Permit and Service Fees By-law", as amended, be approved and enacted in the form set out in Attachment "D"; and,
6. That each of the Director of Environmental Services and the Director of Engineering be authorized to execute agreements (i.e. "Water Service Connection Installation Agreement") for the construction of Water Service Connections with property owners under section 6.1.1 of the Proposed Water Use By-law to the satisfaction of the Director of Environmental Services or the Director of Engineering ; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

(By-laws 2019-53 to 2019-56)

8.3.4 ADVISORY BOARD AND COMMITTEE (ABC) REVIEW FOR 269

THE 2018-2022 TERM OF COUNCIL (16.0)

1. That the report titled “Advisory Board and Committee (ABC) Review for the 2018-2022 Term of Council” be received; and,
2. That Council maintain the ABCs as outlined in Appendix “E”; and,
3. That the following Advisory Committees be re-classified as Organizing Committees effective immediately: Canada Day Committee, Doors Open Markham Committee, Markham-Milliken Children’s Festival Committee, Santa Claus Parade Committee; and,
4. That the decision to amalgamate or dissolve the ABCs as outlined in Appendix “F” as of June 30, 2019 be referred to the May 6, 2019 General Committee meeting; and,
5. That the composition of the Appointment Committee be maintained & that this Committee conduct interviews for the Heritage Markham Committee, Committee of Adjustment, & the Library Board; and, that the decision on how interviews will be conducted for all remaining ABCs be referred to the May 6, 2019 General Committee meeting, and,
6. That once a decision is made on the amalgamation or dissolution of ABCs, Council extend its sincere thanks to all citizen appointees & City staff liaisons of impacted ABCs for their contribution to Markham over the years; and,
7. That the following Councillors be appointed to Markham ABCs as follows:

Name of Committee	Council Members to be appointed for the 2018-2022 Term
Advisory Committee on Accessibility	Councillor Isa Lee
Animal Care Committee	Defer to May 6, 2019 General Committee

	Mayor Frank Scarpitti
	Deputy Mayor Don Hamilton
Appointment Committee	Regional Councillor Jack Heath
	Regional Councillor Jim Jones
	Regional Councillor Joe Li
Box Grove Community Centre Board	Councillor Khalid Usman
Canada Day Celebration Organizing Committee	Councillor Amanda Collucci
	Councillor Khalid Usman
Cedar Grove Community Centre Board	Regional Councillor Jack Heath
	Councillor Andrew Keyes
Cemetery Board	Defer to May 6, 2019 General Committee
	Deputy Mayor Don Hamilton
Cycling & Pedestrian Advisory Committee	Councillor Reid McAlpine
	Councillor Isa Lee
Doors Open Markham Organizing Committee	Councillor Andrew Keyes
	Councillor Reid McAlpine

Environmental Advisory Committee	Regional Councillor Joe Li
Flato Markham Theatre Advisory Board	Councillor Alan Ho Councillor Keith Irish
Friends of the Markham Museum Board	Councillor Andrew Keyes Councillor Karen Rea
German Mills Community Centre Board	Councillor Keith Irish
Heintzman House Community Centre Board	Councillor Keith Irish
Markham-Milliken Children's Festival Organizing Committee	Councillor Amanda Collucci Councillor Isa Lee Councillor Khalid Usman
Markham Sports Hall of Fame Committee	Mayor Frank Scarpitti
Markham Village Train Station Community Centre Board	Councillor Karen Rea
Mayor's Youth Council	Councillor Isa Lee Councillor Khalid Usman
Public Art Advisory Committee	Councillor Reid McAlpine

	Deputy Mayor Don Hamilton
Public Library Board	Councillor Keith Irish Councillor Andrew Keyes
Race Relations Committee	Councillor Isa Lee
Santa Claus Parade Organizing Committee	N/A
Seniors Advisory Committee	Councillor Amanda Collucci Councillor Keith Irish
Varley-McKay Art Foundation of Markham	Councillor Reid McAlpine
Victoria Square Community Centre Board	Councillor Alan Ho

8. That Staff be authorized & directed to do all things necessary to give effect to this resolution.

9. MOTIONS

10. NOTICE OF MOTION TO RECONSIDER

11. NEW/OTHER BUSINESS

Note: As per Section 2 of the Council Procedural By-Law, "New/Other Business would generally apply to an item that is to be added to the **Agenda due to an urgent statutory time requirement, or an emergency, or time sensitivity."**

11.1 RECOMMENDATION FROM THE APRIL 17, 2019 LICENSING COMMITTEE HEARING (10 LINDEMANN STREET) (2.0)

No Attachment

That the following recommendation of the Licensing Committee from the Hearing held on April 17, 2019, be approved and adopted:

1. That the application to remove one (1) Austrian Pine at 10 Lindemann Drive, Markham, be denied; and,
2. That the recommendation is based on the unique characteristics of this case only and is not intended to be precedent setting nor to be used as a basis for future cases.

11.2 RECOMMENDATION FROM THE APRIL 17, 2019 LICENSING COMMITTEE HEARING (29 HENDERSON AVENUE) (2.0)

No Attachment

That the following recommendation of the Licensing Committee from the Hearing held on April 17, 2019, be approved and adopted:

1. That the application to remove one (1) Skyline Honey Locust tree at 29 Henderson Avenue, Markham, be approved; and,
2. That the applicant provide for four (4) replacement trees on the property of 29 Henderson Avenue or any other private property in Markham, and in a size and native species deemed appropriate by staff, by September 30, 2019, or provide a cash-in-lieu payment of \$300.00 per tree; and further,
3. That the recommendations are based on the unique characteristics of this case only and are not intended to be precedent setting nor to be

used as a basis for future cases.

11.3 NEW/ OTHER BUSINESS - REQUEST FOR TENDER 057-T-19 MARKHAM VILLAGE C.C. REFRIGERATION ROOM CONSTRUCTION (7.12) **345**

1. That the report entitled “057-T-19 Markham Village C.C. Refrigeration Room Construction” be received; and,
2. That the contract for tender 057-T-19 Markham Village C.C. Refrigeration Room Construction be awarded to the sole bidder, Black & McDonald Limited in the amount of \$829,318.18 inclusive of HST; and,
3. That the cost of the award in the amount of \$829,318.18 be funded from capital project 500-101-5399-19128 “Markham Village C.C. refrigeration Room Construction” which has an available budget of \$716,439.52; and,
4. That the shortfall in the amount of \$112,878.66 be funded from the Lifecycle Replacement and Capital Reserve Fund; and,
5. That the 2020 Operating Budget reflect savings as a result of the new system and legislative TSSA Standards; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

12. ANNOUNCEMENTS

13. BY-LAWS - THREE READINGS

That By-laws 2019-51 to 2019-57 be given three readings and enacted.

Three Readings

13.1 BY-LAW 2019-51 KYMBERVILLE CAPITAL INC., PART LOT CONTROL EXEMPTION BY-LAW **349**

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control Blocks 1 to 8 (inclusive), Registered Plan 65M-4603, located north of Highway 7 East and east of Bur Oak Avenue.

13.2 BY-LAW 2019-52 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71 **351**

To amend traffic control signals and compulsory stops at specific intersections within the City of Markham.

(Report 18, Item 8.2.3)

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| 13.3 | BY-LAW 2019-53 A BY-LAW TO ENACT RULES AND REGULATIONS COVERING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A WATERWORKS SYSTEM WITHIN THE SERVICED AREA OF THE CITY OF MARKHAM | 353 |
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(Report 19, Item 8.3.4)

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| 13.4 | BY-LAW 2019-54 A BY-LAW TO AMEND BY-LAW 2002-276 BEING A BY-LAW TO IMPOSE FEES OR CHARGES FOR SERVICES OR ACTIVITIES PROVIDED OR DONE BY THE CITY OF MARKHAM | 395 |
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(Report 19, Item 8.3.4)

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| 13.5 | BY-LAW 2019-55 TO AMEND BY-LAW 2016-84 BEING A BY-LAW TO IMPLEMENT AN ADMINISTRATIVE MONETARY PENALTY SYSTEM FOR NON-PARKING OFFENCES. | 397 |
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(Report 19, Item 8.3.4)

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| 13.6 | BY-LAW 2019-56 A BY-LAW TO AMEND BYLAW 2012-137 “LICENSING, PERMIT AND SERVICE FEES BY-LAW” | 399 |
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(Report 19, Item 8.3.4)

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| 13.7 | BY-LAW 2019-57 ARISTA HOMES (BOX GROVE VILLAGE) INC., PART LOT CONTROL EXEMPTION BY-LAW | 401 |
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A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Blocks 1, 2, 4, 7, 8, 10, 14, 15, 17, 23 to 25 (inclusive) and 28 to 37 (inclusive), on Registered Plan 65M-4496, located on the north side of Copper Creek Drive, west of Donald Cousens Parkway.

14. CONFIDENTIAL ITEMS

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| 14.1 | APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - APRIL 16, 2019 |
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| 14.2 | GENERAL COMMITTEE - APRIL 23, 2019 |
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| 14.2.1 | A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD) (8.2) [Section 239 (2) (c)] |
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| 14.2.2 | A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 2) (8.2) [Section 239 (2) (c)] |
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14.3 COUNCIL - APRIL 30, 2019

- 14.3.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/COMMITTEE APPOINTMENTS) (16.24) [SECTION 239 (2) b)]

No Attachments

14.4 NEW/ OTHER BUSINESS

- 14.4.1 LABOUR RELATIONS OR EMPLOYEE NEGOTIATIONS (11.0) [Section 239 (2) (d)]

Note: At the April 23, 2019 General Committee meeting, the Committee consented to refer this item directly to the April 30, 2019 Council agenda.

- 14.4.2 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD (WARD 2) (8.2) [Section 239 (2) (c)]

Note: At the April 23, 2019 General Committee meeting, the Committee consented to refer this item directly to the April 30, 2019 Council agenda.

15. CONFIRMATORY BY-LAW - THREE READINGS

That By-law 2019-58 be given three readings and enacted.

Three Readings

BY-LAW 2019-58 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE COUNCIL MEETING OF APRIL 30, 2019.

No attachment

16. ADJOURNMENT



Council Minutes

Meeting Number: 8
April 16, 2019, 1:00 PM
Council Chamber

Roll Call	Mayor Frank Scarpitti Deputy Mayor Don Hamilton Regional Councillor Jack Heath Regional Councillor Joe Li Regional Councillor Jim Jones Councillor Keith Irish	Councillor Alan Ho Councillor Reid McAlpine Councillor Karen Rea Councillor Andrew Keyes Councillor Amanda Collucci (arrived 1:20 pm) Councillor Isa Lee
Regrets	Councillor Khalid Usman	
Staff	Andy Taylor, Chief Administrative Officer Trinela Cane, Commissioner, Corporate Services Arvin Prasad, Commissioner, Development Services Catherine Conrad, City Solicitor & Acting Director, Human Resources Joel Lustig, Treasurer Bryan Frois, Chief of Staff Kimberley Kitteringham, City Clerk	Martha Pettit, Deputy City Clerk John Wong, Technology Support Specialist II Andrea Berry, Sr. Manager, Corp Comm & Community Engagement Morgan Jones, Director, Operations Ronald Blake, Senior Manager, Development Mark Visser, Sr Manager Strategy Innovation & Investments Prathapan Kumar, Senior Manager, Infrastructure

Alternate formats for this document are available upon request

1. CALL TO ORDER

INDIGENOUS LAND ACKNOWLEDGEMENT

We begin today by acknowledging that we walk upon the traditional territories of Indigenous Peoples and we recognize their history, spirituality, culture, and stewardship

of the land. We are grateful to all Indigenous groups for their commitment to protect the land and its resources and we are committed to reconciliation, partnership and enhanced understanding.

The meeting of Council convened at 1:05 PM on April 16, 2019 in the Council Chamber. Mayor Frank Scarpitti presided.

The meeting recessed at 2:33 pm and reconvened at 2:49 pm.

2. DISCLOSURE OF PECUNIARY INTEREST

Councillor Karen Rea disclosed an interest with respect to Item No. 3, Approval of Previous Minutes, where the Indemnification By-law and Integrity Commissioners report was discussed in the previous meeting, as she has a pending legal issue. Councillor Rea did not take part in the discussion or vote on this matter.

3. APPROVAL OF PREVIOUS MINUTES

Councillor Karen Rea disclosed an interest with respect to the Indemnification By-law and Integrity Commissioners report which was discussed in the previous meeting, as she has a pending legal issue. Councillor Rea did not take part in the discussion or vote on this matter.

3.1 COUNCIL MINUTES APRIL 2, 2019

Moved by Councillor Isa Lee

Seconded by Councillor Alan Ho

1. That the Minutes of the Council Meeting held on April 2, 2019, be adopted.

Carried

4. PRESENTATIONS

There were no presentations.

5. DEPUTATIONS

There were no deputations.

6. COMMUNICATIONS

6.1 11-2019 LIQUOR LICENCE APPLICATION : MOM'S KITCHEN KOREAN CUISINE, 28 SOUTH UNIONVILLE AVENUE (WARD 3) (3.21)

(New Liquor License for indoor areas)

Moved by Regional Councillor Joe Li

Seconded by Councillor Andrew Keyes

That the request for the City of Markham to complete the Municipal Information Form be received for information.

Carried

6.2 12-2019 MEMORANDUM - F.J. HOMES LIMITED, DRAFT PLAN OF SUBDIVISION AND ZONING BY-LAW AMENDMENT APPLICATIONS - SUPPLEMENTARY INFORMATION (10.5)

(By-law 2019-49)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Karen Rea

That the Memorandum dated April 16, 2019 from the Commissioner of Development Services regarding the application for F.J. Homes Limited, Draft Plan of Subdivision and Zoning By-law Amendment Application be received.

Carried

7. PROCLAMATIONS

7.1 PROCLAMATION AND FLAG RAISING REQUESTS (3.4)

Moved by Councillor Andrew Keyes

Seconded by Councillor Reid McAlpine

1. That the following proclamations, issued by the City Clerk in accordance with the City of Markham Proclamation Policy, be received for information purposes:

- a) Human Values Day - April 24, 2019;
- b) Innovation Week in the City of Markham - May 6-12, 2019;
- c) National Public Works Week - May 19-25, 2019;
- d) Armenian National Day - May 25, 2019; and,
- e) Pollinator Week - June 17-23, 2019.

2. That the following new requests for proclamation be approved and added to the Five-Year Proclamations List approved by Council:
 - a) Museum Month - May;
 - b) Markham in Motion Day - May 31, 2019; and,
 - c) Caribbean Heritage month - October.
3. That the following request for flag to be raised at the Anthony Roman Markham Civic Centre flagpole, approved by the City Clerk in accordance with the City of Markham Community Flag Raisings & Flag Protocol Policy, be received for information purposes:
 1. Armenian National Day - May 25, 2019 (Organized by Armenian National Community).

Carried

8. REPORT OF STANDING COMMITTEES

8.1 REPORT NO. 16 DEVELOPMENT SERVICES COMMITTEE (APRIL 1, 2019)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

That the report of the Development Services Committee be received & adopted.
(Items 1 to 4):

Carried

8.1.1 RECOMMENDATION REPORT INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE ACT JAMES CAMPBELL HOUSE 2 WISMER PLACE, WARD 4 (16.11.3)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the staff report entitled "Intention to Designate a Property Under Part IV of the Ontario Heritage Act, James Campbell House, 2 Wismer Place," dated April 1, 2019, be received; and,
2. That as recommended by Heritage Markham, the James Campbell House at 2 Wismer Place be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
3. That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,

4. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.2 RECOMMENDATION REPORT INTENTION TO DESIGNATE A PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE ACT BROWN'S CORNERS UNITED CHURCH 2830 HIGHWAY 7 EAST, WARD 2 (16.11.3)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the staff report entitled "Intention to Designate a Property Under Part IV of the Ontario Heritage Act, Brown's Corners United Church, 2830 Highway 7 East," dated April 1, 2019, be received; and,
2. That as recommended by Heritage Markham, the Brown's Corners United Church at 2830 Highway 7 be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
3. That the Clerk's Department be authorized to publish and serve Council's Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
4. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.3 RECOMMENDATION REPORT INTENTION TO DESIGNATE A
PROPERTY UNDER PART IV OF THE ONTARIO HERITAGE ACT
ELIAS HAMILTON HOUSE 6 HERITAGE CORNERS LANE, WARD
4 (16.11.3)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the staff report entitled “Intention to Designate a Property Under Part IV of the Ontario Heritage Act, Elias Hamilton House, 6 Heritage Corners Lane,” dated April 1, 2019, be received; and,
2. That as recommended by Heritage Markham, the Elias Hamilton House at 6 Heritage Corners Lane be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest; and,
3. That the Clerk’s Department be authorized to publish and serve Council’s Notice of Intention to Designate as per the requirements of the Ontario Heritage Act; and,
4. That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption; and,
5. That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.1.4 YONGE SUBWAY EXTENSION AND ROYAL ORCHARD STATION
(WARD 1) (5.10)

Moved by Regional Councillor Jim Jones

Seconded by Councillor Keith Irish

1. That the report entitled “Yonge Subway Extension and Royal Orchard Station (Ward 1)”, be received; and,
2. That Council endorse the findings by StrategyCorp and Sajecki Planning that the Royal Orchard Station can be justified by the station ridership forecasts, and warrant further studies to confirm the need of the station; and,

3. That Council confirm its preference that the Royal Orchard Station be included in the Yonge Subway Extension (YSE) project as identified in the Yonge Subway Extension – Finch Station to Richmond Hill Centre Transit Project Assessment – January 30, 2009; and,
4. That Council request the YSE Executive Committee not to eliminate the Royal Orchard Station from the YSE Preliminary Design and Engineering work until the conclusion of further technical studies recommended in the StrategyCorp and Sajecki Planning; and,
5. That the YSE Executive Committee be requested to carry out any further technical studies as recommended by StrategyCorp and Sajecki Planning, in consultation with the City of Vaughan and the City of Markham, to support the Royal Orchard Station; and,
6. That Council's resolution be forwarded to the YSE Executive Committee, and the City of Vaughan; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2 REPORT NO. 17 GENERAL COMMITTEE (APRIL 8, 2019)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

That the report of the General Committee be received & adopted. (Items 1 to 5):

Carried

8.2.1 AWARD OF TENDER 002-T-19 ASPHALT MAINTENANCE (7.12)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled "Award of Tender 002-T-19 Asphalt Maintenance" be received; and,
2. That the contract for asphalt maintenance be awarded to the lowest priced Bidder, Forest Contractors Ltd. for one (1) year in the amount of \$1,065,819.99 (Inclusive of HST), with an option to renew the contract for an additional three (3) years. The price will remain firm fixed for the first three (3) years. The remaining one (1) year will be subject to an annual price increase based on the Consumer Price Index for All Items Canada for the twelve (12) month period ending October 31 in the applicable year and shall not exceed 3%; and,

3. That the award in the amount of \$1,065,819.99 inclusive of HST be funded from operating and capital accounts as identified in the Financial Considerations section of this report with total available budget of \$1,268,260.00; and,
4. That the remaining budget in the amount of \$202,440.01 (\$1,268,260.00 - \$1,065,819.99) be utilized to address potential additional asphalt maintenance on an as required basis; and,
5. That the 2020 – 2023 purchase orders be adjusted for growth and/or price escalation, subject to Council approval of the respective year's budgets; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.2 DEVELOPMENT CHARGES DECEMBER 31, 2018 RESERVE BALANCES AND ANNUAL ACTIVITY OF THE ACCOUNTS (7.11)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report titled "Development Charges December 31, 2018 Reserve Balances and Annual Activity of the Accounts" be received by Council as required under Section 43(1) of the *Development Charges Act, 1997, as amended*; and,
2. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.3 2018 YEAR-END REVIEW OF OPERATIONS (7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the report entitled "2018 Year-End Review of Operations" be received; and,
2. That the City's 2018 net favourable variance of \$3.58M be transferred as follows, as per the approved Financial Planning and Budgeting Policy :
 1. \$1.40M to the Corporate Rate Stabilization Reserve to achieve a balance equal to 15% of the local tax levy as per City policy;

2. \$2.18M to the Life Cycle Capital Replacement and Capital Reserve Fund; and further,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.4 TELECOMMUNICATION COMPANY ACTIVITIES IN THE CITY OF MARKHAM (5.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the presentation by Mr. Robert Penner, Manager, Utility Inspection & Survey Group entitled "Telecommunication Company Activities in the City of Markham", be received; and,
2. That the staff report entitled, "Telecommunication Company Activities in the City of Markham" be received; and,
3. That the Mayor and Clerk be authorized to execute funding agreements between the City and telecommunication companies to cover the costs to meet service levels as a result of increased permit applications relating to infrastructure upgrade projects, as outlined in this report, provided that the form and content of such agreements are satisfactory to the Commissioner of the Community and Fire Services and the City Solicitor; and,
4. That 5 additional two year contract staff be hired at the cost of approximately \$332,000 per year, with costs being funded through amounts paid to the City pursuant to a funding agreement and through permit fees recovered from increased permit review applications; and,
5. That the Treasurer and Director of Operations be authorized to hire additional temporary staff to address the legislated time requirements for permit review during the period of increased volumes with the costs of such fully recovered through amounts paid to the City pursuant to funding agreement(s) and through permit fees recovered from increased permit review applications; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.2.5 FLOOD CONTROL PROGRAM – DISASTER MITIGATION & ADAPTATION FUND (DMAF) (5.5 & 7.0)

Moved by Regional Councillor Jack Heath

Seconded by Councillor Andrew Keyes

1. That the Report entitled “Flood Control Program – Disaster Mitigation & Adaptation Fund (DMAF)” be received; and
2. That Council approve the shared funding allocation between the Government of Canada and City of Markham as follows:

Government of Canada Share (40%) (A)	\$48,640,000.00
City of Markham Share (60%) (B)	<u>\$72,960,000.00</u>
Total Funding (C) = (A) + (B)	\$121,600,000.00

3. That the Mayor and Clerk be authorized to execute the Disaster Mitigation & Adaptation Fund (DMAF) Agreement (and any related documents), in a form and content satisfactory to the City Solicitor and the Commissioner of Community & Fire Services, and that the Commissioner of Community & Fire Services (or designate) be authorized to act as an authorized signing officer for the City under the Agreement (including for the purpose of submitting required reports and confirmations); and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

8.3 REPORT NO. 18 DEVELOPMENT SERVICES COMMITTEE (APRIL 15, 2019)

Moved by Councillor Alan Ho

Seconded by Councillor Andrew Keyes

That the report of the Development Services Committee be received & adopted.
(1 item):

Carried

8.3.1 CELEBRATE MARKHAM GRANT PROGRAM – APRIL 1, 2019 - MARCH 31, 2020 (2019-20) - FUNDING APPROVALS AND ANNUAL PROGRAM REVIEW (7.6)

Discussion on this matter ensued.

Moved by Councillor Alan Ho

Seconded by Councillor Andrew Keyes

1. That the report titled, “Celebrate Markham Grant Program – April 1, 2019 - March 31, 2020 (2019-20) - Funding Approvals and Annual Program Review” be received; and,
2. That Council approve the recommendations of the Interdepartmental Staff Review Committee to fund 66 Celebrate Markham applicants, totaling \$256,000, as identified in Attachments 1, 2, 3 and 4; and,
3. That the following Celebrate Markham grants, totaling \$89,500 (maximum \$5,000 per applicant), be approved for the **Cultural Events and Programs Category** (as per Attachment 1):
 - a. Markham Federation of Filipino Canadians receive \$4,000 for their Philippine Independence Day Celebration;
 - b. Markham Concert Band receive \$3,000 for their Unionville Concert Sunday Series;
 - c. Canada One Family Network receive \$4,000 for the Age of Literati Cultural Festival conditional on receiving and approving the Project Outcome/Financial Report for their 2017 and 2018 Age of Literati festival;
 - d. International Music Education Centre (IMEC) Canada receive \$3,000 for their International Musical Arts Festival;
 - e. Sing Fai Sports Club receive \$2,000 for their All Community Games Opening Ceremony;
 - f. Unionville Village Conservancy receive \$4,000 for the Stiver Mill Farmers’ Market;
 - g. Unionville Theatre Company receive \$4,000 for their 2020 Show (Pending Title);
 - h. Womxn Offering Wisdom receive \$2,000 for their Womxn Offering Wisdom Conference conditional on providing proof of confirmed/approved venue for the program and conditional on receiving and approving the Project Outcome/Financial Report for their 2018 Chai Chats mentorship program;
 - i. Wushu Ontario receive \$4,500 for their 2019 Canadian National Martial Arts Festival and Team Selections conditional

- on receiving and approving the Project Outcome/Financial Report for their 2018 International Martial Arts Festival and National Wushu Team Selections;
- j. Youth and Parents Association of Markham receive \$3,000 for their Limitless – Contest Series and Festival conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 Limitless Contest Series and Festival;
 - k. New Step for You – Arts, Entertainment and Recreation receive \$3,000 for their 3D Printing Pen Art Festival conditional on receiving and approving the Project Outcome/Financial Report for their 2018 Lantern of Hope – Community Art Project;
 - l. Vedic Cultural Centre Arya Samaj receive \$3,000 for their South Asian Heritage Month Celebration conditional on receiving and approving the Project Outcome/Financial Report for their 2018 South Asian Heritage Month Celebration;
 - m. Indian-Canadian Organization receive \$1,000 for their annual community and cultural celebrations conditional on providing proof of confirmed/approved venue for the program and conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 Cultural celebrations;
 - n. MonstrARTity Creative Community receive \$2,000 for their Arts for Youth in-class educational program conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 program;
 - o. Cherish Integrated Services receive \$3,000 for their One and Only Artfest 2019 conditional on receiving and approving the Project Outcome/Financial Report for their 2018 One and Only Artfest;
 - p. Markham Tamil Organization receive \$1,000 for their Tamil Heritage Month program conditional on receiving and approving the Project Outcome/Financial Report for their 2019 Tamil Heritage Month;
 - q. Ontario Band Association receive \$4,500 for their 2020 OBA Concert Band Festival conditional on receiving and approving the Project Outcome/Financial Report for their 2019 OBA Concert Band Festival;

- r. Markham Village B.I.A. receive \$4,500 for the Festival of Lights conditional on receiving and approving the Project Outcome/Financial Report for their 2018 Festival of Lights;
- s. Centre for Tamil Heritage and Culture receive \$3,000 for their Markham Thai Pongal - Tamil Vizha and Thriu Vizha (2020 event) conditional on receiving and approving the Project Outcome/Financial Report for their 2019 Thai Pongal event;
- t. Team Meibukan receive \$1,000 for their Markham City Open event conditional on providing proof of confirmed/approved venue for the program and conditional on receiving and approving the Project Outcome/Financial Report for their 2018 Markham City Open;
- u. Kindred Spirits Orchestra receive \$4,500 for their annual programs and concert series;
- v. Toronto Chinese Orchestra receive \$3,000 for their Butterfly Lovers Concert;
- w. Rugby Ontario receive \$4,000 for their Rugby Ontario Minor Festival;
- x. Markham Little Theatre receive \$3,000 for their September play;
- y. Heintzman House receive \$1,000 for their Celebrating the Canadian Experience program;
- z. St. Mary and St. Samuel the Confessor Coptic Orthodox Church receive \$3,000 for their Community Festival;
- aa. Centre for Immigrant and Community Services (CICS) receive \$1,000 for their Film Screening “2035” program;
- bb. Federation of Chinese Canadian in York Region (FCCYR) receive \$1,000 for their 2020 Lunar New Year Celebration conditional on providing proof of confirmed/approved venue for the program and conditional on receiving and approving the Project Outcome/Financial Report for the 2017 and 2018 TD Taste of Asia festival (including 2017 and 2018 compilation engagements) and conditional on receiving and approving the Project Outcome/Financial Report for the 2017 Markham Chinese New Year Festival;
- cc. Dorcas Centre receive \$2,000 for their annual community and cultural celebrations conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 annual community and cultural celebrations;

- dd. Maple Panda receive \$4,500 for their Canada Panda Cup Table Tennis International Tournament conditional on receiving and approving the Project Outcome/Financial Report for their 2017 Panda Cup International Table Tennis Tournament;
 - ee. Moksha Canada Foundation receive \$3,000 for their Festival of Diversity; and,
4. That the following Celebrate Markham grants, totaling \$85,000 (maximum \$10,000 per applicant), be approved for the **Major Community Festivals Category** (as per Attachment 2):
- a. Markham Village Festival Inc. receive \$10,000 for the Markham Village Music Festival;
 - b. Markham Rotary Club Foundation receive \$10,000 for the Markham Ribfest 2019 conditional on receiving and approving the Project Outcome/Financial Report for the 2018 Markham Ribfest (including a 2018 compilation engagement);
 - c. Unionville Festival receive \$10,000 for their annual festival/parade conditional on receiving and approving the Project Outcome/Financial Report for the 2018 Unionville Festival (including a 2018 compilation engagement);
 - d. Markham Jazz Festival receive \$10,000 for the Markham Jazz Festival conditional on receiving and approving the Project Outcome/Financial Report for the 2018 Markham Jazz Festival (including a 2018 compilation engagement);
 - e. Power-Unit Youth Organization receive \$10,000 for Night It Up! conditional on receiving and approving the Project Outcome/Financial Report for the 2017 and 2018 Night It Up! (including 2017 and 2018 compilation engagements);
 - f. Unionville Presents Thursday Nights at the Bandstand receive \$10,000 for their Summer Concert Series conditional on receiving and approving the Project Outcome/Financial Report for the 2018 Summer concert series (including a 2018 compilation engagement);
 - g. Unionville B.I.A. receive \$8,000 for the Unionville Olde Tyme Christmas conditional on receiving and approving the Project Outcome/Financial Report for the 2018 Unionville Olde Tyme Christmas (including a 2018 compilation engagement);
 - h. Sanatan Mandir Cultural Centre receive \$5,000 for their Navratri Festival;

- i. Centre of Sustainable and Integrated Design receive \$2,000 for their Ice and Snow Festival conditional on providing proof of confirmed/approved venue for activities;
 - j. Federation of Chinese Canadians in Markham receive \$10,000 for the TD Taste of Asia festival conditional on receiving and approving the Project Outcome/Financial Report for the 2017 and 2018 TD Taste of Asia festival (including 2017 and 2018 compilation engagements) and conditional on receiving and approving the Project Outcome/Financial Report for the 2017 Markham Chinese New Year Festival; and,
5. That the following Celebrate Markham grants, totaling \$36,500 (maximum \$3,000 per applicant), be approved for the **Seniors Clubs Category** (as per Attachment 3):
- a. Markham Ward 6 Seniors Association receive \$2,000 for their Winter programs and activities conditional on providing proof of confirmed/ approved venue for activities and conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 Seniors Winter Activities Ward 6;
 - b. York Region Evergreen Seniors Wellness Association receive \$1,500 for their annual programs and activities conditional on receiving and approving the Project outcome/Financial Report for their 2018-19 annual programs and activities;
 - c. Greensborough Tamil Seniors' Wellness Club receive \$2,000 for their annual programs and activities conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 annual programs and activities;
 - d. Boxgrove Senior's Community Wellness Club receive \$2,500 for their annual programs and activities conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 annual programs and activities;
 - e. Middlefield Seniors' Wellness Club receive \$3,000 for their annual programs and activities conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 annual programs and activities;
 - f. Fengcai Senior Activity Centre receive \$2,000 for their annual programs and activities conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 winter weekend activities;
 - g. Milliken on the Move Older Adults' Club Corp. (MOTM) receive \$3,000 for their Summer programs and activities;

- h. Angus Glen Older Adults Club (AGOAC) receive \$3,000 for their annual programs and activities conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 annual programs and activities;
 - i. Markham Tamil Seniors Association Canada receive \$2,500 for their annual programs and activities conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 Reading program;
 - j. Armadale Older Adult Club receive \$2,000 for their annual programs and activities conditional on receiving and approving the Project Outcome/Financial Report for their 2018-19 annual programs and activities;
 - k. Markham Seniors Welfare Association receive \$1,500 for their annual programs and activities conditional on providing proof of confirmed/ approved venue for activities;
 - l. SUBURBANaires Senior Men's Chorus receive \$2,500 for their annual programs and activities;
 - m. Pustimargiya Vaishnav Samaj of Canada (PMVS of Canada) receive \$2,000 for their seniors annual programs and activities;
 - n. SEAS Centre receive \$1,000 for their Aging Well with Karaoke program conditional on receiving and approving the Project Outcome/Financial Report for their 2018 Markham Moon Festival Celebration;
 - o. Armadale Punjabi Seniors receive \$2,000 for their annual programs and activities;
 - p. Paradise Senior Association Markham receive \$2,000 for their annual programs and activities;
 - q. Unionville Home Society receive \$2,000 for their annual seniors series conditional on receiving and approving the Project Outcome/Financial Report for their 2017 In Celebration of Canada 150: Stories and Garden program;
6. That the following Celebrate Markham grants, totaling \$45,000 (maximum \$10,000 per applicant but up to \$20,000 for International/World level sports events), be approved for the **Sports Events Category** (as per Attachment 4):
- a. Unionville Tennis Club receive \$3,500 for the 2019 Ontario Tennis Association Outdoor Jr U18 Provincial Championship;
 - b. Squash Ontario receive \$2,500 for the Ontario Open – Provincial Championship;

- c. Table Tennis Canada receive \$9,000 for the 2019 ITTF Challenge Plus Canada Open conditional on receiving and approving the Project Outcome/Financial Report for the 2017 Women's World Cup (including a 2017 compilation engagement);
 - d. DanceSport Grand Prix Canada receive \$10,000 for the World DanceSport Championship in Senior 2 Standard;
 - e. Muaythai Canada receive \$5,000 for the National Championship 2019 conditional on receiving and approving the Project Outcome/Financial Report for the National Championship 2018 (including a 2018 compilation engagement);
 - f. Water Polo Canada receive \$4,000 for the 2019 Senior National Championship;
 - g. Ontario Table Tennis Association receive \$3,500 for the Ontario Cup Final;
 - h. Glimmer Athletic Club Inc. receive \$7,500 for the 2019 Canadian National Championships in Rhythmic Gymnastics; and,
7. That subject to approval by Council, recommended applications be posted on the Celebrate Markham website for applicants' and the public's information, along with Council's resolution; and,
 8. That Markham Arts Council receive a net amount of \$23,400 (Celebrate Markham Grant of \$30,000 less 2019 loan repayment of \$6,600 for a remaining balance owing of \$19,800 as of December 31, 2019) for their annual programs and activities conditional on receiving and approving 2018 audited financial statements; and,
 9. **That up to an additional \$10,000 in the budget (over and above the Celebrate Markham budget), be reserved for the Thornhill Community in the event that the community decides to revive Thornhill Festival or a variation thereof;**
 10. That any Celebrate Markham grant applicant that has not met the Project Outcome/Financial Report requirements for grants received or approved for programs/events/projects that occurred prior to March 31, 2019 be given a deadline of December 1, 2019 to submit their outcome/financial report documents as a condition of remaining eligible for any Celebrate Markham grant for the 2020-2021 and any subsequent program funding cycles; and,
 11. That Staff be directed to review and consider as part of the Celebrate Markham grant guidelines a condition that grant recipients be required

to complete and submit a Project Outcome/Financial Report within 90 days following the stated completion date of their project; and,

12. That Staff be directed to consider geographic equity as a factor when reviewing Celebrate Markham grant applications; and further,

13. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried as Amended

Moved by Regional Councillor Jack Heath

Seconded by Regional Councillor Jim Jones

Motion to amend the recommendation by adding the following clause:

That up to an additional \$10,000 in the budget (over and above the Celebrate Markham budget) be reserved for the Thornhill Community in the event that the community decides to revive Thornhill Festival or a variation thereof;

Carried

9. MOTIONS

There were no motions.

10. NOTICE OF MOTION TO RECONSIDER

There were no notices of motions to reconsider.

11. NEW/OTHER BUSINESS

11.1 NEW/ OTHER BUSINESS: DECLARATION OF SURPLUS LANDS - 0 RALPH CHALMERS

Notice of Proposed Sale

City of Markham

Proposed Sale of Surplus Real Property

(Pursuant to By-law 178-96)

Moved by Councillor Amanda Collucci

Seconded by Councillor Reid McAlpine

1. That the notice of proposed sale for the City owned lands legally described as block 64 on Plan 65M-3789, City of Markham, Regional Municipality of York, be confirmed.

(In-Camera Item No. 14.2.3 – April 2, 2019 Council Meeting)

Carried

11.2 NEW/ OTHER BUSINESS: FLOOD CONTROL PROGRAM AND STORMWATER FEE UPDATE (5.5 & 7.0)

Note: At the April 8, 2019 General Committee meeting, the Committee consented to refer this item to the April 16, 2019 Council meeting for consideration.

1. That the report “Flood Control Program and Stormwater Fee Update” be received; and,
2. That an annual stormwater fee continue to be imposed on all property within the municipal boundaries of the City of Markham, save and except those noted in the Stormwater Fee By-law 2020-XXX as outlined in Appendix “A” to this staff report; and,
3. That the annual stormwater fee for Residential properties be increased in year 2020 from \$47 to \$50 per property; and further be increased by \$1 per year, each year thereafter; and,
4. That the annual stormwater fee rate for Non-Residential properties be increased in year 2020 by \$2 per \$100,000 of current value assessment (CVA); and further be increased by 2% per year, each year thereafter; and,
5. That the annual stormwater fee rate for Vacant Land properties be increased in year 2020 by \$2 per \$100,000 of current value assessment (CVA) and further be increased by 2% per year, each year thereafter; and,
6. That the Treasurer continue to be authorized to adjust the annual stormwater fee rate for both Non-Residential and Vacant Land properties to compensate for the average annual change in City-wide CVA; and,
7. That the annual stormwater fee levied continue to be included as a separate line item on the final tax bill of the property; and,
8. That the City continue to allocate \$2,000,000 per year of Federal Gas Tax funding to the Flood Control Program; and,
9. That By-law 2015-130 be repealed in its entirety and replaced with the Stormwater Fee By-law 2020-XXX as outlined in Appendix “A” to this staff report; and,

10. That staff report back to Council in 2024 with any required update to the annual Stormwater Fees, for implementation in 2025, to ensure that the Flood Control Program is adequately funded; and further,
11. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Postponed

Moved by Regional Councillor Jack Heath
Seconded by Deputy Mayor Don Hamilton

1. That this matter be referred back to staff for further review.

Carried

12. ANNOUNCEMENTS

12.1 ONTARIO GOVERNMENT BUDGET AND TRANSIT FUNDING

The Mayor commented on the Province's announcement made earlier that day, April 16, 2019, regarding Transit Funding for the Greater Toronto Area, including the Yonge-North subway line. A presentation on the transit improvements and the timing of the projects to be completed will be provided at a future Development Services Committee meeting.

13. BY-LAWS - THREE READINGS

Moved by Regional Councillor Joe Li
Seconded by Regional Councillor Jim Jones

That By-laws 2019-43 to 2019-49 be given three readings and enacted.

Carried

Three Readings

13.1 BY-LAW 2019-43 A BY-LAW TO AMEND PARKING BY-LAW 2005-188

A by-law to amend Schedule C of the Parking By-law pertaining to "Prohibited Parking".

Carried

13.2 BY-LAW 2019-44 A BY-LAW TO AMEND SPEED BY-LAW 2017-104

To establish a maximum speed limit of 40 kilometres per hour on specific streets within the City of Markham.

Carried

13.3 BY-LAW 2019-45 A BY-LAW TO AMEND TRAFFIC BY-LAW 106-71

To add compulsory stops at specific intersections within the City of Markham.

Carried

13.4 BY-LAW 2019-46 ROAD DEDICATION BY-LAW (FRED MCLAREN BOULEVARD AND FURROW STREET)

A by-law to dedicate certain lands as part of the highways of the City of Markham:

1. Part of the west half of Lot 20, Concession 7, designated as Parts 12, 13, 18 and 19, Plan 65R-33845 - Fred McLaren Boulevard.
2. Part of the west half of Lot 20, Concession 7, designated as Part 14, 15, 16, 17 and 21, Plan 65R-33845 - Furrow Street.

Carried

13.5 BY-LAW 2019-47 UPPER UNIONVILLE INC., PART LOT EXEMPTION BY-LAW

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Block 26 and 27, Registered Plan 65M-4429 (Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 14, 15 and 16 on Reference Plan 65R-37461), located on the north side of Nipigon Avenue, east of Kennedy Road.

Carried

13.6 BY-LAW 2019-48 AURELIO FILICE, PART LOT CONTROL EXEMPTION BY-LAW

A by-law to designate part of a certain plan of subdivision not subject to Part Lot Control, Part of Lot 6, Plan 2196, designated as Parts 1, 2 and 3 on Reference Plan 65R-36094, Part of Block 11, Plan 65M-4447, designated as Parts 4 and 5 on Reference Plan 65R-36904 and Part of Block 8 on Plan 65M-4447, designated as Parts 6, 7, 9 and 10 on Reference Plan 65R-36904, located on the south side of

Ian Baron Avenue, east of Harry Cook Drive within the South Unionville Secondary Plan Area.

Carried

13.7 BY-LAW 2019-49 - F.J. HOMES LIMITED, WEST SIDE OF ROY RAINEY AVENUE AND SOUTH SIDE OF COUNTRY RIDGE DRIVE, ZONING BY-LAW AMENDMENT

A by-law to amend By-law 177-96, as amended, to rezone the subject lands.

Carried

14. CONFIDENTIAL ITEMS

Moved by Deputy Mayor Don Hamilton

Seconded by Councillor Alan Ho

That, in accordance with Section 239 (2) of the Municipal Act, Council resolve into a private session to discuss the following confidential matters at 2:29 pm:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - APRIL 2, 2019

14.2 DEVELOPMENT SERVICES COMMITTEE - APRIL 1, 2019

14.2.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD [SECTION 239 (2) (e)]

FIRST MARKHAM PLACE PROPERTIES INC., 3265 HIGHWAY 7 EAST (WARD)(8.0)

14.3 COUNCIL - APRIL 16, 2019

14.3.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/ COMMITTEE APPOINTMENTS) (16.24) [SECTION 239 (2) (b)]

Councillor Karen Rea requested that that the following item be added to the Confidential agenda:

14.3.2 A PROPOSED OR POTENTIAL ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD [SECTION 239 (2)]

Carried

That Council rise from confidential session at 3:01 pm.

Carried

The confidential items were approved by Council as follows:

14.1 APPROVAL OF CONFIDENTIAL COUNCIL MINUTES - APRIL 2, 2019

Moved by Regional Councillor Jack Heath

Seconded by Councillor Alan Ho

1. That the confidential Council minutes dated April 2, 2019 be confirmed.

Carried

14.2 DEVELOPMENT SERVICES COMMITTEE - APRIL 1, 2019

14.2.1 LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD [Section 239 (2) (e)]

Moved by Councillor Alan Ho

Seconded by Councillor Keith Irish

1. That the confidential report titled “Minor Variance Application Appeal, First Markham Place Properties Inc., 3265 Highway 7 E, A/176/18” be received; and,
2. That Council direct the City Solicitor and Staff not to attend the Local Planning Appeal Tribunal hearing regarding the decision of the Committee of Adjustment to approve the minor variances related to maximum ground floor area as it relates to a grocery store unit, provided that the applicant agrees to request the LPAT to impose the following staff recommended conditions of approval set out below in the event that the LPAT allows the variances:
 1. That the variances apply only to the proposed development as long as it remains;
 2. That the variances apply only to the subject development, in substantial conformity with the plan(s) dated December 10, 2018, attached as ‘Appendix C’ to this Staff Report, and that the Secretary-Treasurer receive written confirmation from the Director of Planning and Urban Design or designate that this condition has been fulfilled to his or her satisfaction.

3. That the 4,860 m2 gross floor area allowance as it relates to a supermarket only apply to the one proposed grocery store within the commercial development; and further,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

14.3 COUNCIL - APRIL 16, 2019

14.3.1 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES (BOARD/ COMMITTEE APPOINTMENTS) (16.24) [SECTION 239 (2) (b)]

Moved by Deputy Mayor Don Hamilton

Seconded by Regional Councillor Joe Li

1. That the following persons be appointed to the Markham Public Library Board with a term start date of May 1, 2019:

<u>Name</u>	<u>Term</u>
Edward Choi	November 14, 2022
Raymond Chan	November 14, 2022
Anthony Lewis	November 14, 2022
David Whetham	November 14, 2022
Jay Xie	November 14, 2022
Iqra Awan	November 14, 2022
Les Chapman	November 14, 2022
Ben Hendricks	November 14, 2022
Alick Siu	November 14, 2022
Margaret McGrory	November 14, 2022
Lillian Tolensky	November 14, 2022
Pearl Mantell	November 14, 2022

2. That the following persons be appointed to the Committee of Adjustment with a term start date of May 1, 2019:

<u>Name</u>	<u>Term</u>
Kelvin Kwok	November 14, 2022
Sally Yan	November 14, 2022
Patrick Sampson	November 14, 2022

Jeannie Reingold	November 14, 2022
Gregory Knight	November 14, 2022
Arun Prasad	November 14, 2022
Tom Gutfreund	November 14, 2022

Carried

14.3.2 A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF
LAND BY THE MUNICIPALITY OR LOCAL BOARD [SECTION 239
(2)]

Council consented to not report out on this matter at this time.

15. CONFIRMATORY BY-LAW - THREE READINGS

Moved by Councillor Isa Lee

Seconded by Councillor Amanda Collucci

That By-law 2019-50 be given three readings and enacted.

Three Readings

BY-LAW 2019-50 A BY-LAW TO CONFIRM THE PROCEEDINGS OF THE
COUNCIL MEETING OF APRIL 16, 2019.

Carried

16. ADJOURNMENT

That the Council meeting be adjourned at 3:03 p.m.

Moved by Councillor Isa Lee

Seconded by Councillor Keith Irish

Carried

Kimberley Kitteringham

City Clerk

Frank Scarpitti

Mayor

APR 29 2019

CITY OF MARKHAM
CLERKS DEPT

April 29, 2019

TO: Markham City Clerk

FROM: Directors of YRSCP 982, 953 and 1003 (Millbrook Village)

C.C. Councillor Alan Ho

RE: COUNCIL MEETING APRIL 30, 2019 ITEM 8.1.1

Applications for OPA, draft plan of subdivision, zoning by-law amendment, and site plan approval by Gemterra (Woodbine) inc. to permit townhouses at 9064 to 9110 woodbine avenue (ward 2) file nos. op/su/za/sc 17 153653 (10.3, 10.7, 10.5 & 10.6)

QUESTIONS TO GEMTERRA (WOODBINE) PLANNER, JACK WONG, ON HEIGHT OF UNIT 32 & 33 AND GEOTECHNICAL STUDY

Dear CLERK of Markham City,

Through you, I must ask Mr. Jack Wong, the planner for Gemterra (Woodbine), the following questions:

(1) What are heights of the town houses units 32 and 33 (elevation from street level)?

These units are closest to our townhouses on Walter Thomas Way. Our houses are 9.0 m high from street level. Walter Thomas Way is adjacent to this Gemterra (Woodbine) development.

(2) Has there been any geotechnical study in this Gemterra (Woodbine) site?

If none, we will ask the Markham Council on April 30, 2019 to order Gemterra (Woodbine) to do a geotechnical study to ensure the site design is adequate and safe for neighbouring houses and streets.

We will also ask for a future site inspection report on area where the excavation is closest to our houses on Walter Thomas Way to ensure no damage and settlement will occur.



Report to: Development Services Committee

Report Date: April 1, 2019

SUBJECT:

RECOMMENDATION REPORT

Applications for Official Plan Amendment, Draft Plan of Subdivision, Zoning By-law Amendment, and Site Plan Approval by Gemterra (Woodbine) Inc. to permit townhouses at 9064 to 9110 Woodbine Avenue (Ward 2)
File Nos. OP/SU/ZA/SC 17 153653

PREPARED BY:

Rick Cefaratti, MCIP, RPP, Ext. 3675
Planner II, West District

REVIEWED BY:

Ron Blake, MCIP, RPP, Ext. 2600
Senior Development Manager

RECOMMENDATION:

- 1) That the Staff report titled "Recommendation Report – Applications for Official Plan Amendment, Draft Plan of Subdivision, Zoning By-law Amendment, and Site Plan Approval by Gemterra (Woodbine) Inc. to permit townhouses at 9064 to 9110 Woodbine Avenue (Ward 2) File Nos. OP/SU/ZA/ /SC 17 153653" be received;
- 2) That the proposed amendment to the 2014 Markham Official Plan, attached as Appendix 'A', be finalized and approved;
- 3) That Draft Plan of Subdivision 19TM-17004 submitted by Gemterra (Woodbine) Inc., be finalized and approved subject to the conditions outlined in Appendix 'B';
- 4) That the draft plan approval for Plan of Subdivision 19TM-17004 will lapse after a period of three (3) years from the date of issuance in the event that a subdivision agreement is not executed within that period;
- 5) That the Director of Planning and Urban Design, or his designate be delegated authority to issue draft approval, subject to the conditions set out in Appendix 'B' as may be amended by the Director of Planning and Urban Design;
- 6) That the amendments to Zoning By-laws 19-94 and 177-96, as amended 'C' approved and the draft implementing Zoning By-law, attached as Appendix 'C', be finalized and enacted without further notice;
- 7) That the Site Plan application by Gemterra (Woodbine) Inc. be endorsed, in principle, and that staff continue to work with the applicant to refine the site plan, prior to site plan endorsement by the Director of Planning and Urban Design;
- 8) That site plan endorsement shall lapse after a period of three (3) years from the date of Staff endorsement in the event that the site plan agreement is not executed within that period;

Report to: Development Services Committee

Report Date: April 1, 2019

Page 2

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- 9) That in accordance with the provisions of subsection 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13, as amended, the owner shall, through this Resolution, be permitted to apply to the Committee of Adjustment for a variance from the provisions of the zoning by-law attached as Appendix "B" to this report, before the second anniversary of the day on which the by-law was approved by Council;
 - 10) That servicing allocation for thirty-three (33) townhouse units be assigned to the subject development;
 - 11) That the City reserves the right to revoke or reallocate servicing allocation should the development not proceed in a timely manner; and,
 - 12) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends adoption of the Official Plan Amendment, and approval of the associated Draft Plan of Subdivision, and Zoning By-law Amendment Applications, and endorsement in principle of the Site Plan application to permit a 33 unit condominium townhouse development on the subject lands. Site Plan approval authority for the proposed townhouse development is delegated to the Director of Planning and Urban Design. Planning Department Staff is generally satisfied with the overall site plan and is continuing to work with internal departments to refine details of the site plan prior to Site Plan endorsement.

BACKGROUND:

The 0.95 ha (2.35 ac.) subject lands are located on the west side of Woodbine Avenue within the Buttonville Heritage Conservation District (Figure 1). A heritage dwelling ("Buttonville Mill House") is located on the southerly portion of the subject lands. The remainder of the lands are undeveloped. The heritage dwelling forms part of Buttonville's early history as a 19th century rural mill village. The first phase of the house, constructed *circa* 1840, is historically significant for its association with the Willcocks and Baldwin families of old Toronto.

The heritage dwelling is the last remaining feature of the milling operations that once formed the heart of the original hamlet of Millbrook (the original name for Buttonville), and also is the oldest remaining structure in the area. To the south and west is the former Markham Golf Course and tributary of the Rouge River. Further to the west, across the Rouge River, are employment uses and the Buttonville Airport. To the north, is an existing townhouse condominium development (Millbrook Village). Detached dwellings are located to the east, across Woodbine Avenue (Figure 3).

PROPOSAL

The applicant is proposing to develop the subject lands for thirty-three (33), three (3) storey townhouse dwellings, and to maintain the existing heritage dwelling (Figures 4, 5 & 6).

Access to the site is proposed via a new private lane that connects to Woodbine Avenue at two locations. The proposed northerly connection, at an existing signalized intersection, is opposite Millbrook Gate (Figure 4). The second proposed access would be a non-signalized restricted right-in/right-out at the south end of the property adjacent to the heritage dwelling. Sixteen (16) units are proposed to front onto Woodbine Avenue with vehicular access provided from the private lane. These units contain a mix of single and double car garages. The remaining seventeen (17) units on the west side of the property are internal to the site and will face east onto the proposed private lane. All of these units contain single car garages. A width of 6.0 metres is proposed for all of the townhouses within this development.

PROCESS

Applications submitted in support of the proposal include an Official Plan Amendment (to permit 3 storey townhouses on a private road), a Draft Plan of Subdivision approval (to establish townhouse blocks and open space blocks for an environmental buffer), a Zoning By-law Amendment (to implement site-specific development standards), Draft Plan of Condominium approval (to establish the common elements including a private amenity area and a private road), and Site Plan approval (to ensure the proposal is appropriate and compatible with adjacent development).

OFFICIAL PLAN

2014 Official Plan

The subject lands are designated 'Residential Low Rise' in the 2014 Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018). This designation provides for townhouses, with or without frontage on a public road. These lands are also subject the Area and Site Specific Policies for Buttonville. The Area and Site Specific policies under Section 9.4.6.5 of the 2014 Official Plan provide for a maximum building height of two (2) storeys.

Site Specific Official Plan Policy for townhouse development

The proposed amendment to the Official Plan will provide for three (3) storey townhouses to be developed on the subject property (See Appendix 'B'). In addition the Official Plan Amendment proposes to amend Map 3 of the 2014 Official Plan to re-designate the environmental buffer area to be conveyed to the City from 'Residential Low Rise' to 'Greenway'. Approval of the Official Plan Amendment has been delegated to the City.

Buttonville Heritage Conservation District Plan

These lands are located within the Buttonville Heritage District, and are subject to the policies of the Buttonville Heritage Conservation District Plan. The Buttonville Heritage Conservation District Plan requires that new buildings on this property be in keeping with the existing townhouse development to the north which consists of traditional styled homes reflecting the types of materials and architectural detailing of Buttonville.

ZONING

The subject lands are zoned Residential Medium Density 1 (RMD1), Open Space 2 – Special Use (O2) and Open Space 3 - Environmental Buffer (O3) under By-law 19-94, as amended (see Figure 2). The RMD1 zone permits detached, semi-detached, townhouses and cluster housing. The O2 zone permits golf courses, public or private parks, athletic fields and cemeteries. The O3 zone only permits ‘environmental buffer landscaping’ which provides for an environmental buffer between the banks of the Rouge River and the adjacent residential lands.

The zoning by-law amendment (Appendix ‘C’) proposes to delete the residential portion of the subject lands from the designated area of By-law 19-94 to a Residential Two (R2) zone category under By-law 177-96, as amended. The owner is also proposing to increase the area of the Open Space zones elsewhere on these lands. The Open Space zoned portions of the property will remain under By-law 19-94.

Site specific amendments to the development standards of the zoning by-law are proposed to implement the proposed townhouse development.

- a maximum permitted building height of 13.5 m for the three (3) storey townhouses. The additional height will address the approximately 2.0 metre grade difference between the north end of the property and the south end of the property along Woodbine Avenue while maintaining the overall integrity of the proposed built form;
- a minimum of 0.24 visitor parking spaces per townhouse dwelling unit or 8 spaces provided that the maximum number of townhouses is restricted to thirty-three (33) units, whereas the Parking Standards By-law requires a minimum of 0.25 visitor spaces per townhouse dwelling unit or 9 visitor spaces. The number of townhouse dwelling units will be capped in the Zoning By-law at 33 units;
- the subject lands to be deemed one lot for the purposes of the By-law;
- the proposed minimum lot frontage of 6.0 m per interior lot, exceeds the requirements of By-law 177-96, as amended, which requires a minimum width of 5.5 m for interior lots;
- a minimum lot frontage of 6.0 m is proposed for end units, whereas By-law 177-96, as amended, requires a minimum frontage of 6.7 m. However, Staff consider this reduction to be minor and compatible with the design standards typically associated with common element townhouses built on private roads;

As noted above, the width of the proposed townhouses (6.0 m) on an interior lot will comply the zoning provisions for lane-based townhouses under By-law 177-96, as amended. However, the proposed townhouse end units are proposed to be 0.7 m narrower.

OPTIONS/ DISCUSSION:

Issues identified in the Preliminary Report and Public Meeting

Several matters relating to the proposal were identified in the June 25, 2018 preliminary report including:

- The Region of York's initial requirement to limit vehicular access to one access point on Woodbine Avenue (at the signalized intersection of Woodbine Avenue and Millbrook Gate), whereas the site plan proposed a second right-in-right access to the south;
- the potential impacts on the proposal of a 43.0 m road widening requested by York Region over the entire Woodbine Avenue road frontage;
- a required conveyance of a 10.0 m by 10.0 m daylight triangle to York Region at Millbrook Gate; proposed encroachments into the required environmental buffer;

The Statutory Public Meeting was held on September 4, 2019. Comments made by the residents who attended the Public Meeting included objections to the proposed heights of the townhouses, overall site density and concerns about additional traffic that could be generated from this development. The City has also received written submissions from the public that reiterated the objections noted above.

These and other issues are addressed as follows:

Building Design is Appropriate

Figures 5 and 6 illustrate that the proposed townhouses will generally conform to the policies and guidelines of the Buttonville Heritage Conservation District Plan. Staff is of the opinion that the architectural style, scale and orientation of the townhouses are appropriate. The building elevations illustrate that the third storey of each townhouse unit will be incorporated within the roof structure to minimize the visual impact of the additional storey. The exterior building materials will be comprised of clay brick reflective of local historical brick, and stone veneer that will be complementary to surrounding developments and reflective of the local granite field stone. Staff will continue to work with the applicant through the site plan approval process to ensure that the building materials and the window treatment for the proposed townhouses are reflective of the historic patterns found in Buttonville.

Heritage Planning

Heritage Markham Committee reviewed the current proposal to develop thirty three (33) townhouses and to expand the existing heritage dwelling at their meeting on July 11, 2018. The Committee generally supported the form, massing and height of the proposed townhouses and their orientation to Woodbine Avenue from a heritage perspective, and recommended that any development application to revise the existing heritage dwelling be delegated to Heritage Planning Staff.

Heritage Planning staff further advises that the revised proposal conforms to the District Plan in terms of scale, architectural form, and height, but requires some minor revisions to the proposed materials and architectural detailing (including window treatment) of the proposed townhouses. Heritage Planning staff will continue to work with the applicant to ensure that the townhouses will be compatible with the existing heritage buildings of Buttonville.

Site Layout is Appropriate and Compatible with Adjacent Development

The proposed height and location of the subject townhouses are, in staff's opinion, compatible with the existing residential low rise development to the north and the single detached dwellings to the east across Woodbine Avenue. An appropriate separation distance to buffer the existing residential development to the north from the proposed townhouses has been provided.

Transportation Impacts Minimal

Transportation Engineering Staff has reviewed a Traffic Study, which was submitted in support of the proposal. Staff concurs with the Study's findings that the anticipated traffic volumes for the proposed townhouse development will not adversely impact the surrounding neighbourhood, subject to the provision of a northbound left turn lane from Woodbine Avenue into the site at the Millbrook Gate intersection, to the satisfaction of York Region.

York Region to allow two access locations from Woodbine Avenue

Following various discussions between Regional staff, Markham staff and the applicant, York Region Transportation staff has agreed in principle to permit two access locations onto Woodbine Avenue – a full moves access at the north end of the property (at the existing Millbrook Gate signalized intersection), and a second restricted moves right-in/right out access at the south end of the property adjacent to the heritage dwelling. The applicant will be financially responsible for the installation of a centre median along Woodbine Avenue to prevent northbound left turn movements from this access location.

York Region has reduced the road widening requirement for Woodbine Avenue over the entire frontage. York Region is now protecting for a 36.0 m wide right-of-way for this section of Woodbine Avenue, whereas a 43.0 m wide right-of-way was previously planned for in this location. The revised site plan provides a sufficient property conveyance to provide 18.0 m from the centerline of construction for Woodbine Avenue.

York Region has also agreed in principle to reduce the area requirement for the daylight triangle from 10.0 m by 10.0 m to 7.5 m by 7.5 m at the signalized intersection of Millbrook Gate and the proposed full move access onto Woodbine Avenue.

The Region has provided conditions of Draft Plan of Subdivision approval and Site Plan approval, which have been incorporated into Appendix 'B' and 'D', respectively.

Toronto and Region Conservation Authority (TRCA)

The applicant has delineated the natural features and associated environmental buffers in consultation with the TRCA and City of Markham staff. This delineation includes some encroachments into the required 10.0 metre environmental buffer in exchange for the conveyance of other sections of the environmental buffer areas that are wider than 10.0 metres. TRCA staff and City staff are generally satisfied with the proposed restoration planting plan submitted with this proposal. As a condition of approval, the TRCA and the City of Markham will require the environmental buffer area to be densely planted and dedicated to the City of Markham, free and clear of all encumbrances. The TRCA will

also require permits for the restoration of the open space/environmental buffer blocks and the site works associated with townhouse construction adjacent to the valley corridor. Staff further note that the valley lands to the west of the proposed environmental buffer area remain part of the former golf course lands. These lands remain in private ownership at this time.

Internal Driveways Revised

As requested by staff, the length of the proposed driveways of units facing Woodbine Avenue (garage and driveways face the private lane) has been reduced to discourage parking that could potentially obstruct the required fire route.

Garage sizes for townhouse units will comply with Parking Standards By-law 28-97

The site plan submitted with the applications illustrate a garage width of 3.0 m and a length of 6.0 m for townhouses with single car garages, and a garage width of 6.0 m and a length of 6.0 m for townhouses with double car garages. The size of each garage will meet the provisions of the Parking Standards By-law and Staff have no concerns in this regard. In addition, two (2) parking spaces will be provided for each townhouse unit in compliance with the Parking Standards By-law.

Site Plan Approval Granted for Modifications to the Heritage Dwelling

Heritage Planning staff approved a separate Site Plan application (File SC 18 248845) on November 19, 2018 to demolish the rear portion of the heritage dwelling at 9064 Woodbine Avenue, and to make secure the remaining portion of the house. Heritage Planning staff recommends that the owner agrees in the subdivision agreement to protect and conserve the heritage building. Heritage conditions of Draft Plan of Subdivision approval are provided in Appendix 'B'.

Snow Storage

The Development Services Committee noted at the Public Meeting that the original site plan did not identify snow storage areas. The revised site plan (Figure 4) shows a snow storage area adjacent to the north driveway of the proposed townhouse development and within the private open space area at the south end of the property. The proposed development will be accessed via a rear private lane and the future condominium corporation will be responsible for snow clearing along the rear lane. Staff will continue to work with the applicant to determine the optimal on-site snow storage locations.

Parkland Dedication

The site plan shows a private open space area (hatched area on Figure 4). Due to its size and location, and the fact that it is not publicly accessible, this open space area is not eligible for parkland credit. Consequently, the applicant will be required to fulfill their parkland dedication requirements through a cash-in-lieu of parkland contribution.

Staff will continue to work with the applicant to refine the site plan, including the elements of the above-noted 293 m² (3,154 ft²) private open space area.

Report to: Development Services Committee

Report Date: April 1, 2019

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Compensation for Tree Removal Required

As a result of the proposed development, there are a number of mature trees that need to be removed. Compensation for tree removal will be determined at the site plan agreement stage.

Public Art

The applicant will be required to provide a Public Art contribution in accordance with the City public art policies and Section 37 of the Planning Act. The contribution amount will be identified in the Zoning By-law Amendment and obtained through the site plan approval process.

Draft Plan of Condominium Comments

Staff recommends that the associated Draft Plan of Condominium (File CU 17 153653 and illustrated in Figure 8) include the front yard areas of the proposed townhouse dwellings fronting onto Woodbine Avenue as part of the common elements to ensure these lands are properly maintained. The authority to approve the Draft Plan of Condominium is delegated to the Director of Planning and Urban Design.

CONCLUSION:

The proposed townhouse development is appropriate and Staff recommends adoption of the Official Plan Amendment (Appendix 'A'), approval of the associated Draft Plan of Subdivision application, subject to the draft plan conditions in Appendix 'B', and approval of the Zoning By-law Amendment (Appendix 'C').

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS

Not applicable.


ALIGNMENT WITH STRATEGIC PRIORITIES:

The applications were reviewed in the context of the City's strategic priorities of Growth Management and Municipal Services.

BUSINESS UNITS CONSULTED AND AFFECTED:

These applications have been circulated to various City departments and external agencies and no objections to the proposal have been raised.

RECOMMENDED BY:


Biju Karumanchery, M.C.I.P., R.P.P.
Director, Planning & Urban Design


Arvin Prasad, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Figure 1 – Location Map
Figure 2 – Area / Context Map
Figure 3 – Air Photo
Figure 4 – Site Plan
Figure 5 – Elevations Private Road
Figure 6 – Elevations Woodbine Avenue

Figure 7 – Draft Plan of Subdivision
Figure 8 – Draft Plan of Condominium
Appendix 'A' – Draft Official Plan Amendment
Appendix 'B' – Draft Plan of Subdivision Conditions
Appendix 'C' – Draft Zoning By-law Amendment

OWNER:

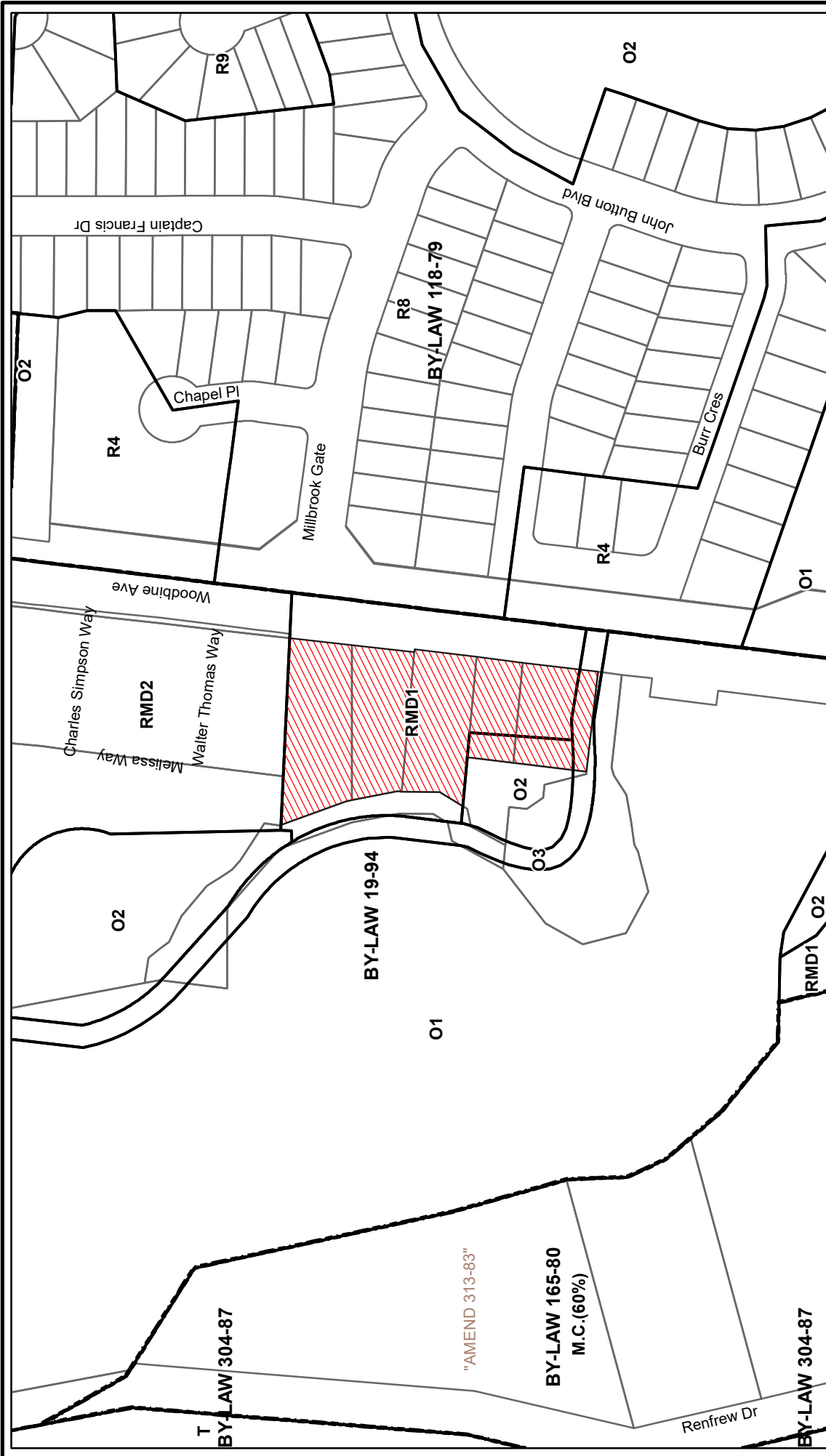
Gemterra (Woodbine) Inc.
C/O Maurice Lerman, General Manager
Gemterra Developments
7755 Warden Ave. Unit 6
Markham, ON L3R 0N3
Tel: 905-415-8595
Email: mlerman@gemterra.com

APPLICANT:

Matthew Cory, MCIP, RPP, PLE, PMP
Principal
Malone Given Parsons Ltd.
140 Renfrew Drive, Suite 201
Markham, ON, L3R 6B3
Tel: 905-513-0170 ext.138
Email: mcory@mgp.ca

File path: Amanda\File 17 153653\Documents\Recommendation Report





AREA CONTEXT / ZONING

APPLICANT: GENTERRA (WOODBINE) INC.
9064 - 9110 WOODBINE AVE

FILE No. OP_ZA_SU_CU_SC_17153653 (RC)

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DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: RC

Date: 11/01/2019

FIGURE No. 2

 SUBJECT LANDS

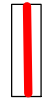


AERIAL PHOTO (2018)

APPLICANT: GENTERRA (WOODBINE) INC.
9064 - 9110 WOODBINE AVE

FILE No. OP_ZA_SU_CU_SC_17153653 (RC)

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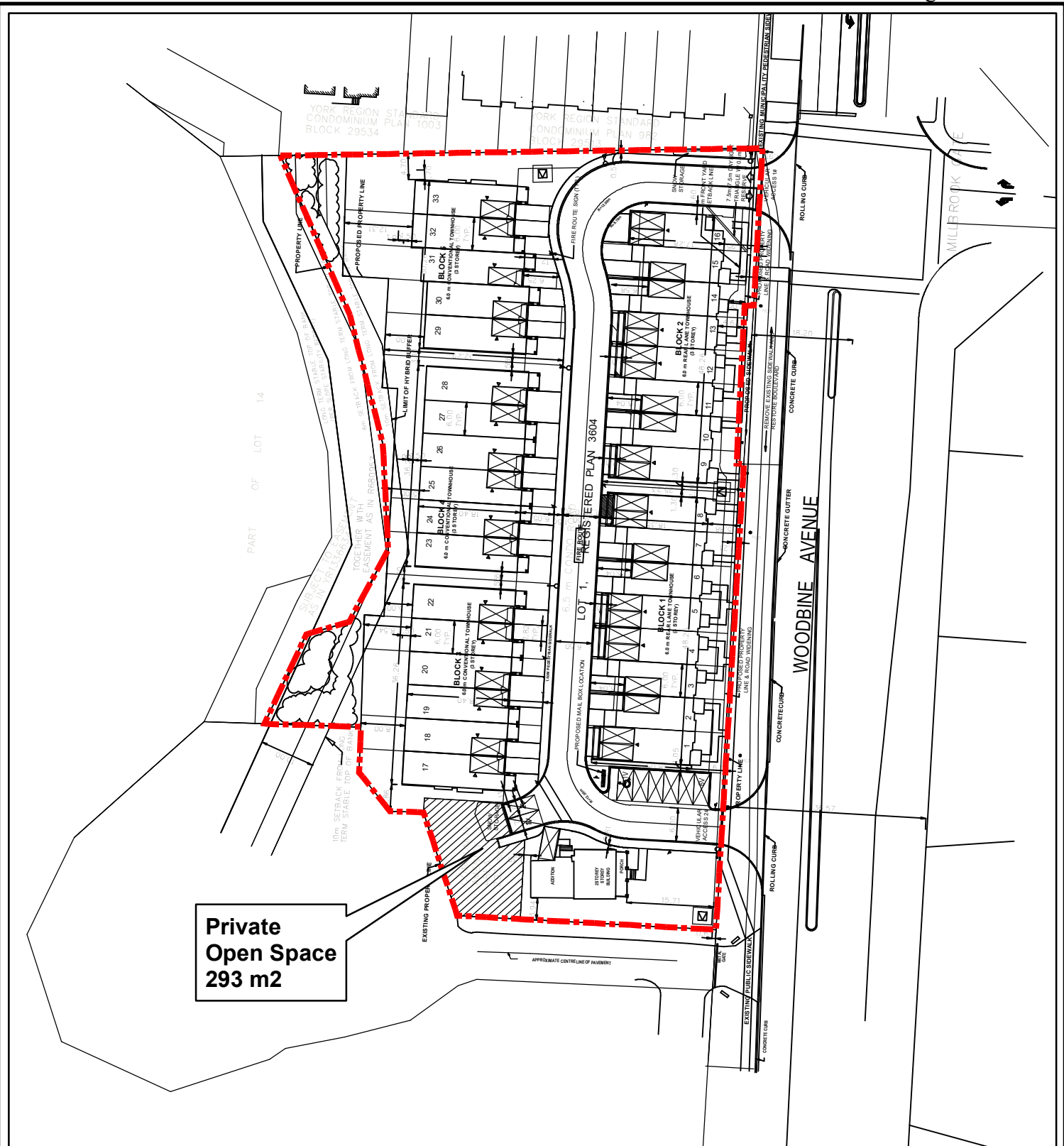
 SUBJECT LANDS

Date: 11/01/2019

Checked By: RC

Drawn By: CPW

FIGURE No. 3



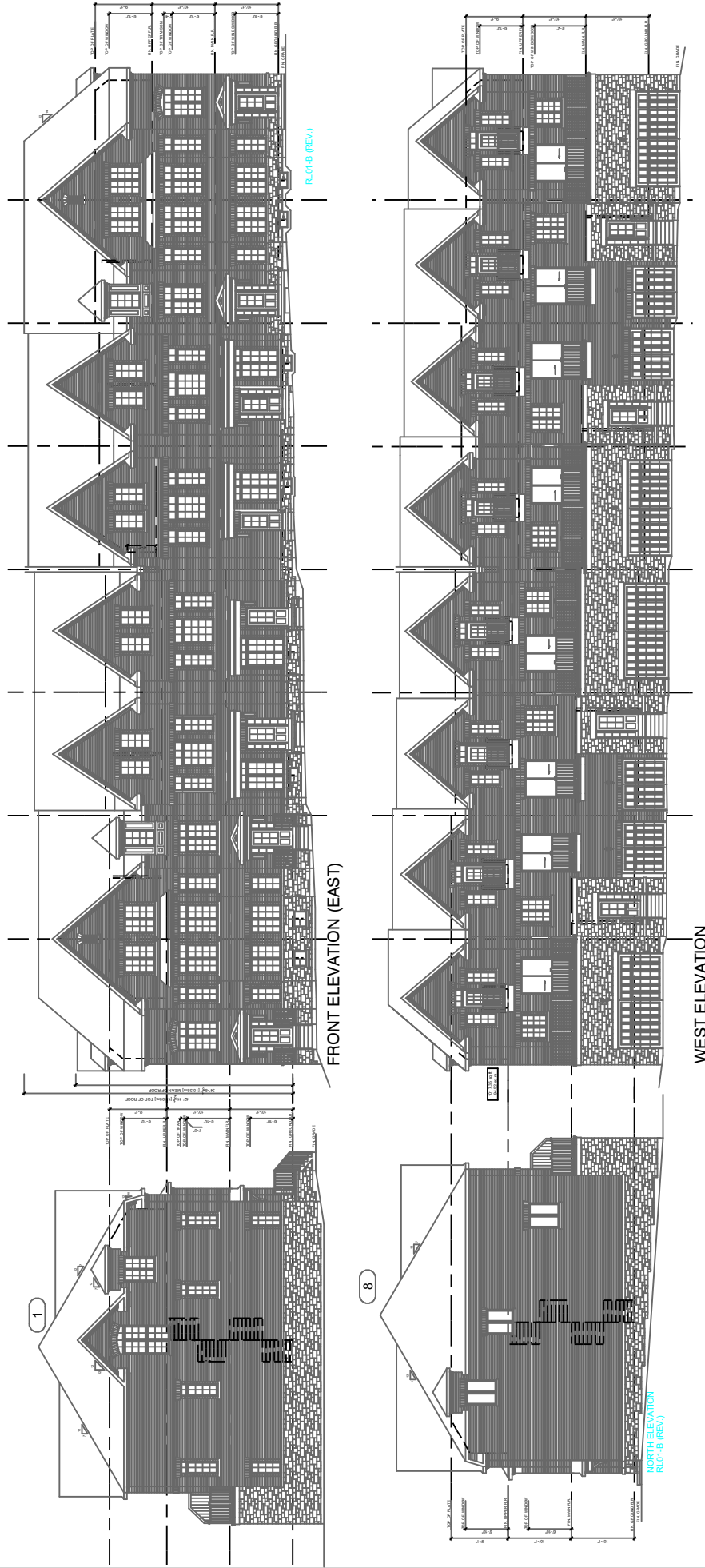
SITE PLAN

APPLICANT: GENTERRA (WOODBINE) INC.
9064 - 9110 WOODBINE AVE

FILE No. OP_ZA_SU_CU_SC_17153653 (RC)

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DATE: 11/01/2019



TYPICAL ELEVATION - PRIVATE ROAD

APPLICANT: GENTERRA (WOODBINE) INC.
9064 - 9110 WOODBINE AVE

FILE No. OP_ZA_SU_CU_SC_17153653 (RC)

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Date: 11/01/2019

FIGURE No. 6

Checked By: RC

Drawn By: CPW

MARKHAM DEVELOPMENT SERVICES COMMISSION

FILE No. OP_ZA_SU_CU_SC_17153653 (RC)

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APPLICANT: GENTERRA (WOODBINE) INC.
9064 - 9110 WOODBINE AVE

TYPICAL ELEVATION - WOODBINE AVE

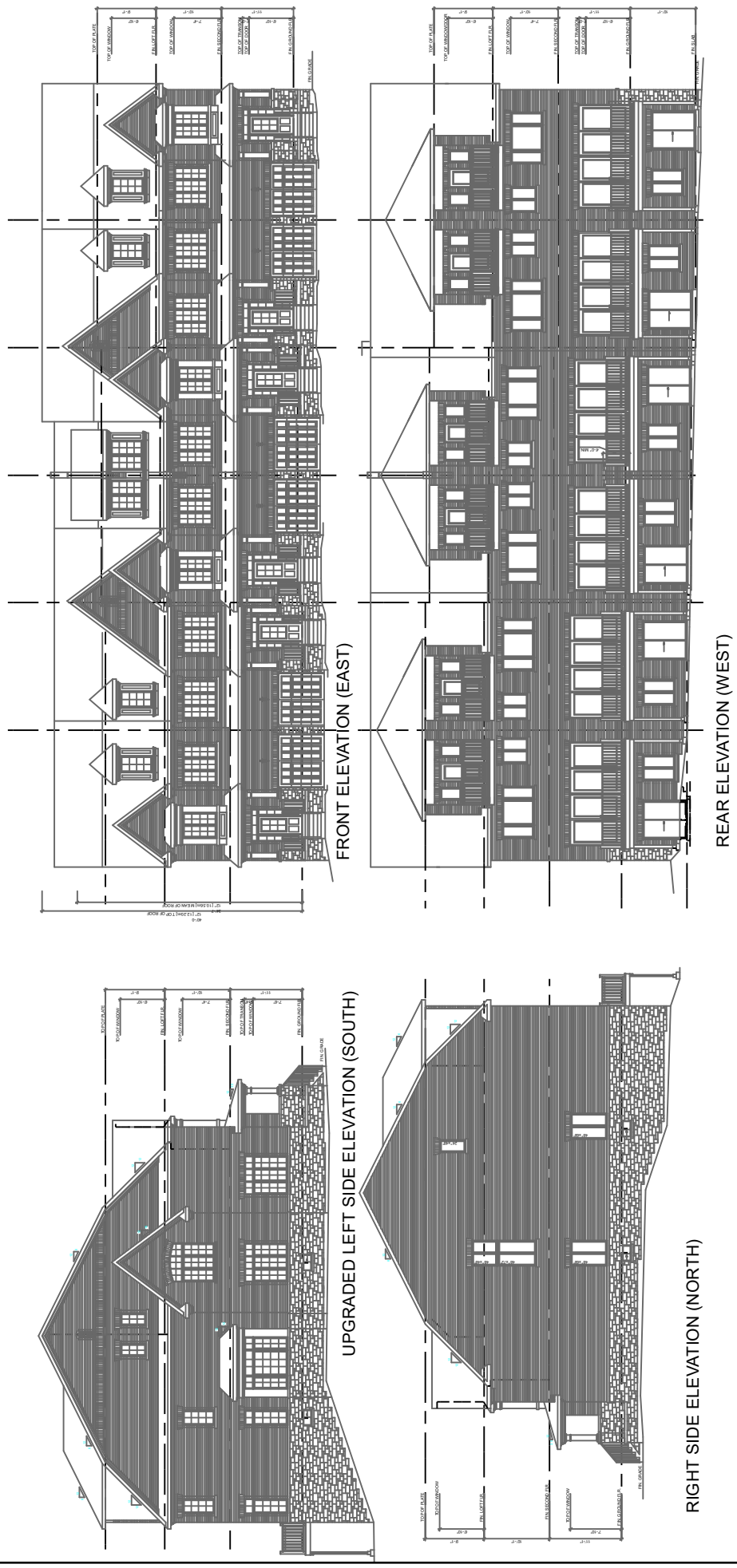
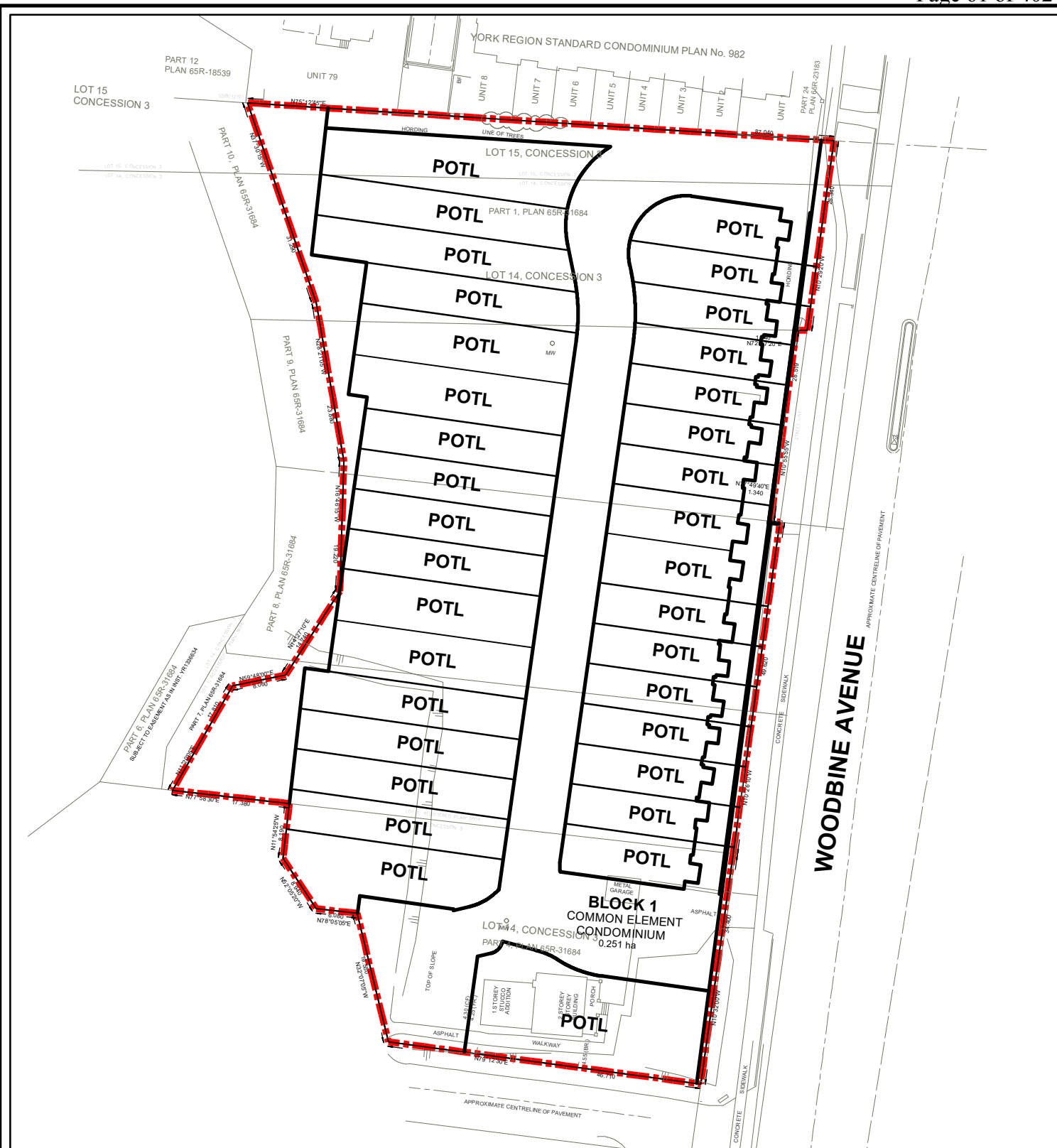


FIGURE No. 7





DRAFT PLAN OF CONDOMINIUM

APPLICANT: GENTERRA (WOODBINE) INC.
9064 - 9110 WOODBINE AVE

FILE No. OP_ZA_SU_CU_SC_17153653 (RC)

 SUBJECT LANDS

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DATE: 11/01/2019



DEVELOPMENT SERVICES COMMISSION

Drawn By: CPW

Checked By: RC

FIGURE No. 8

Appendix 'A'

CITY OF MARKHAM

OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended.

Gemterra (Woodbine) Inc.

March 2019

Appendix 'A'

CITY OF MARKHAM
OFFICIAL PLAN AMENDMENT NO. XXX

To amend the City of Markham Official Plan 2014, as amended

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. _____ - ____ in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on the ____ day of March , 2019.

Kimberley Kitteringham
CITY CLERK

Frank Scarpitti
MAYOR

Appendix 'A'**THE CORPORATION OF THE CITY OF MARKHAM****BY-LAW NO. _____**

Being a by-law to adopt Amendment No. XXX to the City of Markham Official Plan 2014, as amended.

THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM, IN ACCORDANCE WITH THE PROVISIONS OF THE PLANNING ACT, R.S.O., 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. XXX to the City of Markham Official Plan 2014, as amended, attached hereto, is hereby adopted.
2. THAT this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS ____ DAY OF MARCH, 2019.

Kimberley Kitteringham
CITY CLERK

Frank Scarpitti
MAYOR

Appendix 'A'**CONTENTS****PART I - INTRODUCTION**

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Appendix 'A'

DRAFT

PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. XXX)

Appendix 'A'**PART I - INTRODUCTION****1.0 GENERAL**

- 1.1** PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2** PART II - THE OFFICIAL PLAN AMENDMENT, constitutes Official Plan Amendment No. XXX to the City of Markham Official Plan 2014, as amended. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to the 0.95 hectare (2.35 acre) subject lands municipally known as 9064, 9074, 9100 and 9110 Woodbine Avenue. The property is located on the west side of Woodbine Avenue, south of 16th Avenue. The subject lands are located within the Heritage Centre – Buttonville Heritage Conservation District.

3.0 PURPOSE

The purpose of this Amendment is to provide for townhouse development with a maximum building height of three (3) storeys.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

The subject lands are currently designated 'Residential Low Rise' and 'Greenway' in the Official Plan. These lands are subject to the Area and Site Specific Policy 9.4.6 which limits the maximum building height to a maximum of two (2) storeys and requires new development to adhere to the development criteria contained in Sections 8.2.3.5 and 8.2.3.6 and the Buttonville Heritage Conservation district Plan. This Official Plan Amendment will facilitate a thirty-three (33) unit common element townhouse development with maximum building heights of three (3) storeys. The proposed townhouses will be compatible and consistent with the character of the surrounding area and generally conforms to the Buttonville Heritage Conservation District Plan.

Appendix 'A'

DRAFT

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. XXX)

Appendix 'A'

PART II – THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

1.1 The following Map of the Markham Official Plan 2014, as amended, is hereby amended:

- a) Map 3 – Land Use is amended by replacing the 'Greenway' and 'Residential Low Rise' designation, as shown on Schedule "A" attached hereto.

1.2 Section 9.4 of the Markham Official Plan 2014, as amended, is hereby amended by:

- a) Amending Section 9.4.6 by removing and replacing Figure 9.4.6 with a new Figure 9.4.6 as follows:

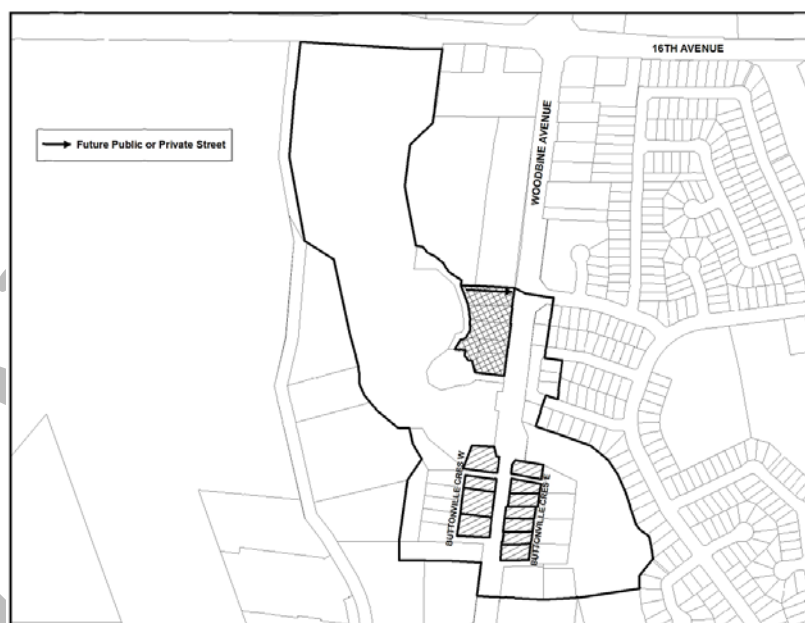


Figure 9.4.6''

Appendix 'A'

1.3 Section 9.4.6 of the Official Plan is hereby amended by adding a new Section 9.4.6.9 as follows:

“ The following height provision shall apply to the ‘Residential Low Rise’ lands shown in the cross-hatching on Figure 9.4.6:

a) The maximum building height shall be three (3) storeys.

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan approval and other Planning Act approvals, in conformity with the provisions of this Amendment.


Prior to Council’s decision becoming final, this Amendment may be modified to incorporate technical amendments to the text and associated figure(s) and schedule(s). Technical amendments are those minor changes that do not affect the policy or intent of the Amendment. The notice provisions of Section 10.7.5 of the 2014 Markham Official Plan, as amended, shall apply.



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AMENDMENT TO MAP '3' - LAND USE CITY OF MARKHAM OFFICIAL PLAN 2014, as amended

 BOUNDARY OF AREA COVERED BY THIS AMENDMENT

Appendix 'B'



CONDITIONS OF THE CITY OF MARKHAM TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TM-17004 GEMTERRA (WOODBINE) INC. ARE AS FOLLOWS:

1. General

- 1.1 Approval shall relate to a draft plan of subdivision prepared by Malone Given Parsons Ltd., identified as Project No. 16-2547, dated April 4, 2018.
- 1.2 This draft approval shall apply for a maximum period of three (3) years from date of issuance by the City, and shall accordingly lapse on April XX, 2022, unless extended by the City upon application by the Owner.
- 1.3 The Owner shall enter into a subdivision agreement with the City agreeing to satisfy all conditions of the City and Agencies, financial and otherwise, prior to final approval.
- 1.4 The Owner covenants and agrees to enter into a construction agreement and/or encroachment agreement or any other agreement deemed necessary to permit construction of services, roads, stormwater management facilities or any other services that are required external to the plan of subdivision and that are required to service the proposed development, to the satisfaction of the Director of Engineering and the City Solicitor.
- 1.5 The Owner acknowledges and agrees that the draft plan of subdivision and associated conditions of draft approval may require revisions, to the satisfaction of the City, to implement or integrate any recommendations from studies required as a condition of draft approval, including, but not limited to, Municipal Class Environment Assessment, Traffic Impact Study, Internal Functional Traffic Design Study, Transportation Demand Management Plan, Stormwater Management Study (Environmental Master Drainage Plan), Functional Servicing Report, Noise Impact Study, confirmation of alignment of roads with the locations shown in the draft approved plans, as well as any comments and conditions received from municipal departments and external agencies after draft approval is granted.

2. Roads

- 2.1 .
- 2.2 .
- 2.3 The Owner shall covenant and agree in the subdivision agreement that the public highways shall be designed and constructed in accordance with established municipal standards to the satisfaction of the City (Commissioner of Development Services).

Appendix 'B'

- 2.4 The Owner shall convey 0.3 m reserves to the City, free of all costs and encumbrances, upon registration of the plan of subdivision.
 - 2.5 The Owner shall covenant and agree in the subdivision agreement to apply for a Road Occupancy Permit or Permit to Enter, if any works or access to works is proposed on City's owned lands.
3. Noise Impact Study
- 3.1 Prior to final approval of the draft plan, the Owner shall submit the final Noise Impact Study, prepared by a qualified noise consultant, with recommended mitigation measures for noise generated by road traffic and by any other identified noise sources, to the satisfaction of the City, in consultation with York Region. The Owner further agrees to make any revisions to the draft plan that may be required to achieve the recommendations of the Noise Impact Study.
 - 3.2 The Owner shall covenant and agree in the subdivision agreement to implement noise control measures and warning clauses as recommended by the approved Noise Impact Study, to the satisfaction of the City (Commissioner of Development Services), in consultation with York Region.
4. Stormwater Management
- 4.1 Prior to final approval of the draft plan, the Owner shall submit a Stormwater Management Study, prepared by a qualified engineer, detailing the provision of water quality and quantity management facilities, hydraulic gradelines, overland flow routes, and erosion and siltation controls for the draft plan for approval by the City. The Owner acknowledges and agrees that they will be required to construct the proposed stormwater management facilities and overland routes, provide any easements or lands for stormwater and overland flow purposes, and to revise the draft plan accordingly, as may ultimately be required.
 - 4.2 The Owner shall covenant and agree in the subdivision agreement to obtain approval of Site Alteration Plans in accordance with the City's Standards prior to proceeding with any on-site works and more particularly topsoil stripping.
 - 4.3 The Owner shall covenant and agree in the subdivision agreement to undertake the monitoring of watercourse temperatures which may be affected by storm drainage from its development, subject to consultation with, and to the satisfaction of the City.
 - 4.4 The Owner covenants and agrees that the water balance target of 5mm is required by the City and TRCA. The Owner covenants and agrees to use its best efforts, subject to site conditions and constraints, to design and implement a system to achieve a water balance target acceptable to the Director of Engineering. The Owner further covenants and agrees that such system shall incorporate a Low Impact Design system ("LID"). The LID shall be in the location satisfactory to the Director of Engineering.

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5. Municipal Services

- 5.1 The City acknowledges that the Owner has submitted a Functional Servicing Report prepared by Cole Engineering Group Ltd. dated February 2017.

Prior to final approval of the draft plan, the Owner shall prepare, to the satisfaction of the City (Commissioner of Development Services), a final Functional Servicing Report to determine the infrastructure required for all municipal services internal and external to the subdivision to serve the subdivision and potential upgrades to municipal infrastructure downstream of the subdivision resulted from this development. Any requirements resulting from this Report shall be incorporated into the draft plan and provided for in the subdivision agreement. The owner shall covenant and agree in the subdivision agreement to pay for all external municipal infrastructure upgrades.

- 5.2 The Owner shall covenant and agree in the subdivision agreement that they shall be required to construct, or pay for the construction of, roads, bicycle lanes, curbs, gutters, sidewalks (in accordance with the applicable Council policy and City's Design Criteria and Standards), underground and above ground services, street lights, street signs, utilities, stormwater management facilities, etc., to the satisfaction of the City (Commissioner of Development Services).
- 5.3 Prior to final approval of the draft plan, detailed engineering drawings shall be provided in accordance with the City's Design Criteria and Standards, by the Owner which will include, but not be limited to grading control plans, plan and profile drawings of all underground and aboveground services, general plans, drainage plans, composite utility plans, streetlighting design drawings, stormwater management detail plans, etc. to the satisfaction of the City (Commissioner of Development Services).
- 5.4 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations and acceptable access for firefighting equipment is available.

6. Traffic Impact Study / Internal Functional Traffic Design Study

The Owner shall provide a Transportation Demand Management (TDM) plan as per the comments provided by the City staff dated_____.

7. Easements

- 7.1 The Owner shall grant required easements to the appropriate authority for public utilities, drainage purposes or turning circles, upon registration of the plan of subdivision. Any off-site easements and works necessary to connect watermain, storm and sanitary sewers to outfall trunks and stormwater management facilities shall be satisfactory to, and dedicated to, the City.

8. Utilities

- 8.1 The Owner shall covenant and agree in the subdivision agreement that hydro electric, telephone, gas and television cable services, and any other form of telecommunication

Appendix 'B'

services shall be constructed at no cost to the City as underground facilities within the public road allowances or within other appropriate easements, as approved on the Composite Utility Plan, to the satisfaction of the City (Commissioner of Development Services) and authorized agencies.

- 8.2 The Owner shall covenant and agree in the subdivision agreement to enter into any agreement or agreements required by any applicable utility companies, including Powerstream, Enbridge, telecommunications companies, etc.
- 8.3 The Owner shall covenant and agree in the subdivision agreement to facilitate the construction of Canada Post facilities at locations and in manners agreeable to the City of Markham in consultation with Canada Post, and that where such facilities are to be located within public rights-of-way they shall be approved on the Composite Utility Plan and be in accordance with the Community Design Plan.
- 8.4 The Owner shall covenant and agree in the subdivision agreement to include on all offers of purchase and sale a statement that advises prospective purchasers that mail delivery will be from a designated Community Mailbox. The Owners will further be responsible for notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sale.
- 8.5 The Owner shall covenant and agree in the subdivision agreement to provide a suitable temporary Community Mailbox location(s), which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox locations. This will enable Canada Post to provide mail delivery to new residents as soon as homes are occupied.
- 8.6 Standard Community Mailbox installations are to be done by Canada Post at locations approved by the municipality and shown on the Composite Utility Plan. Should the developer propose an enhanced Community Mailbox installation, any costs over and above the standard installation must be borne by the developer, and be subject to approval by the City in consultation with Canada Post.
- 8.7 The Owner covenants and agrees that it will permit any telephone or telecommunication service provider to locate its plant in a common trench within the proposed subdivision prior to registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

9. Environmental Clearance:

- 9.1 The Owner covenants and agrees to retain a "Qualified Person" as defined by the *Environmental Protection Act* and its regulations, to carry out all necessary environmental testing, evaluation and remediation and pay to the City for third party peer review. The Owner acknowledges that a "Qualified Person" will be retained for the execution of the Owner's obligation hereunder. The Owner agrees that it shall not substitute the Qualified Person without the prior written consent of the Director of Engineering.

Appendix 'B'

- 9.2 The Owner covenants and agrees that, prior to execution of Subdivision Agreement, an environmental clearance shall be provided to the City for all lands or interests in lands to be conveyed to the City to the satisfaction of the Director of Engineering. The City shall be satisfied that the lands are environmentally suitable for their proposed use and be certified as such by the "Qualified Person" as defined in Ontario Regulation 153/04, all of which shall be in accordance with the Environmental Protection Act and its regulations. The "Qualified Person" shall file a Record of Site Conditions on the Provincial Environmental Site Registry for all lands to be conveyed to the City.
- 9.3 The Owner covenants and agrees that if, during construction of the Works, contaminated soils or materials are discovered, the Owner shall inform the Director of Engineering immediately, and undertake, at its own expense, the necessary measures to identify and remediate the contaminated soils or groundwater, all in accordance with the Environmental Protection Act and its regulations, to the satisfaction of the Director of Engineering and the Ministry of Environment. After remediation, the "Qualified Person" shall file an updated Record of Site Condition on the Provincial Environmental Site Registry, in accordance with Ontario Regulation 153/04, for all lands to be conveyed to the City.
- 9.4 The Owner covenants and agrees to assume full responsibility for the environmental condition of the Lands and agrees to indemnify and save harmless the City, its directors, officers, Mayor, councilors, employees and agents from any and all actions, causes of action, suite, claims, demands, losses, expenses and damages whatsoever that may arise either directly or indirectly from the approval and Assumption by the City of the Works, the construction and use of the Works or anything done or neglected to be done in connection with the use or any environmental condition on or under the Lands, including any work undertaken by or on behalf of the City in respect of the Lands and the execution of this Agreement.
10. Well Monitoring Program and Mitigation Plan
- Prior to any site alteration activities, the Owner shall check if there are any active wells within 500 meters of the Zone of Influence (ZOI). If any active wells are found within the ZOI, the Owner shall prepare and implement a Well Monitoring Program and Mitigation Plan, in accordance with the City's requirements to the satisfaction of the Director of Engineering.
11. Municipal Infrastructure:
- The Owner and the City acknowledge that this subdivision, when fully constructed, will tentatively have the following City's municipal infrastructure:
- Local Roads: 185m
 - Sidewalks: 185m
 - Watermain: 185m
 - Sanitary Sewers: 175m
 - Storm Sewers: 170m

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12. Streetlight Types:

The Owner agrees to contact the City staff prior to commencing the design for Streetlighting to confirm the type(s) of poles and luminaires to be provided for different streets and/or lanes.

13. Tree Inventory and Tree Preservation Plans

- 13.1 The Owner shall submit for approval a tree inventory and tree preservation plan to the satisfaction of the Director of Planning and Urban Design in accordance with the City of Markham Streetscape Manual dated 2009, as amended from time to time.
- 13.2 The Owner shall submit a site grading plan showing the trees to be preserved based on the approved Tree Preservation Plan prior to the issuance of a Top Soil Stripping Permit to the satisfaction of the Director of Planning and Urban Design.
- 13.3 The Owner shall obtain written approval from the Director of Planning and Urban Design prior to the removal of any trees or destruction or injury to any part of a tree within the area of the draft plan.
- 13.4 The Owner shall submit for approval, as part of the tree inventory and tree preservation plan, in accordance with the City of Markham Streetscape Manual a tree compensation schedule detailing replacement and enhancement planting or the replacement value based on the following:
 - a) Trees between 20cm and 40cm diameter at breast height (DBH) shall be replaced at a ratio of 2:1
 - b) All trees over 40cm DBH shall have an individual valuation submitted to the City by an ISA certified Arborist in accordance with the Council of Tree and Landscape Appraisers (CTLA) Guide for Plant Appraisal (2000)
 - c) Where a site does not allow for the 2:1 replacement, the City will negotiate a credit for tree planting on alternate sites
 - d) The requirement for the replacement or equivalent economic value following unauthorized tree removal or damage shall be determined by the City.

14. Community Design

- 14.1 The Owner shall implement and incorporate all requirements of the approved Buttonville Heritage Conservation District Plan into all landscape plans, architectural control guidelines, engineering plans and any other required design documents.

15. Parks and Open Space

- 15.1 The Owner and City covenants and agrees that parkland dedication within this plan is required at a rate specified in the City's Parkland Dedication By-Law 195-90, as amended and in accordance with the *Planning Act*, as amended.

Appendix 'B'

- 15.2 The Owner shall provide a 300mm depth of topsoil in the municipal boulevard to appropriately plant new boulevard trees and provide a soil report demonstrating compliance with the City's Streetscape Manual to the satisfaction of the Director of Planning and Urban Design.
- 15.3 The Owner shall prepare and submit for approval Landscape Plans for open space blocks 2 and 3 in accordance with the City's Streetscape Manual, Engineering standards, TRCA and MNR illustrating proposed landscape treatments including but not limited to seed mixes, tree and shrub plantings, trails and appropriate topsoil depths to the satisfaction of the Director of Planning & Urban Design and the Director of Engineering.
- 15.4 The Owner shall post approved copies of any Landscape Plans and Open Space Plans, Conceptual Park Development Master Plans and Conceptual Facility Fit Plans for the park and school campus in all sales offices for dwelling units within the draft plan of subdivision.
16. Landscape Works
- 16.1 Prior to execution of the subdivision agreement, the Owner shall submit landscape plans to the satisfaction of the Director of Planning and Urban Design including
- a) Perimeter fencing adjacent to the existing residential lands and valley lands (Greenway system).
 - b) Streetscape plan including street trees for Woodbine Avenue and also interior private street in accordance with the City of Markham Streetscape Manual dated June 2009.
 - c) Planting plan for the heritage dwelling;
 - d) Planting plan for the community amenity area;
 - e) Any other landscaping as determined by the Director of Planning and Urban Design and the Environmental Master Drainage Plan;
- 16.2 The Owner shall construct all landscaping in accordance with the approved plans at no cost to the City.
- 16.3 The Owner shall not permit their builders to charge home purchasers for the items listed in Condition 16.1.
- 16.4 The Owner shall include in all agreements of purchase and sale the following clause:
- “PURCHASERS ARE ADVISED THAT AS A CONDITION OF APPROVAL OF THE SUBDIVISION WITHIN WHICH THIS LOT IS LOCATED, THE CITY OF MARKHAM HAS REQUIRED THE DEVELOPER TO UNDERTAKE AND BEAR THE COST OF THE FOLLOWING ITEMS:
- STREET TREES (TREES PLANTED IN THE CITY BOULEVARD OR IN ADJACENT PUBLIC LANDS OR PRIVATE LOTS to meet 16.1 a)
 - CORNER LOT FENCING
 - REAR LOT LINE FENCING AT LANES (IF SPECIFICALLY REQUIRED BY THE CITY)

Appendix 'B'

- TREE PLANTING IN REAR YARDS ADJOINING THE LANES (IF SPECIFICALLY REQUIRED BY THE CITY)
- NOISE ATTENUATION FENCING AS IDENTIFIED IN THE NOISE IMPACT STUDY
- FENCING OF SCHOOL, PARK, WALKWAY, OPEN SPACE AND STORMWATER MANAGEMENT POND BLOCKS
- BUFFER PLANTING FOR OPEN SPACE, WALKWAY AND STORMWATER MANAGEMENT POND BLOCKS AND SINGLE LOADED STREET ALLOWANCES
- SUBDIVISION ENTRY FEATURES AND DECORATIVE FENCING AS IDENTIFIED ON LANDSCAPE PLANS APPROVED BY THE CITY.

THE DEVELOPER HAS BORNE THE COST OF THESE ITEMS AND THE HOME PURCHASER IS NOT REQUIRED TO REIMBURSE THIS EXPENSE.”

17. Financial

- 17.1 Prior to execution of the subdivision agreement the Owner shall provide a letter of credit, in an amount to be determined by the Director of Planning and Urban Design, to ensure compliance with applicable tree preservation, fencing, streetscape, buffer and other landscaping requirements.
- 17.2 The Owner shall provide a Land Appraisal Report to the Manager of Real Property for the purpose of determining the required cash-in-lieu contribution for the under-dedicated portion of the required parkland dedication. The Land Appraisal Report is subject to the City's terms of reference and conformance with the *Parkland Dedication By-law 195-90* and with the *Planning Act*.
- 17.3 The Owner shall provide public art contribution to the satisfaction of the Director of Planning and Urban Design prior to the execution of the subdivision agreement.

18. Development Charges

- 18.1 The Owner covenants and agrees to provide written notice of all development charges related to the subdivision development, including payments made and any amounts owing, to all first purchasers of lands within the plan of subdivision at the time the lands are transferred to the first purchasers.
- 18.2 The Owner shall pay all fees and development charges as set out in the subdivision agreement.

19. Fire

- 19.1 Fire break lots shall be designated within the *subdivision/site plan* agreement, to the satisfaction of the Fire Chief or his designee.
- 19.2 The adequacy and reliability of water supplies for firefighting purposes are subject to the review and approval of the Fire Chief or his designee.

Appendix 'B'

- 19.3 The Owner shall acknowledge and agree in the subdivision agreement that building permits will not be issued for lands in any stage of development within the draft plan of subdivision until the Director of Building Services has been advised by the Fire Chief that there is an adequate water supply for firefighting operations two remote accesses for firefighting equipment is available.

20. Other City Requirements

- 20.1 Prior to final approval of the draft plan or any phase thereof, the Owner shall enter into a Developers Group Agreement(s) to ensure the provision of community and common facilities such as school sites, municipal services, parks and public roads in the Cathedral Community Secondary Plan area, to the satisfaction of the City (Commissioner of Development Services and City Solicitor), and a certificate confirming completion of such agreement(s) shall be provided to the City by the Developers Group Trustee to the satisfaction of the City Solicitor.
- 20.2 The Owner shall covenant and agree in the subdivision agreement to include warning clauses in agreements of purchase and sale for all units with single car garages advising purchasers of the following:
- 20.4 The Owner shall provide and post display plans in all sales offices which clearly indicate the location of the following facilities in relation to the lot being purchased, prior to any Agreements of Purchase and Sale being executed by the Owner, a builder, or their real estate agents:

Parks by type, including Park and Open Space Concept Plans and Streetscape Plans; stormwater management ponds and related facilities; schools by type; place of worship sites; other institutional sites by type; commercial sites by type; other surrounding land uses and facilities as specified by the City; existing or future: rail facilities, provincial highways, arterial and collector roads, transit routes and stops; City approved sidewalk, walkway and bike route locations; City approved postal box and utility furniture locations or possible locations if prior to approval; City lot grading standards.

All display plans shall be reviewed and approved at the sales office by City staff, prior to the opening of the sales office.

21. Region of York

- 21.1 The Owner shall save harmless York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- 21.2 The Owner shall agree, in wording satisfactory to Development Engineering, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- 21.3 The Owner shall agree to implement the noise attenuation features as recommended by the Noise Study to the satisfaction of Development Engineering.

Appendix 'B'

- 21.4 Where noise attenuation features will abut a York Region Right-Of-Way, the Owner shall agree in wording satisfactory to York Region's Development Engineering, as follows:
- a) That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence; and,
 - c) That maintenance of the noise barriers and fences bordering on York Region right-of-way shall not be the responsibility of York Region.
- 21.5 The Owner shall agree, in wording satisfactory to Development Engineering, that Site Plan Application approvals from the Region are required to be in place before the commencement of any site alteration or construction works for 'Block 1' development.
- 21.6 The Owner shall agree, in wording satisfactory to Development Engineering, to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- 21.7 The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
- 21.8 York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the City of Markham for the development proposed within this draft plan of subdivision or any phase thereof.
- 21.9 Upon registration of the plan or the execution of the Site Plan Agreement, whichever comes first (and as per the Region's letter dated February 11, 2019 addressing Site Plan comments), the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) A widening across the full frontage of the site where it abuts Woodbine Avenue of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of Woodbine Avenue; and,
 - b) A 7.5 metre by 7.5 metre daylighting triangle at the south leg of the proposed northern access opposite Millbrook Gate; and,
 - c) A 0.3 metre reserve along the daylight triangle.
- 21.10 The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
- 21.11 The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b)

Appendix 'B'

the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MECP (formerly MOECC) full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

- 21.12 The Owner or the Owner's authorized representative shall submit a Statutory Declaration that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.
- 21.13 The Owner shall provide a copy of the executed Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
- 21.14 The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.

Appendix 'B'

21.15 The Regional Corporate Services Department shall advise that Conditions 21.1 to 21.14 inclusive, have been satisfied.

22. External Clearances

Prior to final approval of the draft plan of subdivision, clearance letters, containing a brief statement detailing how conditions have been met, will be required from authorized agencies as follows:

- a) The Regional Municipality of York Transportation and Community Planning Department shall advise that Conditions 21.1 to 21.14 has been satisfied.
- b) The Toronto and Region Conservation Authority ("TRCA") shall advise that all lands containing natural features, hazards and their associated buffers are zoned for environmental protection, densely planted and gratuitously dedicated into public ownership, free and clear of all encumbrances to the City of Markham and to the TRCA's satisfaction;
- c) That, prior to final site plan approval of the townhouse development, the Owner agrees to successfully obtain two separate TRCA permits pursuant to Ontario Regulation 166/06, as amended. One permit is required for the restoration of the open space blocks and the second permit to facilitate the site alteration/construction of the townhouse blocks abutting the valley corridor

ISSUED

Ron Blake, M.C.I.P., R.P.P.
Senior Development Manager
Planning and Urban Design

Appendix 'C'



BY-LAW 2019-_____

A By-law to amend By-law 19-94, as amended
(to delete lands from the designated area of By-law 19-94)
and to amend By-law 177-96, as amended
(to incorporate lands into the designated area of By-law 177-96)

The Council of the Corporation of the City of Markham hereby enacts as follows:

1. That By-law 19-94, as amended, is hereby further amended as follows:

- 1.1 By deleting the lands shown on Schedule 'A' attached hereto from the designated area of By-law 19-94, as amended.
- 1.2 By rezoning the lands shown hatching on Schedule 'A' attached hereto:

from:

Residential Medium Density One – RMD1

to:

Open Space (Environmental Buffer) (O3)

2. By-law 177-96, as amended, is hereby further amended as follows:

- 2.1 By expanding the designated area of By-law 177-96, as amended, to include the lands as shown on Schedule "A" attached hereto.
- 2.2 By rezoning the lands outlined on Schedule 'A' attached hereto from:

from:

Residential Medium Density One – RMD1

Open Space (O2)

under By-law 19-94

to:

Residential Two*625 (R2) Zone under By-law 177-96

Open Space (O3) under 19-94

- 2.3 By adding the following subsection to Section 7 - EXCEPTIONS

Exception 7.625	Gemterra (Woodbine) Inc. 9064, 9074, 9084, 9100 and 9110 Woodbine Avenue	Parent Zone R2
File ZA 17 153653		Amending By- law 2019-XX
Notwithstanding any other provisions of By-law 177-96, the following provisions shall apply to the land shown on Schedule “A” attached to this By-law 2019-XX. All other provisions, unless specifically modified/amended by this section, continue to apply to the lands subject to this section.		
7.XXX.1 Only Permitted Uses		
The following uses are the only permitted uses:		
a)	Townhouse Dwellings	
b)	Single Detached Dwellings	
c)	Home Occupation	
d)	Park, Private	
7.XXX.2 Special Zone Standards		
The following specific Zone Standards shall apply:		
a)	Notwithstanding any further division or partition of the land subject to this Section, all lands zoned with Exception *XXX shall be deemed to be one lot for the purposes of this By-law.	
b)	For the purposes of this By-law, the lot line abutting Woodbine Avenue shall be deemed to be the front lot line.	
c)	Minimum lot frontage – 40 metres	
d)	Minimum front yard – 3.0 metres	
e)	Minimum rear yard – 5.0 metres	
f)	Minimum north side yard – 4.7 metres	
g)	Minimum south side yard – 3.9 metres	
h)	Maximum Height – 13.5 m and 3 storeys	
	Maximum garage width:	
i)	Townhouse dwelling accessed by a lane – 6.1 metres	
	Minimum width of a townhouse dwelling:	
i)	Interior unit- 6.0 metres	
ii)	End unit/corner lot - 6.0 metres	
i)	Minimum private park area – 293 m²	
j)	Maximum number of townhouses - 33	
7.XXX.3 Special Site Provisions		
The following additional provisions shall apply:		
a)	Notwithstanding Section 6.7, townhouse dwellings may have access from a private street.	
7.XXX.4 Special Parking Provisions		
a)	A minimum of 8 visitor parking spaces shall be provided for townhouse dwelling units	

3. SECTION 37 AGREEMENT

A contribution by the Owner to the City of \$ 1, 425.00 per residential unit in 2019 dollars, based on the total number of units, to be indexed to the Ontario rate of inflation as per the consumer price

index (CPI), in accordance with Section 37 of the Planning Act, as amended, shall be required. Payments shall be collected in accordance with the terms of an agreement to secure for the Section 37 contribution. Nothing in this section shall prevent the issuance of a building permit as set out in Section 8 of the Building Code Act or its successors.

Read a first, second and third time and passed on _____,
2019.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

AMANDA File No.: ZA 17 153653



EXPLANATORY NOTE

BY-LAW 2019-_____

A By-law to amend By-laws 19-94 and 177-96, as amended

**9064, 9074, 9084, 9100 and 9110 Woodbine Ave
CON 3 PT LOT 14 PT LOT 15 RS64R7192 PART 1 RS65R16211 PART 3
(Proposed Townhouse Development)**

Lands Affected

The proposed by-law amendment applies to 0.95 hectares (2.35 acres) of land comprised of 5 properties located on the west side of Woodbine Avenue at Millbrook Gate, and municipally known as 9064, 9074, 9084 and 9110 Woodbine Avenue.

Existing Zoning

By-law 19-94, as amended, currently zones the subject lands as Residential Medium Density One – RMD1 and Open Space – O2 under By-law 19-94.

Purpose and Effect

The purpose and effect of this By-law is to delete the property from the designated area of By-law 19-94, amend By-law 177-96 to incorporate lands into the designated area of By-law 177-96, and to rezone the subject property as follows:

from:

**Residential Medium Density Two – RMD1
Open Space (O2) under By-law 19-94**

to:

**Residential Two*625 (R2) under By-law 177-96
Open Space (O3) under By-law 19-94**

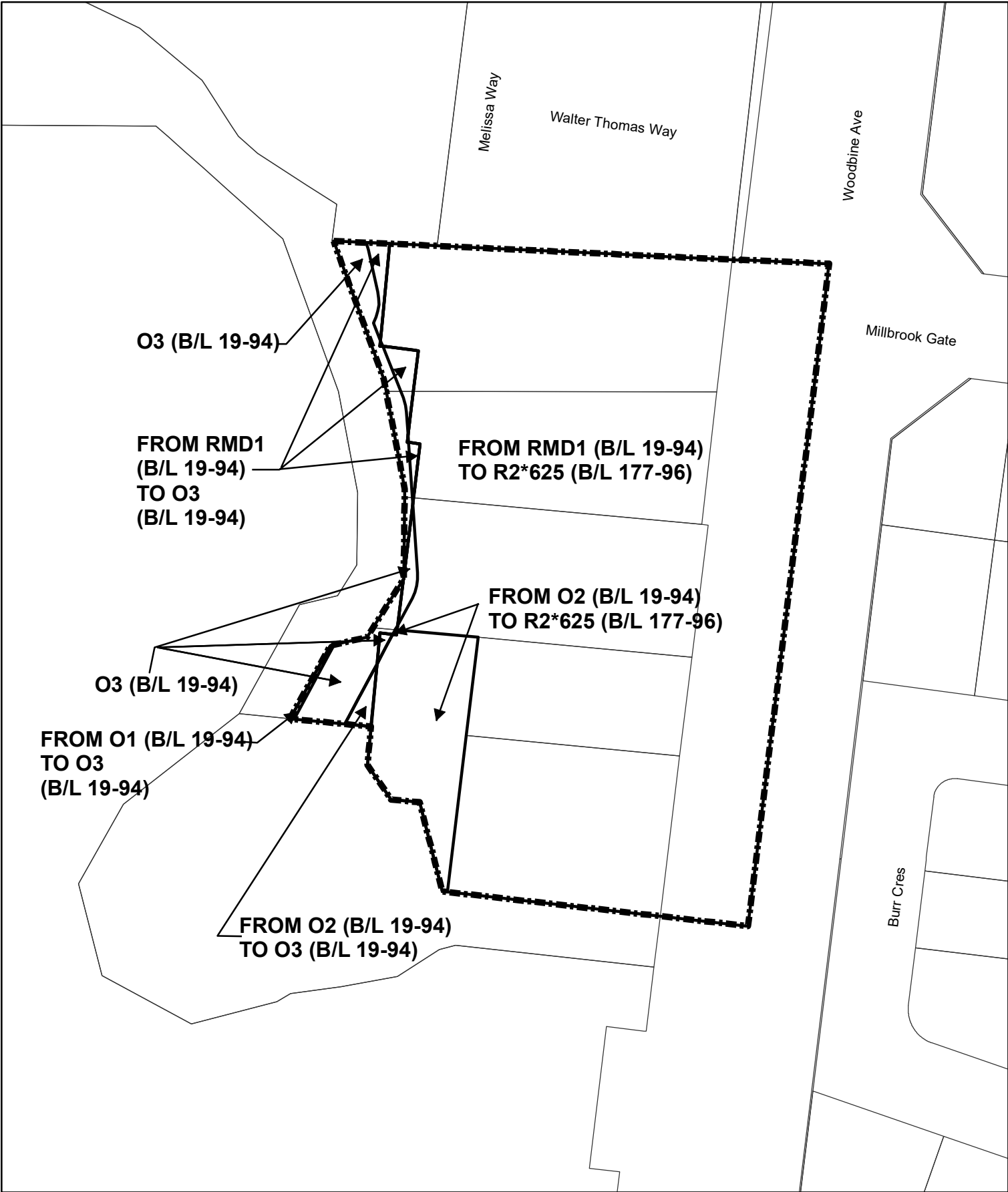
In order to permit the development of thirty three (33) three (3) storey townhouses on the subject lands. The existing heritage dwelling (Buttonville Mill House) will remain on these lands.

Note Regarding Further Planning Applications on this Property

The *Planning Act* provides that no person shall apply for a minor variance from the provisions of this by-law before the second anniversary of the day on which

the by-law was amended, unless the Council has declared by resolution that such an application is permitted.

DRAFT



SCHEDULE "A " TO BY-LAW

AMENDING BY-LAWS 19-94 & 177-96 DATED

- BOUNDARY OF AREA COVERED BY THIS SCHEDULE
- BOUNDARY OF ZONE DESIGNATION(S)
- R2 Residential Two
- RMD1 Residential Medium Density One
- O1 Open Space One
- O2 Open Space Two
- O3 Open Space Three
- *No. EXCEPTION SECTION NUMBER



THIS IS NOT A PLAN OF SURVEY. Zoning information presented in this Schedule is a representation sourced from Geographic Information Systems. In the event of a discrepancy between the zoning information contained on this Schedule and the text of zoning by -law, the information contained in the text of the zoning by -law of the municipality shall be deemed accurate.

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NOTE: This Schedule should be read in conjunction with the signed original By-Law filed with the City of Markham Clerk's Office



Report to: Development Services Committee

Report Date: April 15, 2019

SUBJECT: **Recommendation Report**
 Demolition Permit Application 19 110922 DP
 Single Detached Dwelling
 29 Sumner Lane, Thornhill Heritage Conservation District
 Ward 1

PREPARED BY: George Duncan, CAHP, Senior Heritage Planner ext. 2296

REVIEWED BY: Regan Hutcheson, MCIP, RPP, CAHP,
 Manager of Heritage Planning ext. 2080

RECOMMENDATION:

- 1) THAT the report entitled “Demolition Permit Application 19 110922 DP, Single Detached Dwelling, 29 Sumner Lane, Thornhill Heritage Conservation District, Ward 1”, dated April 15, 2019, be received;
- 2) THAT the demolition of the derelict, vacant, non-heritage, single detached dwelling at 29 Sumner Lane be supported;
- 3) THAT final approval of the demolition permit application not be granted until the applicant provides documentation to the Building Department that a permit has been approved by the TRCA for the demolition of the structures and the infilling of the basement excavations.
- 4) AND THAT staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

To recommend that Council support the demolition of a derelict, vacant, non-heritage single detached dwelling at 29 Sumner Lane within the Thornhill Heritage Conservation District.

BACKGROUND:

The subject property contains a remnant of a 1951 frame dwelling and a block foundation constructed in 2010.

The subject property contains a remnant of a 1951 frame dwelling which was partially demolished in 2010. At that time, the owner began construction of a block foundation for a major addition without obtaining any approval from the municipality for either the demolition or construction work. A Stop Work Order was issued by the City and the project was abandoned and left open to the elements.

The Toronto and Region Conservation Authority (TRCA) prefers that the existing structures be removed as they are close to the established top of bank

Remaining portions of the dwelling are located near the established top of bank of the adjoining valleylands and the TRCA would prefer to have the remaining portions of the existing building, new foundation, pool and any accessory buildings completely demolished and removed. Future development is required by the TRCA to be limited to the tableland on the property within the required setbacks from the valley.

The structures on the property are in an unsafe state

The remnant of the 1951 dwelling and block foundation are in an unsafe state, having been abandoned since 2010. A demolition permit has been applied for by the property owner. The demolition permit application, if approved, will remedy this situation.

The subject property is located within the Thornhill Heritage Conservation District

The subject property is designated under Part V of the *Ontario Heritage Act* (the “Act”) as part of the Thornhill Heritage Conservation District. Review of the demolition permit by Heritage Markham is required and the approval of Council is necessary to permit the demolition of the existing dwelling.

The dwelling is a Class C property and not of heritage significance

In the Thornhill Heritage Conservation District Plan, the property is identified as Class ‘C’. These are buildings that are primarily post 1939 in age, and include buildings sympathetic to the District by virtue of their scale and massing as well as buildings not sympathetic to the historic character of the District. This building remnant is not considered to have cultural heritage value. As to demolition of Class ‘C’ buildings, the District Plan indicates this should be considered on a case-by-case basis.

Heritage Markham has no objection to the demolition

On March 13, 2019 Heritage Markham reviewed the demolition permit application and under the circumstances has no objection to the demolition. The committee recommended that the applicant take measures to protect the mature trees on the property, such as temporary fencing, so that they are in no way damaged during the demolition work.

OPTIONS/ DISCUSSION:

The *Ontario Heritage Act* requires Council to consider all demolition applications for designated properties.

Although the subject building does not appear to possess cultural heritage value, it is located within the Thornhill Heritage Conservation District. According to Section 42(1) of the *Act*, an owner is required to obtain a permit from the municipality to:

1. alter any part of the property other than the interior
2. erect, demolish or remove any building or structure on the property or permit the erection, demolition or removal.

Therefore, all applications for demolition of buildings and structures within heritage conservation districts whether of cultural heritage value or not, must be considered by Council. As per the *Ontario Heritage Act*, Council has 90 days to make a decision on the

demolition request. Council can support the demolition permit application, support with terms and conditions, or refuse the application.

The proposed demolition of the building is supported by Heritage Section staff

As noted earlier, the building is classified as Class 'C' in the District Plan. Due to its scale and massing, the building is sympathetic to the smaller heritage resources found in the District. However, what remains is only a portion of the 1951 dwelling in the form of a shell, badly deteriorated due to exposure to weather and lacking most of its former architectural features from when it was an inhabited dwelling. Therefore it is the opinion of staff that the demolition of the building can be supported.

The applicant requires a permit from the TRCA to demolish the structures and place fill into the basement excavations

The applicant has been notified that due to the location of the structures and the top of bank issues on the subject property, a permit is required from the TRCA to demolish the structures on the property and fill in the basement excavations.

A future development application for a replacement dwelling on the property will need to comply with the policies and guidelines of the Thornhill Heritage Conservation District Plan and the requirements of the TRCA

At present, there are no development applications for this property. The area is subject to Site Plan Control. When a development application for a replacement dwelling is applied for, the design will need to comply with the policies and guidelines of the Thornhill Heritage Conservation District Plan and other City of Markham requirements.

Additionally, the development will be required to comply with the requirements of the TRCA due to the location of the property adjacent to the valleylands. Any new development will need to be set back a safe distance from the established top of bank and located only on the table lands.

FINANCIAL CONSIDERATIONS

None

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

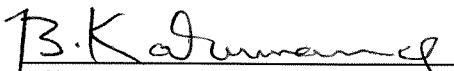
ALIGNMENT WITH STRATEGIC PRIORITIES:

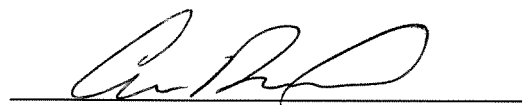
Not Applicable

BUSINESS UNITS CONSULTED AND AFFECTED:

The demolition request was reviewed by Heritage Markham, Council's advisory committee on heritage matters, at its meeting of March 13, 2019, and the committee had no objection to the demolition.

RECOMMENDED BY:


Biju Karumanchery, MCIP, RPP
Senior Development Manager


Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS:

Figure 1: Applicant and Location Map
Figure 2: Building Photograph
Appendix 'A': Heritage Markham Extract March 13, 2019

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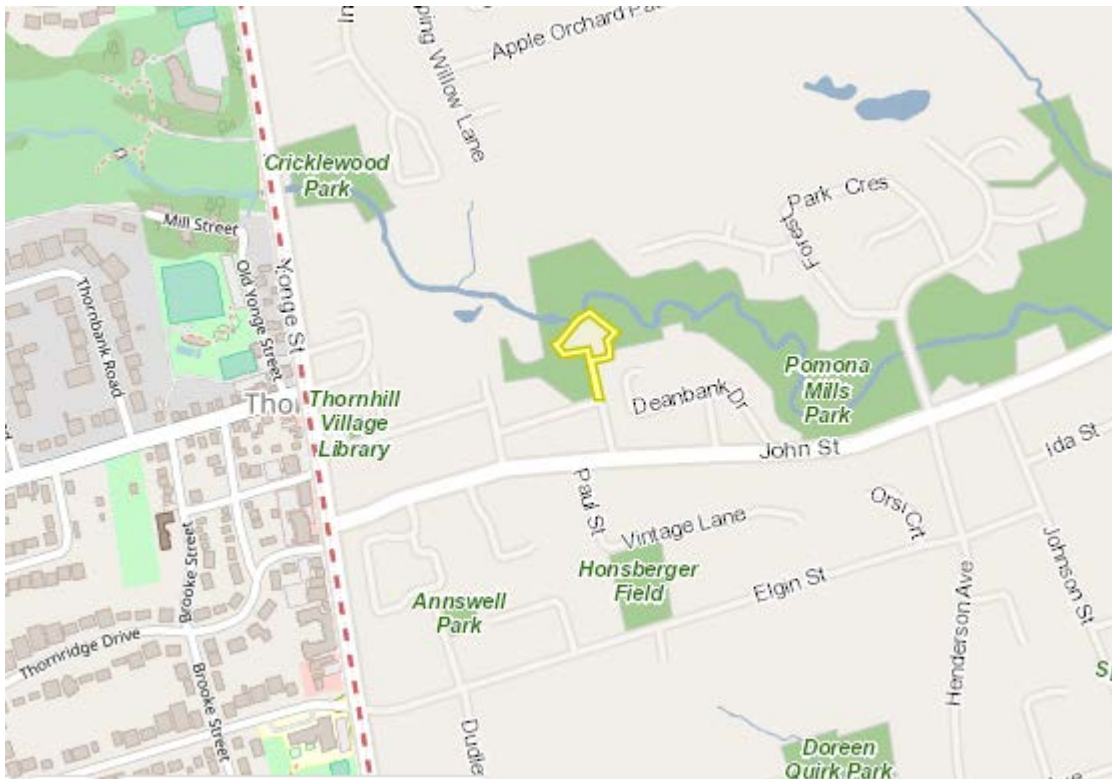
Figure 1:**APPLICANT:** Tom Michalopoulos**LOCATION MAP**

Figure 2: Building Photograph



Appendix 'A'

HERITAGE MARKHAM EXTRACT

DATE: March 22, 2019

TO: R. Hutcheson, Manager of Heritage Planning
J. Chow, Building Department

EXTRACT CONTAINING ITEM #9 OF THE THIRD HERITAGE MARKHAM
COMMITTEE MEETING HELD ON MARCH 13, 2019.

9. **Demolition Permit Application,**
29 Sumner Lane, Thornhill Heritage Conservation District,
Demolition of 1951 Dwelling Remnant (16.11)
File Number: 19 110922 DP
Extracts: R. Hutcheson, Manager of Heritage Planning
J. Chow, Building Department
-

Memorandum

George Duncan, Senior Heritage Planner, addressed the Committee and summarized the details outlined in the memo.

The Committee proposed an amendment to the Staff recommendation – that extra care be taken to ensure the trees are protected during demolition.

Recommendation:

That Heritage Markham has no objection to the demolition and removal of the remaining portions of the Class C dwelling, modern block foundation and other more recent structures at 29 Sumner Lane, as they have no cultural heritage significance and have deteriorated over time; and

That Heritage Markham supports the protection of nearby trees during the demolition.

CARRIED



Report to: Development Services Committee

Meeting Date: April 15, 2019

SUBJECT: **Recommendation Report**
 Intention to Designate a Property under
 Part IV of the Ontario Heritage Act
 Thomas H. Bruels House
 2 Aileen Lewis Court, Ward 4

PREPARED BY: George Duncan, CAHP, Senior Heritage Planner, ext. 2296

REVIEWED BY: Regan Hutcheson, MCIP, RPP, CAHP,
 Manager of Heritage Planning, ext.2080

RECOMMENDATION:

- 1) That the staff report entitled “Intention to Designate a Property under Part IV of the Ontario Heritage Act, Thomas H. Bruels House, 2 Aileen Lewis Court”, dated April 15, 2019, be received;
- 2) That as a condition of the approved Site Plan Agreement, the Thomas H. Bruels House at 2 Aileen Lewis Court be approved for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest;
- 3) That the Clerk’s Department be authorized to publish and serve Council’s Notice of Intention to Designate as per the requirements of the Ontario Heritage Act;
- 4) That if there are no objections to the designation in accordance with the provisions of the Ontario Heritage Act, the Clerk be authorized to place a designation by-law before Council for adoption;
- 5) That if there are any objections in accordance with the provisions of the Ontario Heritage Act, the Clerk be directed to refer the proposed designation to the Ontario Conservation Review Board;
- 6) And that Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to designate the “Thomas H. Bruels House” at 2 Aileen Lewis Court under Part IV of the Ontario Heritage Act, in accordance with the conditions of the Site Plan Agreement for its relocation and restoration at Markham Heritage Estates.

BACKGROUND:

The property is listed on the City of Markham Register

The subject property is located at 2 Aileen Lewis Court within Markham Heritage Estates, a community of relocated heritage buildings. It is included in the Markham Register of Property of Cultural Heritage Value or Interest. The Register is the City’s inventory of non-designated properties identified as having cultural heritage value or interest, as well as Part IV properties (individual designations) and Part V properties (district designation).

The Thomas H. Bruels House, c.1895, is a good example of a late 19th century farmhouse designed with the influence of the Queen Anne Revival style

The Thomas H. Bruels House, c.1895, is a good example of a late 19th century farmhouse designed with the influence of the Queen Anne Revival style. This L-plan residence in red brick is well-preserved and represents an uncommon variation of this architectural style in Markham.

The Statement of Significance is attached as Appendix 'A'.

The building has been assessed using the Ministry of Culture's Designation Criteria

The Government of Ontario on January 25, 2006 passed a regulation (O.Reg. 9/16) which prescribes criteria for determining a property's cultural heritage value or interest for the purpose of designation. Municipal councils are permitted to designate a property to be of cultural heritage value or interest if the property meets the prescribed criteria.

The purpose of the regulation is to provide an objective base for the determination and evaluation of resources of cultural heritage value. The prescribed criteria help ensure the effective, comprehensive and consistent determination of value or interest by all Ontario municipalities. The criteria are essentially a test against which properties can be judged; the stronger the characteristics of the property compared to the standard, the greater the property's cultural heritage value. The property may be designated if it meets one or more of the criteria.

The subject property has cultural heritage value or interest as it meets the following criteria:

- The property has design value or physical value because it:
 - Is a rare, unique, representative or early example of a style, type expression, material or construction method (the Thomas H. Bruels House is a good example of a late 19th century farmhouse designed with the influence of the Queen Anne Revival style),
- The property has historical value or associative value because it:
 - Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community (this house was built by a family of German origin that settled in the Ringwood-Dickson Hill area in the late 1820s);
- The property has contextual value because it:
 - Is important in defining, maintaining or supporting the character of an area (the Thomas H. Bruels House, relocated to Markham Heritage Estates in 2008, helps illustrate the range of architectural styles, building materials and cultural backgrounds of the City's heritage buildings).

The building was assessed as a Group 2 heritage building by Heritage Markham

The cultural heritage value of the Thomas H. Bruels House was considered by Heritage Markham in 2008 when it was proposed for relocation to Markham Heritage Estates. The house was evaluated as a Group 2 heritage building, worthy of designation and preservation, but because it was located in the Town of Whitchurch-Stouffville, outside of the political boundaries of Markham, it did not meet the eligibility criteria for relocation to Markham Heritage Estates. The applicants requested Markham Council to allow this significant heritage building to be eligible for relocation to Markham Heritage Estates on the basis that it was located within the historic boundary of Markham Township and could not be preserved on site at 12049 Highway 48.

OPTIONS/ DISCUSSION:**The designation of the heritage resource is consistent with City policies**

The City of Markham Official Plan 2014 contains Cultural Heritage policies related to the protection and preservation of heritage resources. With respect to Markham Heritage Estates, all buildings relocated and restored in this community are required to be subject to designation under Part IV of the Ontario Heritage Act, as well as a Heritage Easement Agreement.

The owner is aware of the City's intention to designate this property under the Ontario Heritage Act through the development approval process.

As noted above, heritage designation and a heritage easement agreement are standard conditions for Site Plan Agreements within Markham Heritage Estates. There is an approved Site Plan Agreement for this property, executed by the current owners in 2008.

Designation acknowledges the importance of the heritage resource

Designation signifies to both the owner and the broader community that the property contains a significant resource that is important to the community. Designation doesn't restrict the use of the property. However, it does require the owner to seek approval for property alterations that are likely to affect the heritage attributes described in the designation by-law. Council can also prevent, rather than just delay, the demolition of a resource on a designated heritage property.

The designation of this cultural heritage resource is supported by staff.

FINANCIAL CONSIDERATIONS:

Not Applicable

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Heritage designation aligns with the strategic priorities of Managed Growth and Environment. Designation recognizes, promotes and protects heritage resources, which strengthens the sense of community. The preservation of heritage buildings is environmentally sustainable because it conserves embodied energy, diverts sound

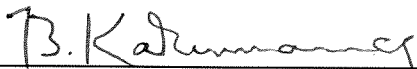
construction materials from entering landfill sites, and reduces the need to produce and transport new construction materials.

BUSINESS UNITS CONSULTED AND AFFECTED:

Acceptance of this recommendation to designate the property located at 2 Aileen Lewis Court under Part IV of the Ontario Heritage Act will require the Clerk's Department to initiate the following actions:

- publish and serve on the property owner, the Ontario Heritage Trust and the public through newspaper advertisement, Council's notice of intention to designate the property as per the requirements of the Act: and
- prepare the designation by-law for the property

RECOMMENDED BY:


Biju Karumanchery, MCIP, RPP
Director of Planning & Urban Design


Arvin Prasad, MCIP, RPP
Commissioner of Development Services

ATTACHMENTS

Figure 1 - Location Map

Figure 2 - Building Photograph

Appendix 'A' - Statement of Significance

FILE PATH:

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FIGURE 1**OWNER:**

Steven and Hala Palubiski

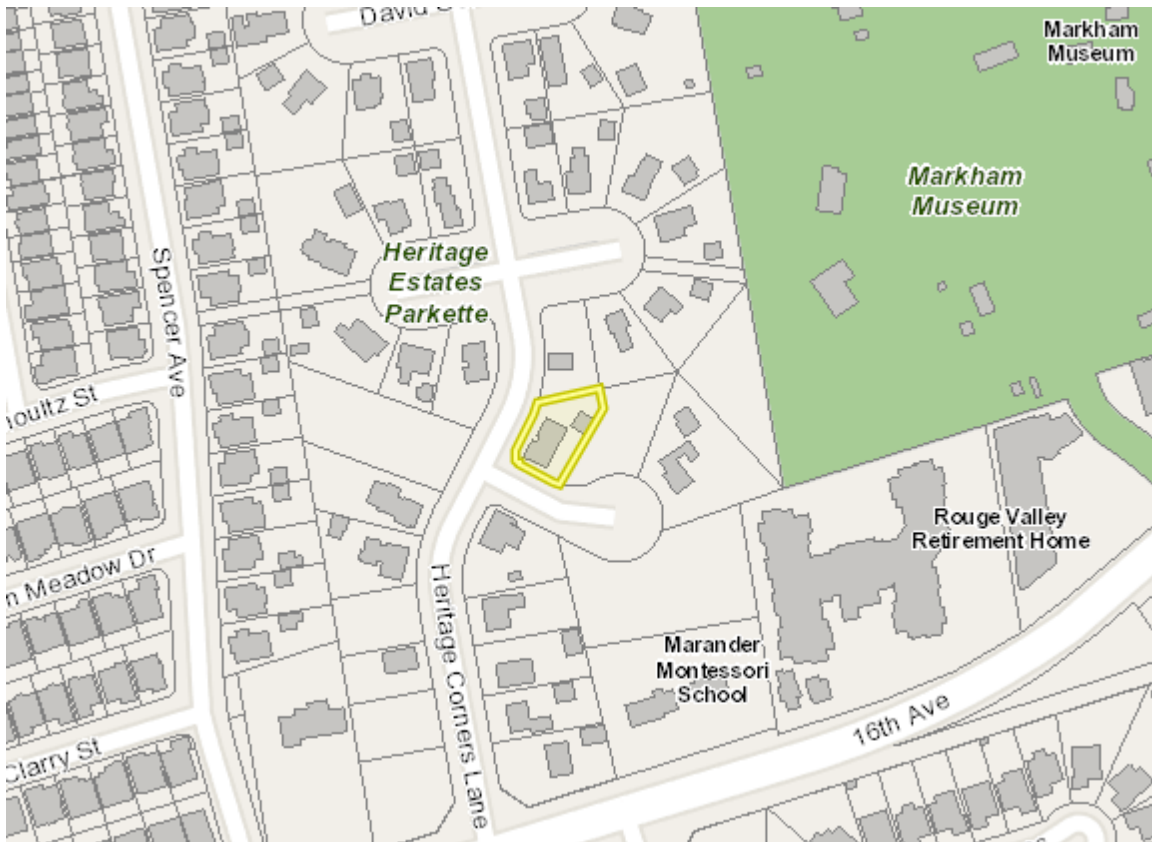
LOCATION MAP:

Figure 2: Building Photograph



**Thomas H. Bruels House, c.1895,
Relocated to Markham Heritage Estates in 2008.**

Appendix 'A'**Statement of Significance****Thomas H. Bruels House****2 Aileen Lewis Court****c.1895**

The Thomas H. Bruels House is recommended for designation under Part IV of the Ontario Heritage Act as a property of cultural heritage value or interest, as described in the following Statement of Significance.

Description of Property

The Thomas H. Bruels House is a relocated heritage building at the north-east corner of Aileen Lewis Court and Heritage Corners Lane in Markham Heritage Estates, a community of relocated heritage buildings. The Thomas H. Bruels House is a one-and-a-half storey red brick veneered frame building.

Historical and Associative Value

This house was constructed on Lot 34, Concession 8 (12049 Highway 48), near the crossroads community of Ringwood, in the mid-1890s. It has historical and associative value as the former home of Thomas H. Bruels, the grandson of German immigrants Johan and Hannah Bruels, who came to Markham Township in 1828. This house replaced the earlier Bruels family home on the property. The property was owned by the Bruels family until 1950.

Design and Physical Value

The Thomas H. Bruels House, c.1895, is a good example of a late 19th century farmhouse designed with the influence of the Queen Anne Revival style. The front windows, with semi-elliptical shaped transom lights, is a trademark feature of houses built by prominent Stouffville builder Nathan Forsythe, a Bruels family relative by marriage. This suggests that Forsythe may have been the builder of this farmhouse. The front veranda is a replica of the 1890s veranda, with its design based on an archival photograph.

Contextual Value

The Thomas H. Bruels House has contextual value as a restored building from an area of the Town of Whitchurch-Stouffville which was formerly part of Markham Township, relocated to Markham Heritage Estates in 2008 to save it from demolition. In its present context, the house helps illustrate the range of architectural styles, building materials, and cultural backgrounds of the City's heritage buildings.

Significant Architectural Attributes to be Conserved

Exterior, character-defining elements that embody the cultural heritage value of the Thomas H. Bruels House include:

- L-plan, 1 ½ storey form;
- Stone facing on the modern foundation;
- Red brick veneer with brick arches over door and window openings;
- Steeply-pitched gable roof with open, overhanging eaves, wood fascia, soffits and bedmould;
- Steeply-pitched centre gable in the ell;
- Typical window openings with 1/1 flat-headed sash-style windows, with projecting sills;
- Large front windows with semi-elliptical arched heads and transom lights, and their projecting sills;
- Glazed and panelled wood front door;
- Replica 1890s veranda with hip roof, turned wood posts, and decorative brackets.



Report to: Development Services Committee

Report Date: April 15, 2019

SUBJECT: Traffic Control Signals By-Law Amendment (City-wide)

PREPARED BY: David Porretta, Manager, Traffic Engineering, ext. 2040

RECOMMENDATION:

- 1) That the report entitled “Traffic Control Signals By-Law Amendment”, be received;
- 2) And that Schedule 19 of Traffic By-Law 106-71, pertaining to “Traffic Control Signals”, be amended by including the following intersections:
 - Allstate Parkway at Norman Bethune Avenue / Centurian Drive
 - Birchmount Road at Aviva Way
 - Birchmount Road at Verdale Crossing
 - Birchmount Road, 125 metres south of Enterprise Boulevard
 - Bur Oak Avenue at Roy Rainey Avenue
 - Centurian Drive at Frontenac Drive
 - Enterprise Boulevard at Andre De Grasse Street
 - Enterprise Boulevard at Bill Crothers Drive
 - Enterprise Boulevard at University Boulevard (formerly Ravis Road)
 - Enterprise Boulevard / Unionville Gate at Main Street Unionville
 - John Street, 30 metres east of Rockingham Court (Lake to Lake Route)
 - Norman Bethune Avenue at Aristotle Avenue
 - YMCA Boulevard at University Boulevard (formerly Ravis Road)
- 3) And that Schedule 12 of Traffic By-Law 106-71, pertaining to “Compulsory Stops”, be amended by rescinding the stop controls at the following intersections:
 - Allstate Parkway at Centurian Drive
 - Bur Oak Avenue at Roy Rainey Avenue
 - Centurian Drive at Frontenac Drive
 - Main Street Unionville at Unionville Gate
- 4) That the amended by-law shall come into force and effect when the authorized traffic control signals have been energized; and further,
- 5) And that York Region Police be requested to enforce the traffic signals upon passing of the By-law;
- 6) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report recommends amendments to Traffic By-Law 106-71 to reflect new traffic control signals that have been installed at the subject locations.

BACKGROUND:

The function of a traffic control signal is to alternate the right-of-way between conflicting streams of vehicular traffic, or vehicular traffic and pedestrians crossing a roadway in a safe and efficient manner.

Traffic control signals have been or will be installed at the previously noted intersections. Depending on location, the traffic signals are installed through approved capital projects or development-related projects. Locations are illustrated in Attachment "A".

OPTIONS/DISCUSSION:

In order to legally identify the traffic control signals being used at these locations, Council approval is required to amend Schedule 19 of Traffic By-Law 106-71. This By-law schedule is amended periodically to identify locations where new traffic control signals have been installed. If the by-law amendment is not approved, the ability to effectively enforce traffic control at these intersections may be compromised.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:


Not applicable.


ALIGNMENT WITH STRATEGIC PRIORITIES:

The recommendations identified within this report align with the strategic focus for a Safe and Sustainable Community, through the ongoing management of the City's transportation network.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable.

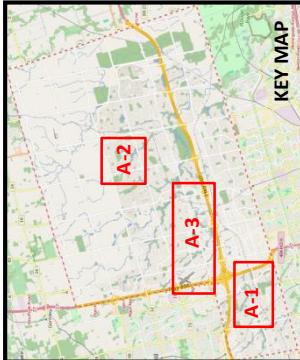
RECOMMENDED BY:

Brian Lee, P.Eng.
Director, Engineering

Arvin Prasad, MPA, RPP, MCIP
Commissioner, Development Services**ATTACHMENTS:**

Attachment 'A' – Location Map

Attachment 'B' – By-Law Amendment



LEGEND

● New Traffic Control
● Signal Locations

NEW TRAFFIC CONTROL SIGNAL LOCATIONS

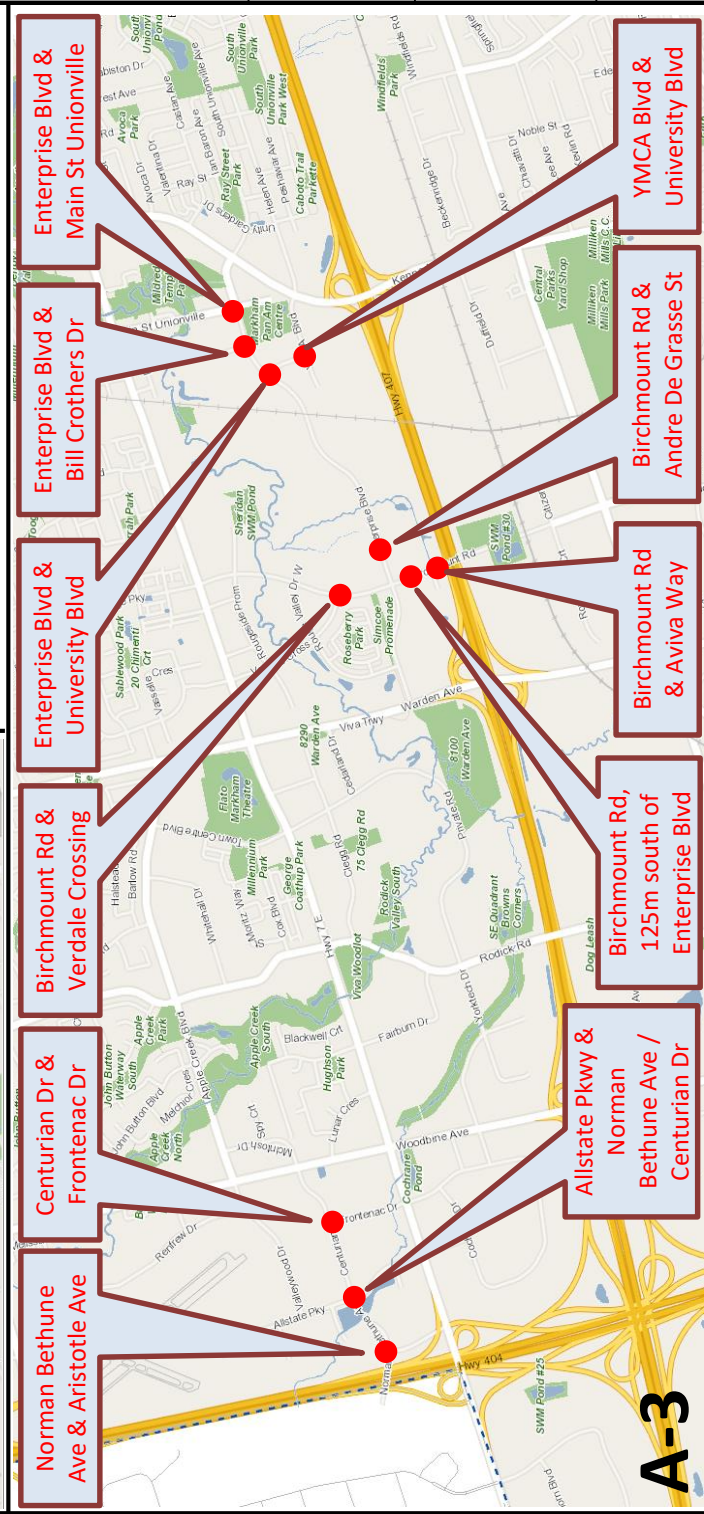
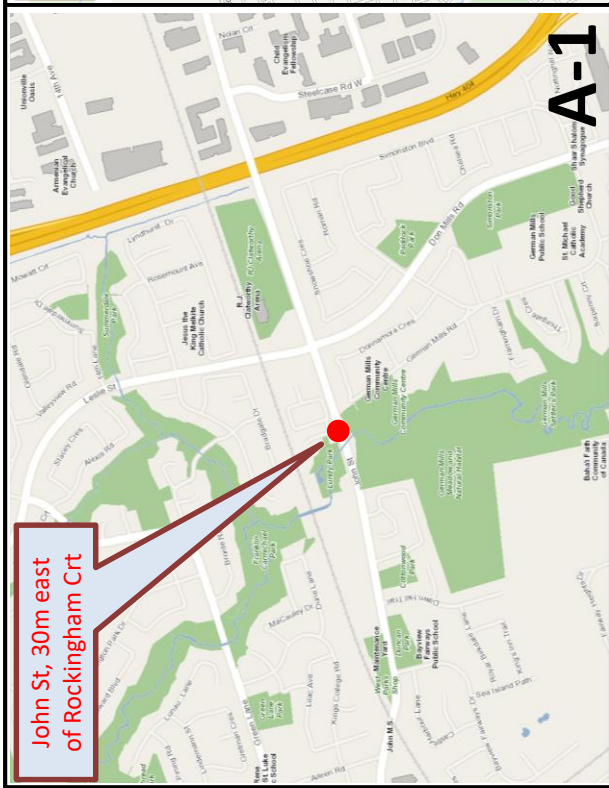
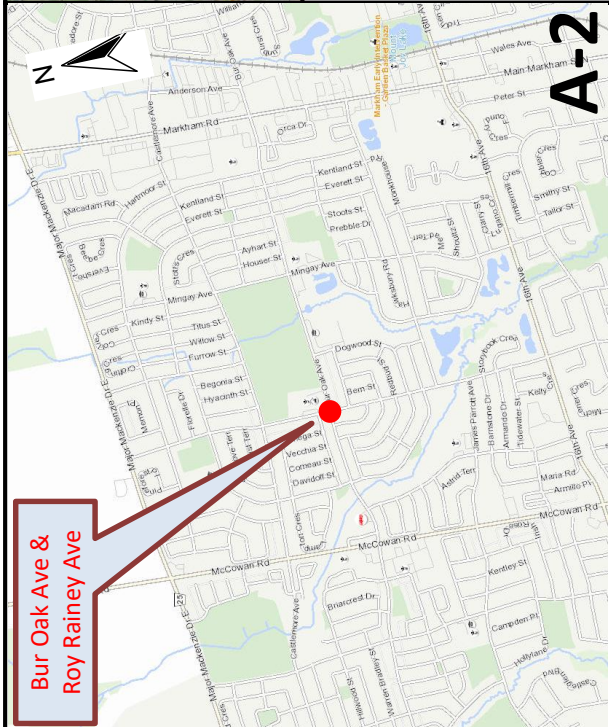


Engineering Dept.

April 2019

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ATTACHMENT 'A'





THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NUMBER _____

TO AMEND BY-LAW 106-71

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT BY-LAW 106-71 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That Schedule 19 of Traffic By-law 106-71, pertaining to “Traffic Control Signals”, be amended by adding the following locations

COLUMN 1
INTERSECTION

Allstate Parkway at Norman Bethune Avenue / Centurian Drive

Birchmount Road at Aviva Way

Birchmount Road at Verdale Crossing

Birchmount Road, 125 metres south of Enterprise Boulevard

Bur Oak Avenue at Roy Rainey Avenue

Centurian Drive at Frontenac Drive

Enterprise Boulevard at Andre De Grasse Street

Enterprise Boulevard at Bill Crothers Drive

Enterprise Boulevard at University Boulevard

Enterprise Boulevard / Unionville Gate at Main Street Unionville

John Street, 30 metres east of Rockingham Court

Norman Bethune Avenue at Aristotle Avenue

YMCA Boulevard at University Boulevard

2. That Schedule 12 of Traffic By-law 106-71, pertaining to “Compulsory Stops”, be amended by deleting the following locations:

COLUMN 1	COLUMN 2	COLUMN 3
<u>INTERSECTION</u>	<u>FACING TRAFFIC</u>	<u>LOCATION OF STOP SIGN</u>
Allstate Parkway at Centurian Drive	Southbound on Allstate Parkway	West side of Allstate Parkway, North side of Centurian Drive
Allstate Parkway at Centurian Drive	Northbound on Allstate Parkway	East side of Allstate Parkway, South side of Centurian Drive
Allstate Parkway at Centurian Drive	Westbound on Centurian Drive	North side of Centurian Drive, East side of Allstate Parkway
Bur Oak Avenue at Roy Rainey Avenue	Southbound on Roy Rainey Avenue	West side of Roy Rainey Avenue, North side of Bur Oak Avenue
Bur Oak Avenue at Roy Rainey Avenue	Northbound on Roy Rainey Avenue	East side of Roy Rainey Avenue, South side of Bur Oak Avenue
Bur Oak Avenue at Roy Rainey Avenue	Eastbound on Bur Oak Avenue	South side of Bur Oak Avenue, West side of Roy Rainey Avenue
Bur Oak Avenue at Roy Rainey Avenue	Westbound on Bur Oak Avenue	North side of Bur Oak Avenue, East side of Roy Rainey Avenue
Centurian Drive at Frontenac Drive	Northbound on Frontenac Drive	East side of Frontenac Drive, South side of Centurian Drive
Main Street Unionville at Unionville Gate	Southbound on Main Street Unionville	West side of Main Street Unionville, North side of Unionville Gate
Main Street Unionville at Unionville Gate	Northbound on Main Street Unionville	East side of Main Street Unionville, South side of Unionville Gate
Main Street Unionville at Unionville Gate	Westbound on Unionville Gate	North side of Unionville Gate, East side of Main Street Unionville

3. The By-law shall come into force and effect upon receiving the third reading by the Council of the City of Markham and also when authorized traffic control signals have been energized.

4. All other provisions of By-law 106-71 which have not been hereby amended shall remain in full force and effect.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____ DAY OF _____, 2019.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



Report to: Development Services Committee

Report Date: April 15, 2019

SUBJECT: Delegated Authority for Acceptance for Maintenance and Assumption (City Wide)

PREPARED BY: Kay Man Poon, P.Eng., Manager, Municipal Inspections ext. 2897

RECOMMENDATION:

- 1) That the report "Delegated Authority for Acceptance for Maintenance and Assumption (City Wide)" be received; and,
- 2) That the Director of Engineering be authorized to accept 'Plan' (Registered 65M-Plans and/or Reference Plans that contain Municipal infrastructures) for Acceptance for Maintenance and establish the maintenance period commencement date; and further,
- 3) That the Director of Engineering be authorized to accept 'Plan' (Registered 65M-Plans and/or Reference Plans that contain Municipal infrastructures) for Assumption; and further,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The report seeks Council's authority for the Director of Engineering to accept 'Plan' for Acceptance for Maintenance and establish the maintenance period commencement date provided conditions within the Subdivision Agreements are met; and further,

The report seeks Council's authority for the Director of Engineering to accept 'Plan' for Assumption provided conditions within the Subdivision Agreements are met.

BACKGROUND:

The construction of municipal services infrastructure within the 'Plan' is in accordance with the terms and conditions of the Subdivision / Development / Construction Agreement and to the satisfaction of the Development Services Commission in consultation with other internal commenting departments.

The Engineering Department seeks the approval of Development Services Committee (DSC) for Acceptance for Maintenance. These reports are listed under the consent agenda of DSC and recommend the City assume the responsibility for the maintenance and operation of the municipal services and transportation infrastructure within the 'Plan' after Acceptance for Maintenance. The reports also establish the maintenance period commencement date as defined in the subdivision agreement.

The reports also recommend Council enact Public Highway by-laws for each 'Plan', and that each street within the 'Plan' as a public highway of the City of Markham. The reports also recommend amendments to traffic control by-laws that include speed, stop and parking control on streets within the 'Plan'.

There are other Planning Act agreements, e.g. Subdivision / Development / Construction Agreements that require Council approval for Assumption of 'Plan' (Registered 65M-Plans and/or Reference Plans that contain Municipal infrastructures).

OPTIONS/ DISCUSSION:**Delegated Authority to Staff for Acceptance for Maintenance and Assumption**

Staff is of the opinion that there is no added value for Council to be involved in the Acceptance for Maintenance and Assumption as the agreements clearly stipulate the conditions for these processes. Delegating Authority to Staff for Acceptance for Maintenance and Assumption will streamline the processes and will allow the development industry to work with staff directly. The necessary by-laws will still be passed by Council. Staff recommends that the Acceptance for Maintenance and Assumption be delegated to the Director of Engineering.

Public highway by-law to be passed

Under the proposed delegation of authority, Staff will continue to prepare Public Highway by-laws for each 'Plan' to establish each street as a Public Highway of the City of Markham for enactment by Council prior to Acceptance for Maintenance.

Amendments to speed, stop and parking control by-laws

Under the proposed delegation of authority, Staff will continue to prepare all applicable amendments to traffic control by-laws to by-laws 106-71, 2017-104 and 2005-188 for enactment by Council prior to Acceptance for Maintenance.

Changes to the Definition in the Subdivision / Development / Construction Agreements

Upon the approval of the recommendation of this report, Engineering staff will work with the City Solicitor to amend the definition of Acceptance for Maintenance and Assumption in the standard agreement templates.

FINANCIAL CONSIDERATIONS

N.A.

HUMAN RESOURCES CONSIDERATIONS

N.A.


ALIGNMENT WITH STRATEGIC PRIORITIES:

The recommendation is to streamline the Acceptance for Maintenance and Assumption processes to eliminate unnecessary approval by Council while ensuring the necessary by-laws continue to be enacted by Council. The process change is aligned with the corporate strategy of Exceptional Services by Exceptional People. The development industry will welcome this change.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Legal Department, Environmental Services Department and Operations Department have been consulted and their comments have been incorporated into this report.

RECOMMENDED BY:



Brian Lee, P.Eng
Director of Engineering



Arvin Prasad, RPP, MCIP
Commissioner, Development Services

Q:\DEVELOPMENT\ENGINEERING\2013 ADMINISTRATION\REPORTS\2019\19-04-15\DELEGATED ACCEPTANCE FOR MAINTENANCE
AUTHORITY APRIL 15 2019.DOCX

FRIENDS OF THE MARKHAM MUSEUM BOARD MEETING
Meeting No. 78
Markham Museum, Mount Joy Staff Room
January 9, 2019, 5:00 p.m.

In Attendance:	Regrets:
Bill Crothers, Chair	Doug Worsley, Vice Chair
Wendy Kadlovski, Treasurer	Anisa Anwar
Lorne Smith	Sue Smitko
Athena Hurezeanu	Vivian Ng, Museum Youth Volunteer
Jill ten Cate	
Anna Masci	
<i>Ex Officio:</i>	<i>Guests:</i>
Cathy Molloy, Museum Director	Steven Chait, Director of Economic Growth, Culture and Entrepreneurship

1. CALL TO ORDER AND OPENING REMARKS

The meeting of the Friends of the Markham Museum Board was called to order at 5:07 p.m. with B. Crothers presiding as Chair.

2. DECLARATIONS

Nil.

3. ADDITIONS/CHANGES TO THE AGENDA

Moved By: L. Smith
 Seconded By: J. Cate

THAT the agenda for the January 9, 2019 meeting be approved as distributed.

Carried. (3.1)

4. REGRETS

D. Worsley, A. Anwar and S. Smitko sent their regrets.

5. ADOPTION OF MINUTES OF MEETING

Moved By: W. Kadlovski
 Seconded By: J. Cate

THAT the minutes of the Friends of the Markham Museum meeting on Nov 7, 2018 be approved as amended.

Carried. (5.1)

6. BUSINESS ARISING FROM THE MINUTES

Nil.

7. NEW BUSINESS

Nil.

8. DIRECTOR'S REPORT

C. Molloy spoke briefly about the draft 2019 Museum Business Plan. A final draft will be brought to the next meeting for Board review.

Moved by L. Smith
Seconded by W. Kadlovski

THAT the Board receives the Director's report.

Carried. (8.1)

9. TREASURER'S REPORT

The bank balance as of the last report was \$72,803. A \$3000 transfer was made from the City for the book revenues collected less expenses paid on the Friends' behalf. W. Kadlovski will look into the status of the amount held by the City from the original book fund.

Moved by J. Cate
Seconded by A. Masci

THAT the Board receives the Treasurer's report.

Carried. (9.1)

10. YOUTH MEMBER REPORT

Nil.

11. COMMITTEE REPORTS

a) Collections Committee: The committee submitted two reports (Attachments A and B).

Moved by L. Smith
Seconded by J. Cate

THAT the Board accepts the Collections Committee's reports.

Carried. (11.a.1)

Moved by L. Smith
Seconded by J. Cate

THAT the list of artifacts (Attachment C) from the Chapman House Main Floor, Spinning Wheels & Wool Winders, Sewing Machines and the Maxwell Cabin be approved for deaccession and submitted to the City of Markham for final approval.

Carried. (11.a.2)

Moved by L. Smith
Seconded by J. Cate

THAT the list of artifacts (Attachment D) from the Chapman House Main Floor Cont'd, Furniture – Visible Storage (Batch # 1) be approved for deaccession and submitted to the City of Markham for final approval.

Carried. (11.a.3)

L. Smith complimented Museum curatorial staff for their thoroughness and professionalism throughout the entire artifact evaluation process.

- b) Development Committee: Working on two events. One is the movie and dinner night partnered with a local restaurant. Now looking at February. The second is an artisan sale/tea party on June 15. There will be a focus on textiles, pottery and metalwork.

Moved by W. Kadlovski
Seconded by L. Smith

- c) Executive Committee: Has not met recently.
- d) Book Marketing Committee: Would like to send a set of books to each school in Markham with a cover letter from the Friends.

12. MARKHAM HISTORICAL SOCIETY REPORT

The next meeting will be on February 11, the AGM and show-and-tell. Other meetings March 18, April 8, and then May 13 will be pie night with guest Maureen Jennings, the author of Murdoch Mysteries.

13. OTHER BUSINESS

Nil.

14. NEXT MEETING

The Chair informed the Board that the next meeting would be held on February 6 at 5 p.m. in the Mount Joy Staff Room at Markham Museum.

15. ADJOURNMENT

Moved by: L. Smith
Seconded by: W. Kadlovski

THAT the January 9, 2019 meeting of the Friends of the Markham Museum Board be adjourned.

Carried. (15.1)

Meeting adjourned 6:04 p.m.

ATTACHMENT A

COLLECTIONS MANAGEMENT BRIEF November 21, 2018

The Collections Management Committee met on November 21, 2018 for review of artifacts selected for deaccession from the collection of Markham Museum that will be presented to the City of Markham through the Friends of Markham Museum.

Artifacts for Discussion:

Members of the committee were presented by museum staff with a comprehensive list of artifacts from the Chapman House Main Floor, Spinning Wheels & Wool Winders, Sewing Machines and the Maxwell Cabin that are slated for deaccession (indicated by “NO” pass).

These assessed artifacts were discussed individually in detail by committee members and museum staff to ascertain that the items should be deaccessioned. The list also includes artifacts that are to remain within the collection.

Approval:

Motion by Bill Crothers, seconded by Jill Ten Cate that the list (attached) of artifacts for deaccession from the Chapman House Main Floor, Spinning Wheels & Wool Winders, Sewing Machines and the Maxwell Cabin be submitted to the Friends of the Markham Museum for further approval, with final submittal to the City of Markham. **Motion carried.**

Closing comments:

Thanks were expressed to the staff for the professional submittal of the archival material that was reviewed.

Collections Review will continue at our next meeting, scheduled for December 19, 2018.

ATTACHMENT B

COLLECTIONS MANAGEMENT BRIEF
December 19, 2018

The Collections Management Committee met on December 19, 2018 for review of artifacts selected for deaccession from the collection of Markham Museum that will be presented to the City of Markham through the Friends of Markham Museum.

Artifacts for Discussion:

Members of the committee were presented by museum staff with a comprehensive list of artifacts from the Chapman House Main Floor Cont'd, Furniture – Visible Storage (Batch # 1) that are slated for deaccession (indicated by “NO” pass). These assessed artifacts were discussed individually in detail by committee members and museum staff to ascertain that the items should be deaccessioned. The list also includes artifacts that are to remain within the collection.

Approval:

Motion by Jill Ten Cate, seconded by Ardy Reid that the list (attached) of artifacts for deaccession from the Chapman House Main Floor Cont'd, Furniture – Visible Storage (Batch # 1) be submitted to the Friends of the Markham Museum for further approval, with final submittal to the City of Markham. **Motion carried.**

Closing comments:

Thanks were expressed to the staff for the professional submittal of the archival material that was reviewed.

Collections Review will continue at our next meeting, scheduled for January 16, 2019.

Friends of the Markham Museum Board
January 9, 2019

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ATTACHMENT C



Attachment C -
Batch 7 - November

ATTACHMENT D



Attachment D -
Batch 8 - December

**FRIENDS OF THE MARKHAM MUSEUM BOARD
EXTRACT**

DATE: March 6, 2019

TO: Development Service Committee

EXTRACT CONTAINING ITEM 11a OF THE FRIENDS OF MARKHAM MUSEUM
MEETING HELD ON JANUARY 9, 2018.

11 a) COLLECTIONS COMMITTEE

Moved By: L. Smith

Seconded By: J. Cate

THAT the list of artifacts (Attachment A) from the Chapman House Main Floor, Spinning Wheels & Wool Winders, Sewing Machines and the Maxwell Cabin be approved for deaccession and submitted to the City of Markham for final approval.

CARRIED (11.a.2)

Moved By: L. Smith

Seconded By: J. Cate

THAT the list of artifacts (Attachment B) from the Chapman House Main Floor Cont'd, Furniture – Visible Storage (Batch # 1) be approved for deaccession and submitted to the City of Markham for final approval

CARRIED (11.a.3)

Attachment A

Spinning Wheels & Wool Winders						
Points	Pass	Accession #	Common Name	Location	Source Info	Teaching?
20	No	M.1970.8.1	Wool Winder	C000203	John Lunau	
20	No	M.1971.54.9.a-c	Spinning Wheel	WVH3	McQuay, M.	
0	No	M.1971.89.2	Wool Winder	TR_WStorage	Honsberger, Marion	
30	No	M.1980.6.41	Swift	C000203	Gibson, Peter	Yes
30	No	M.1983.20.29.a&b	Swift Reel	C070402	Wyat, Marjorie	
25	No	M.1985.0.100	Bobbin Winder	WVH3010101	Markham Museum Collection	
25	No	M.1985.0.102.1	Bobbin Winder	WVH3000203	Markham Museum Collection	
30	No	M.1985.0.265	Clock Reel	WVH3010101	Markham Museum Collection	
0	No	M.1985.0.266	Clock Reel	WVH3000201	Markham Museum Collection	
15	No	M.1985.0.267	Spinning Wheel	WVH3	Markham Museum Collection	
10	No	M.1985.0.833	Swift Reel	V120404	Markham Museum Collection	
10	No	M.1985.0.1407	Swift Reel	V120404	Markham Museum Collection	
35	No	M.1985.59.1.a&b	Wool Winder	WVH3	Fry, W. M.	
20	No	M.1985.64.144	Wool Winder	WVH3	Reaman, Hazel	
25	No	M.1985.64.172.a-c	Spinning Wheel	WVH3	Reaman, Hazel	Yes
20	No	M.1986.0.797.a&b	Swift Reel	WVH3070203	Markham Museum Collection	
0	No	M.1987.0.304.a&b	Spinning Wheel	WVH3	Markham Museum Collection	
20	No	M.1996.19.1	Spinning Wheel	WVH3	Clark, Beattie	
30	No	M.2000.345.2	Wool Winder	C000203	Austing, John Frederick	Yes
25	No	M.2005.22.2	Wool Winder	WVH3	Driscoll, Margaret	Yes
25	No	M.2005.22.3	Spinning Wheel	WVH3	Driscoll, Margaret	Yes
25	No	M.2007.38.1a	Wool Winder	C160402	Markham Museum Collection	Yes
-15	No	T.2018.0.274	Spinning Wheel	WVH3	Markham Museum Collection	
-10	No	T.2018.0.276	Spinning Wheel	WVH3	Markham Museum Collection	
55	Yes	M.1970.1.1	Spinning Wheel	WVH1	Ramer, Ora	
40	Yes	M.L.1970.10	Reel Clock	C000203	Burkholder, Harvey	
45	Yes	M.1971.31.192	Spinning Wheel	WVH3	Williams, Charles	
40	Yes	M.1971.31.220	Swift Reel	V120403	Markham Historical Society	
40	Yes	M.1971.54.14	Clock Reel	WVH3010101	McQuay, M.	
45	Yes	M.1971.54.15	Clock Reel	C000200	McQuay, M.	
55	Yes	M.1974.45.4	Winder	HH1	Hoover, Mr. & Mrs. A.	
45	Yes	M.1975.113.2	Reel Clock	C000203	Markham Museum Collection	
50	Yes	M.1976.47.1	Spinning Wheel	WVH3	Cox, George	
45	Yes	M.1978.47.2	Spinning Wheel	C000203	Mrs. W. Reaman	
45	Yes	M.1981.34.1	Spinning Wheel	WVH3	Fockler, Margaret	
50	Yes	M.1985.0.2037	Spinning Wheel	V120204	Markham Museum Collection	
55	Yes	M.1989.35.36	Spinning Wheel	C110203	Conley, C. Isabel Ogden	
45	Yes	M.2000.345.1	Spinning Wheel	HH1	Austing, John Frederick	
55	Yes	M.2010.8.1	Spinning Wheel + Distaff	C000100	Evans, Patricia Noreen	
50	Yes	M.2011.1.2	Wool Winder	C000103	Gohn, Wayne	
55	Yes	M.2012.42.1	Flax Spinning Wheel	Doddy House Lvl2	Keith, Malcolm	
50	Yes	M.2013.11.1	Wool Winder	HH1	Keith, Heather (Fern Hoover)	

Object must score 40 or higher to be considered for acquisition or to be kept in the Permanent Collection.

C = Collections Building

Doddy House = Burkholder House

HH = Hoover House

TR = Transportation Building

V = Visible Storage

WVH1 = Wilson Variety Hall Basement

WVH3 = Wilson Variety Hall Attic

Sewing Machines						
Points	Pass	Accession #	Common Name	Location	Source Info	Teaching?
10	No	M.1971.31.191	Sewing Machine	CPH1	Markham Historical Society	
35	No	M.1973.8.1	Sewing Machine	CPH1	Morden, Harold	
30	No	M.1973.33.1.a&b	Sewing Machine	C000202	Mr. & Mrs. Jim Armstrong	Yes
25	No	M.1974.1.1	Sewing Machine	C000201	Rich, Jean	
30	No	M.1974.71.1	Sewing Machine	C000201	Brabent, Russell	
30	No	M.1976.16.1	Sewing Machine	C000201	McNair, Edna	
35	No	M.1977.90.1	Sewing Machine	C070503	Grey, Frank	Yes
25	No	M.1980.15.14	Sewing Machine	C090101	Anderson, Mabel A. Hagerman	
30	No	M.1985.0.954	Sewing Machine	C080101	Markham Museum Collection	
20	No	M.1985.0.1192	Sewing Machine	C080101	Markham Museum Collection	
10	No	M.1986.0.808	Sewing Machine	CPH1	Markham Museum Collection	
35	No	M.1986.0.809	Sewing Machine	C070503	Markham Historical Society	Yes
20	No	M.1987.0.214.a&b	Sewing Machine	C080201	Markham Museum Collection	
5	No	M.1987.0.216.a&b	Sewing Machine	C000201	Markham Museum Collection	
15	No	M.1987.0.1024	Sewing Machine	V120203	Markham Museum Collection	
-5	No	T.2018.0.136	Sewing Machine	CPH1	Markham Museum Collection	
45	Yes	M.1975.114.1.a&b	Sewing Machine	C080101	Cooper, Barbara	
50	Yes	M.1981.30.1.a&b	Sewing Machine	C070503	Mrs. George May	
45	Yes	M.1983.53.1.a&b	Sewing Machine	C000101	McCook, Doris	
55	Yes	M.1985.0.987	Sewing Machine	WVH2	Markham Museum Collection	
40	Yes	M.1985.0.988.a&b	Sewing Machine	C280203	Walker, Alma Mae	
45	Yes	M.1987.0.221	Sewing Machine	CPH1	Markham Museum Collection	
40	Yes	M.1987.0.223.1	Sewing Machine	C000101	Markham Museum Collection	
40	Yes	M.1990.38.1.a-m	Sewing Machine	C000100	Gilbert Mamane for Vange & Ben Oster	
55	Yes	M.2011.3.53.2	Sewing Machine	V040303	Ron and Elaine Stover	

Object must score 40 or higher to be considered for acquisition
or to be kept in the Permanent Collection.

C = Collections Building

CPH = Chapman House

HH = Hoover House

TR = Transportation Building

V = Visible Storage

WVH2 = Wilson Variety Hall Main Floor

Chapman Main Floor

Points	Pass	Accession #	Common Name	Location	Source Info	Teaching?
30	No	M.1971.31.470	Stone Puller	CPH2 Pantry	Markham Historical Society	Yes
35	No	M.1971.31.519	Oil Lamp	CPH2 Study	Markham Historical Society	Yes
25	No	M.1971.52.3	Platter	CPH2 Kitchen	Hazlehurst, Frank	
20	No	M.1971.56.2	Measuring Cup	CPH2 Kitchen	Cohn, Mr. Irwin	Yes
35	No	M.1979.31.11.1&2	Razor	CPH2 Guest Bedroom	Duncan, Mrs. James	
30	No	M.1981.71.2.a&b	Pillowcase	CPH2 Closet	Secor, Christine	
30	No	M.1984.67.1.1&2	Paper Holder	CPH2 Study	Gray, Mr. Bob	Yes
25	No	M.1985.0.284	Basket	CPH2 Kitchen	Markham Museum Collection	
30	No	M.1985.0.390	Clothes Wringer	CPH2 Kitchen	Markham Museum Collection	
20	No	M.1985.0.593	Honey can	CPH2 Parlour	Markham Museum Collection	
30	No	M.1985.0.609.a&b	Ricer	CPH2 Kitchen	Markham Museum Collection	
25	No	M.1985.0.646	Bowl	CPH2 Pantry	Markham Museum Collection	
25	No	M.1985.0.648	Bowl	CPH2 Pantry	Markham Museum Collection	Yes
25	No	M.1985.0.649	Bowl	CPH2 Pantry	Markham Museum Collection	
30	No	M.1985.0.707	Meat Grinder	CPH2 Pantry	Markham Museum Collection	
30	No	M.1985.0.717	Fire Set Stand	CPH2 Dining Room	Markham Museum Collection	Yes
25	No	M.1985.0.969.a-c	Preserving Jar	CPH2 Pantry	Markham Museum Collection	
30	No	M.1985.70.16.1-3	Fire Set	CPH2 Dining Room	Cleave, Stan	Yes
30	No	M.1986.0.248	Jar	CPH2 Pantry	Markham Museum Collection	Yes
20	No	M.1986.0.251	Colander	CPH2 Pantry	Markham Museum Collection	Yes
30	No	M.1986.0.719	Ironing Board	CPH2 Kitchen	Markham Museum Collection	Yes
30	No	M.1986.0.771.a&b	Sock Stretcher	CPH2 Maid's Bedroom	Markham Museum Collection	Yes
30	No	M.1986.0.978	Rug Beater	CPH2 Pantry	Markham Museum Collection	Yes
20	No	M.1986.0.997.a&b	Honey Tin	CPH2 Parlour	Markham Museum Collection	
25	No	M.1987.0.1734	Jar	CPH2 Pantry	Markham Museum Collection	Yes
20	No	M.1988.0.71.a-c	Strop	CPH2 Guest Bedroom	Markham Museum Collection	
30	No	M.1988.0.551	Shaving Soap Tin	CPH2 Guest Bedroom	Markham Museum Collection	Yes
30	No	M.1990.0.150	Beetle	CPH2 Pantry	Markham Museum Collection	
35	No	M.1991.0.42	Compote	CPH2 Study	Markham Museum Collection	Yes
10	No	M.1992.0.171	Food Chopper	CPH2 Kitchen	Markham Museum Collection	
30	No	M.1997.20.1	Bed	CPH2 Guest Bedroom	Jarrett, Ken and Pearl	Yes
35	No	M.1997.20.2	Chest of Drawers	CPH2 Guest Bedroom	Jarrett, Ken and Pearl	Yes
35	No	M.1997.20.3	Washstand	CPH2 Guest Bedroom	Jarrett, Ken and Pearl	Yes
20	No	M.1999.0.173	Perfume bottle	CPH2 Guest Bedroom	Markham Museum Collection	
25	No	M.1999.0.254.1-2	Doily	CPH2 Guest Bedroom	Warne, Marian	Yes
30	No	M.1999.0.343	Stove Lifter	CPH2 Pantry	Markham Museum Collection	Yes
30	No	M.2000.0.43	Pitcher	CPH2 Dining Room	Markham Museum Collection	Yes
30	No	M.2001.40.1	Piano	CPH2 Parlour	Markham Museum Collection	Yes
35	No	M.2006.09.3	String Holder	CPH2 Pantry	Glass, Frances Ann	
30	No	M.2006.09.9	Iron	CPH2 Kitchen	Glass, Frances Ann	
35	No	M.2006.09.13	Cabbage Shredder	CPH2 Pantry	Glass, Frances Ann	
30	No	M.2006.09.27	Cigar Box	CPH2 Study	Glass, Frances Ann	
30	No	M.2006.09.28.a-b	Glasses and Case	CPH2 Study	Glass, Frances Ann	
35	No	M.2006.09.31	Butter Press	CPH2 Pantry	Glass, Frances Ann	
25	No	M.2010.0.10.40.a-b	Teapot	CPH2 Dining Room	Markham Museum Collection	
25	No	M.2010.0.10.41.a-b	Sugar Bowl	CPH2 Dining Room	Markham Museum Collection	
25	No	M.2010.0.10.42	Milk Jug	CPH2 Dining Room	Markham Museum Collection	
25	No	M.L.1971.8.431	Tea Kettle	CPH2 Kitchen	Lunau, John	
-15	No	T.2018.0.141	Kerosene Burner	CPH2 Master Bedroom	Markham Museum Collection	
5	No	T.2018.0.142	Jack	CPH2 Master Bedroom	Markham Museum Collection	
20	No	T.2018.0.144	Spoon	CPH2 Master Bedroom	Markham Museum Collection	
15	No	T.2018.0.145	Spokeshave	CPH2 Master Bedroom	Markham Museum Collection	
30	No	T.2018.0.146	Blue Metal Bucket	CPH2 Master Bedroom	Markham Museum Collection	
30	No	T.2018.0.150	Flour Scoop	CPH2 Master Bedroom	Markham Museum Collection	
15	No	T.2018.0.151	Axe	CPH2 Master Bedroom	Markham Museum Collection	
20	No	T.2018.0.152	Axe	CPH2 Master Bedroom	Markham Museum Collection	
15	No	T.2018.0.154	Hand Seeder	CPH2 Master Bedroom	Markham Museum Collection	
20	No	T.2018.0.155	Slick	CPH2 Master Bedroom	Markham Museum Collection	
25	No	T.2018.0.156	Tub	CPH2 Master Bedroom	Markham Museum Collection	
20	No	T.2018.0.157	Sled	CPH2 Master Bedroom	Markham Museum Collection	
20	No	T.2018.0.158	Sled	CPH2 Master Bedroom	Markham Museum Collection	
15	No	T.2018.0.159	Stool	CPH2 Master Bedroom	Markham Museum Collection	
10	No	T.2018.0.161	Weight	CPH2 Master Bedroom	Markham Museum Collection	
20	No	T.2018.0.163	Weight	CPH2 Master Bedroom	Markham Museum Collection	
-15	No	T.2018.0.166	Stove Diffuser	CPH2 Master Bedroom	Markham Museum Collection	
20	No	T.2018.0.167.1-7	Job Cases	CPH2 Parlour	Markham Museum Collection	Yes
25	No	T.2018.0.169	Butter Press	CPH2 Kitchen	Markham Museum Collection	
20	No	T.2018.0.171	Bowl	CPH2 Kitchen	Markham Museum Collection	Yes
20	No	T.2018.0.175	Bucket	CPH2 Kitchen	Markham Museum Collection	Yes
25	No	T.2018.0.176	Sifter	CPH2 Kitchen	Markham Museum Collection	
25	No	T.2018.0.177	Tin	CPH2 Kitchen	Markham Museum Collection	
25	No	T.2018.0.179	Jar	CPH2 Pantry	Markham Museum Collection	Yes
25	No	T.2018.0.182	Butter Churn	CPH2 Kitchen	Markham Museum Collection	

30	No	T.2018.0.188	Butter Churn	CPH2 Pantry	Markham Museum Collection	Yes
25	No	T.2018.0.189	Pan	CPH2 Pantry	Markham Museum Collection	
-15	No	T.2018.0.191	Unidentified Metal Fragment	CPH2 Master Bedroom	Markham Museum Collection	
-15	No	T.2018.0.192	Unidentified Metal Fragment	CPH2 Master Bedroom	Markham Museum Collection	
-15	No	T.2018.0.193	Unidentified Metal Fragment	CPH2 Master Bedroom	Markham Museum Collection	
-20	No	T.2018.0.194	Unidentified Metal Fragment	CPH2 Master Bedroom	Markham Museum Collection	
-5	No	T.2018.0.195	Unidentified Metal Fragment	CPH2 Master Bedroom	Markham Museum Collection	
15	No	T.2018.0.196	Yoke	CPH2 Master Bedroom	Markham Museum Collection	
10	No	T.2018.0.197	Bed Frame	CPH2 Master Bedroom	Markham Museum Collection	Yes
5	No	T.2018.0.198	Table	CPH2 Parlour	Markham Museum Collection	
25	No	T.2018.0.201	Cane	CPH2 Study	Markham Museum Collection	Yes
30	No	T.2018.0.207	Sphygmomanometer	CPH2 Pantry	Markham Museum Collection	Yes
-15	No	T.2018.0.210	Shelf	CPH2 Pantry	Markham Museum Collection	
25	No	T.2018.0.211	Butter Paddle	CPH2 Pantry	Markham Museum Collection	
25	No	T.2018.0.212	Trivet	CPH2 Pantry	Markham Museum Collection	
30	No	T.2018.0.216	Stove Lifter	CPH2 Pantry	Markham Museum Collection	
15	No	T.2018.0.217	Bed	CPH2 Maid's Bedroom	Markham Museum Collection	
25	No	T.2018.0.219	Broom	CPH2 Pantry	Markham Museum Collection	Yes
25	No	T.2018.0.220	Broom	CPH2 Pantry	Markham Museum Collection	Yes
25	No	T.2018.0.221	Broom	CPH2 Pantry	Markham Museum Collection	Yes
50	Yes	M.1970.4.5.a&b	Pillowcase	CPH2 Closet	Reesor, Amos	
50	Yes	M.1970.4.11.a&b	Case and Pillow	CPH2 Closet	Reesor, Amos	
40	Yes	M.1970.17.1	Tapestry Frame	CPH2 Parlour	Estate of Blodwin Davies	
45	Yes	M.1971.4.1	Fruit Picker	CPH2 Pantry	Meyer, Reuben Henry	
45	Yes	M.1971.24.5	Mousetrap	CPH2 Pantry	Reesor, Simeon	
50	Yes	M.1971.31.28	Sewing Basket	CPH2 Maid's Bedroom	Markham Historical Society	
45	Yes	M.1971.31.409	Throw Rug	CPH2 Guest Bedroom	Markham Historical Society	
45	Yes	M.1971.38.12	Piano Stool	CPH2 Parlour	Thomson, J. W.	
45	Yes	M.1971.54.1	Spittoon	CPH2 Study	McQuay, Mr. M.	
45	Yes	M.1971.65.3	Feather Wreath	CPH2 Guest Bedroom	Ireson, Fred	
55	Yes	M.1971.72.1	Painting	CPH2 Parlour	Reesor, Miss Eleanor	
50	Yes	M.1971.83.6	Potato Masher	CPH2 Pantry	Glen, Elizabeth Daisy	
50	Yes	M.1971.95.1	Grain Box	CPH2 Pantry	Kelly, Dr. G.	
40	Yes	M.1973.14.221ab	Tobacco Tin	CPH2 Study	Ireson, Fred	
55	Yes	M.1973.101.26	Blueberry Picker	CPH2 Pantry	DeGeer, Levi	
40	Yes	M.1973.121.28	Pitcher	CPH2 Kitchen	Eadie, Mr. Bob	
55	Yes	M.1974.56.2	Quilt	CPH2 Guest Bedroom	Burkholder, Mr. and Mrs. Frank	
40	Yes	M.1977.52.5	Spice Rack	CPH2 Pantry	Burton, Mrs. George	
55	Yes	M.1979.66.1	Photograph	CPH2 Parlour	Mabel Anderson	
45	Yes	M.1980.6.49	Bedding Rack	CPH2 Parlour	Peter Gibson	
55	Yes	M.1980.15.10	Curling Iron	CPH2 Guest Bedroom	Mabel Anderson	
45	Yes	M.1980.18.15	Shaving Brush	CPH2 Guest Bedroom	Summerfeldt, Mr. John	
50	Yes	M.1980.57.1.1	Tray	CPH2 Study	Bowles, Howard	
45	Yes	M.1980.57.1.2	Ashtray	CPH2 Study	Bowles, Howard	
50	Yes	M.1980.57.1.3	Match Holder	CPH2 Study	Bowles, Howard	
45	Yes	M.1980.57.25	Ashtray	CPH2 Study	Bowles, Howard	
55	Yes	M.1980.62.56	Kerosene lamp	CPH2 Parlour	Stanbury, Lena	
55	Yes	M.1980.62.64	Kerosene Lamp	CPH2 Guest Bedroom	Stanbury, Lena	
55	Yes	M.1980.62.100	Kerosene Lamp	CPH2 Parlour	Stanbury, Lena	
45	Yes	M.1981.17.2	Iron	CPH2 Pantry	Mabel Anderson	
50	Yes	M.1981.21.11	Cream Skimmer	CPH2 Pantry	Family of the late Flora Latchford Urquhart	
50	Yes	M.1981.27.1	Ceremonial Bucket	CPH2 Pantry	Mr. and Mrs. Warren Reaman	
55	Yes	M.1981.44.39	Spade	CPH2 Pantry	James Duncan	
50	Yes	M.1981.51.9	Jack Boot	CPH2 Kitchen	Eric Ratcliff	
50	Yes	M.1981.57.31	Toasting Fork	CPH2 Pantry	Estate of Ila Weighill	
50	Yes	M.1981.58.1	Sausage Stuffer	CPH2 Pantry	Mr. George Hooper	
55	Yes	M.1981.67.1	Sideboard	CPH2 Pantry	Dorothy Reesor	
50	Yes	M.1982.40.2	Oil Lamp	CPH2 Study	McDowell, Mrs. Arletta	
50	Yes	M.1982.44.2	Ship Model	CPH2 Study	Madill, Ross	
55	Yes	M.1982.48.1	Drawing	CPH2 Parlour	Fred Walker	
45	Yes	M.1985.42.7.a&b	Soap Dish	CPH2 Guest Bedroom	Gibson, Muriel Stiver	

Object must score 40 or higher to be considered for acquisition
or to be kept in the Permanent Collection.

CPH2 = Chapman Main Floor

Maxwell Cabin

Points	Pass	Accession #	Common Name	Location	Source Info	Teaching?
35	No	M.1971.31.518	Lamp	Maxwell Cabin	Markham Historical Society	Yes
35	No	M.1980.30.1	Bench	Maxwell Cabin	Reaman, Warren	Yes
20	No	M.1980.62.85	Lamp Font	Maxwell Cabin	Stanbury, Lena G.	Yes
30	No	M.1983.38.50	Canning Jar	Maxwell Cabin	Mrs. J.H. Bosomworth	Yes
25	No	M.1986.0.250	Cream Skimmer	Maxwell Cabin	Markham Museum Collection	Yes
35	No	M.1987.14.1.a-c	Canning Jar	Maxwell Cabin	Mr. Paul Grove, R. R.	Yes
35	No	M.1987.14.26.a-c	Canning Jar	Maxwell Cabin	Mr. Paul Grove, R. R.	Yes
25	No	M.2006.09.11	Candle Mould	Maxwell Cabin	Frances Ann Glass	Yes
35	No	T.2018.0.350	Table	Maxwell Cabin	Markham Museum Collection	Yes
-20	No	T.2018.0.352	Handle	Maxwell Cabin	Markham Museum Collection	
15	No	T.2018.0.359	Axe	Maxwell Cabin	Markham Museum Collection	Yes
20	No	T.2018.0.364	Lamp	Maxwell Cabin	Markham Museum Collection	Yes
20	No	T.2018.0.372	Bench	Maxwell Cabin	Markham Museum Collection	Yes
15	No	T.2018.0.375	Table	Maxwell Cabin	Markham Museum Collection	Yes
20	No	T.2018.0.376	Cooking Kettle	Maxwell Cabin	Markham Museum Collection	Yes
10	No	T.2018.0.379	Coal Scuttle	Maxwell Cabin	Markham Museum Collection	Yes
25	No	T.2018.0.380	Shelf	Maxwell Cabin	Markham Museum Collection	Yes
20	No	T.2018.0.381	Dutch Oven	Maxwell Cabin	Markham Museum Collection	Yes
15	No	T.2018.0.382	Dutch Oven	Maxwell Cabin	Markham Museum Collection	Yes
5	No	T.2018.0.383	Dutch Oven	Maxwell Cabin	Markham Museum Collection	Yes
15	No	T.2018.0.384	Dutch Oven	Maxwell Cabin	Markham Museum Collection	Yes
60	Yes	M.1970.4.10	Dry Sink	Maxwell Cabin	Reesor, Amos	
45	Yes	M.1971.54.17	Comode Box	Maxwell Cabin	McQuay, M.	
40	Yes	M.1978.47.1	Cradle	Maxwell Cabin	Reaman, Warren	
50	Yes	M.1980.29.2.a&b	Chimney Lamp	Maxwell Cabin	Petty, Mrs. Bert / Madill Family	
55	Yes	M.1986.15.1a-c	Chest of Drawers	Maxwell Cabin	Bowles, Elizabeth / Harrison, Eleanor	
50	Yes	T.2018.0.373	Bed	Maxwell Cabin	Markham Museum Collection	
45	Yes	T.2018.0.374	Cupboard	Maxwell Cabin	Markham Museum Collection	

Object must score 40 or higher to be considered for acquisition or to be kept in the Permanent Collection.

Attachment B

Chapman - Main floor Cont'd						
Points	Pass	Accession #	Common Name	Location	Source Info	Teaching?
30	No	M.1985.64.15	Dry Sink	CPH2 Kitchen	Reaman, Hazel	
30	No	M.1986.0.139	Sideboard	CPH2 Pantry	Lunau, John	
45	Yes	M.1971.8.4	Table	CPH2 Parlour	Lunau, John	
40	Yes	M.1971.31.142	Bowl	CPH2 Kitchen	Markham Historical Society	
50	Yes	M.1973.72.4	Mustache Cup	CPH2 Guest Bedr	Abel, Jim	
50	Yes	M.1973.76.2.a&b	Bed Warmer	CPH2 Guest Bedr	Davis, Mr. K. R.	
50	Yes	M.1974.88.4	Knife Box	CPH2 Pantry	Rolph, Harry	
45	Yes	M.1975.101.8	Rolling Pin	CPH2 Pantry	Harrington, Grace	
45	Yes	M.1978.6.2	Drawing	CPH2 Parlour	Lunau, Alvey	
50	Yes	M.1978.18.8	Lamp	CPH2 Guest Bedr	Davis, Mrs. Douglas	
55	Yes	M.1979.50.1	Clock	CPH2 Parlour	Drummond, Ethel	
40	Yes	M.1983.2.2	Bowl	CPH2 Kitchen	Jarvis, Mr. and Mrs. Marcus	
40	Yes	M.1983.20.6	Crock	CPH2 Pantry	Wyatt, Marjorie	
50	Yes	M.1983.20.35	Kerosene Lamp	CPH2 Parlour	Wyatt, Marjorie	
50	Yes	M.1983.37.4	Glass Vase	CPH2 Guest Bedr	Anderson, Mabel	
55	Yes	M.1983.38.28	Clothes Brush Holder	CPH2 Guest Bedr	Bosomworth, Mrs. J. H.	
40	Yes	M.1983.38.29.1-2	Brush, Clothes	CPH2 Guest Bedr	Bosomworth, Mrs. J. H.	
55	Yes	M.1983.38.33	Pill bottle	CPH2 Guest Bedr	Bosomworth, Mrs. J. H.	
50	Yes	M.1983.38.48	Preserving Jar	CPH2 Pantry	Bosomworth, Mrs. J. H.	
45	Yes	M.1983.49.1.a&b	Food Storage Jar	CPH2 Pantry	Campbell, Mrs. George	
55	Yes	M.1983.65.4	Painting	CPH2 Parlour	Reesor, Eleanor	
50	Yes	M.1984.63.11	Stereoscope	CPH2 Parlour	Taylor, Vera	
45	Yes	M.1984.63.30	Candle Mould	CPH2 Parlour	Taylor, Vera	
50	Yes	M.1984.63.271.a&b	Table	CPH2 Kitchen	Taylor, Vera	
45	Yes	M.1985.0.161	Spittoon	CPH2 Pantry	Markham Museum Collection	
40	Yes	M.1985.0.403.a&b	Honey can	CPH2 Parlour	Byer Bros.	
40	Yes	M.1985.0.743	Taxidermy specimen	CPH2 Parlour	Markham Museum Collection	
50	Yes	M.1985.42.7.a&b	Soap Dish	CPH2 Guest Bedr	Gibson, Muriel Stiver	
55	Yes	M.1985.42.17.1.a&b	Chamber Pot	CPH2 Guest Bedr	Gibson, Muriel Stiver	
50	Yes	M.1985.42.17.2	Pitcher	CPH2 Guest Bedr	Gibson, Muriel Stiver	
50	Yes	M.1985.42.17.3	Basin	CPH2 Guest Bedr	Gibson, Muriel Stiver	
45	Yes	M.1985.42.17.4	Pitcher	CPH2 Guest Bedr	Gibson, Muriel Stiver	
55	Yes	M.1985.79.3	Clock	CPH2 Dining Room	Raymer, Nora	
45	Yes	M.1985.80.63.a-c	Hat Box	CPH2 Study	Ward, June A.	
45	Yes	M.1986.0.1375.a&b	Glove	CPH2 Study	Klink, Harold R.	
50	Yes	M.1986.15.5	Sofa	CPH2 Parlour	Bowles, Elizabeth	
40	Yes	M.1986.22.3	Pill box	CPH2 Guest Bedr	Chelico, Carol	
40	Yes	M.1987.14.3.a-c	Preserving Jar	CPH2 Pantry	Grove, Paul	
40	Yes	M.1987.37.4.1-9	Tableware Set	CPH2 Parlour	Hudson, Linda Mary Gibson	
50	Yes	M.1991.31.155	Rag Carpet	CPH2 Guest Bedr	Moore, James Douglas	
40	Yes	M.1993.16.23	Massage cream	CPH2 Guest Bedr	Brillinger, Mrs. E.	
45	Yes	M.1993.16.26	Perfume bottle	CPH2 Guest Bedr	Brillinger, Mrs. E.	
50	Yes	M.1993.16.50.1-3	Doily	CPH2 Guest Bedr	Brillinger, Mrs. E.	
60	Yes	M.1995.8.1	Mantel Clock	CPH2 Study	Booth, Harold Lowry	
60	Yes	M.1996.33.1	Epergne	CPH2 Study	Harrington, Grace	
60	Yes	M.1997.5.8	Wall Mirror	CPH2 Dining Room	Scott, Jean	
50	Yes	M.1997.27.5	Butter Press	CPH2 Pantry	Beeler, Margaret and Walker, Vera	
55	Yes	M.1999.7.1	Pot Scrubber	CPH2 Pantry	Markham Museum Collection	
45	Yes	M.2001.09.78	Washboard	CPH2 Maid's Bedr	Whittaker, Isabel	
50	Yes	M.2001.10.5	Plant Stand	CPH2 Study	McCook, Doris	
55	Yes	M.2001.10.06	Table	CPH2 Study	McCook, Doris	
45	Yes	M.2003.6.1	Chair	CPH2 Study	Marlatt, Julie	
40	Yes	M.2010.14.8	Mantle Clock	CPH2 Parlour	Alexander, John and Kaellgren, Peter	
50	Yes	M.2011.3.1	Chair	CPH2 Parlour	Stover, Elaine Shirley	
40	Yes	M.2012.27.1	Table	CPH2 Parlour	Lee, William and Elizabeth	
40	Yes	M.2013.33.7	Porcelain Watering Can	CPH2 Parlour	Morris, Ellen	
55	Yes	M.2014.8.5	Mug	CPH2 Parlour	Hudson, Linda Mary Gibson	
55	Yes	M.2014.8.8	Vase	CPH2 Parlour	Hudson, Linda Mary Gibson	
50	Yes	T.2018.0.164	Dresser	CPH2 Master Bedr	Markham Museum Collection	
45	Yes	T.2018.0.202	Drop Front Desk	CPH2 Study	Markham Museum Collection	
40	Yes	T.2018.0.205	Cabinet	CPH2 Kitchen	Markham Museum Collection	
40	Yes	T.2018.0.215	Salt Box	CPH2 Pantry	Markham Museum Collection	
40	Yes	M.L. 1970.6	Hair Wreath	CPH2 Dining Room	Lunau, John	
25	Yes	M.L. 1971.8.11	Dough Board	CPH2 Kitchen	Lunau, John	
55	Yes	M.X. 1979.66.3	Photograph	CPH2 Parlour	Markham Museum Collection	

Object must score 40 or higher to be considered for acquisition or to be kept in the Permanent Collection.

CPH = Chapman House

Furniture - Visible Storage - Batch 1

Points	Pass	Accession #	Common Name	Location	Source Info	Teaching?
30	No	M.1973.14.2.a-t	Portable Desk	V080202	Ireson, Mr. & Mrs. Fred	
15	No	M.1974.74.14	Mailbox	V230102	Williams, Dr. Charles	Yes
30	No	M.1983.38.63	Wall Mirror	V050304	Bosomworth, Mrs. J. H.	
30	No	M.1984.31.1	Sofa	V190103	Devenport, Mr. & Mrs.	
30	No	M.1986.0.21.6.a&b	Chest of Drawers	V210000	Robinson, Babs and Lyle	
15	No	M.1986.0.137	Chest of Drawers	V220101	Markham Museum Collection	Yes
30	No	M.1986.0.208	Cupboard	V200101	Lunau, John	
20	No	M.1986.0.216.a	Chest of Drawers	V220101	Posen, Ann & Maxwell	
35	No	M.1986.0.269	Sofa	V230101	Markham Museum Collection	Yes
35	No	M.1986.32.98.1&2	Dental Cabinet	V170000	McTavish, R.F.	Yes
35	No	M.1987.0.415a-d	Cabinet	V160000	Markham Museum Collection	
35	No	M.1988.41.1a-c	Sideboard	V170000	Tufford, James H. and Marguerite	Yes
35	No	M.2003.13.8	Acadia Dining Set	V170000	Markham Museum Collection	Yes
20	No	M.L.1971.8.3	Hat Rack	V120401	Lunau, John	
25	No	M.X.1986.0.265	Lounge	V190102	Markham Museum Collection	
30	No	T.2018.0.313	Cupboard	V220102	Markham Museum Collection	
50	Yes	M.1971.31.430.a	Wooden Box	V110101	Markham District Historical Society	
50	Yes	M.1971.31.430.b	Curling Stone	V110101	Markham District Historical Society	
50	Yes	M.1971.31.430.c	Curling Stone	V110101	Markham District Historical Society	
55	Yes	M.1971.83.3.1-5	Chest of Drawers	V170000	Glen, Daisy and Peter	
55	Yes	M.1977.61.1	Santa Claus	V040101	Stanbury, Lena	
50	Yes	M.1983.23.1	Examination Table	V190102	Kennedy, Keith	
50	Yes	M.1983.36.2	Chest of Drawers	V160101	Quanth, Mrs. John	
45	Yes	M.1983.71.1	Slant Top Desk	V180000	Victoria Square United Church	
45	Yes	M.1984.33.1	Chest of Drawers	V200101	Robinson, Babs and Lyle	
55	Yes	M.1985.35.2	Chest of Drawers	V190101	Markham District Historical Society	
55	Yes	M.1985.85.3a,b	Cabinet	V190000	Little, Colonel George B.	
40	Yes	M.1986.0.128	Chest of Drawers	V220102	Robinson, Babs and Lyle	
45	Yes	M.1986.0.205	Chest of Drawers	V160101	Markham Museum Collection	
45	Yes	M.1986.0.206	Chest of Drawers	V190101	Markham Museum Collection	
55	Yes	M.1987.0.293	Hallstand	V230000	Robinson, Eugene / Johnson, Jim	
55	Yes	M.2000.356.1	Sofa	V160102	Hagerman, Marion Ruth Brumwell	
40	Yes	M.2010.31.11	Television	V230102	Civil, Simmie	
40	Yes	M.2013.41.7.a-b	Miniature Cabinet	V030402	Lepofsky, David	
45	Yes	L.1.84.1.1	Dining Table	V220101	Gibson, Linda	

Object must score 40 or higher to be considered for acquisition or to be kept in the Permanent Collection.

V = Visible Storage



Report to: General Committee

Meeting Date: April 23, 2019

SUBJECT: Award of RFP 196-R-18 Supply and Delivery of Wheeled Curbside Green Bin Containers

PREPARED BY: Michael DiPasquale, Supervisor, Waste Mgmt., Ext. 3710
Tony Casale, Senior Construction Buyer, Ext. 3190

RECOMMENDATION:

1. That the report entitled “Award of RFP 196-R-18 Supply and Delivery of Wheeled Curbside Green Bin Containers” be received; and,
2. That the Contract for the supply and delivery of wheeled curbside green bin containers be awarded to the highest ranked / lowest priced bidder “Nova Products o/a Peninsula Plastics Ltd ” in the annual amount of \$112,731.76 inclusive of HST; and,
3. That the 2019 award amount of \$112,731.76 inclusive of HST be funded from Operating account number 770-773-4132 “Green Bins For Resale”; and,
4. That the remaining budget in the amount of \$17,268.24 be reported as part of the 2019 operating budget year-end variance and reduced from the 2020 Operating Budget; and,
5. That Staff be authorized to exercise the option to renew the contract for three (3) additional years (2020-2022) subject to the Consumer Price Index for Canada (“CPI”) (September to September) and Council approval of the 2020 to 2022 Operating budget as follows;
 - Year 1 (2020) \$112,731.76 (Incl. of HST) + CPI Index
 - Year 2 (2021) \$112,731.76 (Incl. of HST) + CPI Index
 - Year 3 (2022) \$112,731.76 (Incl. of HST) + CPI Index; and further,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

Not Applicable

PURPOSE:

To obtain approval to award the contract for the annual supply and delivery of 8,200 wheeled curbside green bin containers.

BACKGROUND:

Curbside green bins are purchased for resale to City of Markham residents on a cost recovery basis. The green bins are sold at Markham’s four Community Recycling Depots and at Markham’s four major community centres. Green bins are also delivered to new residential developments at occupancy through the Developer. The green bins are sold to residents and the costs related to new residential development are charged to the subdivision agreement.

BID INFORMATION

Advertised	ETN
Bids closed on	November 27, 2018
Number picking up bid documents	3
Number responding to bid	3

PROPOSAL EVALUATION

The Evaluation Team was comprised of staff from Environmental Services with Procurement staff acting as the facilitator. The proposals were evaluated based on pre-established evaluation criteria as listed in the Request for Proposal: 25% qualifications and experience of the contractor; 35% technical specifications of the bin and 40% price, totaling 100%.

Contractor	Total Score (out of 100)	Rank Results
Nova Products	98.60	1

Note: Prices from the three bidders ranged from \$112,731.76 to \$151,783.18. As compared to the previous contract, this contract represents a reduction of 14%.

OPTIONS/ DISCUSSION:

Not Applicable

FINANCIAL CONSIDERATIONS:

Budget available and account #	\$ 130,000.00	770 773 4132 Green Bins For Resale
Less cost of award	\$ 112,731.76	Year 1 (2019)
Budget remaining	\$ 17,268.24	

*The remaining budget in the amount of \$17,268.24 will be reported as part of the 2019 operating budget year-end variance and reduced from the 2020 Operating Budget.

OPERATING BUDGET AND LIFECYCLE IMPACT:

The 2020 operating budget will be reduced from \$130,000 to \$112,731.76 and then adjusted for any CPI escalation based on this award. There is no incremental life cycle study impact.

ENVIRONMENTAL CONSIDERATIONS:

The green bin is a fundamental waste management tool for Markham residents, which allows them to participate in the organic collection program. Organic separation and collection helps the City achieve its high waste diversion rate.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The project goals are consistent with the Building Markham's Future Together strategic priority of providing a "Safe and Sustainable Community" through organic separation and collection programs.

BUSINESS UNITS CONSULTED AND AFFECTED:

The Finance department has been consulted and their comments have been incorporated.

RECOMMENDED BY:

Eddy Wu
Acting Director, Environmental Services

Brenda Librecz
Commissioner, Community & Fire
Services

ATTACHMENTS:

Not Applicable



Report to: General Committee

Meeting Date: April 23, 2019

SUBJECT:	2018 Consolidated Financial Statements
PREPARED BY:	Sandra Skelcher, Manager Financial Reporting and Payroll Kishor Soneji, Senior Accountant

RECOMMENDATION:

- 1) That the presentation titled “2018 Consolidated Financial Statements” be received; and,
- 2) That the report titled “2018 Consolidated Financial Statements” be received; and,
- 3) That Council approve the draft Consolidated Financial Statements of The Corporation of the City of Markham (the City), the City of Markham Public Library (the Library), Community Boards, Business Improvement Areas (BIAs) and Investment in Markham Enterprises Corporation (MEC), for the fiscal year ended December 31, 2018; and,
- 4) That Council authorize Staff to publish the final audited Statements for the fiscal year ended December 31, 2018 upon receiving the Independent Auditors’ Report; and,
- 5) That the KPMG LLP Audit Findings Report for the year ended December 31, 2018 be received; and,
- 6) That this matter be forwarded to Council for adoption on April 30, 2019; and further,
- 7) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

EXECUTIVE SUMMARY:

KPMG LLP has completed an audit of the Consolidated Financial Statements of the City of Markham and has expressed an unqualified opinion that the Statements present fairly, in all material respects, the consolidated financial position of the City.

The audited Statements are a report card on the financial position, health and strength of the City. The 2018 financial results continue to demonstrate Markham’s strong leadership and excellence in financial planning and fiscal prudence.

Following approval, the audited Statements will be included in the 2018 Annual Report which will be published on the City’s website and will be distributed to Council upon completion.

PURPOSE:

The purpose of this report is to obtain Council adoption of the 2018 Statements and to seek authority to publish the audited financial information as required by the Municipal Act (*the Act*).

BACKGROUND: 2018 Consolidated Financial Statements

This report and its appendices are prepared in accordance with *the Act* as follows:

- *Section 286 (1)* requires the Treasurer to report the financial affairs of the municipality to Council.
- *Section 294 (1)* requires a municipality to prepare, for each fiscal year, annual financial statements in accordance with generally accepted accounting principles (GAAP) for local governments as recommended, from time to time, by the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada (CPAC).
- *Section 296 (1)* requires a municipality to appoint an auditor, licensed under the Public Accounting Act, who is responsible for annually auditing the accounts and transactions of the municipality and its local boards and expressing an opinion on the financial statements of these bodies based on the audit.

PSAB issues recommendations and reporting requirements that serve the public's interest by strengthening accountability in the public sector through the development, recommendation, and acceptance of accounting and financial reporting standards.

The Statements reflect the financial position of the City, the operating results, and how the City financed its activities and met its cash requirements. Additionally, the Statements confirm that the resources were obtained and used consistent with the Council-approved budgets.

The City engaged the external audit firm KPMG LLP, Chartered Accountants to audit the Statements as at December 31, 2018 and their accompanying Notes to Financial Statements (Notes). The Notes comprise a summary of significant accounting policies and other explanatory information. The audit is conducted in accordance with Canadian Generally Accepted Auditing Standards to obtain reasonable assurance as to whether the Statements are free from material misstatement.

The Statements include the City's wholly owned investment in MEC, including MEC's shares in Alectra Inc. (Alectra) of 15.73% (2017: 15.73%) and Markham District Energy Inc. (MDE) of 100%.

DISCUSSION:**CONSOLIDATED STATEMENT OF FINANCIAL POSITION (Balance Sheet)**
(Appendix A – Page 1)

The Statement of Financial Position outlines the City's financial assets, financial liabilities and non-financial assets. The outcome of the statement shows an Accumulated Surplus at year end of \$4,606.58M, an increase of \$151.42M (3.4%) over 2017.

	\$ in millions		
	<u>2018</u>	<u>2017</u>	<u>Incr. / (Decr.)</u>
Financial Assets	854.05	758.95	95.10
Financial Liabilities	<u>364.53</u>	<u>312.19</u>	<u>52.34</u>
Net Financial Assets	489.52	446.76	42.76
Non-Financial Assets	<u>4,117.06</u>	<u>4,008.40</u>	<u>108.66</u>
Accumulated Surplus	<u>4,606.58</u>	<u>4,455.16</u>	<u>151.42</u>

Financial Assets

Financial assets are the resources controlled by the organization as a result of past events and from which future economic benefits are expected. Financial assets include cash and other assets expected to be converted to cash, sold or consumed either within a year or in the operating cycle. These assets are continually turned over in the course of normal business activities.

The City ended the year with financial assets totalling \$854.05M, an increase of \$95.10M (12.5%) over 2017.

Cash and investments increased in 2018 from \$302.20M to \$389.14M (\$86.94M, 28.8%). The major contributors to the increase were in deferred revenues received for parkland cash-in-lieu and development charges. (net \$47.05M). A reduction in cash outflows for capital projects in 2018 compared to 2017 also affected the cash and investment balance at year-end. The average rate of return on investments in 2018 was 3.12% (2017: 2.95%), an increase of 17 basis points from 2017.

Property taxes receivable decreased from \$25.95M to \$25.59M (-\$0.36M) as a result of an increase in collection of taxes due from prior years.

Accounts receivable decreased from \$58.77M to \$47.76M (-\$11.01M, -18.8%) in 2018. Payment of \$7.58M was received from Alectra Inc. for deferred interest on promissory notes issued to the City. Other receivables from the Region of York for shared project agreements were reduced by \$4.51M.

Investment in MEC increased by \$18.16M (5.0%) in 2018. This increase in equity includes the equity pick-up for 2018 of \$21.33M, offset by a reduction in share capital of \$1.54M and is further reduced by dividends received of \$1.63M.

A summary of the overall change in the City's investment in MEC is shown in the following chart:

	\$ in millions		
	<u>2018</u>	<u>2017</u>	<u>Incr. / (Decr.)</u>
Equity in MEC, January 1, 2018	362.16	253.54	108.62
Gain on exchange of shares of PowerStream for shares of Alectra Inc.	-	105.90	(105.90)
Equity pick-up for the year	21.33	10.91	10.42
Increase / (Decrease) in share capital	(1.54)	(1.53)	(0.01)
Dividend paid by MEC to City	(1.63)	(6.66)	5.03
Equity in MEC, December 31, 2018	<u>380.32</u>	<u>362.16</u>	<u>18.16</u>

Financial Liabilities

Financial liabilities are financial obligations to outside organizations or other individuals that are the result of transactions or events that occurred on or before the end of the accounting period.

Financial liabilities were \$364.53M at the end of 2018, an increase of \$52.34M (16.8%) from 2017.

Accounts payable and accrued liabilities increased in 2018 from \$142.73M to \$148.03M (\$5.30M, 3.7%). There was a \$12.08M increase in amounts owed to the Region and School Boards for water purchases, property taxes & development charges, due to timing of payments, as well as a \$2.04M increase in payroll liabilities. These were offset by a \$9.95M decrease in amounts owed to vendors as a result of completion of capital works throughout the year (release of holdbacks).

Deferred revenues increased from \$126.27M to \$173.32M (\$47.05M, 37.3%) in 2018, with a \$30.86M increase in parkland cash-in-lieu receipts, \$5.51M in funds from developers for capital projects and \$4.35M in development charges, accounting for 87% of the total.

Employee future benefits liabilities were nominally adjusted as per actuarial valuations for the current year end.

Long-term liabilities decreased from 12.24M to \$11.53M (-\$0.71M, -5.8%) in recognition of payments toward long-term loans from the Federation of Canadian Municipalities (FCM) and Canada Mortgage & Housing Corp. (CMHC).

Non-Financial Assets

Non-financial assets are assets with physical, rather than cash value. They include tangible capital assets (TCA) such as land & buildings, inventories of supplies such as salt and sand, as well as prepaid expenses.

Non-financial assets totalled \$4,117.06M at the end of 2018, an increase of \$108.66M (2.7%), which is almost entirely (99.5%) related to the addition of tangible capital assets. The major assets purchased, acquired through development or put into service following construction completion in 2018 were land, roads, stormwater & waterworks infrastructure and parks & pathways.

CONSOLIDATED STATEMENT OF OPERATIONS AND ACCUMULATED SURPLUS**(Income Statement)****(Appendix A – Page 2)**

This statement accounts for the City's consolidated revenues and expenses from operations, and includes other accounting adjustments such as the value of contributed assets from developers (\$128.13M), deferred revenues earned (\$20.54M), the equity pick up from MEC (\$21.33M) and the amortization of TCA in the accounting period (\$76.38M). The major components of the statement are illustrated below.

	\$ in millions		
	<u>2018</u>	<u>2017</u>	<u>Incr. / (Decr.)</u>
Revenues	561.41	601.79	(40.38)
Less Expenses	<u>409.99</u>	<u>385.87</u>	<u>24.12</u>
Annual Surplus	151.42	215.92	(64.50)
Accumulated Surplus, Beginning of Year	4,455.16	4,239.24	215.92
Accumulated Surplus, End of Year	<u>4,606.58</u>	<u>4,455.16</u>	<u>151.42</u>

The accumulated surplus of \$4,606.58M consists of individual operating fund surplus', equity in MEC, reserves and reserve funds, etc. as outlined in the following table:

	\$ in millions		
	<u>2018</u>	<u>2017</u>	<u>Incr. / (Decr.)</u>
Operating fund surplus (excl. waterworks)	3.58	5.60	(2.02)
Waterworks	0.51	0.35	0.16
Community Boards and BIAs	<u>0.37</u>	<u>0.30</u>	<u>0.07</u>
Operating Surplus Total	4.46	6.25	(1.79)
Equity in Markham Enterprises Corporation	380.32	362.16	18.16
Invested in Tangible Capital Assets and Other	4,071.19	3,971.74	99.45
Reserves and Reserve Funds	<u>150.61</u>	<u>115.01</u>	<u>35.60</u>
Total Accumulated Surplus	<u>4,606.58</u>	<u>4,455.16</u>	<u>151.42</u>

Operating Fund Surplus

At the Council meeting on April 16, 2019, the year end results of operations were brought forward. Council approved the transfer to Reserves of the City's 2018 net favourable operating fund surplus in the amount of \$3.58M. Combining this with the Waterworks surplus of \$0.51M and a surplus of \$0.37M for Community Boards and BIAs, nets the Operating Surplus Total of \$4.46M.

Equity in Markham Enterprises Corporation

This represents the value of the investment in MEC of \$380.31M as detailed in the Financial Assets section on page 4 of this report.

Invested in Tangible Capital Assets and Other

The investment in tangible capital assets and other totaled \$4,071.19M. This represents the net book value of TCA such as Land, Buildings, Equipment and Infrastructure and other adjustments at the year end.

Reserves and Reserve Funds

The Reserves and Reserve Funds are set aside by Council for specific purposes. The inflows into these funds are largely from the operating budget and the outflows are generally to fund capital projects, employee future benefit needs and other initiatives as directed by Council. The Reserves and Reserve Funds totalled \$150.61M at the close of 2018, a increase of \$35.60M from 2017.

The \$150.61M total Reserve and Reserve Funds plus the \$137.77M Deferred Reserve Funds are fully funded as illustrated by the comparison to the total cash and investments below.

	<u>\$ in millions</u>
A. Total Cash & Investments	389.14
Reserves	167.58
Reserve Funds	(16.97)
Deferred Reserve Funds (DCs, Parkland cash-in-lieu, Gas Tax & Section 37)	<u>137.77</u>
B. Total Reserves, Reserve Funds & Deferred Reserve Funds	<u>288.38</u>
A. - B.	<u>100.76</u>

Reserves totalled \$167.58M, an increase of \$23.09M over 2017. The net increase was the result of the following changes to Reserves:

Reserves	\$ in millions		
	<u>2018</u>	<u>2017</u>	<u>Incr. / (Decr.)</u>
Building fee	13.60	10.25	3.35
Capital gains	4.16	4.16	0.00
Corporate rate stabilization	21.13	20.46	0.67
Development fee	1.18	(6.65)	7.83
Facility ramp up	14.86	12.55	2.31
Firefighters sick leave benefits	6.34	6.34	0.00
Insurance	3.93	3.88	0.05
Long-term disability benefit	21.09	20.26	0.83
Waterworks	80.40	71.77	8.63
Other	0.89	1.47	(0.58)
Total Reserves	<u>167.58</u>	<u>144.49</u>	<u>23.09</u>

Reserve Funds increased by \$12.51M from 2017. The increase was a result of the following changes to the Reserve Funds:

Reserve Funds	\$ in millions		
	<u>2018</u>	<u>2017</u>	<u>Incr. / (Decr.)</u>
Environmental land acquisition	9.84	9.51	0.33
Land acquisition	(164.93)	(166.72)	1.79
Library infrastructure	6.22	6.10	0.12
Life cycle replacement and capital	100.83	90.07	10.76
Non-DC growth	6.55	7.15	(0.60)
Post retirement benefits	14.23	13.88	0.35
Workplace Safety & Insurance Board	4.23	4.10	0.13
Other	6.06	6.43	(0.37)
Total Reserve Funds	<u>(16.97)</u>	<u>(29.48)</u>	<u>12.51</u>

Communication

Section 295 (1) of the Act requires municipalities to annually communicate to its ratepayers, the results of the municipality's year end. The financial statements will be published on the City's website upon receipt of the final audited version from KPMG LLP and will form an important part of the City's 2018 Annual Report publication.

For the past seventeen consecutive years, the City has received the Government Finance Officers Association (GFOA) '*Canadian Award for Financial Reporting*'. The award provides recognition for excellence in governmental accounting and financial reporting. The receipt of this award signifies that Markham delivered a comprehensive annual financial report that demonstrates full transparency and disclosure over and above the minimum requirements of Generally Accepted Accounting Principles. Upon receiving the Independent Auditor's Report, the 2017 Annual Report will again be submitted to the GFOA.

RECOMMENDED BY:

Joel Lustig
Treasurer

Trinela Cane
Commissioner, Corporate Services

ATTACHMENTS:

2018 Consolidated Financial Statements Presentation

Appendix A – 2018 Consolidated Financial Statements

Appendix B – 2018 Audit Findings Report

2018 Consolidated Financial Statements

Presentation to General Committee

April 23, 2019

Agenda

1. Introduction
2. Requirements
3. Audit Summary
4. Financial Results Discussion
5. Presentation by Mr. Kevin Travers, Partner, KPMG LLP-Audit Findings Report

1. Introduction

The Financial Statements are a report card on the financial position, health and strength of the City:

- reflect the financial position of the organization, the operating results, and how the City financed its activities and met its cash requirements
- confirm that the resources were obtained and used consistent with the budgets approved by Council

Statements consolidate the financial activities of:

- City of Markham
- Community Boards and Business Improvement Areas (BIAs)
- City's investment in Markham Enterprises Corporation

2. Requirements

- We are required by The *Municipal Act* to :
 - ✓ prepare annual financial statements in accordance with Canadian Generally Accepted Accounting Principles (GAAP) for governments as recommended by the Public Sector Accounting Board (PSAB),
 - ✓ have the financial statements audited by a licensed auditor,
 - ✓ report the financials to Council, and
 - ✓ publish the statements

3. Audit Summary

- Schedule:
 - KPMG audit team was onsite one week in November 2018 & one week in early February 2019, performing interim & preliminary year end work.
 - The team returned & was onsite for six weeks from February 19th until March 29th, 2019 carrying out the audit of the financial records of the City and associate corporations.
- No adjustments or differences were communicated to Management
- Clean audit opinion

4. Financial Results

Consolidated Statement of Financial Position (Balance Sheet)

	\$ in millions		
	<u>2018</u>	<u>2017</u>	<u>Incr. / (Decr.)</u>
Financial Assets	854.05	758.95	95.10
Financial Liabilities	<u>364.53</u>	<u>312.19</u>	<u>52.34</u>
Net Financial Assets	489.52	446.76	42.76
Non-Financial Assets	4,117.06	4,008.40	108.66
Accumulated Surplus	<u>4,606.58</u>	<u>4,455.16</u>	<u>151.42</u>

4. Financial Results

Consolidated Statement of Financial Position (Balance Sheet) cont'd.

❖ Financial Assets increased by \$95.10M

Financial Assets	Incr. / (Decr.)	Significant change drivers
Cash & investments	\$86.94 M	• Net increase in deferred revenues \$47.05M
		• Reduced spending on projects
Accounts receivable	\$(11.01 M)	• Deferred interest paid by Alectra \$7.58M
Investment in MEC	\$18.16 M	• Equity pick up \$21.33M, offset by reduction in share capital (\$1.54M) and dividends paid (\$1.63)

4. Financial Results

Consolidated Statement of Financial Position (Balance Sheet) cont'd.

❖ Financial Liabilities increased by \$52.34M

Financial Liabilities	Incr. / (Decr.)	Significant change drivers
Accounts payable & accrued liabilities	\$5.30 M	<ul style="list-style-type: none"> • Increase in amounts owed to Region & School boards - timing of water purchases & property taxes \$12.08M and payroll liabilities of \$2.04M • Offset by decrease in holdbacks (\$10.32M), released to contractors on completion of projects
Deferred revenues	\$47.05 M	<ul style="list-style-type: none"> • Inflows \$78.00M • Outflows (\$30.95M) - lower project spending
Long term liabilities	\$(0.71) M	<ul style="list-style-type: none"> • Scheduled loans re-payments to Canada Mortgage & Housing Corp. (CMHC) & Federation of Canadian Municipalities (FCM)

4. Financial Results

Consolidated Statement of Financial Position (Balance Sheet) cont'd.

❖ Non-Financial Assets increased by \$108.66M

Non-Financial Assets	Incr. / (Decr.)	Significant change drivers
Tangible Capital Assets (TCA)	\$108.10 M	•Land, Infrastructure, parks/pathways
Prepaid expenses and inventories	\$0.56 M	•Computer software licenses, maintenance agreements, winter control inventory

4. Financial Results

Consolidated Statement of Operations and Accumulated Surplus (Income Statement)

	\$ in millions		
	<u>2018</u>	<u>2017</u>	<u>Incr. / (Decr.)</u>
Revenues	561.41	601.79	(40.38)
Less Expenses	<u>409.99</u>	<u>385.87</u>	<u>24.12</u>
Annual Surplus	151.42	215.92	(64.50)
Accumulated Surplus, Beginning of Year	4,455.16	4,239.24	215.92
Accumulated Surplus, End of Year	<u>4,606.58</u>	<u>4,455.16</u>	<u>151.42</u>

4. Financial Results

Details of Accumulated Surplus

	\$ in millions		
	<u>2018</u>	<u>2017</u>	<u>Incr. / (Decr.)</u>
Operating fund surplus (excl. waterworks)	3.58	5.60	(2.02)
Waterworks	0.51	0.35	0.16
Community Boards and BIAs	<u>0.37</u>	<u>0.30</u>	<u>0.07</u>
Operating Surplus Total	4.46	6.25	(1.79)
Equity in Markham Enterprises Corporation	380.32	362.16	18.16
Invested in Tangible Capital Assets and Other	4,071.19	3,971.74	99.45
Reserves and Reserve Funds	<u>150.61</u>	<u>115.01</u>	<u>35.60</u>
Total Accumulated Surplus	<u>4,606.58</u>	<u>4,455.16</u>	<u>151.42</u>

5. Presentation of the Audit Findings Report

Kevin Travers, Partner, KPMG LLP

APPENDIX A

Consolidated Financial Statements of

**THE CORPORATION OF
THE CITY OF MARKHAM**

December 31, 2018

INDEPENDENT AUDITORS' REPORT

To the Members of Council, Inhabitants and Ratepayers of The Corporation of the City of Markham

Opinion

We have audited the accompanying consolidated financial statements of The Corporation of the City of Markham (the Corporation), which comprise:

- the consolidated statement of financial position as at December 31, 2018
- the consolidated statement of operations for the year then ended
- the consolidated statement of changes in net financial assets for the year then ended
- the consolidated statement of cash flows for the year then ended
- and notes to the consolidated financial statements, including a summary of significant accounting policies

(Hereinafter referred to as the “financial statements”)

In our opinion, the accompanying financial statements present fairly, in all material respects, the consolidated financial position of The Corporation of the City of Markham as at December 31, 2018, and its consolidated results of operations, its consolidated changes in net financial assets and its consolidated cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditors’ Responsibilities for the Audit of the Financial Statements section of our report.

We are independent of the Corporation in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada and we have fulfilled our other responsibilities in accordance with these requirements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Corporation’s ability to continue as a going concern, disclosing as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Corporation or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Corporation’s financial reporting process.

Auditors’ Responsibility for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditors’ report that includes our opinion.

Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists.

Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit.

We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.
- The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Corporation's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Corporation's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditors' report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditors' report. However, future events or conditions may cause the Corporation to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities within the Group Entity to express an opinion on the financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

Chartered Professional Accountants, Licensed Public Accountants

Vaughan, Canada
Date: April 30, 2019

THE CORPORATION OF THE CITY OF MARKHAM
Consolidated Statement of Financial Position
December 31, 2018 with comparative figures for 2017
(All dollar amounts are in \$000)

	Note	2018	2017
FINANCIAL ASSETS			
Cash and investments	4	\$ 389,141	\$ 302,196
Property taxes receivable	5	25,591	25,946
Unbilled user charges		10,889	9,378
Accounts receivable	6	47,760	58,785
Investment in Markham Enterprises Corporation	7	380,312	362,159
Other current assets		360	488
		854,053	758,952
FINANCIAL LIABILITIES			
Accounts payable and accrued liabilities	8	148,032	142,726
Deferred revenue	9	173,322	126,276
Employee future benefits liabilities	10	31,649	30,953
Long-term liabilities	11	11,530	12,236
		364,533	312,191
NET FINANCIAL ASSETS		\$ 489,520	\$ 446,761
NON-FINANCIAL ASSETS			
Tangible capital assets	12	4,113,357	4,005,265
Inventories of supplies		1,503	1,263
Inventories of land - heritage estates		86	86
Prepaid expenses		2,119	1,790
		4,117,065	4,008,404
ACCUMULATED SURPLUS	15	\$ 4,606,585	\$4,455,165

The accompanying notes are an integral part of these financial statements.

THE CORPORATION OF THE CITY OF MARKHAM
Consolidated Statement of Operations and Accumulated Surplus
For the year ended December 31, 2018 with comparative figures for 2017
(All dollar amounts are in \$000)

	Note	2018		2017
		Budget	Actual	Actual
Revenues				
Property taxes		\$ 156,260	\$ 156,737	\$ 150,884
User charges	13	194,255	192,852	\$ 168,205
Government transfers	14	12,142	11,158	8,305
Contributions from developers and others		169	128,130	71,142
Investment income		16,243	15,726	20,519
Tax penalties		4,158	4,482	4,215
Gain on sale of tangible capital assets		-	873	275
Deferred revenue earned		16,556	20,543	48,690
Equity pick up from Markham Enterprises Corporation	7	-	21,327	116,806
Other		5,565	9,578	12,748
TOTAL REVENUES		405,348	561,406	601,789
Expenses				
General government		60,698	52,289	56,278
Protection to persons and property		47,710	49,254	46,337
Transportation services		62,506	61,103	57,624
Environmental services		153,573	146,179	132,319
Recreation and cultural services		86,710	88,324	81,268
Planning and development services		14,667	12,803	11,944
Other		48	34	102
TOTAL EXPENSES		425,912	409,986	385,872
ANNUAL SURPLUS (DEFICIT)		(20,564)	151,420	215,917
ACCUMULATED SURPLUS, BEGINNING OF YEAR		4,455,165	4,455,165	4,239,248
ACCUMULATED SURPLUS, END OF YEAR	15	\$ 4,434,601	\$ 4,606,585	\$ 4,455,165

The accompanying notes are an integral part of these financial statements.

THE CORPORATION OF THE CITY OF MARKHAM
Consolidated Statement of Change in Net Financial Assets
For the year ended December 31, 2018 with comparative figures for 2017
(All dollar amounts are in \$000)

	2018		2017
	Budget	Actual	Actual
Annual surplus (deficit)	(20,564)	151,420	215,917
Acquisition of tangible capital assets	(131,845)	(185,230)	(244,178)
Amortization of tangible capital assets	73,757	76,384	72,890
Disposal/write-down of tangible capital assets	-	754	168
	(78,652)	43,328	44,797
Acquisition of inventories of supplies	-	(1,503)	(1,255)
Acquisition prepaid expenses	-	(2,119)	(1,790)
Consumption of inventories of supplies	-	1,263	1,265
Use of prepaid expenses	-	1,790	1,268
Change in net financial assets	(78,652)	42,759	44,285
Net financial assets, beginning of year	446,761	446,761	402,476
Net financial assets, end of year	368,109	489,520	446,761

The accompanying notes are an integral part of these financial statements.

THE CORPORATION OF THE CITY OF MARKHAM
Consolidated Statement of Cash Flows
For the year ended December 31, 2018 with comparative figures for 2017
(All dollar amounts are in \$000)

	<u>2018</u>	<u>2017</u>
CASH PROVIDED BY (USED IN):		
OPERATING ACTIVITIES		
Annual surplus	151,420	215,917
Add (deduct) items not involving cash		
Amortization of tangible capital assets	76,384	72,890
Disposal/write down of tangible capital assets	754	168
Change in employee future benefits and other liabilities	696	105
Equity pick up in Markham Enterprises Corporation	(21,327)	(116,806)
Contributed tangible capital assets	(120,344)	(68,305)
Change in non-cash assets and liabilities		
Property taxes receivable	355	1,559
Accounts receivable	11,025	5,816
Unbilled user charges	(1,511)	(1,014)
Other current assets	128	2
Accounts payable and accrued liabilities	5,306	568
Long-term liabilities	(706)	(682)
Deferred revenue	47,046	(1,020)
Inventories of supplies	(240)	10
Prepaid expenses	(329)	(522)
Net change in cash from operating activities	148,657	108,686
CAPITAL ACTIVITIES		
Acquisition of tangible capital assets	(64,886)	(175,873)
Net change in cash from capital activities	(64,886)	(175,873)
INVESTING ACTIVITIES		
Dividend from Markham Enterprises Corporation	1,634	6,656
Decrease in share capital of Markham Enterprises Corporation	1,540	1,532
Net change in cash from investing activities	3,174	8,188
NET CHANGE IN CASH AND CASH EQUIVALENTS	86,945	(58,999)
OPENING CASH AND CASH EQUIVALENTS	302,196	361,195
CLOSING CASH AND CASH EQUIVALENTS	389,141	302,196
Supplementary information:		
Interest paid	412	437
Interest received	9,075	8,153

The accompanying notes are an integral part of these consolidated financial statements.

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

1. SIGNIFICANT ACCOUNTING POLICIES

The consolidated financial statements of The Corporation of The City of Markham (the City) are prepared by management in accordance with Canadian public sector accounting standards, as recommended by the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada (CPA Canada). Significant accounting policies adopted by the City are as follows:

a) Reporting Entity

These consolidated financial statements reflect the assets, liabilities, revenues and expenses of the reporting entity. The reporting entity is comprised of all organizations, local boards and committees accountable for the administration of their financial affairs and resources, to the City, and which are owned or controlled by the City, including the following:

- City of Markham Public Library Board
- Old Markham Village Business Improvement Area
- Unionville Business Improvement Area

Inter-entity transactions and balances are eliminated on consolidation.

b) Investment in Markham Enterprises Corporation

Markham Enterprises Corporation (MEC) and its subsidiaries are accounted for on a modified equity basis, consistent with the Canadian public sector accounting standards as recommended by PSAB for government business enterprises. Under the modified equity basis of accounting, the business enterprise's accounting principles are not adjusted to conform to those of the City, and inter-organizational transactions and balances are not eliminated. The City recognizes its equity interest in the annual income or loss of MEC in its consolidated statement of operations and accumulated surplus with a corresponding increase or decrease in its investment asset account. Any dividends that the City may receive from MEC are reflected as reductions in the investment asset account.

c) Accounting for Region and School Board Transactions

The property taxes, other revenues, expenses, assets and liabilities with respect to the operations of the Regional Municipality of York (the Region) and the York Region District School Boards (School Boards) are not reflected in the municipal fund balances of these financial statements.

d) Trust Funds

Trust funds and their related operations administered by the municipality are not consolidated, but are reported separately on the "Trust Funds Statement of Financial Position" and the "Trust Funds Statement of Operations and Fund Balances".

e) Basis of Accounting

Revenues are recorded in the period in which the transactions or events occurred that gave rise to the revenue.

Expenses are the cost of goods and services acquired in the period whether or not payment has been made or invoices received.

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

1. SIGNIFICANT ACCOUNTING POLICIES (continued)

f) Government Transfers

Government transfers are recognized in the financial statements in the period in which the events giving rise to the transfer occurred, providing that the transfers are authorized, any eligibility criteria and stipulations have been met, and reasonable estimates of the amounts can be made.

The City adopted PS 3410, *Government Transfers* that establishes the recognition, measurement and disclosure requirements for government transfers. It provides specific revenue recognition criteria for transferring government and recipient government.

g) Deferred Revenue

Funds received for specific purposes are accounted for as deferred revenue until the City discharges the obligation, which led to receipt of the funds.

h) Property Taxes and Related Revenues

Property tax billings are prepared by the City based on assessment rolls compiled by the Municipal Property Assessment Corporation (MPAC). Property tax rates are established annually by City Council, incorporating amounts to be raised for local services and amounts that the City is required to collect on behalf of the Region and School Boards for education purposes. Realty taxes are billed based on the assessment rolls provided by MPAC.

A normal part of the assessment process is the issuance of supplementary assessment rolls that provide updated information with respect to changes in property assessment. Once a supplementary assessment roll is received, the City determines the property taxes applicable and issues supplementary tax bills. Assessments and the related property taxes are subject to appeal. Any supplementary billing adjustments made necessary by the determination of such changes will be recognized in the fiscal year they are determined and the impact shared with the Region and School Boards as appropriate.

The City is entitled to collect interest and penalties on overdue property taxes. These revenues are recorded in the period the interest and penalties are levied.

The City adopted PS 3510, *Property Tax Revenues* that addresses recognition and reporting of property tax revenue. This establishes recognition of revenue when they meet the definition of an asset, and are authorized by a legislature or Council when the taxable event occurs.

i) Employee Future Benefits

The City accounts for its participation in the Ontario Municipal Employee Retirement System (OMERS), a multi-employer public sector pension fund, which is accounted for as a defined contribution plan. Vacation entitlements are accrued for as entitlements are earned. Sick leave benefits are accrued where they are vested and subject to pay out when an employee leaves the City's employment. Other employee future benefits are accrued in accordance with the projected benefit method prorated on service and management's best estimate of salary escalation and retirement ages of employees. Actuarial valuations, where necessary for accounting purposes, are performed triennially. The discount rate used to determine the accrued benefit obligation was determined by reference to market interest rates at the measurement date on high-quality debt instruments with cash flows that match the timing and amount of expected benefit payments. Unamortized actuarial gains or

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

1. SIGNIFICANT ACCOUNTING POLICIES (continued)

losses are amortized on a straight-line basis over the expected average remaining service life of the related employee groups.

Unamortized actuarial gains or losses for event-triggered liabilities, such as those determined as claims related to Workplace Safety and Insurance Board (WSIB) are amortized over the average expected period during which the benefits will be paid. The cost of plan amendments is accounted for in the period they are adopted.

Management, on approval from City Council, has set aside funds specifically for the financing of future costs.

j) Investment Income

Investment income is reported as revenue in the period earned. Investment income earned on obligatory reserve funds is added to the fund balance and forms part of the respective deferred revenue and/or obligatory reserve funds balance.

k) Non-Financial Assets

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the ordinary course of operations.

(i) Tangible Capital Assets

Tangible capital assets are recorded at cost which includes amounts that are directly attributed to acquisition, construction, development or betterment of the asset. The cost, less residual value of the tangible capital assets, excluding land, are amortized on a straight-line basis over their estimated useful lives in number of years as follows:

Asset	Useful Life - Years
Buildings and building improvements	40
Equipment	5 – 20
Furniture and fixtures	10 – 15
Infrastructure	10 – 100
Library furniture and fixtures	10
Library media collection	7
Park and pathways	10 – 60
Vehicles	7 – 9
Waterworks equipment	9
Waterworks infrastructure	15 – 100
Waterworks vehicles	7

Amortization is prorated to six months in the year of acquisition and in the year of disposal. Assets under construction are not amortized until the asset is available for productive use.

(ii) Contributions of Tangible Capital Assets

Tangible capital assets received as contributions are recorded at their fair value at the date of receipt and also are recorded as revenue. Tangible capital assets conveyed from developers are recorded at the estimated engineering value at time of registration.

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

1. SIGNIFICANT ACCOUNTING POLICIES (continued)

(iii) Works of Art and Cultural and Historic Assets

Works of art and cultural and historic assets are not recorded as assets in these financial statements.

(iv) Interest Capitalization

Interest is capitalized whenever external debt is issued to finance the construction of tangible capital assets.

(v) Inventories of Supplies

Inventories of supplies held for consumption are recorded at the lower of cost and replacement cost.

(vi) Inventories of land

Inventories of heritage land held for sale and are recorded at cost.

l) Use of Estimates

The preparation of financial statements requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the consolidated financial statements and the reported amount of revenues and expenditures during the period. Actual results could differ from these estimates.

m) Budget Figures

The approved operating and capital budgets for 2018 are reflected on the Consolidated Statement of Operations and Accumulated Surplus and on the Consolidated Statement of Change in Net Financial Assets. The Capital budget is on a project-oriented basis, the costs of which may be carried but over one or more years and, therefore, may not be comparable with the current year actual amounts. The budget presented in these financial statements has been reconciled to the approved budgets to reflect the accrual basis of accounting (Note 19).

n) Segment Disclosure

The City adopted PSAB Standard 2700 for Segment Disclosures. A segment is defined as a distinguishable activity or group of activities of a government for which it is appropriate to separately report financial information to achieve the objectives of the standard. The City has provided definitions of the segments used and presented financial information in segmented format in Note 18.

o) Reporting for Contaminated Sites

The City adopted PSAB Standard PS 3260 Liability for Contaminated Sites effective January 1, 2015. Under PS 3260, contaminated sites are defined as the result of contamination being introduced in air, soil, water or sediment of a chemical, organic or radioactive material or live organism that exceeds an environmental standard. This standard relates to sites that are not in productive use and sites in productive use where an unexpected event resulted in contamination. The City adopted this standard on a prospective basis.

Contaminated sites are defined as the result of contamination being introduced that exceeds an environmental standard. A liability for remediation of contaminated sites is recognized, net of any expected recoveries, when all of the following criteria are met:

- an environmental standard exists

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

1. SIGNIFICANT ACCOUNTING POLICIES (continued)

- contamination exceeds the environmental standard
- the organization is directly responsible or accepts responsibility for the liability
- future economic benefits will be given up, and
- a reasonable estimate of the liability can be made.

p) Adoption of accounting policies

The City has adopted the following PSAB Standards effective January 1, 2018:

(i) Assets (PS 3210)

PS 3210 provides additional guidance on the definition of assets and what is meant by economic resources, control, past transactions and events and from which future economic benefits are to be obtained. For the year ended December 31, 2018, all material assets have been disclosed and reported within this definition.

(ii) Contingent Assets (PS 3320)

PS 3320 introduces a definition for possible assets arising from existing conditions or situations involving uncertainty which will be ultimately resolved when one of more future events occur that are not within the government's control. Disclosure of a contingent asset is required under this standard when the occurrence of a confirming future event is likely.

(iii) Contractual Rights (PS 3380)

PS 3380 requires the disclosure of information in regards to future rights to economic resources arising from contracts or agreements that will result in a future economic benefit. Such disclosure includes the nature, extent and timing of contractual rights. The City is involved with various contracts and agreements arising in the ordinary course of business. This results in contractual rights to economic resources.

(iv) Related Party disclosures (PS 2200)

A related party exists when one party has the ability to exercise control or shared control over the other. Related parties include key management personnel, their close family members and the entities they control or have shared control over. Related party transactions are disclosed if they occurred at a value different from that which would have been arrived at if parties were unrelated and the transaction has material effect on the consolidated financial statements

(v) Inter-Entity Transactions (PS 3420)

PS 3420 provides guidance on how to account for and report transactions between public sector entities that comprise a governments reporting entity. This section provides guidance for the measurement of these transactions. All City transactions are recorded at the exchange amount, being the amount agreed to by both parties.

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

2. OPERATIONS OF SCHOOL BOARDS AND THE REGION OF YORK

Further to Note 1, requisitions were made by the Region and School Boards requiring the City to collect property taxes and payments in lieu of property taxes on their behalf. The amounts collected and remitted are summarized as follows:

	School Boards	Region of York	2018	2017
Taxation	\$ 235,528	\$ 307,840	\$ 543,368	\$ 515,696
Payment in lieu of taxes	270	707	977	1,050
Supplementary taxes	2,370	3,592	5,962	6,696
Amount requisitioned and transferred	\$ 238,168	\$ 312,139	\$ 550,307	\$ 523,442

3. PENSION AGREEMENTS

The City makes contributions to the Ontario Municipal Employees Retirement System (OMERS), which is a multi-employer plan, on behalf of its employees. The plan is a defined benefit plan which specifies the amount of the retirement benefit to be received by the employees based on the length of credited service and average earnings. Employees contribute between 9.0% and 15.9% of their salary and the City matches the employee contribution.

Total OMERS contributions amounted to \$22,930 (2017 - \$23,106) of which \$11,465 (2017 - \$11,553) represented the City's portion and \$11,465 (2017 - \$11,553) represented employees portion

Since OMERS is a multi-employer pension plan, the City does not recognize any share of the pension plan deficit of \$4.2 billion as of 2018 (2017 - \$5.9 billion) based on the fair market value of the Plan's assets, as this is a joint responsibility of all Ontario municipalities and their employees.

4. CASH AND INVESTMENTS

	2018	2017
Cash	\$ 169,044	\$ 92,346
Investments	220,097	209,850
	\$ 389,141	\$302,196

Cash balance includes investments in the amount of \$12,169 (2017 - \$58,161) which have a maturity date of less than three months. Investments consist of authorized investments pursuant to the provisions of the Municipal Act and include short-term instruments of various financial institutions, government bonds, and Treasury Bills. Investments, which are reported at cost for money market and face value for bonds, had a market value of \$217,695 (2017 - \$215,663) at the end of the year. For the year 2018, the average rate of return earned was 3.12% (2017 - 2.95%).

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

5. PROPERTY TAXES RECEIVABLE

The balance in property taxes receivable, including penalties and interest, is comprised of the following:

	2018	2017
Current year	\$ 20,029	\$ 19,748
Arrears prior years	6,563	7,199
	26,592	26,947
Less: Allowance for uncollectible taxes	(1,001)	(1,001)
	\$ 25,591	\$ 25,946

The Municipal Property Assessment Corporation (MPAC) is responsible for the valuation of the current value assessment (CVA) of all properties in Ontario. MPAC determines the CVA for all properties and provides it annually to municipalities in the form of an Assessment Roll, which the municipalities use to calculate property taxes for each individual property.

The Province of Ontario introduced a four-year property assessment cycle in 2009, which included a mandatory phase-in of reassessment increases for all properties. The Province chose to repeat the four-year assessment cycle and therefore, for the 2017 through 2020 tax years, all properties are assessed and taxed based on their CVA as of the valuation date of January 1st, 2016. The 2019 taxation year marks the third year of the current phase-in cycle.

The City of Markham's property tax revenue and property tax receivables rely on the stability of the assessment roll, which is subject to annual assessment appeals that create an amount of uncertainty related to the amount of property tax receivables. This financial uncertainty continues to illustrate the requirement of the provision allowance, which was established in the amount of \$1,001 (2017 - \$1,001). Further, as a result of an initiative by the Chair of the Assessment Review Board (ARB), a commitment was made by the ARB to address the regular and systemic backlog of all property assessment appeals.

6. ACCOUNTS RECEIVABLE – ALECTRA INC. INTEREST

Alectra Inc. owed a sum of \$7,584 (2017 - \$7,584) being interest at 5.58% per annum due for the period October 2006 to September 2008 on promissory notes issued to the City along with the deferred interest payment.

On October 31, 2018, Alectra Inc. made a payment of deferred interest in the amount of \$7,584 (2017 - \$7,584) owed on promissory notes issued by Alectra Inc. The deferred interest was accrued during the period of October 2006 to September 2008 at a rate of 5.58% per annum on the promissory notes. During the deferral period, the City received secondary interest on the deferred interest payments. All secondary interest amounts outstanding was also paid on October 31, 2018.

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

7. INVESTMENT IN MARKHAM ENTERPRISES CORPORATION

Markham Enterprises Corporation (MEC) is wholly owned by the City of Markham. MEC owns 100% of Markham District Energy Inc. (MDE) and 15.73% of Alectra Inc. (2017 – 15.73%).

The following consolidated financial statements of Markham Enterprises Corporation include the financial information of its subsidiaries Markham District Energy Inc. and Alectra Inc. for the period from January 1, 2018 to December 31, 2018.

	2018	2017
Assets		
Current	18,717	13,475
Capital	117,879	120,016
Investment in Alectra Inc.	316,007	311,497
Other	1,778	1,778
Total Assets	454,381	446,766
Liabilities		
Current	8,674	8,884
Other	54,418	56,715
Long Term	10,977	19,008
Total Liabilities	74,069	84,607
Shareholder's Equity		
Common shares	97,916	99,456
Promissory notes payable	79,184	79,184
Retained earnings and contributed Surplus	203,212	183,519
Total Shareholder's Equity	380,312	362,159
Total Liabilities and Shareholder's Equity	454,381	446,766
Results of Operations		
Revenues	45,667	72,668
Operating expenses	24,340	61,752
Net Income	21,327	10,916
Equity pick up in Markham Enterprises Corporation	21,327	10,916
Gain on exchange of shares of PowerStream for shares of Alectra Inc.	-	105,890
(Decrease) in share capital	(1,540)	(1,532)
Dividend	(1,634)	(6,656)
Net Change in Equity in Markham Enterprises Corporation	18,153	108,618
Opening shareholder's equity	362,159	253,541
Closing shareholder's equity	380,312	362,159

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

8. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES

Accounts payable and accrued liabilities include financial obligations to outside organizations and individuals as a result of transactions and events on or before the end of the accounting period. They are the result of contracts, agreements and legislation in force at the end of the accounting period that require Markham to pay for goods and services acquired or provided prior to the accounting date. A breakdown of the accounts payable and accrued liabilities is as follows:

	2018	2017
Trade accounts payable	\$ 44,812	\$ 54,758
Payable to other governments	80,004	67,921
Payroll liabilities	7,983	5,946
Accrued liabilities	15,233	14,101
	\$ 148,032	\$ 142,726

9. DEFERRED REVENUE

Deferred revenue represents user charges and fees which have been collected but for which the related services have yet to be performed. These amounts will be recognized as revenues in the fiscal year the services are performed. The following is the current status of the deferred revenues:

	Opening Balance	Inflows	Revenues earned	Closing Balance
Development charges	\$53,787	\$23,351	\$19,006	\$58,132
Parkland cash-in-lieu	34,190	32,396	1,536	65,050
Federal Gas tax	7,491	9,780	8,903	8,368
Section 37 funds	3,350	2,865	-	6,215
	98,818	68,392	29,445	137,765
Deferred revenue and deposits	27,458	9,603	1,504	35,557
	\$126,276	\$77,995	\$30,949	\$173,322

10. EMPLOYEE FUTURE BENEFITS LIABILITIES

	2018	2017
Long-term disability	\$ 5,877	\$ 5,864
Post employment benefits	13,184	13,107
Vacation pay - City	2,792	2,638
Vacation pay - Library	125	136
Vested sick leave benefits	6,142	5,980
Workplace Safety & Insurance Board	3,529	3,228
	\$ 31,649	\$ 30,953

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

10. EMPLOYEE FUTURE BENEFITS LIABILITIES (continued)

a) Long-Term Disability Benefits (LTD)

The City provides long-term disability benefits to eligible employees. At the year end, the accrued liability of \$5,877 (2017 – \$5,864) represents the actuarial valuation of benefits to be paid on the history of claims with employees. The City has established a long-term disability reserve to reduce future impact of these obligations. The accrued benefit liability and the net benefit cost for the fiscal year were determined by an actuarial valuation for December 2017.

b) Post-Employment Benefits

The City provides for post-employment benefits (extended health and dental benefits) to eligible retiring employees to age 65. The City recognizes these post-employment costs as they are earned during the employee's tenure of service. The benefit liability at December 31, 2018 is \$13,184 (2017 – \$13,107). The accrued benefit liability and the net benefit cost for the fiscal year were determined by an actuarial valuation updated December 2015.

c) Vested Sick-Leave Benefits

Under the sick leave benefit plan, which is available only to the City's Firefighters, employees can accumulate unused sick leave and may become entitled to a cash payment when they leave the City's employment. The liability for these accumulated days, to the extent that they have vested and could be taken in cash by an employee on termination, amounted to approximately \$6,142 (2017 - \$5,980). The accrued benefit liability and the net benefit cost for the fiscal year were determined by an actuarial valuation updated December 2016.

d) Workplace Safety and Insurance Board (WSIB) Obligations

Effective January 1, 1999, the Corporation of the City of Markham became a Schedule II employer under the Workplace Safety and Insurance Act and follows a policy of self-insurance for all its employees. The City remits payments to the WSIB as required to fund disability payments. The estimated future liability relating to WSIB amounted to \$3,529 (2017 - \$3,228) and was determined by an actuarial valuation. A Workplace Safety and Insurance Reserve Fund, funded by annual contributions from the Operating Fund, has been established to protect against any unknown future liability. The accrued benefit liability and the net benefit cost for the fiscal year were determined by an actuarial valuation for December 2016.

Information about the City's self-insured, defined benefit plans is as follows:

	LTD	Post employment benefits	Vested sick- leave	WSIB	2018	2017
Accrued benefit liability, beginning of year	\$ 5,864	\$ 13,107	\$ 5,980	\$ 3,228	\$ 28,179	\$ 28,179
Service cost	858	492	465	252	2,067	1,636
Interest cost	181	518	239	186	1,124	1,108
Benefit payments	(847)	(830)	(582)	(374)	(2,633)	(2,397)
Amortization of actuarial loss(gain)	(179)	(103)	40	237	(5)	(347)
Accrued benefit liability, end of year	\$ 5,877	\$ 13,184	\$ 6,142	\$ 3,529	\$ 28,732	\$ 28,179

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

10. EMPLOYEE FUTURE BENEFITS LIABILITIES (continued)

The actuarial valuations of the plans were based upon a number of assumptions about the future events, which reflect management's best estimates. The following represents the more significant assumptions made:

	LTD	Post employment benefits	Vested sick- leave	WSIB
Expected inflation rate	N/A	N/A	N/A	0.00%
Expected level of salary increase	N/A	N/A	3.00%	3.00%
Interest discount rate	3.50%	4.50%	4.00%	4.00%

11. LONG-TERM LIABILITIES

On July 1, 2010 and April 14, 2014, the City received a loan of \$12,000 from Canada Mortgage Housing Corporation (CMHC) and a \$4,000 low-interest loan from Federation of Canadian Municipalities (FCM) respectively through the Region. As a lower-tier municipality the City does not have the ability to borrow long-term funds, and as such the borrowing was done through the Region. The loan received on July 1, 2010 was used to fund the purchase of the Markham District Energy Birchmount plant. The plant was subsequently leased back to Markham District Energy (MDE), a 100% subsidiary of MEC. The loan received on April 14, 2014 was used to fund the cost of Cornell Community Centre.

The loan of \$12,000 is to be amortized over a period of 20 years, at an interest rate of 4.04%. An annual payment to the Region of \$886 consists of principal and interest. The first payment was due July 1, 2011. The loan of \$4,000 is to be amortized over a period of 20 years, at an interest rate of 2%. An annual payment to Region of \$244 consists of principal and interest. The first payment was due October 4, 2014.

12. TANGIBLE CAPITAL ASSETS

a) Capital work in progress

Assets under construction having a value of \$27,857 (2017 - \$57,878) have not been amortized. Amortization of these assets will commence when the asset is put into service.

b) Contributed Tangible Capital Assets

Contributed tangible capital assets have been recognized at fair market value at the date of contribution. The value of contribution assets received during the year is \$120,344 (2017 - \$68,305) comprised of land in the amount of \$70,344 (2017 - \$28,089), roads infrastructure in the amount of \$38,166 (2017 - \$28,860) and water and wastewater infrastructure in the amount of \$11,834 (2017 - \$11,356).

c) Tangible Capital Assets Disclosed at Nominal Values

Where an estimate of fair value could not be made, the tangible capital asset was recognized at a nominal value.

d) Works of Art and Historical Treasures

The City manages and controls various works of art and non-operational historical cultural assets including buildings, artifacts, paintings and sculptures located at City sites and public display areas. These assets are not recorded as tangible capital assets and are not amortized.

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

12. TANGIBLE CAPITAL ASSETS (continued)

	Cost				Accumulated Depreciation				Net Book Value	
	Jan 1, 2018	Additions	Disposals & Adjustments	Dec 31, 2018	Jan 1, 2018	For the year	Disposals & Adjustments	Dec 31, 2018	Balance at Dec,31, 2018	Balance at Dec,31, 2017
Land	1,965,874	79,397	(754)	2,044,517	-	-	-	-	2,044,517	1,965,874
Buildings	404,010	6,588	-	410,598	116,425	9,894	-	126,319	284,279	287,585
Equipment	32,165	3,683	(1,873)	33,975	16,455	3,623	(1,873)	18,205	15,770	15,710
Furniture & Fixtures	7,699	318	(59)	7,958	5,155	596	(59)	5,692	2,266	2,544
Infrastructure	1,357,640	92,673	(8,914)	1,441,399	458,020	36,663	(8,914)	485,769	955,630	899,620
Library Furniture & Fixtures	3,386	1	(383)	3,004	1,579	288	(383)	1,484	1,520	1,807
Library Media Collection	18,415	2,370	(1,674)	19,111	9,968	2,438	(1,674)	10,732	8,379	8,447
Parks & Pathways	84,973	9,539	(3,191)	91,321	33,165	4,873	(3,191)	34,847	56,474	51,808
Vehicles	15,516	1,243	(701)	16,058	7,443	1,856	(701)	8,598	7,460	8,073
Waterworks Equipment	1,375	40	(119)	1,296	867	140	(119)	888	408	508
Waterworks Infrastructure	1,032,100	19,147	(640)	1,050,607	327,241	15,848	(640)	342,449	708,158	704,859
Waterworks Vehicles	1,316	252	(54)	1,514	764	165	(54)	875	639	552
Total	4,924,469	215,251	(18,362)	5,121,358	977,082	76,384	(17,608)	1,035,858	4,085,500	3,947,387
Capital work in progress	57,878	(30,021)		27,857					27,857	57,878
Grand Total	4,982,347	185,230	(18,362)	5,149,215	977,082	76,384	(17,608)	1,035,858	4,113,357	4,005,265

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

13. USER CHARGES

	2018	2017
Water and sewer billing to ratepayers	\$ 121,384	111,284
Building permits	11,791	7,332
Culture venues	3,613	3,351
Engineering	10,231	8,265
Facility rentals	9,196	7,946
Licenses	1,808	1,631
Landscaping	3,362	1,988
Parking violations	3,056	2,970
Planning	10,357	7,925
Recreation programs	13,244	11,894
Other	4,810	3,619
Total	\$ 192,852	168,205

14. GOVERNMENT TRANSFERS

The City recognizes the transfer of government funding as revenue in the year the events giving rise to the transfer occurred. The details of government transfer for the year are:

	2018	2017
Provincial Grant:		
Transportation services	-	8
Environmental services	1,260	1,333
Recreation and cultural services	658	819
Planning and development services	337	186
	\$ 2,255	\$ 2,346
Federal Grant:		
General government	8,903	5,959
	\$ 8,903	\$ 5,959
	\$ 11,158	\$ 8,305

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

15. ACCUMULATED SURPLUS

Accumulated surplus consists of individual fund surplus and reserves and reserve funds as follows:

	2018	2017
City operating fund surplus including library, community boards, and business improvement areas	4,464	6,252
Equity in Markham Enterprises Corporation	380,312	362,159
Invested in tangible capital assets and other	4,071,191	3,971,738
	4,455,967	4,340,149
RESERVES SET ASIDE FOR SPECIFIC PURPOSES BY COUNCIL		
Berczy landscape feature	203	203
Building fee	13,603	10,251
Capital gains	4,160	4,160
Corporate rate stabilization	21,131	20,459
Development fee	1,179	(6,650)
Election expenses	8	860
Election rebates	675	416
Facility ramp up	14,861	12,547
Firefighters sick leave benefits	6,340	6,340
Insurance	3,932	3,884
Long-term disability benefits	21,093	20,260
Waterworks	80,400	71,765
Total reserves	167,585	144,495
RESERVE FUNDS SET ASIDE FOR SPECIFIC PURPOSES BY COUNCIL		
Cemetery expenses	117	115
Emerald Ash Borer	552	956
Environmental land acquisition	9,838	9,506
Environmental sustainability fund	111	131
Heritage	345	362
Land acquisition	(164,929)	(166,721)
Library infrastructure	6,218	6,097
Life cycle replacement and capital	100,832	90,067
Museum	18	17
Non-DC growth	6,549	7,148
Post employment benefits	14,229	13,876
Public art acquisition	2,723	1,423
Stormwater fee	224	1,799
Theatre	813	749
Trees for Tomorrow program	29	42
Workplace Safety & Insurance Board (WSIB)	4,234	4,097
WSIB excess compensation	1,130	857
Total reserve funds	(16,967)	(29,479)
Total	4,606,585	4,455,165

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

16. LEASE OBLIGATIONS

As at December 31, 2018, the City is committed to minimum annual operating lease payments for premises and equipment as follows:

2019	\$71
2020	72
2021	74
2022	67
2023	43
2024 and over	216
	<hr/>
	\$543

17. CONTINGENCY

Unsettled Legal Claims and Potential Other Claims

The City has been named as the defendant in certain legal actions in which damages have been sought. The outcome of these actions is not determinable at this time and, accordingly, no provision has been made in these financial statements for any liability that may result.

18. SEGMENTED INFORMATION

The City is a diverse municipal government that provides a wide range of services to its citizens. For management reporting purposes, the City's operations and activities are organized functionally based on services provided. Certain allocation methodologies are employed in the preparation of segmented financial information. User charges and other revenues are allocated to the segments based upon the segment that generated the revenue. Government transfers are allocated to the segment based upon the purpose for which the transfer was made. Deferred revenues earned and developer contributions are allocated to General Government.

The segmented information with a brief description of the service area is as follows:

a) General Government

General government service area includes the Office of Mayor and Members of Council, Chief Administrative Officer, Human Resources, Legal, Sustainability Office, Legislative Services, Financial Services, Corporate Communications and Community Engagement, and Information Technology Services. The departments are responsible for general governance and corporate management.

b) Protection to Persons and Property

Protection service area includes Fire and Emergency Services and Building Standards. The departments are responsible to perform fire prevention and protection, fire alarm, building services and other auxiliary services.

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
Year ended December 31, 2018
(All dollar amounts are in \$000)

18. SEGMENTED INFORMATION (continued)

c) Transportation Services

Transportation service area includes Roads, Parking Control and Asset Management. The departments are responsible for road maintenance, hard-top and loose-top maintenance, winter patrol, salt, sanding, snow removal, street lighting and administration of facilities and parking.

d) Environmental Services:

Environmental service area includes Waterworks and Waste Management. The departments are responsible for the administration of the sanitary and storm sewer system, distribution of water, and the administration of garbage collection and garbage recycling.

e) Recreation and Cultural Services

The recreation and cultural service area includes Park, Recreation services, Culture services and Markham Public Libraries. The departments are responsible for providing and facilitating the development and maintenance of high-quality parks, recreation services and cultural services, and administration of libraries.

f) Planning and Development Services

Planning and development services area includes Planning and Urban Design and Engineering. The departments are responsible for administration of land use plans and policies for sustainable development of the City.

g) Other

The Legislative Services department is responsible for administration of cemetery maintenance and morgues.

THE CORPORATION OF THE CITY OF MARKHAM
Year ended December 31, 2018
(All dollar amounts are in \$000)

18. SEGMENTED INFORMATION (continued)

	<i>General Government</i>	<i>Protection to persons and property</i>	<i>Transportation services</i>	<i>Environmental Services</i>	<i>Recreation and Cultural services</i>	<i>Planning and Development</i>	<i>Others</i>	2018	2017
<u>Revenues</u>									
Taxation, grants in lieu, assessments	707,044	-	-	-	-	-	-	707,044	674,326
Collection for other authorities	(550,307)	-	-	-	-	-	-	(550,307)	(523,442)
Property taxes for City purposes	156,737	-	-	-	-	-	-	156,737	150,884
User charges	3,158	13,374	13,759	122,347	26,464	13,728	22	192,852	168,205
Government transfers	8,903	-	-	1,260	658	337	-	11,158	8,305
Contribution from developers and others	128,130	-	-	-	-	-	-	128,130	71,142
Investment income	15,726	-	-	-	-	-	-	15,726	20,519
Tax penalties	4,482	-	-	-	-	-	-	4,482	4,215
Gain on sale of tangible assets	873	-	-	-	-	-	-	873	275
Deferred revenue earned	20,543	-	-	-	-	-	-	20,543	48,690
Equity pick up from Markham Enterprises Corporation	21,327	-	-	-	-	-	-	21,327	116,806
Others	6,717	387	675	815	974	5	5	9,578	12,748
Total	366,596	13,761	14,434	124,422	28,096	14,070	27	561,406	601,789
<u>Expenses</u>									
Salaries, Wages and employee benefits	26,627	44,777	14,447	8,073	46,474	7,684	-	148,082	141,062
Operating Materials and Supplies	11,007	1,058	4,363	1,445	14,189	1,110	34	33,206	32,350
Contracted Services	11,582	1,592	12,779	110,467	8,932	3,869	-	149,221	136,694
Rents and Financial Expenses	(1,426)	121	94	2,674	703	140	-	2,306	2,079
External Transfers to others	375	-	-	-	-	-	-	375	360
Long Term Debt Charges	412	-	-	-	-	-	-	412	437
Amortization of tangible capital assets	3,712	1,706	29,420	23,520	18,026	-	-	76,384	72,890
Total Expenses	52,289	49,254	61,103	146,179	88,324	12,803	34	409,986	385,872
Annual Surplus/(Deficit)	314,307	(35,493)	(46,669)	(21,757)	(60,228)	1,267	(7)	151,420	215,917

THE CORPORATION OF THE CITY OF MARKHAM
Notes to the Consolidated Financial Statements
December 31, 2018
(All dollar amounts are in \$000)

19. BUDGET FIGURES

The budget figures presented in these consolidated financial statements are based on the Council approved 2018 budget. The following table reconciles the approved budget figures as presented in these financial statements using the accrual basis of accounting.

	2018	2017
	\$	\$
Revenues		
Approved operating budget	378,456	361,305
Approved capital budget	77,715	81,474
Transfer from reserve funds	(50,823)	(41,943)
Total revenues	405,348	400,836
Expenses		
Approved operating budget	378,456	361,305
Transfer to reserve funds	(46,004)	(48,385)
Expenses not capitalized	19,627	19,615
Post-employment benefit expenses	77	92
Amortization	73,756	73,169
Total expenses	425,912	405,796
Annual surplus/(deficit)	(20,564)	(4,960)

20. TRUST FUNDS

Trust funds administered by the City for the benefit of others amounting to \$2,431 (2017 - \$2,414) have not been included in the "Consolidated Statement of Financial Position" nor have their operations been included in the "Consolidated Statement of Operations and Accumulated Surplus". The details of trust funds administered by the City and their Financial Position and Statement of Financial Activities and Fund Balances are as follows:

a) Morgan Park Trust Fund

The T. & G. Morgan Memorial Fund in Markham Village was established in 1918 as a result of the last Will and Testament of George Morgan to hold funds, the interest earned on which can be used to offset certain maintenance costs of Morgan Park. As at December 31, 2018 the balance was \$82 (2017 - \$80).

b) Varley-McKay Art Foundation Trust Fund

The Varley-McKay Art Foundation Trust Fund was established by Council Resolution on December 11, 2001. This trust is funded by the amount received from the Estate of Kathleen G. McKay. Interest earned on these funds is available to the Varley-McKay Art Foundation of Markham to fund art appreciation and development. As at December 31, 2018 the balance was \$1,299 (2017 - \$1,299).

THE CORPORATION OF THE CITY OF MARKHAM

December 31, 2018

(All dollar amounts are in \$000)

20. TRUST FUNDS (continued)**c) Markham Environmental Advisory Committee Trust Fund**

The Markham Environmental Advisory Committee (previously the Markham Conservation Committee) Trust Fund was established by Council Resolution on April 15, 1992 to receive donations, grants, subsidies, and other amounts, to be used to cover costs associated with conservation and naturalization programs and projects undertaken by the Markham Environmental Advisory Committee. As at December 31, 2018 the balance was nil (2017 - \$2).

d) Cemetery Trust Fund

The Cemetery Trust Fund was established under the Regulations of the Cemeteries Act to accumulate certain funds from the sale or transfer of an interment right to a purchaser in accordance with the Regulations. These funds are to be held in trust for the care and maintenance of the cemetery. Interest earned on amounts held by the Fund is used towards the maintenance, security and preservation of the cemetery, its grounds, buildings, equipment and markers in accordance with the Regulations. As at December 31, 2018 the balance was \$942 (2017 - \$928).

e) Older Adults In Action Trust Fund

Council Resolution established the Older Adults In Action Trust Fund on March 10, 1998 to collect donations for the Club and Older Adult Centre. As at December 31, 2018 the balance was \$10 (2017 - \$10).

f) Markham History - Research and Publication Trust Fund

The Markham History – Research and Publication Trust Fund was established by Council Resolution on June 1, 2004 to plan and monitor the implementation of research, writing, digitizing and production of historical media that illuminates various themes in Markham's history. As at December 31, 2018 the balance was \$98 (2017 - \$95).

21. CONTRACTUAL RIGHTS

City revenues to be generated in the future, in relation to existing lease agreements are approximately \$28,057. The City has also entered into Provincial funding agreements, whereby the estimated future funding is \$51,713.

<u>Year</u>	<u>Lease agreements</u>	<u>Provincial funding agreements</u>
2019	2,682	9,980
2020	2,528	9,980
2021	2,466	10,433
2022	2,444	10,433
2023	2,107	10,887
2024 and beyond	15,830	-
Total	28,057	51,713

THE CORPORATION OF THE CITY OF MARKHAM**December 31, 2018****(All dollar amounts are in \$000)**

22. SUBSEQUENT EVENT

On January 1, 2019, Alectra Inc. amalgamated with Guelph Hydro Electric Systems Inc. ("GHESI"). Alectra Inc. issued 485,000 Class G Common Shares to Guelph Municipal Holdings Inc. ("GMHI") in consideration for all the issued and outstanding shares of GHESI. This common shares issuance by the Alectra Inc. represents an effective 4.6% interest in its aggregate issued and outstanding classes of common shares. The amalgamation is expected to result in more efficient and enhanced service delivery through lower operating costs, while providing significant benefits for communities and shareholders.

The new shareholder ownership structure as a result of this merger is as follows: Barrie Hydro Holdings – 8.4%, Enersource Corporation – 29.6%, Hamilton Utilities Corporation – 17.3%, Markham Enterprises Corporation – 15%, St. Catharines Hydro Inc. – 4.6%, Vaughan Holdings Inc. – 20.5% and GMHI – 4.6%.

The accounting and valuation for the amalgamation is still being finalized. Consequently, disclosures regarding the amount of the purchased assets and liabilities cannot be determined.

23. COMPARATIVE FIGURES

Certain comparative figures have been reclassified to conform to the financial statement presentation adopted in the current year.

The Corporation of the City of Markham

Audit Findings Report for the year ended
December 31, 2018

KPMG LLP

Chartered Professional Accountants,
Licensed Public Accountants

April, 2019

kpmg.ca/audit



Appendix B



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Executive summary



Purpose of this report*

The purpose of this Audit Findings Report is to assist you, as a member of Council, in your review of the results of our audit of the consolidated financial statements (“the financial statements”) of the Corporation of the City of Markham (“the City”) as at and for the year ended December 31, 2018.



Changes from the Audit Plan

There have been no significant changes regarding our audit from the Audit Planning Report that was reported to management.



Finalizing the audit

As of the date of this report, we have completed the audit of the financial statements, with the exception of certain remaining procedures, which include amongst others:

- Completing our discussions with the audit committee / general committee;
- Obtaining evidence of the Council’s approval of the financial statements;
- Receipt of the signed management representation letter (to be signed upon approval of the financial statements).

We will update the general committee, and not solely the Chair (as required by professional standards), on significant matters, if any, arising from the completion of the audit, including the completion of the above procedures. Our auditors’ report will be dated upon the completion of any remaining procedures.

*This Audit Findings Report should not be used for any other purpose or by anyone other than the General Committee and City Council. KPMG shall have no responsibility or liability for loss or damages or claims, if any, to or by any third party as this Audit Findings Report has not been prepared for, and is not intended for, and should not be used by, any third party or for any other purpose.



Executive summary



Adjustments and differences

For the City financial statements, we did not identify differences that remain uncorrected. We did not identify any adjustments that were communicated to management and subsequently corrected in the financial statements.



Critical accounting estimates

Overall, we are satisfied with the reasonability of critical accounting estimates.

The critical areas of estimates relate to: depreciation of capital assets, valuation related to land acquisitions, receivables, and accruals for employee future benefits.

See pages 8 and 9



Significant accounting policies and practices

The City adopted five new public sector accounting standards in the current year: See pages 10 and 11 for considerations regarding the implementation of the new standards in the current year financial statements



Control and other observations

We did not identify any control deficiencies that we determined to be significant deficiencies in ICFR.



Independence

We are independent with respect to the City of Markham, within the meaning of the relevant rules and related interpretations prescribed by the relevant professional bodies in Canada and any other standards or applicable legislation or regulation.

Audit risks and results

We highlight our significant findings in respect of significant financial reporting risks as identified in our discussion with management in the Audit Plan, as well as any additional significant risks identified.

Significant financial reporting risk

- Fraud risk from management override of control
-
- As this risk is not rebuttable, our audit methodology incorporated the required procedures in professional standards to address this risk.
 - These procedures included the testing of journal entries and other adjustments, performing a retrospective review of estimates and evaluating the business rationale of significant unusual transactions.
 - We did not identify any issues or concerns regarding management override of controls.

Significant financial reporting risk

- Fraud risk from revenue recognition
-
- Our audit methodology incorporated the required procedures in professional standards to address this risk.
 - These procedures included testing of journal entries and other adjustments, substantively testing revenues (both recognized and amounts held as deferred at year end), and recalculating management's determination of deferred revenue – obligatory reserve funds through auditing management's methodology.
 - We did not identify any issues related to fraud risk associated with revenue recognition.



Audit risks and results

Significant findings from the audit regarding other areas of focus are as follows:

Area of focus

- Tangible capital assets

Our response and significant findings

- During our substantive testing of tangible capital asset additions, we noted that the City recognized \$215.3M (2017 - \$290.2M) in total additions, which is comprised of \$98.7M (2017 - \$221.9M) of assets capitalized from work in progress ("WIP"), \$55.0M (2017 - \$46.8M) relating to assets capitalized from developer contributions and \$61.6 (2017 - \$21.4M) relating to land purchases/acquisitions.
- We reviewed on a sample basis the additions to tangible capital assets and noted that management has correctly capitalized the additions from work in progress to capital assets and developer contributions land acquisitions.
- In our testing, we reviewed the contributions from developers and others recognized of \$120.3M (2017 - \$68.3M) on the statement of operations and accumulated surplus and noted that management has appropriately recognized the related revenue.
- No exceptions were noted during testing.



Audit risks and results

Significant findings from the audit regarding other areas of focus are as follows:

Area of focus

- Land acquisitions

Our response and significant findings

- Completeness of land acquisitions had been identified as an area of focus of the audit.
- KPMG obtained the listing of land additions provided by the legal department and tested substantively by agreeing to surveyor's certificates and land title transfer documents in order to ensure that land transfers were appropriate and recorded in the correct fiscal period.
- A listing of all land transfers in fiscal 2019 was also obtained and tested substantively to ensure cut-off for fiscal 2018 was appropriate.
- No exceptions were noted during testing.



Audit risks and results

Significant findings from the audit regarding other areas of focus are as follows:

Area of focus

- Deferred revenue earned

Our response and significant findings

- During our substantive testing, we noted that the City recognized \$20.5M (2017 - \$48.6M) of deferred revenue earned.
- We obtained the deferred revenue continuity schedule and selected samples for testing to determine if the selected amounts had been recognized in the current year in accordance with the appropriate legislation or agreements that the revenues pertain to.
- Based on our testing, we conclude that deferred revenue was recognized appropriately.
- No exceptions were noted during testing.



Audit risks and results

Area of focus

- Markham Enterprises Corporation (“MEC”) Investment

Our response and significant findings (continued)

- The City recognizes its investment in MEC using the modified equity method.
- We reviewed the criteria per PS 3070 – Investment in Government Business Enterprises and noted the City’s investment in MEC continues to meet all criteria of the section and therefore it is appropriate to continue to record the investment in MEC using the modified equity method of accounting.
- We reviewed the MEC modified equity method calculation. We noted that there are two major components to the calculation. They are: MEC’s current year net income / other comprehensive income and MEC’s dividend declared and paid to the City. These transactions are disclosed in Note 7 of the financial statements.
- Based on the work performed, KPMG concludes that management has appropriately reflected its investment in MEC using modified equity accounting in accordance with PS 3070 for fiscal 2018.
- Included in the annual surplus for the City for the year is \$21,327K, which represents 100% of the net income of MEC for the year.

Certain figures in the consolidated financial statements contain elements requiring the use of judgment and assumptions that management makes about the future, and other sources of estimation uncertainty, at the end of the reporting period. These judgments and estimates have a risk of resulting in a material adjustment to carrying amounts of assets and liabilities within the next financial year. Generally, these are considered to be “critical accounting estimates.”

Item

See discussion below

KPMG comment

- The CPA Handbook PS 3300 Contingent Liabilities requires that the City recognize a liability when “...it is likely that a future event will confirm that a liability has been incurred at the date of the financial statements; and the amount can be reasonably estimated.”
- At any point in time, the City is subject to a number of matters which could potentially result in the determination of a contingent liability as defined above, including, but not limited to matters such as legal claims, contract settlement accruals etc.
- We reviewed the City’s assessments of contingent liabilities and the process employed to develop and record the estimated liabilities. Where applicable, we met with the individuals responsible for the process and are satisfied that the methodology used is consistent with the approach taken in prior years and has been appropriately reviewed.
- As these items are resolved, it is possible that the final amounts recorded for these liabilities may change, however the amounts currently recorded represent management’s best estimates of exposure given the information presently available.

Item	Balance (\$'000s)
Amortization expense	\$ 76,384
Employee future benefits	\$ 31,649

Amortization expense:

- We have reviewed the estimated useful lives of the various additions from work in progress to tangible capital assets and conclude that they are reasonable.
- Fiscal 2018 amortization expense was recalculated and it was determined that management's calculation of the amortization expense was appropriate.

- We reviewed actuarial reports regarding estimates related to Employee Future Benefits, and conducted tests of detail to assess the reliability of the information used within the reports.
- We recalculated the accruals based on the information noted above, and did not identify any discrepancies.

KPMG Audit Findings Report

Significant accounting policies

Adoption of accounting standards

The following new significant accounting policies and practices were selected and applied during the period as per the requirement of Public Sector Accounting Standards. These accounting policies will be applied prospectively.

Our response and significant findings

For the year ended December 31, 2018, the City is required to adopt the following new public sector accounting standards (PSAS) :

PS 2200 – Related Party Disclosures

- This standard defines related parties and requires disclosure of material transactions occurring between related parties at a value that is different from that which would have been arrived at if the parties were unrelated.
- The City has internal policies over procurement and conduct that address conflicts of interest and transactions with individuals or parties at non-arms' length. We held discussions with management who informed us that there were no material related party transactions that were not transacted at fair value during the year. Our findings from our review of Council and committee meeting minutes were consistent in this regard. At the completion of the audit, we will obtain from management a signed representation letter indicating that there were no related parties or transactions not identified to us or disclosed in the financial statements.

PS 3420 – Inter-Entity Transactions

- These are transactions occurring between commonly controlled entities. There are no inter-entity transactions to consider as there are no commonly-controlled entities to the City.

PS 3380 – Contractual Rights

- Contractual rights, which are rights to economic resources arising from contracts or agreements that will result in both an asset and revenue in the future, must be disclosed and described. As at December 31, 2018, there were a number of contracts for funding support, shared services, and leases. The aggregate amounts for each of these types of contracts are disclosed in note 21 to the financial statements.



Our response and significant findings (con't)

- For a sample of contracts, we verified the maximum amount available to the City, ensured that amounts are to be earned in future periods, and recalculated the future portions by deducting actual revenues earned to date on the contracts.

PS 3320 – Contingent Assets


Contingent assets, which exist when an unresolved existing condition exists and an expected future event will resolve that uncertainty as to whether an asset exists, must be disclosed. Management has considered a number of circumstances, including litigation where the City is the plaintiff and situations with the potential for recoveries. Management has not identified any contingent assets, which is supported by the City Solicitor. No disclosures are required.

PS 3210 – Assets

- Items meeting the expanded definition of assets must be recorded as assets in the statement of financial position. The City has recorded all such assets. This standard does not have a significant impact on the financial statements.

Technology in the audit

As previously communicated in our Audit Planning Report, we have utilized technology to enhance the quality and effectiveness of the audit.

 Areas of the audit where Technology and D&A routines were used	
Tool	Our results and insights
Journal Entry Testing	<p>We utilized our proprietary D&A tool, IDEA, to evaluate the completeness of the journal entry population through a roll-forward of all accounts, analyze journal entries and determine sub-populations for more focused and risk-based testing, and apply certain criteria to sub-populations to identify potential high-risk journal entries for further testing.</p> <p>We did not identify any issues in regards to the completeness of journal entries. Moreover, we are satisfied with the results of our testing of specific relevant journal entries</p>
Recalculation of amortization expense	<p>We utilized our proprietary D&A tool, IDEA to evaluate and recalculate the amortization expense related to tangible capital assets incurred by the City during the year.</p> <p>We did not identify any issues in regards to the amortization expense. Moreover, we are satisfied with the results of our testing.</p>

Adjustments and differences



Adjustments and differences identified during the audit have been categorized as “Corrected adjustments” or “Uncorrected differences”. These include disclosure adjustments and differences.

Professional standards require that we request of management and the audit committee that all identified adjustments or differences be corrected. We have already made this request of management.

Corrected adjustments

We did not identify any adjustments that were communicated to management and subsequently corrected in the financial statements.

Uncorrected differences

We did not identify differences that remain uncorrected.

Current developments and audit trends

Title	Details	Link
Public Sector Update - connection series	Public Sector Accounting Standards are evolving – Get a comprehensive update on the latest developments from our PSAB professionals. Learn about current changes to the standards, active projects and exposure drafts, and other items.	Contact your KPMG team representative to sign up for these webinars.

Our discussions with you, our audit opinion and what KPMG is seeing in the marketplace—both from an audit and industry perspective—indicate the following is specific information that will be of particular interest to you. We would, of course, be happy to further discuss this information with you at your convenience.

Thought Leadership	Overview	Links
Accelerate	Accelerate is a KPMG trends report and video series that includes the perspective of subject matter leaders from across KPMG in Canada on seven key issues impacting organizations today that are disrupting the audit committee mandate.	Link to report
The Blockchain shift will be seismic	Blockchain technology is a focused disruptor of the very foundations of external and internal audit: financial recordkeeping and reporting. This Audit Point of View article offers insight on how blockchain technology is impacting business and what audit committees should be thinking about to prepare for certain risks.	Link to report
Audit Quality 2018	Learn about KPMG's ongoing commitment to continuous audit quality improvement. We are investing in new innovative technologies and building strategic alliances with leading technology companies that will have a transformative impact on the auditing process and profession. How do we seek to make an impact on society through the work that we do?	Link to report
Cyber defense in depth	High walls alone won't defend the castle Assume that you have been compromised and work on what needs to be done to address it.	Link to report



Current developments and audit trends

Public Sector Accounting Standards

The following are upcoming changes that will be effective in future periods. We have provided an overview of what these standards are and what they mean to your financial reporting so that you may evaluate any impact to your future financial statements.

Standard	Summary and implications
Asset Retirement Obligations	<ul style="list-style-type: none"> – A new standard has been approved that is effective for fiscal years beginning on or after April 1, 2021 (<i>for the City's 2022 year end</i>). – The new standard addresses the recognition, measurement, presentation and disclosure of legal obligations associated with retirement of tangible capital assets in productive use. Retirement costs would be recognized as an integral cost of owning and operating tangible capital assets. PSAB currently contains no specific guidance in this area. – The ARO standard would require the public sector entity to record a liability related to future costs of any legal obligations to be incurred upon retirement of any controlled tangible capital assets ("TCA"). The amount of the initial liability would be added to the historical cost of the asset and amortized over its useful life. – As a result of the new standard, the public sector entity would have to: <ul style="list-style-type: none"> • consider how the additional liability will impact net debt, as a new liability will be recognized with no corresponding increase in a financial asset; • carefully review legal agreements, senior government directives and legislation in relation to all controlled TCA to determine if any legal obligations exist with respect to asset retirements; • begin considering the potential effects on the organization as soon as possible to coordinate with resources outside the finance department to identify AROs and obtain information to estimate the value of potential AROs to avoid unexpected issues.
Revenue	<ul style="list-style-type: none"> – A new standard has been approved that is effective for fiscal years beginning on or after April 1, 2022 (<i>for the City's 2023 year end</i>). – The new standard establishes a single framework to categorize revenues to enhance the consistency of revenue recognition and its measurement. – The standard notes that in the case of revenues arising from an exchange, a public sector entity must ensure the recognition of revenue aligns with the satisfaction of related performance obligations.

	<ul style="list-style-type: none"> – The standard notes that unilateral revenues arise when no performance obligations are present, and recognition occurs when there is authority to record the revenue and an event has happened that gives the public sector entity the right to the revenue.
Financial Instruments and Foreign Currency Translation	<ul style="list-style-type: none"> – New accounting standards, PS3450 <i>Financial Instruments</i>, PS2601 <i>Foreign Currency Translation</i>, PS1201 <i>Financial Statement Presentation</i> and PS3041 <i>Portfolio Investments</i> have been approved by PSAB and are effective for years commencing on or after April 1, 2021 (<i>for the City's 2022 year end</i>). – Equity instruments quoted in an active market and free-standing derivatives are to be carried at fair value. All other financial instruments, including bonds, can be carried at cost or fair value depending on the government's choice and this choice must be made on initial recognition of the financial instrument and is irrevocable. – Hedge accounting is not permitted. – A new statement, the Statement of Remeasurement Gains and Losses, will be included in the financial statements. Unrealized gains and losses incurred on fair value accounted financial instruments will be presented in this statement. Realized gains and losses will continue to be presented in the statement of operations. – Based on stakeholder feedback received, PSAB is considering certain scope amendments to PS 3450 <i>Financial Instruments</i>. An exposure draft with the amendments is expected to be issued in December 2018. The proposed amendments are expected to include the accounting treatment of bond repurchases, scope exclusions for certain activities by the federal government, and improvements to the transitional provisions.
Employee Future Benefit Obligations	<ul style="list-style-type: none"> – PSAB has initiated a review of sections PS3250 <i>Retirement Benefits</i> and PS3255 <i>Post-Employment Benefits, Compensated Absences and Termination Benefits</i>. Given the complexity of issues involved and potential implications of any changes that may arise from this review, the project will be undertaken in phases. Phase I will address specific issues related to measurement of employment benefits. Phase II will address accounting for plans with risk sharing features, multi-employer defined benefit plans and sick leave benefits. – Three Invitations to Comment were issued and have closed. The first Invitation to Comment sought guidance on whether the deferral provisions in existing public sector standards remain appropriate and justified and the appropriateness of accounting for various components of changes in the value of the accrued benefit obligation and plan assets. The second Invitation to Comment sought guidance on the present value measurement of accrued benefit obligations. A third Invitation to Comment sought guidance on non-traditional pension plans. – The ultimate objective of this project is to issue a new employment benefits section to replace existing guidance.
Public Private Partnerships ("P3")	<ul style="list-style-type: none"> – A taskforce was established in 2016 as a result of increasing use of public private partnerships for the delivery of services and provision of assets. – A Statement of Principles ("SOP") was issued in August 2017 which proposes new requirements for recognizing, measuring and classifying infrastructure procured through a public private partnership. An Exposure Draft of the new standard is expected to be issued in December 2018. – The SOP proposes that recognition of infrastructure by the public sector entity would occur when it controls the purpose and use of the infrastructure, when it controls access and the price, if any, charged for use, and it controls any significant interest accumulated in the infrastructure when the P3 ends.

	<ul style="list-style-type: none"> – The SOP proposes the public sector entity recognize a liability when it needs to pay cash or non-cash consideration to the private sector partner for the infrastructure. – The infrastructure would be valued at cost, with a liability of the same amount if one exists. Cost would be measured by discounting the expected cash flows by a discount rate that reflects the time value of money and risks specific to the project.
Concepts Underlying Financial Performance	<ul style="list-style-type: none"> – PSAB is in the process of reviewing the conceptual framework that provides the core concepts and objectives underlying Canadian public sector accounting standards. – A Statement of Concepts (“SOC”) and Statement of Principles (“SOP”) were issued for comment in May 2018 and has closed. – The SOC proposes a revised, ten chapter conceptual framework intended to replace PS 1000 <i>Financial Statement Concepts</i> and PS 1100 <i>Financial Statement Objectives</i>. The revised conceptual framework would be defined and elaborate on the characteristics of public sector entities and their financial reporting objectives. Additional information would be provided about financial statement objectives, qualitative characteristics and elements. General recognition and measurement criteria, and presentation concepts would be introduced. – The SOP includes principles intended to replace PS 1201 <i>Financial Statement Presentation</i>. The SOP proposes: <ul style="list-style-type: none"> • Removal of the net debt indicator, except for on the statement of net debt where it would be calculated exclusive of financial assets and liabilities that are externally restricted and/or not available to settle the liabilities or financial assets. • Changes to common terminology used in the financial statements, including re-naming accumulated surplus (deficit) to net assets (liabilities). • Restructuring the statement of financial position to present non-financial assets before liabilities. • Removal of the statement of remeasurement gains (losses) with the information instead included on a new statement called the statement of changes in net assets (liabilities). This new statement would present the changes in each component of net assets (liabilities). • A new provision whereby an entity can use an amended budget in certain circumstances. – Inclusion of disclosures related to risks and uncertainties that could affect the entity’s financial position.
International Strategy	<ul style="list-style-type: none"> – PSAB is in the process of reviewing its current approach towards International Public Sector Accounting Standards. This project may result in changes to the role PSAB plays in setting standards in Canada. – A consultation paper was released for comment in May 2018 and has closed. The consultation paper described the decision-making criteria PSAB expects to consider in evaluating the international strategy that best serves the public sector. It also introduced four proposed international strategies that PSAB considers to be viable.

Appendices



Appendix 1: Required communications



Appendix 2: Audit Quality and Risk Management



Appendix 3: Background and professional standards

Appendix 1: Required communications



In accordance with professional standards, there are a number of communications that are required during the course of and upon completion of our audit.

These include:



Auditors' Report

The conclusion of our audit is set out in our draft auditors' report attached to the draft financial statements.



Management representation letter

In accordance with professional standards, copies of the management representation letter are provided to the Audit Committee. Management has provided you with a copy of the representation letter for the audit of the financial statements.

Appendix 2: Audit Quality and Risk Management



KPMG maintains a system of quality control designed to reflect our drive and determination to deliver independent, unbiased advice and opinions, and also meet the requirements of Canadian professional standards.

Quality control is fundamental to our business and is the responsibility of every partner and employee. The following diagram summarizes the six key elements of our quality control system.

Visit our [Audit Quality Resources page](#) for more information including access to our most recent [Audit Quality Report](#).

Other controls include:

- Before the firm issues its audit report, the Engagement Quality Control Reviewer reviews the appropriateness of key elements of publicly listed client audits
- Technical department and specialist resources provide real-time support to audit teams in the field

We conduct regular reviews of engagements and partners. Review teams are independent and the work of every audit partner is reviewed at least once every three years.

We have policies and guidance to ensure that work performed by engagement personnel meets applicable professional standards, regulatory requirements and the firm's standards of quality.

All KPMG partners and staff are required to act with integrity and objectivity and comply with applicable laws, regulations and professional standards at all times.



We do not offer services that would impair our independence.

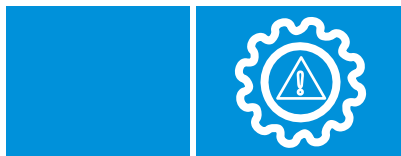
The processes we employ to help retain and develop people include:

- Assignment based on skills and experience
- Rotation of partners
- Performance evaluation
- Development and training
- Appropriate supervision and coaching

We have policies and procedures for deciding whether to accept or continue a client relationship or to perform a specific engagement for that client.

Existing audit relationships are reviewed annually and evaluated to identify instances where we should discontinue our professional association with the client.

Appendix 3: Background and professional standards



Internal control over financial reporting

As your auditors, we are required to obtain an understanding of internal control over financial reporting (ICFR) relevant to the preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances for the purpose of expressing an opinion on the financial statements but not for the purpose of expressing an opinion on internal control. Accordingly, we do not express an opinion on the effectiveness of internal control

Our understanding of ICFR was for the limited purpose described above and was not designed to identify all control deficiencies that might be significant deficiencies or material weaknesses and therefore, there can be no assurance that all significant deficiencies or material weaknesses and other control deficiencies have been identified. Our awareness of control deficiencies varies with each audit and is influenced by the nature, timing, and extent of audit procedures performed, as well as other factors.

The control deficiencies communicated to you are limited to those control deficiencies that we identified during the audit.

Documents containing or referring to the audited financial statements

We are required by our professional standards to read only documents containing or referring to audited financial statements and our related auditors' report that are available through to the date of our auditors' report. The objective of reading these documents through to the date of our auditors' report is to identify material inconsistencies, if any, between the audited financial statements and the other information. We also have certain responsibilities, if on reading the other information for the purpose of identifying material inconsistencies, we become aware of an apparent material misstatement of fact.

We are also required by our professional standards when the financial statements are translated into another language to consider whether each version, available through to the date of our auditors' report, contains the same information and carries the same meaning.



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Report to: General Committee

Meeting Date: April 23, 2019

SUBJECT:	Water Related By-law Update and Consolidation
PREPARED BY:	Rebecca Fei, Compliance Engineer – Ext 2687 Gord Miokovic, Manager of System Engineering – Ext 2519

RECOMMENDATION:

1. That the report entitled “Water Related By-law Update and Consolidation”, dated April 23, 2019, be received; and,
2. That the proposed Water Use By-law, as described in this report and in the form set out in Attachment “A” be approved and enacted; and,
3. That the four new Waterworks Fees as described in this report be approved, and that an amendment to By-law No. 2002-276 “Fee By-law”, as amended, be approved and enacted in the form set out in Attachment “B”; and,
4. That an amendment to By-law No. 2016-84 “AMPS By-law for Non-Parking Offences”, as amended, be approved and enacted in the form set out in Attachment “C”; and,
5. That an amendment to By-law No. 2012-137 “Licensing, Permit and Service Fees By-law”, as amended, be approved and enacted in the form set out in Attachment “D”; and,
6. That each of the Director of Environmental Services and the Director of Engineering be authorized to execute agreements (i.e. “Water Service Connection Installation Agreement”) for the construction of Water Service Connections with property owners under section 6.1.1 of the Proposed Water Use By-law to the satisfaction of the Director of Environmental Services or the Director of Engineering ; and further,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

This report summarizes the update and consolidation of three existing water related by-laws and seeks Council’s approval of the proposed Water Use By-law (Attachment “A”) and the establishment of four new Waterworks Fees (Attachment “B”).

This report also seeks Council’s approval for housekeeping amendments to By-law No. 2016-84 “AMPS By-law for Non-Parking Offences” (Attachment “C”) and By-law No. 2012-137 “Licensing, Permit and Service Fees By-law” (Attachment “D”) that will be required if the proposed Water Use By-law is enacted.

BACKGROUND:

The City’s water supply system serves approximately 82,277 residential and ICI (Industrial, Commercial and Institutional) water customers. The City’s water supply system consists of approximately 1,070 km of water mains, 82,277 service connections and related water meters, 8,620 public fire hydrants and other appurtenances.

To establish a regulation framework for the water supply system, the City currently has three existing water related by-laws:

- 1) By-law No. 1602 was enacted by Council on June 11, 1956 to regulate the construction, operation and maintenance of the City’s waterworks system. Several minor amendments were made up to November 20, 2012. Major updates are required to reflect current industry practice and water system management as well as billing requirements.

- 2) By-law No. 105-95 was enacted by Council on June 27, 1995 to regulate lawn watering during the summer season. Only minor updates are required to incorporate our current outdoor water restriction practice.
- 3) Water Meter By-law No. 2012-42 was enacted by Council on November 20, 2012 to regulate the installation, maintenance, access and reading of water meters. The By-law was last amended on June 26, 2018 and requires minor updates to better support the City's water metering program.

The City's water by-laws are intended to:

- 1) Protect the integrity of the water supply system by setting out requirements for construction, operation and maintenance of the City's water system.
- 2) Improve operational efficiency by defining the roles and responsibilities of the City and water customers.
- 3) Ensure the by-law requirements can be met by providing more streamlined enforcement mechanisms for those infractions.

OPTIONS/ DISCUSSION:

I. Approach used to Undertake the By-law Updates and Consolidation

In order to reflect our current water system related requirements and bylaw enforcement practices, it is necessary to update the three existing water related by-laws and consolidate them into one comprehensive by-law that will be easier to understand. The following approach was used to develop the new Water Use-Bylaw (Attachment "A").

1. "Table of Contents" has been added for easy navigation of the new Water Use By-law.
2. New provisions were added to the By-law to address specific issues encountered related to water service, water metering and billing, and waterworks system management.
3. Existing provisions have been revised or expanded to clarify the requirements.
4. To ensure the proposed Water Use By-law conforms to industry practice, staff have reviewed other Water Use By-laws in the Greater Toronto Area and where necessary incorporated those provisions.
5. Attachment "E" (i.e. *Summary of three By-laws' updates and consolidation into one new Water Use By-law*) identifies all changes.
6. The existing three water related by-laws will be repealed with the enactment of the proposed Water Use by-law.

II. Key Updates to By-law No. 1602 enacting rules and regulations of Waterworks construction, operation and maintenance:

All provisions have been reworded and expanded to reflect the current practices before being consolidated into the new Water Use By-law. Key changes are highlighted below:

1. Section 6 "*Water Service Connections*" has been added to identify all components associated with water service connections – from application, installation, replacement and the related costs.
2. Section 6.8 "*Frozen Water Service Connection/Private Water Pipes*" and section 6.9 "*Vacant or unheated Properties*" have been added to clarify the responsibilities of the City

and owners when water service connections, private water service pipes, private fire mains or water meters freeze or properties are left vacant or unheated for extended periods of time.

3. Section 11.0.1 “*Prohibition of New Private Well Within Municipal Water Service Areas*” has been added to prohibit the establishment of any new or replacement private wells in a water serviced urban area. It also lists situations when an exemption for a new or replacement private well may be permitted.
4. Section 12 “*Billings and Collection of Accounts*” has been added to explain current billing practices.

III. Updates of By-law No. 105-95 Regulating Lawn Watering:

All sections have been consolidated with two changes highlighted below:

1. Markham’s current By-law related to lawn watering (i.e. odd numbered addresses are permitted to water lawns on the odd numbered days of the month; and even numbered addresses are permitted to water lawns on the even numbered days of the month) provides an additional watering day (the 31st) for the odd-numbered addresses. As such, for the months with 31 days, section 10.0.0(c) has been added to permit residents with all addresses to water their lawns on the 31st of those months.
2. Section 10.1 “*Water Use Restriction Order*” has been added to give the Director of Environmental Services the authority to issue such restrictions when one or more water supply situations warrant such restriction, such as insufficient water supply or insufficient water pressure associated with issues related to the operation of Markham’s or Region of York’s water infrastructure. Restrictions would typically be undertaken in consultation with Region of York.

IV. Updates of Water Meter By-law No. 2012-242:

All sections have been consolidated with five key changes highlighted below:

1. Section 7.0.1 “*Water Meters –City Property*” and Section 7.0.2 “*Private Water Meters – Not the City’s responsibility; not used for the City’s water billing purposes*” have been added to clarify the types and purpose of water meter and the related responsibility.
2. Section 7.1.8(f), 7.2.2(c) and 7.3.2(h) have been added to deal with water theft through opened water meter by-pass valves, water meters which have been tampered with or from illegal connections. For water meters that fail to register, back charges are estimated for no more than a 24 month period. However, these new sections give the Director of Environmental Services the discretion to back charge beyond the 24 month period where water theft has occurred.
3. Section 7.2.1(j) has been added to deal with those owners or occupiers who refuse the City access to the water meter. It gives the City the authority to enter onto property in accordance with the Section 14 “*Powers of Entry*” provisions in the By-law and the *Municipal Act*. Section 14.2.1 of the By-law allows the City enter to read, inspect, install, repair, replace, maintain, alter or remove a water meter or related appurtenances. Section 14.0 of the By-law also provides that no person shall hinder, obstruct or deny the City access to a property for any purpose permitted in the By-law.
4. Section 7.3.5(d) permits the City to issue an Order to an owner or occupier when they fail to comply with the City’s notices to schedule a meter replacement appointment, to provide

the City access to a water meter, or to repair or replace their private water system prior to the City's water meter replacement.

5. Section 7.5 "*Unmetered Fire Line*" has been added to permit the continued use of grandfathered fire lines installed without metering.

V. Proposed New Waterworks Charge/Fee:

Along with the proposed Water Use By-law, the four new Waterworks Fees as described in Attachment "B" should be established and incorporated into Markham's Fee By-law No. 2002-276.

VI. Amendments to other City By-laws:

1. Currently, two City By-laws make reference to Water Meter By-law No. 2012-242:
 - By-law No. 2016-84 "AMPS By-law for Non Parking Offences"
 - By-law No. 2012-137 "Licensing, Permits and Service Fees By-law"
2. Housekeeping amendments to these two By-laws are necessary so that reference to the Water Meter By-law No. 2012-242 is removed and replaced with the new Water Use By-law recommended in this report. Attachment "C" and Attachment "D" are the proposed amendments to these two By-laws.
3. In addition, two new offence provisions from the proposed Water Use By-law [i.e. section 7.3.5(e)(ii) and section 7.3.5(e)(iii)] are being added to the "AMPS By-law for Non-Parking Offences".
4. The existing two water related AMPS offences will remain in the By-law No. 2016-84, but will be renumbered to match the corresponding provisions of the proposed Water Use By-law [i.e. section 7.3.5(e)(i) and section 9.0.0].

VII. Delegated Authority to Enter into Water Service Connection Installation Agreements:

1. Section 6.1.1 of the new Water Use By-law gives each of the Director of Environmental Services and the Director of Engineering the discretion to authorize property owners to install their own water service connections, including a watermain, under certain circumstances.
2. An agreement (i.e. "Water Service Connection Installation Agreement") is required to outline the obligations of the owner and the City with respect to the installation of the water service connections and any associated works.
 - A. The owner's obligation would include:
 - Hiring a Professional Engineer to: (a) carry out the design and to administer the agreement on behalf of the owner; (b) submit the design to the City for review and approval; (c) inspect and certify that the construction meets the City's requirements; and (d) any other obligations that the Professional Engineer needs to fulfill.
 - Retaining a contractor to install the water service connection in accordance with the design prepared by the owner's Professional Engineer and approved by the City.
 - Providing financial securities to guarantee the completion of the work to the City's satisfaction and payment of other applicable fees as required by the agreement.
 - Complying with all applicable laws and City By-laws.
 - B. The City's obligations would include:

-
- Review and approval of the design of the proposed construction prepared by the owner's Professional Engineer.
 - Inspection of the installation.
 - Acceptance of the installation when certified by the Professional Engineer and if satisfactory to the Director of Environmental Services or the Director of Engineering.
 - Release of the financial securities in accordance with the conditions set out in the agreement.
3. A template agreement will be developed, the terms and conditions of which will be to the satisfaction of the Director of Environmental Services and the Director of Engineering and in a form that is to the satisfaction of the City Solicitor. It is recommended that the execution of the agreements be delegated to each of the Director of Environmental Services and Director of Engineering.

FINANCIAL CONSIDERATIONS

The four new Waterworks Fees as described in Attachment "B" will be charged, billed and collected directly from the customers. The revenue generation from those new fees will be monitored and the 2020 budget will be adjusted based on actual fees collected in 2019.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Municipal Services/Excellence Markham – Update and consolidation of Markham's water-related by-laws will help our water customers and contractors better understand the City's water-related requirements in one concise document. Further, the new By-law now reflects current industry practice and water system management requirements.

BUSINESS UNITS CONSULTED AND AFFECTED:

The following departments and business units were consulted during the preparation of Water related By-law Update and Consolidation and this report:

• Engineering	• Building Standards	• Fire and Emergency
• Legislative Services	• Financial Services	• Legal Services

RECOMMENDED BY:

Phoebe Fu, P.Eng
Director, Environmental Services

Brenda Librecz
Commissioner, Community and Fire Services

ATTACHMENTS:

1. Attachment "A" – Proposed Water Use By-law (2019-XXX)
2. Attachment "B" – Proposed amendment to Fee By-law No. 2002-276
3. Attachment "C" – Proposed amendment to By-law No. 2016-84
4. Attachment "D" – Proposed amendment to By-law No. 2012-137
5. Attachment "E" – Summary of three By-laws' updates and consolidation into one new Water Use By-law

Attachment “A”

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BY-LAW 2019-XXX

A by-law to enact rules and regulations covering the construction, operation and maintenance of a Waterworks System within the serviced area of the City of Markham.

WHEREAS The Corporation of the City of Markham (hereinafter referred to as the “City”) is a lower-tier municipality within the Regional Municipality of York in the Province of Ontario;

AND WHEREAS subsection 11(3) and (4) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended (hereinafter referred to as the “*Municipal Act*”), authorizes lower tier municipalities to pass by-laws respecting public utilities including systems that distribute Drinking Water;

AND WHEREAS the City has certain responsibilities for the distribution of Drinking Water within the jurisdiction of the City of Markham;

AND WHEREAS the City is deemed to be the “water purveyor” as defined in subsection 1.4.1.2 (1) (b) of the *Ontario Building Code*;

AND WHEREAS Part 7 of the *Ontario Building Code*, as amended, authorizes a municipality to regulate the connection of individual water services to a municipal potable water system;

AND WHEREAS subsection 7.6.1.3 (5) of the *Ontario Building Code* states that “Where the water supply is to be metered, the installation of the meter, including the piping that is part of the meter installation and the valving arrangement for the meter installation, shall be according to the water purveyor's requirements”;

AND WHEREAS subsection 80 (1) of the *Municipal Act*, authorizes a municipality, at reasonable times, to enter on land to which it supplies a public utility,

- (a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or
- (b) to inspect, install, repair, replace or alter a public utility meter.

AND WHEREAS subsection 80 (2) of the *Municipal Act* authorizes a municipality to shut off or reduce the supply of a public utility to the land for the purposes of subsection 80 (1);

AND WHEREAS subsections 81 (1) and (2) of the *Municipal Act* authorize a municipality to shut off the supply of a public utility to land if fees or charges payable by the Owners or Occupants of the land for the supply of the public utility are overdue, upon providing reasonable notice of the proposed shut off to the Owners and Occupants;

AND WHEREAS subsection 82 (1) of the *Municipal Act* provides that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to the land of any Person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce is given;

AND WHEREAS subsection 91 (9) of the *Municipal Act* authorizes a municipality to enter upon land to repair and maintain its public utilities;

AND WHEREAS the Council of the Corporation of the City of Markham deems it expedient to have water restrictions for certain classes of Property within the serviced area of the City of Markham;

AND WHEREAS subsection 391 (1) of the *Municipal Act* provides that a municipality may pass by-laws imposing fees or charges on Persons for services or activities provided or done by or on behalf of it;

AND WHEREAS subsection 398 (1) of the *Municipal Act* provides that fees and charges imposed by a municipality on a Person constitute a debt of the Person to the municipality;

AND WHEREAS subsection 398 (2) of the *Municipal Act* states that a municipality may add fees and charges to the Tax Roll of the Property to which the public utility is supplied and

collect them in the same manner as municipal taxes and such fees shall have priority lien status;

AND WHEREAS subsection 425 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing a Person who contravenes it is guilty of an offence and subsection 429 (1) authorizes the establishment of a system of fines for offences under a by-law of the municipality;

AND WHEREAS section 434.1 of the *Municipal Act* provides that a municipality may require a Person to pay an Administrative Penalty if the municipality is satisfied that a Person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS section 434.2 (1) of the *Municipal Act* provides that an Administrative Penalty imposed by a municipality on a Person constitutes a debt of the Person to the municipality;

AND WHEREAS sections 435 and 437 of the *Municipal Act* provides for conditions governing the power of entry of a municipality;

AND WHEREAS subsection 436 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing that a municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law, direction or order of the municipality is being complied with;

AND WHEREAS section 444 of the *Municipal Act* authorizes a municipality to make an Order requiring the Person who contravened a by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to discontinue the activity and any Person who contravenes such Order is guilty of an offence;

AND WHEREAS section 445 authorizes a municipality to make an Order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to do the work to correct the contravention;

AND WHEREAS section 446 authorizes a municipality to direct or require a Person to do a matter or thing and in default of it being done, the matter or thing shall be done at that Person's expense and the municipality may collect the costs from the Person required to do it by action or by adding the costs to the Tax Roll and collecting them in the same manner as municipal taxes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

1.0 For the purpose of this By-law, the following definitions and interpretations shall govern:

- 1) **"Account"** means the record of Water consumption and all fees and charges relating to a Property;
- 2) **"Administrative Penalty"** means an administrative penalty established by the City By-law No. 2016-84, as amended;
- 3) **"Advanced Metering Infrastructure (AMI)"** means all aspects related to collection, transmission, storage and monitoring of consumption, diagnostic and status data from metering devices by an automatic two-way metering infrastructure including the related equipment, software and hardware as adopted by the City from time to time for the purposes of billing, data analysis and remote utility management;
- 4) **"AMPS By-law for Non-Parking Offences"** means the City By-law No. 2016-84, a by-law to implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended from time to time;
- 5) **"Applicable Law"** means any applicable federal, provincial or municipal laws, statutes, by-laws, rules, regulations, Orders, directives and codes including the *Ontario Building Code* and *Fire Code* as amended from time to time;
- 6) **"Applicant"** means any Person who makes an application under this By-law;

- 7) “**Automatic Meter Reading (AMR)**” means all aspects related to collection, transmission and storage of consumption data from metering devices by an automatic system including the related equipment, software and hardware as adopted by the City from time to time for the purposes of billing and data analysis;
- 8) “**AWWA Standards**” means the standards adopted by the American Water Works Association, as amended from time to time;
- 9) “**Back Charges**” means additional charges added to an Account to correct deficiencies, arising out of or in relation to a stopped Water Meter, illegal connections, Water Meter in by-pass, tampered Water Meter, opened by-pass valve, Water Meter Reversal, incorrect Water Meter conversion multiplier, non-sewer charges, and other applicable situations which may cause the City to lose water sale revenue because of improper use of Water, Water Meters or the Waterworks System;
- 10) “**Backflow**” means a flowing back of or reversal of the normal direction of flow of water, as defined by the *Ontario Building Code*, as amended;
- 11) “**Backflow Preventer**” means a device or method that prevents Backflow in a water distribution system, as defined by the *Ontario Building Code*, as amended;
- 12) “**Building**” means a structure as defined by subsection 1 (1) of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;
- 13) “**Business Day**” means any working day, Monday to Friday inclusive, but excludes public holidays as defined in Part I of the *Employment Standards Act, 2000*, S.O. 2000, c.41, as amended;
- 14) “**Chief Building Official**” means the chief building official appointed by Council for the purpose of enforcement of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, or their designate;
- 15) “**City**” means the Corporation of the City of Markham and includes its employees, Municipal Law Enforcement Officers, and authorized agents and contractors retained to act on the City’s behalf ;
- 16) “**City Standards and Specifications**” means the City’s *Engineering Design Criteria, Engineering Standard Drawings and Municipal Inspection & Construction Guidelines*, as amended from time to time or any other document superseding or replacing it;
- 17) “**Consumer**” means any or all of the Owner, Occupier, Developer or Builder of a Property which is serviced by, connected to or uses the Waterworks System;
- 18) “**Continuing Offence**” means a Person can be charged with a separate offence for each day on which the offence was committed or continued;
- 19) “**Council**” means the Council of the Corporation of the City of Markham;
- 20) “**Developer or Builder**” means the Owner or Person who has entered into an agreement with the City for the purposes of permitting development or construction to occur on a Property or land, which includes but is not limited to subdivision and site plan agreements entered into pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13, as amended; or the Owner or Person to whom a building permit has been issued by the City pursuant to the *Building Code Act, 1992*, S.O.1992, c23, as amended;
- 21) “**Director of Engineering**” means the person designated as the Director for the Department of Engineering of the City or their designate;
- 22) “**Director of Environmental Services**” means the person designated as the Director for the Department of Environmental Services of the City or their designate;
- 23) “**Drinking Water**” means water intended for human consumption as defined by subsection 2 (1) of the *Safe Drinking Water Act, 2002*, c.32, as amended;
- 24) “**Fee By-law**” means the City By-law No.2002-276, a by-law to impose fees or charges for services or activities provided or done by the City, as amended from time to time;

- 25) “**Fire Chief**” means the person appointed by the Council and who is responsible for the delivery of fire protection services in the City pursuant to the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, or their designate;
- 26) “**Fire Code**” means Ontario Regulation 213/07 of the Fire Protection and Prevention Act, 1997, S.O. c.4, as amended or any successor thereto;
- 27) “**Fire Protection System**” means an assembly of pipes, valves, appurtenances and fittings that conveys Water from the Private Fire Service Main to the private fire hydrants(s), the fire sprinkler system or the standpipe and hose system, or any combination of the foregoing in or outside the building;
- 28) “**ICI**” means industrial, commercial and institutional, including mixed use Buildings which contain at least one of an industrial, commercial or institutional use;
- 29) “**Infill Home**” means a new home built on a vacant lot, a severed lot or on a lot where an existing structure is demolished;
- 30) “**Irrigation System**” means fixed equipment, which includes sprinkler heads, piping and other components that are used primarily to apply Water to vegetation;
- 31) “**Licensing, Permit and Service Fees By-law**” means the City By-law No.2012-137, a by-law to establish licenses fees and to impose fees or charges on Persons for services or activities provided or done by or on behalf of the City, as amended from time to time;
- 32) “**Multiple Offence**” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law;
- 33) “**Multi-Residential**” includes apartment buildings, residential condominium buildings, and townhouse condominium blocks;
- 34) “**Municipal Law Enforcement Officer**” means an employee of the City who has been appointed to enforce the City By-laws or a member of the York Regional Police;
- 35) “**Occupancy Certificate or Occupancy Permit**” means documents issued by the Department of Building Standards of the City confirming a Building's compliance with prescribed standards set out in the *Ontario Building Code*;
- 36) “**Occupier**” or “**Occupant**” includes a Person residing on or in a Property; a Person entitled to the possession of the Property; a tenant or leaseholder; and, where that Person is a corporation, shall include the officers, directors and shareholders of that corporation;
- 37) “**Ontario Building Code**” means Ontario Regulation 332/12, of the *Building Code Act*, 1992, S.O. c.23, as amended or any successor thereto;
- 38) “**Ontario Drinking Water Quality Standards**” means Ontario Regulation 169/03 under *Safe Drinking Water Act*, 2002, S.O.2000, c.32, as amended or any successor thereto;
- 39) “**Order**” includes a Notice, Work Order, Order to Comply, and Order to Discontinue issued by the City;
- 40) “**Owner**” means a Person who is the registered owner of a Property or who has any right, title, estate, or interest in a Property, other than that of only an Occupant and, where that Person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include any Person with authority or power over or control of that Property on the behalf of an Owner. An Owner includes a Developer or Builder;
- 41) “**Person**” means an individual, sole proprietorship, partnership, municipality, unincorporated association, unincorporated organization, corporation, trustee, heir, executor, administrator or other legal representative, Owner or Occupier of a Property, and includes an agent or employee of any of them;

- 42) “**Plumbing**” means a water system, drainage system and a venting system or parts thereof as defined in subsection 1 (1) of the *Building Code Act, 1992*, S.O.1992,c.23, as amended;
- 43) “**Private Fire Service Main**” means pipes, fittings and appurtenances that convey Water from the Water Service Connection for the purpose of fire protection or suppression only to all points in a fire protection or suppression system;
- 44) “**Private Water Meter**” means a Water Meter which is not owned, serviced or maintained by the City;
- 45) “**Private Water Service Pipe**” means the pipe and fittings owned by an Owner of Property that convey Water from the Water Service Connection to a Water Meter, or to the point where the pipe and fittings connected to the Water Service Connection enters a Building or structure if there is no Water Meter;
- 46) “**Private Water System**” means an assembly of pipes, fittings, valves, equipment and appurtenances owned by an Owner of Property that convey Water from the Private Water Service Pipe to Water supply outlets, fixtures, Plumbing appliances, devices and appurtenances and all other points downstream of the Water Meter or downstream of the point where the Private Water Service Pipe enters a Building or structure if there is no Water Meter;
- 47) “**Professional Engineer**” means an engineer experienced in municipal works, registered with the Association of Professional Engineers Ontario, possessing a current valid license to practice professional engineering as required by *the Professional Engineers Act*, R.S.O.1990, as amended or any successor thereto, and working for a consulting engineering company registered through a Certificate of Authorization to undertake engineering work;
- 48) “**Property**” means one house, one Building, one structure, one lot or block on a plan of subdivision or one parcel of land within the City which has a unique municipal address and is adjacent to the Waterworks System;
- 49) “**Qualified Person**” means an individual who holds a Drinking Water System Operator’s certificate under Ontario Regulation 128/04 (*Certification of Drinking Water System Operators and Water Quality Analysts*) of the *Safe Drinking Water Act*, S.O.2002, c.32, as amended or any successor thereto;
- 50) “**Remote Readout Unit**” means any device which is used to record or transmit the meter register reading of a Water Meter whether or not it is installed at a separate location from the Water Meter but does not include the Water Meter register;
- 51) “**Renovated Building**” means any Building or structure where the Plumbing or piping around or adjacent to a Water Meter is changed or altered after the Water Meter is installed;
- 52) “**Road Allowance**” means any right of way for the purpose of a road dedicated to the City or Regional Municipality of York;
- 53) “**Safe Drinking Water Act**” means the *Safe Drinking Water Act*, S.O.2002, c.32, as amended or any successor thereto
- 54) “**Single-Residential**” includes detached, linked, semi-detached houses and free hold townhouses, but excludes Multi-Residential uses;
- 55) “**Sprinkler Meter**” is a part of the Waterworks System and means any Water Meter which is installed separately for the purpose of metering water used by irrigation systems;
- 56) “**Street Line**” means the boundary of a Property abutting a Road Allowance;
- 57) “**Tax Roll**” means a listing of all taxable property in the City for a given year;
- 58) “**Temporary Water Service Connection**” means a water supply pipe which is installed for a specific short term purpose;
- 59) “**Treasurer**” means the Treasurer of the City or his/her designate;

- 60) “**Vacant**” means a vacant or an unoccupied Property regardless of the length of time the Property has been left unattended or not inhabited;
- 61) “**Valve Box**” is a part of the Waterworks System and means the vertical pipe and cap installed over an underground valve in the Waterworks System which allows the said valve to be operated from ground level;
- 62) “**Valve Chamber**” is a part of the Waterworks System and means the underground structure housing a valve in the Waterworks System which permits access to and operation of the said valve from ground level;
- 63) “**Water**” means Drinking Water;
- 64) “**Water Bill**” means the charge that is made to the Consumer for the City’s water and wastewater services which are billed by the City or any authorized agents acting on behalf of the City of Markham;
- 65) “**Watermain**” means a pipe forming part of the Waterworks System that conveys municipal Water supply to Water Service Connections;
- 66) “**Water Meter**” is a part of the Waterworks System and means the meter read, serviced, maintained or supplied by the City to measure the quantity of Water consumed at, in or upon a Property;
- 67) “**Water Meter Chamber**” is a part of the Waterworks System and means the underground structure housing a Water Meter which is located within three (3) meters of the Street Line;
- 68) “**Water Meter Replacement Program**” means an annual capital program implemented by the City to replace Water Meters at or near the end of their lifespan of approximately twenty (20) years. This proactive annual program reduces maintenance costs, and risks of water leaks at the meter, and provides an accurate measurement of Water consumed or wasted by the Consumer;
- 69) “**Water Rates**” includes “water rate” and “flat rate water charge” as set out in the Fee By-law;
- 70) “**Water Service Box**” is a part of the Waterworks System and means the vertical pipe and cap installed over the Water Shut Off Valve and stem on the Water Service Connection;
- 71) “**Water Service Connection**” is a part of the Waterworks System and means the pipes, fittings and appurtenances used for the purpose of supplying a Property in the City of Markham with Water from the Waterworks System and is located between the Street Line and the Watermain or between the Water Service Box and the Watermain;
- 72) “**Water Shut Off Valve**” is a part of the Waterworks System and means the valve on the Water Service Connection owned and used by the City to turn off or turn on the Water supply from the Waterworks System to any Property;
- 73) “**Water Use Restriction Order**” means a ban or other restrictions put into effect that restricts the outdoor use of Water;
- 74) “**Waterworks System**” means the municipal drinking water system which is owned and operated by the City licensed pursuant to the *Safe Drinking Water Act*, S.O.2002, c.32, as amended;
- 75) “**Waterworks User Fees**” means waterworks fees, charges and rates as set out in the Fee By-law, but not including Water Rates;
- 76) “**Well**” means an excavation or structure created in the ground by digging, driving, boring, or drilling to access groundwater;
- 77) “**Wells Regulation**” means Ontario Regulation 903 under *Ontario Water Resources Act*, R.R.O. 1990, as amended or any successor thereto;
- 78) “**Work**” means all construction, operation and maintenance activities related to the Waterworks System.

2 APPLICATION OF BY-LAW

2.0 This By-law shall apply to

- 2.0.0 Every Person using or drawing Water from the Waterworks System;
- 2.0.1 The Owner or Occupier of every Property upon which Water is used, unless the Water being used is not supplied by the Waterworks System; and
- 2.0.2 All Properties with a connection to the Waterworks System whether metered or not, and whether the connection is permanent or temporary.

3 ADMINISTRATION OF BY-LAW

3.0 Waterworks System Construction, Operation and Maintenance

- 3.0.0 The City shall be responsible for the construction, operation and maintenance of the Waterworks System in accordance with all Applicable Law including but not limited to the *Safe Drinking Water Act*.
- 3.0.1 The City shall become the operator of a water system that is built within the Road Allowance as part of a subdivision by a Developer or Builder with the approval of the City, once the water system has been put into service even if it has not yet been assumed by the City.
- 3.0.2 The City shall be responsible for the administration of the Waterworks System including Water Meter installation, Water Meter maintenance and testing, and Water Meter Replacement program.
- 3.0.3 The administration of the installation of new, renovated or altered Private Water Service Pipes, Private Fire Service Mains, Private Water Systems and appurtenances thereto, and Backflow Preventers on private Property is the responsibility of the City's Chief Building Official pursuant to the *Ontario Building Code*.
- 3.0.4 The City shall be authorized to inspect all existing Private Water Service Pipes, Private Fire Service Mains, Private Water Systems and appurtenances thereto, and Backflow Preventers located and installed on private Property.
- 3.0.5 Any Person who has undertaken or caused or permitted to be undertaken any construction or work, whether authorized or approved by the City or not, and which is located under, over, across or along any Watermain or other part of the Waterworks System shall be liable to the City for any damage caused by such construction or work. The Person shall notify the City immediately of any damage and the City will undertake the repair of any such damage and all costs for the repairs including but not limited to any overhead and administrative fees as set out in the Fee By-law, incurred by the City shall be the responsibility of such Person.
- 3.0.6 Conditions on Water Supply
 - a. The City agrees to use reasonable diligence in providing a regular and uninterrupted Water supply and quality of Water but does not guarantee:
 - i. a constant Water service; or
 - ii. the maintenance of unvaried Water pressure; or
 - iii. the maintenance of unvaried Water quality; or
 - iv. the maintenance of unvaried Water supply. and
 - b. The City shall not be liable to the Consumer or any Person for any damages, including but not limited to direct or consequential damages, in relation to the provision of Water as set out in 3.0.5(a), or caused by or arising out of the breaking of any Private Water Service Pipe or attachment, or any material buildup in a Private Water System, or arising from the shutting off of Water to repair, replace or install any

part of the Waterworks System including but not limited to Watermains or to tap Watermains.

3.1 Water Rates, Charges and Revenues Responsibilities

- 3.1.0 The City shall be responsible for reading Water Meters and for the accounting, billing and collection of Waterworks User Fees and Water Rates charged in accordance with the Fee By-law.
- 3.1.1 The Water Rates, Waterworks User Fees and Back Charges shall be charged in accordance with the Fee By-law.
- 3.1.2 Water supplied by the City and measured by the Water Meter will be charged to the Consumer, regardless of whether the Water supplied is consumed or wasted.
- 3.1.3 Consumers shall be charged for and shall pay the amount due and owing as set out on their Water Bill for their Property based on the quantity of Water supplied by the City and in accordance with the Water Rates as set out in the Fee By-law.

3.2 By-law Administration and Enforcement

- 3.2.0 The Director of Environmental Services shall be responsible for the administration and enforcement of this By-law, including prescribing the content of:
 - a. any forms,
 - b. the City Standards and Specifications, or
 - c. any other documents required under this By-law as amended or revised from time to time.
- 3.2.1 The Director of Environmental Services may authorize any programs or projects which may exempt Persons or Properties from the application of a specific provision or provisions of this By-law.

4 USE AND RECEIPT OF WATER

- 4.0 No Person shall sell, dispose, or permit the sale or disposal of Water within the City without the prior written approval of the Director of Environmental Services.
- 4.1 No Person shall use, cause or permit Water to be used other than through a Water Service Connection to the Property at which the Water is supplied, except with the prior written approval of the Director of Environmental Services.
- 4.2 No Person shall obtain Water from the Waterworks System, without making an application to and being authorized by the Director of Environmental Services to do so and paying the appropriate charges, fees and Water Rates for it, except with the prior written approval of the Director of Environmental Services.

5 ESTABLISHMENT AND DISCONTINUANCE OF WATER SERVICE ACCOUNT

5.0 Establishment of Water Service Account

The supply of Water to a Property from the Waterworks System shall not be turned on until the following requirements have been completed to the satisfaction of the Director of Environmental Services:

- 5.0.0 A written application has been completed by the Owner or Developer and approved by the Director of Environmental Services indicating the purpose for which the Water is required;
- 5.0.1 The necessary Water Service Connection and Private Water Service Pipe have been installed and inspected by and are to the satisfaction of the Director of Environmental Services or the Director of Engineering;
- 5.0.2 The cost of such installations have been fully paid by Owner or Developer;
- 5.0.3 A Water Meter and all related wiring has been installed, tested and sealed to the satisfaction of the Director of Environmental Services; and

5.0.4 An Account has been created by the City or the City's authorized agent.

5.1 Discontinuance of Water Service Account

An Owner, may request that the Water supply to a Property from the Waterworks System be permanently discontinued. The Owner shall make such request in writing to the Director of Environmental Services. If the discontinuance request is approved by the Director of Environmental Services, the Account associated with that Property will be closed once the following requirements have been completed to the satisfaction of the Director of Environmental Services:

- 5.1.0 The Owner has prepaid in full all required fees for the permanent removal of the Water Meter and the Water turn off in the amounts set out in the Fee By-law;
- 5.1.1 The City has removed the Water Meter and turned off the Water supply at the Water Shut Off Valve of the Property;
- 5.1.2 The Owner has paid in full all Water Rates or other charges due and owing on such Account for the Property up to and until the Water has been turned off and the Water Meter has been removed by the City; and
- 5.1.3 The Owner has paid the Final Billing as required by section 12.3 of this By-law after the final Water Meter reading is taken and the Water Meter is removed by the City.

6 WATER SERVICE CONNECTIONS

6.0 Application for Water Service Connections

6.0.0 All Water Service Connections require City Approval

No Person shall connect or permit a connection to the Waterworks System or alter or permit an alteration to an existing Water Service Connection without the prior approval of the Director of Environmental Services or the Director of Engineering and such connections shall be in full compliance with the requirements of this By-law.

6.0.1 Application for Water Service Connection

Any Person who requires a new Water Service Connection or wishes to change or alter an existing Water Service Connection to the Waterworks System shall submit an application on the prescribed form and shall comply with the following requirements to the satisfaction of the Director of Environmental Services or the Director of Engineering:

- a. Detailed plans for the Water Service Connection shall be submitted to the satisfaction of the Director of Environmental Services or the Director of Engineering and in accordance with all requirements set out in the City Standards and Specifications;
- b. Where a Water Service Connection is to be installed as part of:
 - i. an unmetered fire line;
 - ii. for any use other than a Single-Residential Property; or
 - iii. where the proposed Water Service Connection is greater than twenty five (25) millimeters in diameter;

detailed design drawings of the proposed Water Service Connection or unmetered fire line, prepared and stamped by a Professional Engineer, shall be submitted to the satisfaction of the Director of Environmental Services or the Director of Engineering and in accordance with all requirements set out in the City Standards and Specifications;

- c. The Owner has signed the application certifying the completeness and accuracy of the information provided on the application and in the plans or drawings; and

- d. Payment has been made to the City of all applicable fees, deposits and charges, in the amounts as set out in the Fee By-law prior to the installation of the Water Service Connection by the City.

6.0.2 Application refused by the City

The Director of Environmental Services or the Director of Engineering may refuse approval of an application for a Water Service Connection where, in the opinion of the Director of Environmental Services or the Director of Engineering,

- a. The City's Waterworks System may be adversely affected;
- b. There is insufficient Water supply available;
- c. There is insufficient Water allocation to service the Property;
- d. A Watermain is not adjacent to the Applicant's Property;
- e. The Property does not have frontage on a Road Allowance with a Watermain from which it can receive a Water Service Connection;
- f. The Property cannot receive a Water Service Connection through a public easement; or
- g. The Water Service Connection would contravene existing City By-laws or other Applicable Law.

6.0.3 Temporary Water Service Connections

- a. An application for a temporary Water Service Connection shall comply with the permanent Water Service Connection application process set out in this By-law and sections 6.0.1 and 6.0.2 shall apply to both temporary and permanent Water Service Connection applications.
- b. Any temporary Water Service Connection approved by the Director of Environmental Services or Director of Engineering shall expire six (6) months from the date of approval. Prior to the expiration of the six (6) month period, the Applicant may apply to renew or extend the approval of the temporary Water Service Connection for an additional six (6) months subject to the approval of the Director of Environmental Services.
- c. Upon the expiration of the temporary Water Service Connection approved under this section, the City may turn off the Water supply to the Property. The Applicant shall be responsible for the proper disconnection of the Water Service Connection and the return of the Water Meter in accordance with City requirements.

6.0.4 Water Service During Construction

A Developer or Builder requiring Water for construction purposes shall make a separate application for a Water Service Connection on the prescribed form or in accordance with any requirements prescribed by the Director of Environmental Services, to the City for each subdivision or site development proposed and shall comply with the following requirements to the satisfaction of the Director of Environmental Services:

- a. Detailed plans shall be submitted to the satisfaction of the Director of Environmental Services illustrating the Water Service Connection point to the Waterworks System for the construction purposes;
- b. A tested Backflow Preventer shall be installed on the water pipe and after the Water Service Connection point to the Waterworks System to the satisfaction of the Director of Environmental Services and in accordance with City By-laws and Applicable Law;
- c. Payment has been made in full to the City for all construction Water fees, in the amount set out in the subdivision agreement or site plan agreement entered into with the City; and

- d. Payment has been made to the City of all applicable fees, deposits and charges, in the amount as set out in the Fee By-law prior to turn on or turn off of Water supply by the City.

6.1 Installation of Water Service Connections

6.1.0 Installation by the City

Upon the approval of an application by the Director of Environmental Services or the Director of Engineering submitted pursuant to section 6.0.1 or 6.0.3, a Water Service Connection shall be installed by the City, in accordance with the City Standards and Specifications, at the expense of the Owner, as specified in section 6.2 “Costs of Water Service Connections”.

6.1.1 Installation by the Owner

- a. Notwithstanding section 6.1.0, if an application has been approved by the Director of Environmental Services or the Director of Engineering pursuant to section 6.0.1 or 6.0.3, the Director of Environmental Services or the Director of Engineering may authorize an Owner, in writing, to install a Water Service Connection including any Watermain, at the Owner’s expense in the following circumstances and subject to the requirements set out in sections 6.1.1(b) to 6.1.1(d):
 - i. the Water Service Connection shall be installed within or as part of an unassumed subdivision;
 - ii. the Water Service Connection shall be installed in conjunction with the construction of new Watermain infrastructure related to the Owner’s project;
 - iii. the Water Service Connection shall be installed within the City’s approved easement;
 - iv. The Water Service Connection shall be a requirement of a site plan application process;
 - v. The existing Water Service Connection for an ICI or Multi-Residential Property is required to be replaced with a larger pipe size;
 - vi. The existing ICI or Multi-Residential Property requires a new Water Service Connection; or
 - vii. Any other circumstances that the Director of Environmental Services deems appropriate.
- b. The Owner shall enter into a written agreement with the City with respect to the installation of the Water Service Connection, any related Work, the payment of securities and the assumption of risk by the Owner in relation to same, on such terms and conditions as are acceptable to the Director of Environmental Services or the Director of Engineering and in a form that is satisfactory to the City Solicitor;
- c. The Owner shall construct the Water Service Connection in accordance with the City Standards and Specifications and any other terms and conditions as set out in the agreement referred to in section 6.1.1 (b); and
- d. The construction of the Water Service Connection by the Owner shall be inspected by and installed to the satisfaction of the Director of Environmental Services or the Director of Engineering and the Owner shall notify the Director of Environmental Services or the Director of Engineering that it is ready for inspection prior to the commencement of any backfilling or restoration of the Road Allowance or easement where the Water Service Connection has been installed.

6.1.2 Connection or Water Service Connection Installation rejected by the City

If a Person connects to the Waterworks System or installs a Water Service Connection in a manner other than as permitted by this By-law, the

Director of Environmental Services or the Director of Engineering may require the Owner to undertake the following, at the Owner's expense:

- a. Re-excavate the connection or Water Service Connection for the purpose of inspection and testing to the satisfaction of the Director of Environmental Services or the Director of Engineering;
- b. If required, reinstall the Water Service Connection or any associated Work to the satisfaction of the Director of Environmental Services or the Director of Engineering and in compliance with this By-law; or
- c. Disconnect the Water Service Connection which shall not be reinstalled or reconnected except with the prior written permission of the Director of Environmental Services or the Director of Engineering and in full compliance with the requirements of this By-law.

6.1.3 Pre-installed Water Service Connections

- a. Where the Water Service Connection has been pre-installed by a Developer or Builder, or under the City's direction on lands assumed by the City, a building permit pursuant to the *Ontario Building Code* must be issued prior to the connection of the Private Water Service Pipe to the pre-installed Water Service Connection for each separate Water Service Connection.
- b. If a Water Service Connection or its appurtenance that was pre-installed as part of a plan of subdivision or a site development has been damaged, the Owner of the Property shall be responsible for all associated repair or replacement costs.

6.2 **Costs of Water Service Connections**

6.2.0 Upon the approval of an application for a Water Service Connection by the Director of Environmental Services or the Director of Engineering, the Director of Environmental Services or the Director of Engineering shall determine and advise the Owner of:

- a. All costs of providing such Water Service Connection, which include;
 - i. the City's contractor construction and contingency costs;
 - ii. the City's administrative costs to manage the construction work and conduct inspection for connecting the Private Service Pipe to the Water Service Connection in the amount as set out in the Fee By-law;
 - iii. the City's Water service fee for turning-on the Water to the Property in the amount as set out in the Fee By-law; and
- b. The conditions upon which such Water Service Connection shall be provided.

6.2.1 Prior to installation of the Water Service Connection by the City, the Owner shall pay to the City all costs as set out in section 6.2.0 (a) and comply with any such conditions provided in accordance with section 6.2.0 (b).

6.2.2 Notwithstanding sections 6.2.0 and 6.2.1, if the Water Service Connection is installed by the Owner in accordance with section 6.1.1 and such installation is accepted by the Director of Environmental Services or the Director of Engineering, the Owner shall only be required to pay the City's waterworks service fee, the service fee for turning on the Water supply to the Property and any other applicable fees set out in the Fee By-law.

6.3 **Water Service Operation and Maintenance – By the City**

6.3.0 No Person, except the Director of Environmental Services or those acting under his/her direction, shall open or close any water valve, fire hydrant, Water Valve Chamber, Watermain or any pipe, fixture or other part of the Waterworks System used for the Water supply or disturb, tamper or interfere with same in any manner whatsoever.

6.3.1 No Person, except the Director of Environmental Services or those acting under his/her direction, shall turn on /turn off or alter any Water Shut Off Valve.

6.3.2 The City is responsible for maintaining and repairing Water Service Connections between the Watermain and the Street Line or in the City's Road Allowance or easement.

6.4 Number of Water Service Connections

6.4.0 Unless otherwise approved by the Director of Environmental Services or Director of Engineering, no Person shall install, or permit the installation of a Water Service Connection that services more than one Property.

6.4.1 Unless otherwise approved by the Director of Environmental Services or Director of Engineering, no Person shall install, or permit the installation of a Water Service Connection that services more than one Property even if those Properties are owned or occupied by the same Person.

6.4.2 Unless otherwise approved by the Director of Environmental Services or Director of Engineering, no Person shall install, or permit the installation of more than one Water Service Connection for each Property.

6.4.3 For Property that is Multi-Residential or ICI, additional Water Service Connections and Water Meters may be permitted or required only with the prior approval of the Director of Environmental Services or Director of Engineering.

6.4.4 Dual Water Service Connections and Water Meters for a Property may be provided only for looping purposes to ensure Water supply redundancy or in accordance with the requirements under the *Ontario Building Code*.

6.5 Replacement of Water Service Connections

6.5.0 If a new Water Service Connection has been approved to replace an existing Water Service Connection, the existing Water Service Connection shall be disconnected at the connection point to the Watermain and the existing Water Service Box shall be removed at the same time as the new Water Service Connection is installed.

6.5.1 The Owner shall pay all costs and fees associated with the disconnection of an existing Water Service Connection and the connection of new a Water Service Connection in the amount as set out in the Fee By-law.

6.6 Existing Water Service Connection or Pre-serviced Lot

6.6.0 Existing Water Service Connection to be turned off prior to demolition

An Owner who has received a permit to demolish a Property shall provide the Director of Environmental Services with a notice five (5) days in advance of the demolition and the Water Service Connection shall be turned off by the City at that Property's Water Shut Off Valve. The Owner shall pay the City's Water turn off service fee in the amount as set out in the Fee By-law.

6.6.1 Existing Water Service Connection to be re-used

If the Owner is seeking to re-use the existing Water Service Connection, which previously serviced the Building, or use the installed Water Service Connection of a pre-serviced Property, the Owner shall make an application on the prescribed form to re-use the Water Service Connection and shall comply with the following requirements to the satisfaction of the Director of Environmental Services:

- a. Detailed design drawings illustrating the location, size, material and condition of the existing Water Service Connection shall be submitted to the satisfaction of the Director of Environmental Services; and
- b. The Owner shall retain a Professional Engineer to perform the field inspection of the existing Water Service Connection and to provide the City with a report indicating whether the existing Water Service

Connection conforms to the City Standards and Specifications and confirming whether it can be re-used.

- c. The Director of Environmental Services may refuse the re-use of the existing Water Service Connection if it fails to conform to the City Standards and Specifications or if it is determined to be defective.

6.6.2 Re-use of existing Water Service Connection not permitted

The re-use of an existing Water Service Connection shall not be permitted, if the new proposed Private Water Service Pipe or a pre-serviced Property has a larger size than the existing Water Service Connection. The Owner shall apply for a new Water Service Connection as set out in sections 6.0.1 and 6.0.2 and pay for the costs of new Water Service Connection as set out in section 6.2.

6.6.3 Existing Water Service Connection to be disconnected

If the existing Water Service Connection is not re-used, or in the case of a pre-serviced Property where such connection will not be used for servicing the Property, the existing Water Service Connection shall be disconnected at the connection point to the City Watermain and the existing Water Service Box shall be removed at the time the new Water Service Connection for the Property is being installed. The Owner shall pay all costs and fees associated with the disconnection of the existing Water Service Connection in accordance with the Fee By-law.

6.7 Private Water Service Pipes and Private Fire Service Mains

6.7.0 Installation by the Owner

- a. All Private Water Service Pipes shall be installed by and at the expense of the Owner of the Building or Property for which such Water services are required. The Water Meter for all Water services shall be supplied by the City.
- b. The Private Water Service Pipes shall be installed in accordance with the site servicing design drawings approved by the City and the requirements of the *Ontario Building Code*.
- c. City's Inspection before turn on of the Water Supply

The Chief Building Official shall be notified by the Owner of the Property when a Private Water Service Pipe has been laid, and is ready for inspection. All works must be left uncovered and convenient for examination until inspected and approved. The Water supply shall not be turned on unless the work has been inspected and approved by the Chief Building Official.

6.7.1 Private Fire Protection Systems in Buildings

All Fire Protection Systems in a Building shall be constructed so as to provide exclusive access to the Fire Protection System to the City's Fire and Emergency Department in accordance with the *Ontario Building Code*.

6.7.2 Private Water Service Pipe Sizes and Materials

- a. All Private Water Service Pipes shall be of the same material and size as the Water Service Connection to which such Private Water Service Pipe is connected, and the pipes and fittings used for Private Water Service Pipes shall conform to the design and quality standards as prescribed by the City Standards and Specifications.
- b. Property Expansion/Renovation
During a Property expansion or renovation, the installation of a new Private Water Service Pipe that has a larger size than the existing Water Service Connection and connecting it to the existing Water Service Connection shall not be permitted. The Owner shall apply for a new Water Service Connection as set out in section 6.0 with a size larger than or equal to the new Private Water Service Pipe. Once the new Water Service Connection is constructed, the new Private Water

Service Pipe can be connected to the new Water Service Connection. Meanwhile, the existing Water Service Connection shall be disconnected as set out in section 6.6.3.

6.7.3 Maintenance Responsibilities

Every Owner shall maintain their Private Water Service Pipe in proper working order and shall be responsible for undertaking any required repairs and maintenance to the Private Water Service Pipe, its fixtures and appurtenances at their own expense and in a prompt manner.

6.7.4 Investigation and Repair of Leakage on Private Water System

- a. Every Owner shall be responsible for investigating and determining the cause of any leak, defect or malfunction in the Private Water System serving the Owner's Property. The City is not responsible for locating any leaks for the Owner.
- b. Every Owner shall, at their own expense, repair any leak, defect or malfunction in, of or on the Private Water Service Pipe, Private Fire Service Main or private fire hydrant located on or servicing their Property which results in Water being consumed or lost before passing through the Water Meter, including but not limited to any leak, defect or malfunction related to valves, fittings or corroded piping, as soon as possible after becoming aware of any such leak, defect or malfunction. Every Owner shall pay the cost of Water consumed or lost as a result of such leak, defect or malfunction.
- c. In the event that an Owner fails or refuses to repair any and all leaks, defects or malfunctions in, of or on the Private Water Service Pipe, or Private Fire Service Main or private fire hydrant located on or servicing their Property which results in Water being consumed or lost before passing through the Water Meter, including any leak, defect or malfunction related to valves, fittings or corroded piping, the City may issue an Order to the Owner to do so.
- d. The Owner shall comply with such Order issued by the City pursuant to section 6.7.4 (c) and undertake any required works and repairs within five (5) Business Days of being served with the Order.
- e. If the Owner fails to comply with such Order of the City in accordance with sections 6.7.4 (c) and 6.7.4 (d), the City may make such repairs as the City deems necessary or appropriate and the Owner shall pay to the City the full cost of such work, inspection fees for each attendance at the Property by the City as well as any overhead and administrative fees in the amounts as set out in the Fee By-law.
- f. If the Owner fails to comply with such Order of the City in accordance with sections 6.7.4 (c) and 6.7.4 (d), the City reserves the right to turn off Water supply to the Property until the leaking Private Water Service Pipe or Private Fire Service Main or private fire hydrant is repaired.
- g. The Owner shall pay all costs related to the loss of Water. Where the Water loss has not been recorded by a Water Meter, Water consumption shall be estimated by the City according to the nature of the leak.
- h. The Owner of a Property shall grant the City access to the Property to confirm a leak and its location in the Private Water System through a leak survey, when the City determines it is necessary to conduct such an inspection.

6.8 Frozen Water Service Connection/Private Water Pipes

6.8.0 Every Owner shall ensure that all Private Water Service Pipes, the Private Water System, Private Fire Service Mains and Water Meter on their Property are protected from freezing.

6.8.1 An Owner of a Property shall be responsible for

- a. Thawing out a frozen Private Water Service Pipe, Private Water System, Private Fire Service Main or Water Meter;
- b. Any damage incurred in the event that any of the Private Water Service Pipe, Private Water System or Private Fire Service Main or Water Meter freezes; and
- c. Any Water loss or discharge which occurs as the result of a leak in a frozen Private Water Service Pipe, Private Water System, Private Fire Service Main or Water Meter.

6.8.2 The City shall be responsible for thawing out a frozen Water Service Connection up to the Water Service Box.

6.9 Vacant or unheated Properties

6.9.0 When any Property is left Vacant or where the temperature in a Building is allowed to drop to below five (5) degrees Celsius, the Owner or Occupant shall turn off the Water supply within the Property and drain the piping and Water Meter therein. The Owner or Occupant may make an application to the City to turn off the Water supply at the Water Service Box. The Water Shut Off Valve will be turned on only at the request of the Owner or Occupant and in their presence. The Owner or Occupant shall pay for these Water turn off/turn on service fees in the amounts as set out in the Fee By-law.

6.9.1 When any Property is left Vacant or where the temperature in a Building is allowed to drop to below five (5) degrees Celsius and the Water supply has not been turned off, and the Property suffers damage to it and its contents from a leaking, frozen or burst Water pipe or Water Meter, the Owner or Occupant shall have no claim for any such loss or damage against the City and the Owner or Occupant shall pay all applicable Waterworks User Fees in the amounts as set out in the Fee By-law and any further costs incurred by the City as a result. These costs may include the Water Meter replacement cost if the Water Meter is damaged.

6.9.2 Should the City become aware of such leaking or burst water pipes or Water Meter, the Director of Environmental Services may turn off the Water supply to the Property at the Water Service Box, and the Water supply shall not be turned on until the Director of Environmental Services, in his/her discretion, considers it safe and advisable to do so. The Owner or Occupant shall pay for these Water turn off/turn on service fees in the amounts as set out in the Fee By-law.

6.10 Tests and Disinfection

6.10.0 Water supply for ICI, and Multi-Residential Properties shall not be turned on until the Private Water Service Pipes, Private Water Systems, or Private Fire Service Mains have been inspected, pressure tested, flushed and satisfy the requirements of sections 6.10.1, 6.10.2 and 6.10.3 as they apply.

6.10.1 No Person shall connect or permit to be connected any Private Water Service Pipes, Private Water Systems or Private Fire Service Mains of a size equal to or greater than fifty (50) millimeters in diameter to a Water Service Connection until the Owner of the Property has complied with following requirements to the satisfaction of the Director of Environmental Services:

- a. Submission of a completed application on a form prescribed by the Director of Environmental Services.
- b. The Private Water Service Pipes, Private Water Systems or Private Fire Service Mains shall be disinfected under the supervision of a Professional Engineer qualified to perform such work, in accordance with the City Standards and Specifications and *Ontario Drinking Water Quality Standards* and at the expense of the Owner.
- c. After the Private Water Service Pipes, Private Water Systems or Private Fire Service Mains have been disinfected, Water samples shall

be taken and testing shall be conducted in accordance with the following :

- i. Water sampling, and transportation of the Water sample to the laboratory shall be conducted by a Qualified Person;
 - ii. analytical testing of the Water sample shall be conducted by an accredited laboratory which is licensed by the Ontario Ministry of the Environment, Conservation and Parks, or successor, for the provision of Drinking Water testing services; and
 - iii. a complete Water sample chain of custody shall be properly established from the taking and transportation of the Water sample through to the report of the test results; and
 - d. Prepare and submit to the City a report explaining the Water test results which shall be to the satisfaction of the Director of Environmental Services as set out in this By-law.
- 6.10.2 The Water supply to a Property requiring Water testing in accordance with section 6.10.1 shall not be turned on until the following documents are received by and are to the satisfaction of the Director of Environmental Services within forty-eight (48) hours of the receipt of the laboratory testing results:
- a. An original copy of the Water sampling laboratory analysis report indicating satisfactory disinfection and the associated chain of custody form;
 - b. A written verification of satisfactory disinfection by a Professional Engineer retained by the Owner; and
 - c. All documentation must be stamped, signed and sealed by the Owner's Professional Engineer.
- 6.10.3 All field disinfection, Water sampling, laboratory testing and analysis report preparation, and the Professional Engineer's verification as required by this By-law shall be done at the expense of the Owner.

7 WATER METER

7.0 Water to Be Metered

7.0.0 Water to Be Metered

- a. No Person shall use or permit the use of Water that has not passed through a Water Meter.
- b. Every Owner shall have a Water Meter installed and in use at their Property where such Property is supplied with Water by the City.
- c. All Water supplied to a Property through Private Water Service Pipes shall pass through a Water Meter and shall be charged to the Consumer at such rates as set out in the Fee By-law. All Water passing through the Water Meter will be charged for whether used or wasted.
- d. Sections 7.0.0 (a) and (b) and (c) shall not apply where:
 - i. Water is used by authorized City personnel acting in the course of their duties or by City authorized agents or contractors expressly acting within the scope of their contract;
 - ii. Water is used by the City for firefighting purposes;
 - iii. Water is used by Consumers at a Property serviced by the City on a "flat rate water charge" as of the date of the coming into force of this By-law;
 - iv. Water is used for construction purposes with the approval of the City in accordance with the provisions of this By-law; or
 - v. Where the use of un-metered Water is otherwise permitted by this By-law.

- e. All Water Service Connections to the Waterworks System are required to be metered. Any Owner of a residential unit who does not have a Water Meter installed shall pay the City a “flat rate water charge” as set out in the Fee By-law.
- f. Any existing Property serviced by the Waterworks System, on a “flat rate water charge”, is required to have a new Water Meter installed within one (1) year from the day the “flat rate water charges” started or the enactment of this By-law, whichever is earlier.
- g. If two or more Water Service Connections supply Water to a Property, each Water Service Connection shall be separately metered.
- h. Notwithstanding the issuance of any Occupancy Permit under the *Ontario Building Code*, no Person shall draw or use any Water until the Water Meter for the Property has been installed, inspected and sealed by and to the satisfaction of the Director of Environmental Services.

7.0.1 Water Meters – City Property

All Water Meters including Remote Readout Units, wiring and AMR/AMI equipment that register Water supplied and billed by the City, are and shall remain the property of the City, although initially paid for by an Owner or Consumer, and shall be supplied, maintained and replaced by the City.

7.0.2 Private Water Meters – Not the City’s Responsibility; not used for the City’s Water billing purposes

- a. Additional Private Water Meters required for the individual metering or internal private billing purposes within a Building or on a Property shall be installed by and at the expense of the Owner on the downstream side of the Water Meter.
- b. Consumption readings from Private Water Meters will not be recognized by the City for municipal billing purposes. The City is not responsible for any maintenance of Private Water Meters or any requested reconciliation arising from the use of Private Water Meters.

7.0.3 Sprinkler Meter for Irrigation System

The Owner or Occupier of a Property with a Sprinkler Meter shall pay the City the Water turn on/turn off fee in the amounts as set out in the Fee By-law, for each attendance at the Property as requested by the Owner or Occupier.

7.1 **Water Meter Installation**

7.1.0 Installation of Residential Water Meter

- a. No Person shall turn on or cause to turn on the Water supply to a Property or use or draw Water from the Waterworks System until a Water Meter has been installed at the Property and inspected and sealed by and to the satisfaction of the Director of Environmental Services.
- b. All Water Meters that have been installed at a Property, shall be inspected and sealed by and to the satisfaction of the Director of Environmental Services and all associated fees and charges for the Water Meter and any required inspection fees and other applicable fees in the amounts as set out in the Fee By-law must be paid in full prior to turning on the Water supply by the City.
- c. Notwithstanding the issuance of an Occupancy Permit under the *Ontario Building Code*, no Person shall occupy a Building prior to the installation of a Water Meter, nor shall any Person use or draw Water from the Waterworks System prior to the installation of the Water Meter. In the event that Water is used or drawn contrary to the above, the Owner shall pay the City a “flat rate water charge” as set out in the

Fee By-law from the time of issuance of the Occupancy Certificate to the time of installation of a Water Meter.

- d. In the case of an Infill Home:
 - i. The City shall send a notice to the Owner/Occupier advising the Owner/Occupier to submit a Water Meter Application and schedule an appointment for the installation a new Water Meter by the City or a City authorized third party agent within thirty (30) days upon receipt of such Notice;
 - ii. The notice shall be served:
 - (a) personally on the Occupier; and
 - (b) either personally on the Owner or mailed by regular mail to the last known address of the Owner according to the current assessment rolls.
 - iii. The Owner shall pay to the City the full cost of the installation of a Water Meter, and all applicable fees and charges in the amounts as set out in the Fee By-law.
- e. In the case of a Property subject to meter replacement or installation in accordance with the City's meter maintenance program or AMR/AMI program, the City may install such Water Meter, conduit and wire for Remote Readout Unit and AMR/AMI equipment at no expense to the Owner.

7.1.1 Installation of ICI and Multi-Residential Water Meter

- a. An Owner shall install or cause to be installed a Water Meter in accordance with this By-law on the Owner's Property in a secure and accessible location a minimum five (5) Business Days prior to occupancy.
- b. An Owner shall install or cause to be installed all Plumbing and appurtenances related to the Water Meter, including conduit for wiring in accordance with the City Standards and Specifications and at the sole expense of the Owner.
- c. Notwithstanding any other provisions of this By-law, the wire and the Remote Readout Unit or AMR/AMI equipment shall be installed by the City prior to the Owner's occupancy of a new or Renovated Building or part thereof.
- d. Except as otherwise provided for in this By-law, no Person shall turn on or cause to be turned on the Water supply to a Property until the City has inspected and sealed the Water Meter installed at the Property as set out in this By-law.
- e. In the event that Water supply to a Property has been turned on prior to the City inspection and sealing of the Water Meter at the Property, the Director of Environmental Services reserves the right to turn off the supply of Water to the Property.
- f. To allow for proper flow of Water or maintenance of equipment or both, the City may require an Owner to install the proper valving arrangement in respect of the supply of Water to the Property in accordance with the City Standards and Specifications at the sole expense of the Owner.
- g. In the case of a Property subject to meter replacement or installation in accordance with the City's meter maintenance program or AMR/AMI program, the City may install such Water Meter, conduit and wire for Remote Readout Unit and AMR/AMI equipment at no expense to the Owner.

7.1.2 Supply of Water Meter

Water Meters for new development shall be supplied by the City at the Owner's expense in accordance with the Fee By-law and the City Standards and Specifications.

7.1.3 Application for Water Meter – (Only for Infill Home, ICI and Multi-Residential Water Meter Application)

An Owner/Applicant of an Infill Home, ICI or Multi-Residential Property who requires a new Water Meter for a new or Renovated Building or who wishes to change the Water Meter size in an existing Building shall submit a completed Water Meter application on the prescribed form to the City and shall comply with the following requirements to the satisfaction of the Director of Environmental Services:

- a. For ICI and Multi-Residential Water Meter applications only, the Owner/Applicant shall provide the City with:
 - i. calculated peak flow rate including consumption flow and fire flow, to be supplied and certified by a Professional Engineer, to pass through the Water Service Connection;
 - ii. type of business; and
 - iii. number of occupants or employees.
- b. The Owner/Applicant shall sign the application form and shall be responsible for the completeness and accuracy of all information provided with the application;
- c. The Owner shall pay the application fee at the time of submission of application; and
- d. All applicable Water Meter fees and charges in the amounts as set out in the Fee By-law must be received by the City prior to the application being processed.

7.1.4 Size of Water Meter

- a. Based on the information supplied by the Owner/Applicant in their application, the Director of Environmental Services shall determine the size of the Water Meter required for the Property.
- b. Unless approved by the Director of Environmental Services, the size of a residential Water Meter shall not be in excess of twenty-five (25) millimeters in diameter.

7.1.5 Water Meter Loss or Damage

- a. Other than damage caused by the City, every Owner shall be responsible for any loss or damage to a Water Meter including but not limited to damage caused by freezing.
- b. The Owner shall pay the City the costs for making the necessary repairs to or for the replacement of such Water Meter and all applicable fees and charges in the amounts as set out in the Fee By-law.

7.1.6 Notification by Owner

The Owner shall immediately notify the Director of Environmental Services that the Property is ready for the installation of a Water Meter.

7.1.7 Provision for Installing a Water Meter

The Owner shall ensure that provision is made in the piping system of all existing, new and Renovated Buildings or structures for the installation of a Water Meter of the same diameter as the Private Water Service Pipe in accordance with the City Standards and Specifications.

7.1.8 Water Meter By-Pass Piping

- a. Every Owner shall install by-pass piping for Water Meter sizes greater than twenty-five (25) millimeters in diameter, and maintain same in good working order in accordance with the City Standards and Specifications and at the sole expense of the Owner.

- b. Once the by-pass piping has been installed by the Owner, the Owner shall immediately notify the Director of Environmental Services, and the City shall seal the by-pass valve in the closed position upon notification of its installation by the Owner. No Person shall, unless authorized by the Director of Environmental Services, open a by-pass valve or break its seal, or cause a by-pass valve to be opened or a seal to be broken, after it has been inspected and sealed by the City.
- c. Where the by-pass pipe or valves of a Property are not installed in accordance with the City Standards and Specifications, the City may Order the Owner to undertake the following work at the sole expense of the Owner:
 - i. To install a new or replace the Water Meter by-pass pipe or valves; and/or
 - ii. To remove any defective pipe or valves and install a new pipe or valves.
- d. An Owner shall comply with an Order made under section 7.1.8 (c) within thirty (30) days from receipt of the Order from the City.
- e. If an Owner fails to:
 - i. Supply, install or maintain the by-pass pipe and valves in proper working order in accordance with 7.1.8 (a); or
 - ii. Comply with an Order of the City made pursuant to this By-law within the time required,

The City may perform any work required by the Order including but not limited to supply, install, repair, replace or otherwise maintain the by-pass pipe and valves, as the City considers appropriate and the Owner shall pay to the City the full cost of the work, the inspection fee for each attendance at the Property, and all other applicable fees and charges in the amounts as set out in the Fee By-law.

- f. If a by-pass valve is opened or the seal is broken or damaged regardless of the cause:
 - i. the City shall close or seal the by-pass valve once it is discovered and monitor the Water consumption pattern for the Property for twelve (12) months after the by-pass valve is closed and re-sealed;
 - ii. the City will apply that Water consumption pattern as the base Water consumption for the Property and determine how long and how much Water consumption has been unbilled in accordance with the historic billing for the Property; and
 - iii. the City will Back Charge the Owner or Occupant of the Property for the Water consumed through the opened or seal-broken by-pass valve based on the Water Consumption pattern pursuant to subsection (ii) above for the duration as set out in section 7.3.2(g) and 7.3.2 (h) of this By-law. Back charges for ICI and Multi-Residential Property will be calculated based on the “water rate” and Single-Residential Property will be calculated based on the “flat rate water charge” as set out in the Fee By-law.

7.1.9 Water Meter Chamber

- a. If the Director of Environmental Services is of the opinion that a Water Meter cannot be conveniently located inside a Building or structure in accordance with the City Standards and Specifications or where the City does not have access to the Water Meter, the Director of Environmental Services may require the Water Meter to be installed in a Water Meter Chamber constructed by the Owner in accordance with the City Standards and Specifications, at the sole expense of the Owner.

- b. All Water Meter Chambers shall be placed in a location approved by the Director of Environmental Services, prior to construction.
- c. No Person shall obstruct or permit the obstruction of a Water Meter Chamber and associated valves.
- d. No Person shall place shrubs, trees, or other landscaping within one and one half (1.5) meters of the outer perimeter of a Water Meter Chamber.
- e. The Owner shall keep all landscaping on his Property cut back and clear of a Water Meter Chamber and the access to a Water Meter Chamber.
- f. To facilitate the reading of a Water Meter, the City may require the Owner to:
 - i. Prepare the Water Meter Chamber cover for the installation of a chamber cover type Remote Readout Unit in accordance with the City Standards and Specifications at the sole expense of the Owner.
 - ii. If the City determines a chamber cover type Remote Readout Unit device is not appropriate for a location, the City may:
 - (a) Determine the appropriate type and location of the Remote Readout Unit and the Owner shall install such unit at the sole expense of the Owner according to the City Standards and Specifications; and
 - (b) Require the Owner to install a mounting post and plate to accommodate the Remote Readout Unit at the sole expense of the Owner.

7.2 Water Meter Inspection

7.2.0 Water Meter Inspection and Sealing

- a. Every Water Meter on a Property shall be inspected and sealed by the City at or about the time of installation or relocation. The Owner shall notify the City within forty-eight (48) hours of the installation or relocation of a Water Meter that it has been installed or relocated and is ready for inspection.
- b. The Owner or Occupier shall, within the time set out in a notice provided by the City, permit the City to have free, clear and unobstructed access to the Water Meter to inspect, test, read, repair, maintain, alter, disconnect, remove, replace or seal such Water Meter.
- c. In case of Water Meter inspection, testing, repair, replacement or maintenance, the City will provide reasonable notice to the Owner or Occupier when required by and in accordance with the *Municipal Act*.

7.2.1 Water Meter Access

- a. The Owner shall install or cause to be installed a Water Meter in a location that is in accordance with the City Standards and Specifications.
- b. The Water Meter shall be installed in or on a Property where it is convenient for the City to inspect, test, read, repair, maintain, alter, disconnect, remove, replace or seal such Water Meter. The location of a Water Meter shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- c. When requested by the City, an Owner or Occupier, as the case may be, shall remove any insulation or other obstructions or material from, on or around a Water Meter in order to provide the City with full, unobstructed access to the Water Meter. The Owner or Occupier shall be responsible for replacing any materials removed at their own expense.

- d. If access to the Water Meter is not free and clear of any and all obstructions, the City may issue an Order requiring the Owner or Occupier to remove all obstructions or materials and to provide free and clear access.
- e. If the Owner or Occupier fails to carry out the work as required by the City within thirty (30) days from receipt of the Order, then the City may perform all necessary work including the removal of any insulation or other obstructions or material blocking free and clear access to the Water Meter. The City shall not be liable for any loss or damage to the Owner's Property or loss or damage otherwise suffered by the Owner or Occupier arising from such work.
- f. The Owner or Occupier shall pay all costs incurred by the City for carrying out the work required as a result of the Owner or Occupier failing to comply with an Order to remove insulation or other material blocking the Water Meter. The Owner or Occupier shall also pay the inspection fee, if any, for each attendance at the Property by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.
- g. As part of an inspection, the City shall at all times be permitted to take photographs, including digital images, of any Plumbing, Water Meter, Private Meter, by-pass pipe and valves, inlet and outlet valves, Backflow Preventer, Private Water System, Private Water Service Pipe, Private Fire Service Main or Water Meter Chamber.
- h. The Owner or the Occupier shall, within the time set out in the City notice, permit the City to inspect the Private Water Service Pipe, Private Water System, Private Fire Service Main, or the inlet, outlet, flushing, drainage and by-pass valves on piping adjacent to or around the Water Meter.
- i. The Owner or the Occupier of a Property with a Water Meter not equipped with Remote Readout Unit shall, within the time set out in the City notice, permit the City to have free, clear and unobstructed access to the Water Meter for a visual Water Meter reading a minimum of two (2) times per calendar year.
- j. If the Owner or Occupier refuses to provide the City access to the Water Meter, the City may exercise Section 14 "Powers of Entry" as set out in this By-law.

7.2.2 Water Meter Interference Prohibited

- a. No Person, except as authorized by the City, shall perform, permit or cause the tampering, un-sealing, reversal, or alteration of a Water Meter in any way which may interfere with the proper registration of the quantity of Water that passes through a Water Meter or ought to pass through a Water Meter.
- b. No Person shall connect any pipes or other appurtenances to direct flow from a Private Water Service Pipe upstream of a Water Meter or the by-pass pipe and valves.
- c. If the City determines that a seal on a Water Meter has been tampered with or is broken, or if any pipes or other appurtenances directing flow upstream of the Water Meter have been connected or installed, then the City will re-seal the Water Meter. The City will Back Charge the Owner or Occupier of the Property for the Water consumed through the tampered, broken, reversed or un-sealed Water Meter or through a pipe or other appurtenance directing flow upstream of the Water Meter, as estimated by the City and in accordance with section 7.3.2(h).

7.3 **Water Meter Maintenance**

7.3.0 Maintenance of Water Meter Appurtenances and Piping

- a. Every Owner shall ensure that all valves are fitted with proper handles and that all valves to, from and around the Water Meter are installed and properly maintained in accordance with the City Standards and Specifications.
- b. Every Owner shall maintain all Plumbing including all piping, fittings and valves to and from and around a Water Meter in good working order and shall replace and repair them as necessary in accordance with the City Standards and Specifications. The Owner is not responsible for maintaining the Water Meter and/or the associated strainer.
- c. If the City determines that the condition of a Private Water Service Pipe, Private Fire Service Main, or Private Water System or valves on piping adjacent to the Water Meter is such that the Water Meter cannot be properly or conveniently tested, calibrated or repaired in place or removed for the purpose of testing, replacing or repairing, the Owner shall, at his sole expense, repair or, if necessary, replace the Private Water Service Pipe, Private Fire Service Main, or Private Water System or valves, as the case may be, to enable the City to test, calibrate, repair or remove the Water Meter.
- d. Where the City determines that a Private Water Service Pipe, Private Fire Service Main or Private Water System or valves on piping adjacent to the Water Meter requires repair or replacement in accordance with section 7.3.0(c), the City may issue an Order to the Owner to repair or replace the Private Water Service Pipe, Private Fire Service Main or Private Water System or valves, as the case may be, within thirty (30) days from the receipt of such Order, at the sole expense of the Owner. The Owner shall obtain a building permit from the City prior to the repair or replacement of the Private Water Service Pipe or Private Water System.
- e. If the Owner or his/her authorized agent does not carry out the Work as required within thirty (30) days from the receipt of the Order from the City, then the City may carry out the work and turn off the Water supply to the Property during the removal, replacement, repair, testing and calibration of the Water Meter. The City shall not be liable for any loss or damage to the Owner's Property, including but not limited to direct or consequential damages, or loss or damage otherwise suffered by the Owner or an Occupant arising from such work or the turn off or on of the Water supply.
- f. The Owner shall pay all costs incurred by the City for carrying out the work required under an Order and pursuant to section 7.3.0 (e), as a result of the Owner failing to make the necessary repair or replacement. The Owner shall also pay the inspection fee for each attendance at the Property made by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.

7.3.1 Maintenance of Chambers

- a. This section applies to all chambers including Water Meter Chambers and chambers for Sprinkler Meters if installed.
- b. Every Owner shall be responsible for maintaining, repairing and replacing any chamber, and for keeping it in a safe condition.
- c. Every Owner shall remove and dispose of all solid and liquid debris, waste and other materials which are non-essential to the proper functioning of the Water Meter or Sprinkler Meter and/or which may be hazardous, toxic, combustible or explosive in nature, both inside and above a chamber. The removal and disposal of such material is subject to all Applicable Law.
- d. Every Owner shall, upon receipt of a notice from the City requesting an inspection, provide the City with access, within the time set out in the City notice, to any chamber, or to permit the City to inspect, maintain, repair, replace or read the Water Meter or Sprinkler Meter.

- e. Pursuant to sections 7.3.1 (c) and (d), every Owner shall ensure that all solid and liquid material is removed from the chamber to allow access. If an Owner is unable to remove material from the chamber, within the time set out in the notice, the Owner shall notify the City no less than forty-eight (48) hours before the scheduled inspection or other purpose for which the access is required. In addition, the Owner shall at the same time, advise the City of a date and time, no more than five (5) Business Days later, when access will be provided.
- f. If an Owner fails to provide the City with access to a chamber in accordance with 7.3.1 (d), or 7.3.1 (e), the Owner shall pay the inspection fee for each subsequent attendance at the Property made by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.

7.3.2 Water Meter Accuracy

- a. Pursuant to this By-law, the testing, flow rates and procedures used to determine Water Meter (all types and sizes) accuracy will be in accordance with the current AWWA Standards.
- b. An Owner, upon written application to the City, on the prescribed form, may make a request to have the Water Meter at his/her Property tested by the City to determine if the Water Meter is over- registering. The Owner shall pay to the City the fee as set out in the Fee By-law for such testing.
- c. If a Water Meter is found to be over-registering the acceptable meter accuracy range of the type and size of the meter being tested, as governed by the AWWA standards in favour of the City, the City shall credit the Owner's Account with an amount equal to the difference between the amount that had been billed and the amount that would have been billed had the Water Meter been recording consumption accurately. Such credit adjustment shall cover a period of no more than twenty-four (24) months and shall include the testing fee in the amounts as set out in the Fee By-law.
- d. Notwithstanding 7.3.2 (c) above, in the event that the Water Meter had been installed, replaced, or tested and calibrated within a twenty-four (24) month period prior to the accuracy test requested by the Owner, and if a Water Meter is found over-registering the acceptable meter accuracy range of the type and size of the meter being tested, as governed by the AWWA standards in favour of the City, the City shall credit the Owner's Account with an amount equal to the difference between the excess amount billed from the time of the installation, replacement or testing and calibration, whichever is later, to the time of the accuracy test requested by the Owner.
- e. If a Water Meter is found to be over-registering by an amount less than or equal to the acceptable meter accuracy range of the type and size of the meter being tested, as governed by the AWWA standards then no credit shall be applied to the Owner's Account. In addition, the Owner shall pay to the City all expenses incurred by the City in removing, replacing, flow monitoring or testing the Water Meter in the amounts as set out in the Fee By-law.
- f. Positive displacement type Water Meters up to and including fifty (50) millimetres in diameter shall be removed by the City and tested at an off-site location specified by the City. Compound, turbine, electromagnetic and fire service Water Meters equal and greater than fifty (50) millimetres in diameter shall, at the City's sole discretion, be tested either on site or at an off-site location specified by the City.
- g. If a Water Meter fails to register, the City will Back Charge the Owner a Water consumption fee based on previous metered consumption history for the period during which the Water Meter failed to register but for not more than twenty-four (24) months. Back charges for ICI

and Multi-Residential Property will be calculated based on the “water rate” and Single-Residential Property will be calculated based on the “flat rate water charge” as set out in the Fee By-law.

- h. Notwithstanding the forgoing, the City may Back Charge beyond the twenty-four (24) month period in those circumstances, as determined by the Director of Environmental Services to be appropriate, including but not limited to where the failure of the Water Meter to register arises as a result of a by-pass valve that is opened or a seal that has been broken contrary to section 7.1.8 of this By-law, or where a Water Meter has been reversed, tampered with, un-sealed or altered or if any pipes or other appurtenances directing flow upstream of the Water Meter have been connected or installed contrary to section 7.2.2 of this By-law.

7.3.3 Water Meter Relocation

- a. No Person shall relocate a Water Meter that has been installed on a Property to the satisfaction of the Director of Environmental Services without the prior written consent of the Director of Environmental Services.
- b. No Person shall disconnect a Water Meter for maintenance or repair without the prior written consent of the Director of Environmental Services.
- c. An Owner/Applicant may make an application, on the prescribed form to the Director of Environmental Services, to relocate a Water Meter on a Property. If the Water Meter relocation is approved by the Director of Environmental Services, the Owner/Applicant shall pay all costs associated with any relocation of the Water Meter including all applicable fees and charges in the amounts as set out in the Fee By-law.
- d. The Director of Environmental Services shall not approve the application for a Water Meter relocation if:
 - i. the application is incomplete;
 - ii. the prescribed fee is not paid; or
 - iii. the proposed relocation is not in accordance with the City Standards and Specifications with respect to the location of the Water Meter or otherwise.
- e. If the location of an installed Water Meter on a Property does not comply with the City Standards and Specifications, the City may issue an Order requiring the relocation of an installed Water Meter within thirty (30) days from the receipt of the Order from the City, at the sole cost of the Owner.
- f. All work undertaken and materials used to relocate a Water Meter shall conform to the City Standards and Specifications and comply with the requirements of the *Ontario Building Code*.
- g. If an Owner or his/her authorized agent fails to carry out the work as required by the City under 7.3.3 (e) within fifteen (15) days from the receipt of the Order from the City, then the City may carry out the Water Meter relocation and all necessary work required. The City shall not be liable for any loss or damage to the Owner's Property or any loss or damage otherwise suffered by the Owner or any Occupant arising from such work.
- h. The Owner shall pay all costs incurred by the City for carrying out the work required as a result of the Owner failing to comply with an Order to relocate the Water Meter pursuant to section 7.3.3 (e). The Owner shall also pay the inspection fee for each attendance at the Property made by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.

7.3.4 Water Meter Leaks

- a. Every Owner or Occupier shall immediately notify the City if any leaks develop at the Water Meter or its couplings.
- b. The City will repair the leaks at the Water Meter or its couplings at no charge to the Owner. The City shall not be liable for any damage or loss to the Owner's Property or any loss or damage suffered by the Owner or Occupant, including but not limited to direct or consequential damages, as a result of any such leaks at the Water Meter or its couplings.

7.3.5 Water Meter Replacement

- a. A Water Meter will be scheduled for replacement when approaching the end of its lifecycle under the City's annual Water Meter Replacement Program.
- b. The City will send a notice to the Owner/Occupier advising the Owner/Occupier to schedule an appointment with the City or a City authorized third party agent to replace the Water Meter within thirty (30) days pursuant to the Water Meter Replacement Program. The Owner/Occupier shall provide the City or a City authorized third party agent access to the Water Meter in order to undertake the Water Meter replacement.
- c. The City may send a notice to the Owner/Occupier requiring the Owner/Occupier to repair or replace the Private Water Service Pipe or Private Water System prior to the City's Water Meter replacement at their Property.
- d. If an Owner/Occupier fails to comply with the City's notice to schedule an appointment with the City to replace the Water Meter, to provide access to the Water Meter, or to repair or replace the Private Water Service Pipe or Private Water System prior to the City's Water Meter replacement, the City may issue an Order requiring the Owner/Occupier to schedule the appointment with the City to replace the Water Meter, to provide access to the Water Meter or to repair or replace the Private Water Service Pipe or Private Water replacement prior to the City's Water Meter replacement at their Property.
- e. It is an offence when:
 - i. an Owner/Occupier, fails to comply with an Order to schedule an appointment with the City or a City authorized third party agent to replace the Water Meter;
 - ii. an Owner/Occupier, fails to comply with an Order to allow the City access to replace the Water Meter scheduled for replacement under the City's Water Meter Replacement Program; and/or;
 - iii. an Owner/Occupier, fails to comply with an Order to repair or replace the Private Water Service Pipe or Private Water System prior to the City's Water Meter replacement at their Property.

7.4 **Water Meter Removal due to Building Demolition**

- 7.4.0 No Person shall demolish a Building or cause a Building to be demolished until the final Water Meter reading is obtained and the Water Meter and Remote Readout Unit are recovered by the City.
- 7.4.1 An Owner who has received a permit to demolish a Building shall notify the City in writing a minimum of five (5) Business Days in advance of the date on which the Water supply to the Property is no longer required. The Owner shall also make an appointment with the City to take a final Water Meter reading, remove the Water Meter and the Remote Readout Unit from the Property and turn off the Water supply at the Water Shut Off Valve.

- 7.4.2 The Owner shall pay the City the Water Meter removal cost in the amount as set out in the Fee By-law.
- 7.4.3 The Owner shall be present at the Property when the final Water Meter reading is taken, the Water Meter is removed and the Water supply is turned off at the Water Shut Off Valve.
- 7.4.4 In the event an Owner fails to attend at the Property and provide access to the City at the appointment time set under this By-law, the Owner shall pay the City the missed appointment fee in the amount as set out in the Fee By-law.
- 7.4.5 In the event an Owner fails to provide access to a Property prior to the demolition of a Building or structure on the Property, in accordance with this By-law, the Owner shall pay to the City an amount equal to the cost of a new Water Meter and Remote Readout Unit of the same type and size in accordance with the fees and charges set out in the Fee By-law. The Owner shall also pay the amount of Water consumption, from the last Water Meter reading date to the date of disconnection of the Private Water Service Pipe or Water Service Connection from the Waterworks System, as estimated by the City.
- 7.4.6 If the Director of Environmental Services determines that it is not necessary to recover a Water Meter from a Property to be demolished, then the City will notify the Owner in writing after receipt of the notice from the Owner to demolish a Building or structure. Upon receipt of the notice from the City and after the disconnection of the Private Water Service Pipe or Water Service Connection from the Waterworks System, an Owner may proceed with the demolition of the Building. In such case, the Owner shall be responsible for the removal and disposal of the Water Meter.

7.5 Unmetered Fire Line

- 7.5.0 An unmetered Water service line installed prior to the passage of this By-law for fire protection purposes and Water used to serve private fire hydrants, automatic sprinkler systems and standpipes may remain unmetered upon the request to and approval by the Director of Environmental Services.
- 7.5.1 An unmetered fire line shall be separate from a domestic Water service line. An unmetered fire line and a domestic Water service line may be combined within the Road Allowance or easement provided separation takes place within the public Road Allowance or easement and provided further that a valve is installed on each branch within the Road Allowance or easement so that each line can be isolated.
- 7.5.2 Where an unmetered fire line has been approved by the Director of Environmental Services pursuant to section 7.5.0, no Person shall take or use Water from the unmetered Water service line for any purpose other than fire protection or testing of the fire protection system unless prior written approval has been given by the Director of Environmental Services.

8 WATER TURN OFF / TURN ON

8.0 Water Turn off by Request

- 8.0.0 An Owner shall notify the Director of Environmental Services no less than forty-eight (48) hours in advance of the date on which the Owner requires the City to temporarily turn off the Water supply to a Property. If the Owner requires the Water supply to the Property to be turned off permanently then the Owner shall make the request in writing and provide the Director of Environmental Services with the written notification a minimum of fifteen (15) Business Days prior to the turn off date.
- 8.0.1 The Owner shall pay the City fees to turn off the Water supply to a Property either temporarily or permanently in accordance with the Fee By-law.

- 8.0.2 In the event that the Property is occupied by Occupants, the Owner shall also provide the Occupants with written notice of the Water turn off at the same time the Owner notifies the City in accordance with this By-law.
- 8.0.3 The Owner shall make an appointment with the City and the Owner or his/her authorized agent shall attend at the Property to ensure the City has access to the Property, Water Meter and the Water Shut Off Valve when the Water supply is being turned off.
- 8.0.4 In the event that an Owner or his/her authorized agent fails to attend at or provide the City access to the Property at the set appointment time, then the Owner shall pay the cost for the missed appointment in accordance with the Fee By-law.
- 8.0.5 In the case of an emergency requiring the Water to be turned off, the notice requirements in this By-law may be waived by the Director of Environmental Services.
- 8.0.6 No Person shall turn off the supply of Water to a Property at the Water Shut Off Valve, without the prior authorization of the Director of Environmental Services.

8.1 Water Turn on by Request

- 8.1.0 An Owner shall notify the Director of Environmental Services no less than forty-eight (48) hours in advance of the date on which the Owner requires the City Water supply to the Property to be turned on.
- 8.1.1 The Owner shall pay the City fees to turn on the Water supply to a Property either temporarily or permanently in accordance with the provisions of the Fee By-law.
- 8.1.2 The Owner shall make an appointment with the City and the Owner or his/her agent shall attend at the Property to ensure the City has access to the Property, Water Meter and the Water Shut Off Valve when the Water supply is being turned on.
- 8.1.3 In the event that Owner or his/her authorized agent fails to attend at or provide the City access to the Property, at the appointment time set, then the Owner shall pay the cost for the missed appointment in accordance with the Fee By-law.
- 8.1.4 No Person shall turn on the supply of Water to a Property at the Water Shut Off Valve without the prior authorization of the Director of Environmental Services.

8.2 Water Turn off / Reduction of Water supply by the City

- 8.2.0 The Director of Environmental Services may, as he/she deems appropriate, turn off or reduce the Water supply to a Property as follows:
 - a. Turn off the supply of Water if fees or charges payable by the Owners or Occupants of the Property for the supply of Water to the Property are overdue or in arrears, upon providing reasonable notice of the proposed turn off to the Owners and Occupants of the Property by personal service or prepaid mail or by posting the notice on the Property in a conspicuous place;
 - b. Turn off the Water if fees or charges payable by the Owners or Occupants of the Property in respect of a sewage system are overdue or are in arrears, and the fees and charges are based on the fees payable for the supply of Water to the Property, upon providing reasonable notice of the proposed turn off to the Owners and Occupants of the Property by personal service or prepaid mail or by posting the notice on the Property in a conspicuous place;
 - c. Turn off or reduce the supply of Water as a result of an emergency, including but not limited to a leak in a Private Water Service Pipe, a Private Fire Service Main, a private fire hydrant, a Water Meter, a Watermain, Water Service Connection or any part of the Waterworks

System if, in the circumstances, reasonable notice of the intention to interrupt or reduce the supply of Water is given;

- d. Turn off or reduce the supply of Water as result of a breakdown, repair or extension of the Waterworks System if, in the circumstances, reasonable notice of the intention to interrupt or reduce the supply of Water is given;
 - e. Turn off or reduce the supply of Water to a Property in order to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply Water, including but not limited to any part of the Waterworks System;
 - f. Turn off or reduce the supply of Water to a Property in order to inspect, install, repair, replace or alter a Water Meter, Remote Readout Unit, Water Meter Chamber, or any other meter used by the City to measure the quantity of Water consumed at or on a Property;
 - g. In the event that the Director of Environmental Services determines, in his/her sole discretion, that an immediate threat of contamination to any part of the Waterworks System exists that may endanger public health or safety, the City at its discretion, may without prior notice, discontinue the Water supply to any Property, for the purposes of preventing or containing any such threat of contamination in accordance with the *Safe Drinking Water Act*, 2002, S.O. 2002, c.32, as amended;
 - h. Turn off or reduce the supply of Water temporarily or permanently, at the request of the Owner and upon approval of the Director of Environmental Services pursuant to the provisions of this By-law; or
 - i. Turn off or reduce the supply of Water in accordance with any provision of this By-law or in accordance with the *Municipal Act* or all other Applicable Law.
- 8.2.1 If the Water supply to a Property has been turned off by the City, no Person shall turn on or use the Water supply or permit the Water supply to be turned on or used without the prior written approval of the Director of Environmental Services.
- 8.2.2 The City shall not be liable for damages or loss caused, including but not limited to direct or consequential damages, by the interruption or reduction of the amount of Water supplied to the land or Property of any Person as a result of an emergency or a breakdown, repair or extension of the Waterworks System if, in the circumstances, reasonable notice of the City's intention to interrupt or reduce the supply of Water is given.

9 FIRE HYDRANTS

9.0 Public Fire Hydrants

- 9.0.0 No Person shall at any time operate or take Water from a public fire hydrant except:
- a. a municipal fire fighter, where Water is required for fire protection or fire training purposes;
 - b. a Person who has written authorization from the Director of Environmental Services and in accordance with the terms and conditions of the written authorization;
 - c. a Person who is the holder of a hydrant permit issued under section 9.3 of this By-law; or
 - d. a water operator from the City's Environmental Services Department, or any successor.
- 9.0.1 No Person shall park an automobile, truck or vehicle of any description on a public road within a distance of three (3) meters of any public fire

hydrant measured along the curb line or along the shoulder of the roadway immediately adjacent to the public fire hydrant.

9.0.2 A driveway shall be constructed no closer than one and half (1.5) meters from a public fire hydrant.

9.0.3 Anti-tampering devices

Where anti-tampering devices are required to be installed on fire hydrants in new developments, the cost of purchasing, installing and maintaining such devices shall be borne by the Developer or Builder.

9.1 Private Fire Hydrants

9.1.0 No Person shall install a private fire hydrant unless the following requirements have been met to the satisfaction of the Director of Engineering:

- a. a complete application to install the private fire hydrant has been submitted on the prescribed form to the City;
- b. the type of the private fire hydrant to be installed is approved by the Director of Engineering;
- c. the manufacturer of the private fire hydrant to be installed is approved by the Director of Engineering; and
- d. a Building Permit for the installation of the private fire hydrant has been issued by the Chief Building Official.

9.1.1 The Director of Engineering may approve or reject applications for the installation of a private fire hydrant based on compliance with the requirements set out in the City Standards and Specifications.

9.2 Fire Hydrant Flow Tests

9.2.0 A Person may make an application to the Director of Environmental Services on the prescribed form requesting permission to conduct a public fire hydrant or a private fire hydrant flow test in order to determine the characteristics of the local Waterworks System.

9.2.1 A Person requesting a fire hydrant flow test shall pay to the City in advance of the test, all applicable fees and charges associated with the performance of the test in the amounts as set out in the Fee By-law.

9.2.2 The Person shall provide the Director of Environmental Services with a copy of the flow test results promptly upon the completion of the test. Such flow test results shall include the date, time, location and duration of the fire hydrant flow test.

9.3 Fire Hydrant Permits

9.3.0 A Person may make an application to the Director of Environmental Services on the prescribed form for a hydrant permit for the temporary supply of Water from a public fire hydrant.

9.3.1 The Director of Environmental Services may, by issuing a hydrant permit, authorize the use of a specified fire hydrant for the temporary supply of Water for a specified period of time and subject to specified conditions, including but not limited to the supervision of such use by the City. A hydrant permit may, at the discretion of the Director of Environmental Services, be suspended for any length of time.

9.3.2 If an application has been approved by the Director of Environmental Services and a hydrant permit has been issued, the City will provide and install a Backflow Preventer, a valve and a temporary hydrant meter on the public fire hydrant. Prior to the City's turn on of the Water supply at the hydrant, the Applicant shall provide the City with a security deposit as set out in the Fee By-law to ensure the safe return and proper working condition of the Backflow Preventer, temporary hydrant meter and valve supplied by the City and to cover against any potential damage that may be caused to the fire hydrant. The Applicant shall be responsible for

reimbursing the City for all costs associated with any damage caused, including but not limited to repair or replacement costs to the Backflow Preventer, temporary hydrant meter, valve or fire hydrant and any other damage arising out of or in relation to the fire hydrant, its use and/or the use of Water from the fire hydrant. The City may draw upon the security deposit provided to cover the costs of any such damage.

- 9.3.3 No Person shall remove or tamper with the supplied Backflow Preventer, valve and temporary hydrant meter installed on the public fire hydrant for the temporary supply of Water.
- 9.3.4 Water shall only be supplied from the public fire hydrant through the temporary hydrant meter. No Person shall connect to the public fire hydrant or take Water from the public fire hydrant except through the temporary hydrant meter installed by the City.
- 9.3.5 When the hydrant permit issued for the temporary use of the public fire hydrant has expired or its use is complete, the City will remove the Backflow Preventer, valve and temporary hydrant meter from the public fire hydrant and the Applicant shall pay the City for the following fees and charges at such rates and in the amounts as set out in the Fee By-law:
 - a. all Water consumption registered on the hydrant meter installed on the public fire hydrant;
 - b. the rental fee for using the public fire hydrant; and
 - c. the hydrant meter installation and removal by the City.

9.4 Fire Hydrant Relocation

9.4.0 Application and Cost of Relocation

- a. A Person may submit an application on the prescribed City form to the Director of Environmental Services for the relocation of a public fire hydrant.
- b. If the Director of Environmental Services approves the relocation of a public fire hydrant in accordance with the City Standards and Specifications, the Applicant shall pay all costs associated with and incurred by the City for the relocation of the fire hydrant. Prior to the commencement of any work by the City, the Applicant shall provide the funding in the form of a deposit, the amount of which to be determined by the Director of Environmental Services and which shall include a minimum of twenty percent (20%) contingency.

9.4.1 Construction and Payment

- a. Upon completion of the fire hydrant relocation, including surface restoration, the Director of Environmental Services shall determine the cost of the fire hydrant relocation, site restoration and the administrative fees. The Applicant shall pay for those actual costs and all applicable fees and charges in the amount as set out in the Fee By-law.
- b. In the event that the actual cost of the work is greater than the original deposit provided, the City shall issue an invoice to the Applicant detailing the difference between the actual cost and the deposit. The Applicant shall pay the outstanding balance by the due date stated on the invoice.
- c. In the event that the actual cost of the work is less than the original deposit provided, the City shall refund the difference between the actual cost and the deposit to the Applicant.

10 WATER USE RESTRICTION

10.0 Lawn Watering Restriction

- 10.0.0 No Person shall use or cause or permit the use of Water from the Waterworks System for the purpose of watering a lawn by hose, pipe,

sprinkler or permanent Irrigation System at any time between June 1st and September 30th in every year except as follows:

- a. All Owners or Occupants of residential properties with an even numbered municipal address shall be permitted to use water between 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on an even numbered day of the month.
- b. All Owners or Occupants of residential properties with an odd numbered municipal address shall be permitted to use water between 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on an odd numbered day of the month.
- c. All Owners or Occupants of residential properties shall be permitted to use water between 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on the 31st day of the month.
- d. The provision of sections 10.0.0 (a), 10.0.0 (b) and 10.0.0 (c) shall apply to all ICI Properties, and Multi-Residential buildings provided that watering shall be permitted for three (3) hours only between the hours of midnight (12:00 a.m.) and 6:00 a.m.

10.0.1 The lawn watering restriction set out in section 10.0.0, shall not apply to newly laid sod for a period of two (2) months after the sod is first laid.

10.1 Water Use Restriction Order

10.1.0 The Director of Environmental Services may issue a Water Use Restriction Order in the event that the Director of Environmental Services determines:

- a. there is insufficient Water supply in the Waterworks System to maintain an appropriate volume of Water storage for the continued proper and safe operation of the Waterworks System; or
- b. there is insufficient Water pressure in the Waterworks System for firefighting purposes; or
- c. there is an upset or flow restriction caused by the maintenance activities of the Waterworks System.

10.1.1 The Director of Environmental Services will give reasonable notice to the public describing the circumstances associated with the issuance of a Water Use Restriction Order, the date on which it is to take effect and the conditions or restrictions of the Water use that would apply. Notice may be given by any means that, in the opinion of the Director of Environmental Services, is sufficient to provide reasonable notice to the public of the Water Use Restriction Order, which may include posting on the City's website.

10.1.2 No Person, shall use or cause or permit, the use of Water in contravention of the conditions set out in the Water Use Restriction Order issued by the Director of Environmental Services.

10.1.3 Once the situation that caused the issuance of the Water Use Restriction Order has been resolved or is no longer in effect, the Director of Environmental Services will withdraw the Water Use Restriction Order.

11 MISCELLANEOUS REQUIREMENTS

11.0 Private Water Supply System

11.0.0 Conversion from Private Well Supply to the Waterworks System

- a. If a residential Property is originally serviced by a private Well system and the Owner requests to convert it to the Waterworks System, the Owner shall make an application for a Water Service Connection for such conversion.
- b. The Water Service Connection application for such conversion shall conform to section 6.0 of this By-law.

- c. Upon the Director of Environmental Services or Director of Engineering's approval of an application for a Water Service Connection pursuant to section 6.0 and after the Water Service Connection has been installed, the City will not turn on the Water supply until the Owner has complied with the following conditions to the satisfaction of the Chief Building Official:
 - i. The original private Well connection shall be fully and properly disconnected from the Building to the satisfaction of the Chief Building Official ;
 - ii. A Water Meter has been installed on the Property by the City; and
 - iii. All disconnection and Plumbing Works have been fully inspected and approved by and are to the satisfaction of the Chief Building Official.
- d. After the conversion from a Private Well supply to the Waterworks System is complete in accordance with section 11.0.0 (c), the Owner shall comply with the following:
 - i. The original private Well system shall be properly abandoned and decommissioned in accordance with the Wells Regulation; and
 - ii. All documentation related to the Well abandonment and decommission shall be submitted to the Chief Building Official for review.

11.0.1 Prohibition of New Private Well within Municipal Water Service Areas

- a. Where municipal Water Service Connections are available, the establishment of a new private Well or the replacement of an existing private Well used as a primary or auxiliary Water supply for any permanent Water use purpose is prohibited.

- b. Exemptions

Notwithstanding section 11.0.1 (a), a private Well may be permitted with the prior written approval of the Director of Environmental Services and subject to any conditions imposed by the Director of Environmental Services, including payment of any applicable fees, in the following circumstances:

- i. private Well which legally existed prior to the date of passing this By-law;
- ii. private Well used for watering grass in golf courses or for use in agriculture-designated farms, hobby farms, or demonstration farms applications;
- iii. private Well installed for the purpose of environmental site remediation, water monitoring or site dewatering;
- iv. private Well owned or operated by the City, or approved by the City and located on lands owned by the City; or
- v. Any such other private Well approved by the Director of Environmental Services.

11.1 **Steam Boilers**

- 11.1.0 Where steam boilers are supplied with Water from the Waterworks System, the City shall not be liable for any damage, including but not limited to direct or consequential damages, which may result to any Person, Property or equipment that may arise from turning off the Water supply for any purpose whatsoever, even if notice is not given by the City prior to turning off the Water supply, or arising out of or related to an uneven Water pressure.

- 11.1.1 For all Water Service Connections to boilers, an Owner shall install Backflow Preventers and suitable relief valves or expansion tanks to relieve thermal expansion.

11.2 Water-Cooled Air-Conditioning Systems

- 11.2.0 No Person shall use any Water supplied by the City in any air-conditioning installation whatsoever, except only in those air-conditioning installations where Water is only used for make-up purposes and no Water is permitted to run to waste.
- 11.2.1 An exemption from section 11.2.0 may be permitted only in exceptional circumstances as approved by the Director of Environmental Services and shall be subject to any conditions imposed by the Director of Environmental Services.

12 BILLINGS AND COLLECTION OF ACCOUNTS

12.0 Changes of occupancy and Consumer information must be reported

- 12.0.0 The Owner of Property shall notify the City in writing of any change of occupancy to the Property and shall pay all applicable fees and charges for the change of occupancy.
- 12.0.1 The City may require a new Occupant or Consumer to complete and sign a Consumer information form.

12.1 Non-Metered and Metered Accounts

- 12.1.0 Non-metered Accounts shall be charged with the “flat rate water charge” as set out in the Fee By-law.
- 12.1.1 Metered Accounts shall be charged with the “water rate” as set out in the Fee By-law.

12.2 Regular Billings

- 12.2.0 Accounts shall be billed monthly, bi-monthly or on any other basis at the discretion of the Director of Environmental Services or Treasurer. The bill shall be deemed to be served upon the Consumer if it is delivered or sent by mail to the mailing addresses provided by the Consumer.
- 12.2.1 When Water Rates change through a billing period, the Water use charge shall be prorated for that billing period.

12.3 Final Billings

- 12.3.0 When a Consumer proposes to vacate any Property supplied by Water, the Consumer shall give notice to the City at least two (2) business days before vacating the Property to permit the reading of the Water Meter. If such notice is not given, then the Consumer may be billed for:
 - a. an estimated bill; or
 - b. the amount calculated by the next Water Meter reading, whichever is the greatest.
- 12.3.1 Any Person who has moved into or is newly occupying a Building supplied with Water shall notify the City immediately so that the Water Meter may be read and so that the Account and records may be updated.

12.4 Water Meter does not record properly or cannot be read – Estimated Consumption

- 12.4.0 In the event of a Water Meter failing to record properly, or where the Remote Readout Unit is unable to obtain a reading, the Consumer shall pay the estimated Water consumption on the basis of a corresponding period in the immediately previous year.
- 12.4.1 Where the Consumer did not occupy the same Property for the corresponding period in the immediately previous year, then the Consumer shall pay the estimated Water consumption on the basis of a similar period in the current year.

- 12.4.2 Where section 12.4.0 and 12.4.1 do not apply, then the Consumer shall pay the applicable “flat rate water charge” as set out in the Fee By-law.

12.5 Water Meters without Remote Readout Unit

- 12.5.0 If it is not feasible to install a Remote Readout Unit to a Water Meter on a Property and the Owner obtained the approval of Director of Environmental Services to make Water Meter readings by themselves, the Owner or Occupant shall provide the Water Meter readings to the City at the agreed upon and required regular Water billing frequency.
- 12.5.1 If the Owner or Occupant fails to provide a Water Meter reading to the City within or by the required time, the Owner or Occupant shall pay for the estimated Water consumption on the basis of a corresponding period in the immediately previous year.
- 12.5.2 After two consecutive estimated Water consumptions, the Owner or Occupant shall provide the City with access to the Property to read the Water Meter. If the Owner or Occupant fails to provide the City access to read the Water Meter, then the Owner or Occupant shall pay for the Water consumption estimated at the discretion of the Director of Environmental Services.

12.6 Charges for late payment

When an Account is not paid by the due date stated on the bill, the Account is overdue and a late payment charge will be assessed to the Account.

12.7 Notice of non-payment

- 12.7.0 Where an Account remains unpaid thirty (30) days after the due date on the Water Bill, a final notice shall be sent out by the regular mail to the Consumer and Property Owner.
- 12.7.1 If the Account remains unpaid sixty (60) days after the due date on the Water Bill, the City may do any or all of the following:
- Turn off or reduce the Water supply to the Property;
 - Add the Water arrears to the Tax Roll of the Property and collect it in the same manner as municipal taxes; and/or
 - Use any other means or method to collect any unpaid or overdue Accounts available at law.

12.8 Records of Non-payment

- 12.8.0 The City shall keep records of unpaid or overdue Accounts. Such records shall include the street, number and location of the Property, and if the Water has been turned off for non-payment of Account balance. Records of non-payment kept by the City shall be for the information and protection of any Person or Persons intending to purchase any Property, and such Person or Persons who inquire with the City whether any Accounts of non-payment appear upon such records.
- 12.8.1 If no such Accounts appear, such Person may, upon the payment of a records search fee as set out in Fees By-law, receive a certificate from the City to that effect, but unless such certificate is issued, the City may collect any sums which may be subsequently discovered to have been due against such Property, but which were not discovered or had been omitted from the register at the time of search.
- 12.8.2 Sections 12.8.0 and 12.8.1 shall not preclude or stop the City from using any other means or method of collecting any unpaid or overdue Accounts available at law.

12.9 Collection of non-payment from the Property Owner

- 12.9.0 All fees charged for Water consumed or supplied to a Property, or fees, charges or expenses incurred for the replacement or repair of Private Water Service Pipes, Water Meters, fixtures and all other appliances connected to a Water Service Connection or the Waterworks System or for damage to

the same, shall be regarded as due and owing to the City from the Owner of the Property.

12.10 Water Turn off or Reduction for Non-payment

- 12.10.0 If an overdue Account cannot be collected from the Owner or the Occupant of the Property, the Director of Environmental Services may turn off or reduce Water supply to the Property. An application to turn on the Water supply to the Property will not be approved by the Director of Environmental Services notwithstanding that the Property may have changed ownership or occupancy, until such unpaid Account and other fees and charges owing have been paid in full to the City.
- 12.10.1 When Water is supplied to more than one party through a single Water Meter, the Account for the Water supply will be in the name of the Owner of the Property and the payment shall be the responsibility of the Owner. In case of an overdue Account, the Water may be turned off by the Director of Environmental Services for non-payment of an overdue Account by the Owner, notwithstanding that one or more of the parties have paid their proportion of the Account to the Owner or to any other party.
- 12.10.2 Prior to turning off the Water to a Property for non-payment of an overdue Account, the City shall provide reasonable notice of the proposed Water turn off to the Owner and Occupier of the Property by personal service, prepaid mail or by posting the notice on the Property in a conspicuous place.
- 12.10.3 When the Water has been turned off by the Director of Environmental Services for non-payment of an overdue Account, it will not be turned on until all outstanding Accounts and all applicable fees and charges for the Water turn off and turn on in the amounts as set out in the Fee By-law have been paid in full to the City.

12.11 Water Arrears collected as a lien on Property

- 12.11.0 Unpaid fees and charges for the supply of Water to a Property shall have priority lien status, and may be added to the Tax Roll of the Property to which the Water was supplied in accordance with the *Municipal Act*.
- 12.11.1 When the unpaid fees and charges are levied to a condominium Property where the Water supplied is measured and accounted for by a single bulk Water Meter, the unpaid Water fees and charges of a condominium corporation may be transferred to the Tax Rolls against the corporation's individual condominium units on a pro-rata basis equal to the proportions, expressed in percentages, allocated to the units, in which the unit owners are to contribute to the common expenses as set out in the declaration of the condominium corporation. The City Treasurer or designate may exempt units, in whole or in part, from their proportionate share of Water arrears where such units are directly supplied with metered Water.

13 CONTACT INFORMATION

- 13.0 Every Owner of a Property where a Water Meter has been or is going to be installed shall provide the City with the following information:
 - 13.0.0 Legal name, address and current telephone number of the Owner;
 - 13.0.1 Legal name, address and current telephone number of the Occupant(s); and
 - 13.0.2 Where an Owner has appointed an authorized agent to act on their behalf, the Owner shall provide the name, address and current telephone number of the authorized agent.
- 13.1 In the event that there is a change in any of the information provided to the City pursuant to section 13.0, then an Owner shall provide the City with updated information in writing within five (5) Business Days from the date the change occurred.

14 POWERS OF ENTRY

- 14.0 No Person shall hinder, obstruct, or attempt to hinder or obstruct or to deny the City or any City employee, Municipal Law Enforcement Officer, authorized agent or contractor expressly acting within the scope of this By-law or pursuant to the *Municipal Act* access to a Property for any purpose provided for in this By-law or pursuant to the *Municipal Act*.
- 14.1 Any Person who hinders or obstructs, or attempts to hinder or obstruct, or who denies access to the City or any City employee, Municipal Law Enforcement Officer, authorized agent or contractor expressly acting within the scope of this By-law or pursuant to the *Municipal Act* shall be deemed to be in contravention of this By-law.
- 14.2 The City or any City employee, Municipal Law Enforcement Officer, authorized agent or contractor expressly acting within the scope of this By-law or pursuant to the *Municipal Act* may enter onto land or Property to which Water is supplied by the City at any reasonable time in accordance with the requirements of this By-law and sections 79, 80, 435, 436, 437 and 438 of the *Municipal Act*, in order to:
 - 14.2.0 Inspect, repair, alter or disconnect a service pipe or wire, machinery, equipment and other works used to supply Water;
 - 14.2.1 Read, inspect, install, repair, replace, maintain, alter or remove a Water Meter, AMI or Remote Readout Unit;
 - 14.2.2 Inspect a Backflow Preventer;
 - 14.2.3 Turn off or reduce the Water supply;
 - 14.2.4 When a Customer discontinues the use of Water or the City lawfully ceases supplying Water to the Property, to: turn off the Water; to remove any property of the City; and/or to determine whether Water has been, or is being, unlawfully used;
 - 14.2.5 Inspect Water service leakage including Private Water Service Pipe or Private Fire Service Main or private fire hydrant;
 - 14.2.6 Follow up on an Order issued under this By-law;
 - 14.2.7 Follow up on an Order made under section 431 of the *Municipal Act*;
 - 14.2.8 Carry out an inspection to determine compliance with the requirements or provisions of this By-law, or a direction or Order issued pursuant to this By-law;
 - 14.2.9 Undertake remedial work in accordance with this By-law or the *Municipal Act*; and/or.
 - 14.2.10 For any other purpose authorized by this By-law or the *Municipal Act*.
- 14.3 When exercising its power of entry under this By-law, the City will provide reasonable notice to the Owner or Occupier when required by and in accordance with sections 435 and 437 of the *Municipal Act*.
- 14.4 Where an inspection is conducted by a Municipal Law Enforcement Officer, City employee, or authorized agent, the City representative conducting the inspection may, in accordance with section 436 (2) of the *Municipal Act*:
 - 14.4.0 Require the production for inspection of documents or things relevant to the inspection;
 - 14.4.1 Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - 14.4.2 Require information from any person concerning a matter relating to the inspection; and
 - 14.4.3 Alone or in conjunction with a person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

- 14.5 When the City has provided notice to exercise a power of entry when required by and in accordance with this By-law and the *Municipal Act*, and the Owner or Occupier has not provided access within the time set out in the City notice, the Owner or Occupier will be charged a “missed appointment or service refusal” fee in the amount as set out in the Fee By-law to compensate the City for costs incurred in attempting access and for each subsequent attempt.

15 ENFORCEMENT

- 15.0 The provisions of this By-law may be enforced by a Municipal Law Enforcement Officer or any other City staff authorized to do so by the Director of Environmental Services.
- 15.1 A Municipal Law Enforcement Officer who has reasonable grounds to believe that a Person has contravened any provision of this By-law may require that Person to provide their identification to the Officer.
- 15.2 Every Person who is required by a Municipal Law Enforcement Officer to provide identification under section 15.1 shall identify themselves to the Municipal Law Enforcement Officer and give their correct name, date of birth, and address, which shall constitute sufficient identification. Failure to provide sufficient identification shall constitute obstruction of the Municipal Law Enforcement Officer.

16 OFFENCES

- 16.0 Every Person who contravenes or fails to comply with any provision of this By-law or an Order or notice issued pursuant to this By-law is guilty of an offence.
- 16.1 Every Person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 16.2 No Person shall fail to comply with any conditions or term of any Order or notice issued under this By-law.
- 16.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Office or any person who is exercising a power or performing a duty under this By-law.
- 16.4 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a Continuing Offence for each day or part of a day that the contravention remains uncorrected.
- 16.5 If any Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a Continuing Offence for each day or part of a day that the Order is not complied with.
- 16.6 For purposes of this By-law, an offence is a second or subsequent offence if the act giving rises to the offence occurred after a conviction had been entered at an earlier date for the same offence.

17 PENALTY PROVISIONS

- 17.0 Every Person who is guilty of an offence under this By-law, upon conviction shall be subject to the following penalties established pursuant to the *Municipal Act*:
- 17.0.0 Upon first conviction, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Fifty Thousand Dollars (\$50,000.00).
- 17.0.1 Upon a second or subsequent conviction for the same offence, to a fine of not less than Four Hundred Dollars (\$400.00) and not more than One Hundred Thousand Dollars (\$100,000.00).
- 17.0.2 Upon conviction for a Continuing Offence, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence

continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00).

- 17.0.3 Upon conviction of a Multiple Offence, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Ten Thousand Dollars (\$10,000.00) for each offence included in the Multiple Offence. The total of all fines for each included offence may exceed One Hundred Thousand Dollars (\$100,000.00).

17.1 Proceeds of Fines

Pursuant to subsection 433 (1) of the *Municipal Act*, where a Person has been convicted of any offence under this By-law, every fine imposed for a contravention of this By-law belongs to the City.

17.2 Unpaid Fines

Pursuant to subsection 441.1 of the *Municipal Act*, the Treasurer may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the Tax Roll for any Property in the local municipality for which all of the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

18 ADMINISTRATIVE PENALTIES

- 18.0 Instead of laying a charge under the Provincial Offences Act for a breach of any provision of this By-law, an Order, a Work Order, or any other order issued pursuant to this By-law, a Municipal Law Enforcement Officer may issue an Administrative Penalty to the Person who has contravened this By-law.
- 18.1 The Municipal Law Enforcement Officer has the discretion to either proceed by way of an Administrative Penalty or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.
- 18.2 The amount of the Administrative Penalty for a breach of a provision of this By-law, a Work Order or Order issued under this By-law is fixed as set out in the AMPS By-law for Non-Parking Offences, as amended, or any successor by-law.
- 18.3 A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in the AMPS By-law for Non-Parking Offences, as amended, or any successor by-law.
- 18.4 An Administrative Penalty imposed on a Person pursuant to this By-law that is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the City and may be added to a Tax Roll and collected in the same manner as municipal taxes.

19 GENERAL BY-LAW ENFORCEMENT POWERS

19.0 Order to Discontinue Activity

Pursuant to section 444 of the *Municipal Act*, the City may issue an Order requiring any Person, who contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of the land or Property on which the contravention occurred to discontinue the contravening activity.

19.1 Work Order

Pursuant to section 445 of the *Municipal Act*, the City may issue an Order requiring any Person, who contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of the land or Property on which the contravention occurred to do the work to correct the contravention.

19.2 Remedial Action

Wherever this By-law or an Order issued pursuant to this By-law directs or requires any work or thing to be done, in default of its being done by the Person directed or required to do it, such work or thing may be done by the City at the expense of the Person. Pursuant to section 446 of the *Municipal Act*, the City may recover all the

costs incurred in doing the work or thing from the Person directed or required to do it by action or by adding the costs to the Tax Roll and collecting them in the same manner as municipal taxes.

20 NOTICE/SERVICE

- 20.0 Where an Order is issued or a notice is given by the City, unless otherwise provided for in this By-law, the Order or notice may be served:
- 20.0.0 personally on the Person to whom it is directed;
 - 20.0.1 mailed by regular mail to the last known address provided to the City of the Person to whom it is directed; or
 - 20.0.2 posted in a conspicuous place at the subject Property.
- 20.1 A Person is deemed to be in receipt of the Order or notice on the date it is served personally or posted at the subject Property and five (5) Business Days after the Order or notice is posted by mail to the last known address provided to the City. If no address for the Person has been provided, then the City will send the Order or notice by mail to the Property address identified on the Tax Rolls.

21 FEES

21.0 Service Fees

- 21.0.0 The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the City's Licensing, Permit and Service Fees By-law.
- 21.0.1 Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by a Municipal Law Enforcement Officer pursuant to the Licensing, Permit and Service Fees By-law.

21.1 Recovery of Costs

Pursuant to section 446 of the *Municipal Act*, where the City, its employees or authorized agents have performed work required to bring the Property into compliance with the By-law, all expenses incurred by the City in doing the work as well as any related fees, shall be deemed to be a debt to the City and may be collected by action or the costs may be added to the Tax Roll for the Property and collected in the same manner as municipal taxes.

- 21.2 Fees and charges imposed on a Person pursuant to the Fee By-law, or the Licensing, Permit and Service Fees By-law, as may be amended from time to time, constitute a debt of the Person to the City. The Treasurer may add such fees and charges imposed by the City to the Tax Roll in accordance with the provisions of section 398(2) of the *Municipal Act* and collect them in the same manner as municipal taxes.

- 21.3 Any fees, charges and administrative costs associated with this By-law are non-refundable and are either set out in the Fee By-law or the Licensing, Permit and Service Fees By-law, as may be amended from time to time.

22 GENERAL PROVISIONS

Where a timeframe is set out in this By-law for carrying out any action, the Director of Environmental Services may extend the time for compliance beyond the established timeframe provided such extension is acceptable to the Director of Environmental Services.

23 BY-LAW WORDING

Unless the context requires otherwise, where a word importing the singular number is used in this By-law, such word shall include the plural and vice versa, and words importing one gender shall include all genders. The grammatical changes required to make the provisions of this By-law apply to individuals (male or female), sole proprietorships, partnerships, unincorporated associations, unincorporated organizations, corporations, trustees, heirs,

executors, administrators and other legal representatives where the context so requires shall be assumed as though in each case fully expressed.

24 SEVERABILITY

Notwithstanding that any section, or any part or parts thereof, of this By-law may be found by any court of law to be invalid, unenforceable or beyond the power of the Council to enact, it is the intention of Council that such section, or part or parts thereof, of this By-law shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent there from and enacted as such.

25 REPEAL

By-law No.1602, By-law No.105-95 and By-law No.2012-242, as amended, are hereby repealed in their entirety.

26 INTERPRETATION

The provisions of Part VI of the *Legislation Act*, 2006, S.O.2006 c.21, Schedule F, shall apply to this By-law.

27 SHORT TITLE

This By-law may be referred to as the “Water Use By-law”.

28 EFFECTIVE DATE

This By-law comes into force and effect on the day it is passed.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF APRIL, 2019.

FRANK SCARPITTI, MAYOR

KIMBERLEY KITTERINGHAM, CITY
CLERK

Updated: March 26, 2019

Attachment “B”



By-law 2019-XXX

**To amend By-law 2002-276 being a By-law to impose fees or charges for services or activities provided or done by the Town of Markham.
(Amendments to Fee By-law)**

WHEREAS Section 391 of the *Municipal Act*, 2001 provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- (1) That the attached four new Waterworks Service Fees be added to the “Community Services – Water” section in the Schedule “A” of By-law 2002-276.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF APRIL, 2019.

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Kimberley Kitteringham City Clerk	Frank Scarpitti Mayor

Updated: March 26, 2019

No.	Fee Description	Current Rate	Rate effective on April 8, 2019	Pertain to Sections in Water Use By-law	Fee Basis
1	Fee for "Repair the Damage to the Waterworks System caused by Construction or other Work"	N/A	Cost-plus	Section 3.0.5	<p>"Cost-plus" means actual costs incurred by the City to perform the service (either by City staff or contracted out) plus overhead and applicable taxes. The calculation will include:</p> <ul style="list-style-type: none"> Contractor or City incurred costs to perform the service; plus Staff time plus overhead costs to administer the work.
2	Waterworks Service Fee for "Change in Water Service Connection requested and performed by the Property Owner "	N/A	16% of "Water Service Connection Construction Cost" (pre-tax amount)	Section 6.2.2	<p>"Water Service Connection Construction Cost" is a quote/estimated cost for doing the work from a third party. (This cost to be paid directly by the owner)</p> <ul style="list-style-type: none"> "16%" charge is to cover the City's administrative, overhead and inspection components.
3	Fee for "Investigation and Repair Leakage on Private Water System "	N/A	Cost - plus	Section 6.7.4	<p>"Cost-plus" means actual costs incurred by the City to perform the service (either by City staff or contracted out) plus overhead and applicable taxes. The calculation will include:</p> <ul style="list-style-type: none"> Contractor or City incurred costs to perform the service; plus Staff time plus overhead costs to administer the work.
4	Fee for "Relocation of Fire Hydrant requested by the Property Owner and performed by the City"	N/A	"Fire Hydrant Relocation Construction Cost" plus 16% of "Fire Hydrant Relocation Construction Cost" (pre-tax amount)	Section 9.4.1	<p>The calculation will include:</p> <ul style="list-style-type: none"> "Fire Hydrant Relocation Construction Cost", which means the construction cost charged by the City's contractor and applicable taxes; plus "16%" charge is to cover the City's administrative, overhead and inspection components.

Attachment “C”



By-law 2019-XXX

**To amend By-law 2016-84 being a By-law to implement an Administrative Monetary
Penalty System for Non-Parking Offences.
(Amendments to AMPS For Non Parking Offences By-law)**

WHEREAS the Council of The Corporation of the City of Markham, (the “City) considers it desirable to amend By-law 2016-84, a By-law to implement an Administrative Monetary Penalty System for Non-Parking Offences; and,

WHEREAS subsection 434.1(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “*Municipal Act*”) authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- (1) That the Schedule for “Designated Provisions for Water Meter By-law 2012-142” in Schedule “A” of By-law 2016-84 be deleted and replaced by the attached Schedule for “Designated Provisions for Water Use By-law 2019-XX”.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF APRIL, 2019.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Schedule for “Designated Provisions for Water Use By-law 2019-XX”.

Water Use By-law 2019-XXX??

Designated Provisions for Water Use By-law 2019-??			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
1	7.3.5(e)(i)	Fail to comply with an Order to schedule an appointment with the City or a City authorized third party agent to replace the water meter.	\$250.00
2	7.3.5(e)(ii)	Fail to comply with an Order to allow the City access to replace the water meter scheduled for replacement under the City’s Water Meter Replacement Program.	\$250.00
3	7.3.5(e)(iii)	Fail to comply with an Order to repair or replace the private water service pipe or private water system prior to the City’s water meter replacement at their property.	\$250.00
4	9.0.0	Operate or take water from a public fire hydrant without a hydrant permit issued by the City	\$250.00

Attachment “D”



By-law 2019-XXX

To amend Bylaw 2012-137 “Licensing, Permit and Service Fees By-law”

WHEREAS the Council of The Corporation of the City of Markham, (the “City) considers it desirable to amend By-law 2012-137, a Licensing, Permit and Service Fees By-law,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- (1) That the Schedule for “Water Meter By-law Inspection Administration” in Schedule “B” of By-law 2012-137, be deleted and replaced by the attached Schedule for “Water Use By-law Inspection Administration”.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF APRIL, 2019.

Kimberley Kitteringham
City Clerk

Frank Scarpitti
Mayor

Updated: March 26, 2019

Schedule for “Water Use By-law –Inspection Administration”

By-law	Licence/Permits/Registration Type	Term	Fees and Charges	Amount
Water Use By-law 2019-XXX	Water Use By-law Inspection Administration			
	First Inspection Fee	N/A	Fee	\$64.00
	Second Inspection Fee	N/A	Fee	\$131.00
	Subsequent Inspection Fee	N/A	Fee	\$271.00
	Municipal Remedy Fee	N/A	Fee	7% of Invoice

Updated: March 11, 2019

Attachment “E”
Summary of three By-laws’ Updates and Consolidation into one new Water Use By-law

[Note: (1) By-law #1602; (2) “Water Meter By-law” #2012-242; (3) By-law #105-95]

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
Table of Contents	New Clauses	Intended for easier navigation of the by-law
Preamble	From By-law #2012-242 – Preamble	Expanded the wording to reflect all aspects covered in the consolidated Water By-law.
1. Definitions	From By-law #2012-242 – Definitions	Revised certain definitions and added some new definitions.
2. Application of by-law	From By-law #2012-242 – Section 2	No change
3. Administration of by-law		
3.0 Waterworks system construction, operation and maintenance	New Clauses	To outline the City’s areas of responsibility and explain the limitations on the level of service of City’s water supply. The wording of section 3.0.6 was adopted from City of London’s and Durham Region’s Water By-laws.
3.1 Water rates, charges and revenues responsibilities	From By-law #2012-242 – Section 3.0	No change
3.2 By-law administration and enforcement		
3.2.0	From By-law #2012-242 – Section 3.1	No change
3.2.1	New Clauses	To give the Director of Environmental Services’ authority to exempt some specific situations or projects from this By-law. The wording was adopted from Toronto’s Water By-law.
4. Use and receipt of water		
4.0	From By-law #2012-242 – Section 4.0	No change

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
4.1	New Clauses	To ensure no municipal water supply without municipal water service connections. The wording was adopted from Toronto's Water By-law.
4.2	From By-law #2012-242 – Section 4.1	No change
5. Establishment and Discontinuance of Water Service Account		
5.0 Establishment of Water Service Account	New Clauses	To reflect the current practice in establishing a Water Account
5.1 Discontinuance of Water Service Account	From By-law #1602 – Section 39	Revised the wording to reflect current practice of cancelling a Water Account.
6. Water Service Connections		
<u>6.0 Application for water service connections</u>		
6.0.0 All Water Service connections require City approval	New Clauses	To ensure all water connections whether new or altered have City's approval and oversight to protect the quality of the water supply.
6.0.1 Application for Water Service Connection	From By-law #1602 – Section 12	Expanded the wording to reflect current practice.
6.0.2 Application refused by the City	From By-law #1602 – Section 12	Expanded the wording to list all scenarios.
6.0.3 Temporary water service connections	New Clauses	To ensure that temporary water service connections are subject to the same “application” and “approval” process as the permanent water service connection while placing a limit on the connection duration.
6.0.4 Water Service during construction	From By-law #1602 – Section 31	Revised the wording to reflect current practice and authority.
<u>6.1 Installation of water service connections</u>		

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
6.1.0 Installation by the City	From By-law #1602 – Section 10	Revised the wording.
6.1.1 Installation by the Owner	New Clauses	To permit specific property owners and developers (such as: ICI and new residential developments) to install the water service connections using their own contractors with the City's oversight.
6.1.2 Connection or water service connection installation rejected by the City	New Clauses	To establish authority and reflect the current practice.
6.1.3 Pre-installed water service connections	New Clauses	To establish the responsibility associated with pre-serviced properties and service damage.
<u>6.2 Costs of water service connections</u>	From By-law #1602 – Section 6 & 7	Revised and expanded the wording to reflect the current practice for infill homes and redeveloped residential properties.
<u>6.3 Water Service Operation and Maintenance– By the City</u>	From By-law #1602 – Section 11& 42	Revised the wording to assure all water valves are operated by City staff or under City authority.
<u>6.4 Number of water service connections</u>		
6.4.0	From By-law #1602 – Section 21 (1) & (2)	Revised the wording. One water service connection only services one property.
6.4.1	New Clauses	One water service connection cannot service more than one property even though they are owned by the same owner.
6.4.2	New Clauses	One property cannot have more than water service connection.
6.4.3	New Clauses	To establish water service requirements in “land severance” cases. Gives authority to the Director of Environmental Services to permit or require more than one water service connection

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
		or water meter for an ICI or multi-residential property.
6.4.4	New Clauses	To satisfy the Ontario Building Code’s requirement for water service redundancy.
<u>6.5 Replacement of water service connections</u>	New Clauses	To establish rules for those infill homes and redeveloped residential properties.
<u>6.6 Existing Water Service Connection or Pre-serviced Lot</u>		
6.6.0 Existing Water Service Connection to be turned off prior to demolition	New Clauses	To establish rules for each of those specific scenarios.
6.6.1 Existing Water Service Connection to be re-used	New Clauses	
6.6.2 Re-use of existing Water Service Connection not permitted	New Clauses	
6.6.3 Existing Water Service Connection to be disconnected	New Clauses	
<u>6.7 Private water service pipes and private fire service mains</u>		
6.7.0 Installation by the owner	From By-law #1602– Section 16,17,18 &19	Revised the wording.
6.7.1 Private Fire Protection Systems in Buildings	From By-law #1602 – Section 32 (1)	Revised the wording.
6.7.2 Private water service pipe sizes and materials	From By-law #1602 – Section 15	Revised the wording.
6.7.3 Maintenance responsibilities	From By-law #1602– Section 20	Revised the wording.
6.7.4 Investigation and repair of leakage on private water system	New Clauses	To set expectations of the City and property owners.

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
<u>6.8 Frozen water service connection/Private water pipes</u>	New Clauses	To clarify the responsibilities of the City and owners in a “frozen water service” situation.
<u>6.9 Vacant or unheated Properties</u>	New Clauses	To clarify the owner’s responsibility associated with water damage from a frozen service when a property is left “vacant or unheated”.
<u>6.10 Tests and Disinfection</u>	New Clauses	To reflect our current practice and compliance with the provincial Safe Drinking Water Act.
7. Water Meters		
<u>7.0 Water to be metered</u>		
7.0.0 Water to be metered		
7.0.0 (a), (b), (d), (e), (f), (g)	From By-law #2012-242 – Section 5.0.0	No change.
7.0.0 (c)	New Clauses	To ensure all water passing through a water meter shall be paid for by the customers regardless of whether the water is used or wasted.
7.0.0 (h)	New Clauses	To ensure all newly constructed buildings have a water meter installed prior to using the water.
7.0.1 Water Meters –City property	New Clauses	To clarify water meter ownership.
7.0.2 Private Water Meters – Not the City’s responsibility; not used for the City’s water billing purposes	New Clauses	To define private water meters and related responsibility.
7.0.3 Sprinkler meter for irrigation system	From By-law #2012-242 – Section 5.3	No change
<u>7.1 Water meter installation</u>		

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
7.1.0 Installation of Residential water meter	From By-law #2012-242 – Section 5.0.1	Subsection 7.1.0(a) is a revised version - To ensure that water cannot be turned on until the water meter is installed and passed the City's inspection.
7.1.1 Installation of ICI and Multi-residential water meter	From By-law #2012-242 – Section 5.0.2	No change
7.1.2 Supply of Water Meter	From By-law #2012-242 – Section 5.0.3	No change
7.1.3 Application for water meter - (Only for Infill Home, ICI & Multi-residential Water Meter application)	From By-law #2012-242 – Section 5.0.4	No change
7.1.4 Size of water meter	From By-law #2012-242 – Section 5.0.5	No change
7.1.5 Water meter loss or damage	From By-law #2012-242 – Section 5.0.6	No change
7.1.6 Notification by owner	From By-law #2012-242 – Section 5.0.7	No change
7.1.7 Provision for installing a water meter	From By-law #2012-242 – Section 5.0.8	No change
7.1.8 Water meter by-pass piping		
(a), (b), (c), (d) and (e)	From By-law #2012-242 – Section 5.0.9	No change
(f) (i.e. use of unmetered water)	New Clause	To deal with the unmetered and unbilled water consumption through opened by-pass valves.
7.1.9 Water meter chamber	From By-law #2012-242 – Section 5.0.10	No change
<u>7.2 Water meter inspection</u>		
7.2.0 Water meter inspection and sealing	From By-law #2012-242 – Section 5.1.0	No change
7.2.1 Water meter access		
(a), (b), (c), (d), (e),(f), (g), (h), (i)	From By-law #2012-242 – Section 5.1.1	Subsections (b) and (c) had minor wording change.

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
(j) (i.e. refusal to provide access to meter)	New Clause	To establish the City's "Power of Entry" to do the water meter inspection.
7.2.2 Water meter interference prohibited		
(a)	From By-law #2012-242 – Section 5.1.2(a)&(b)	Consolidated 5.1.2(a) and (b) into 7.2.2(a).
(b)	From By-law #2012-242 – Section 5.1.2(c)	No change
(c) (i.e. ability to back charge for unmetered water use when discovered)	From By-law #2012-242 – Section 5.1.2(d)	Expanded wording to specify that Back Charges will apply to those water meter interference cases.
<u>7.3 Water meter maintenance</u>		
7.3.0 Maintenance of water meter appurtenances and piping	From By-law #2012-242 – Section 5.2.0	No change
7.3.1 Maintenance of chambers	From By-law #2012-242 – Section 5.2.1	No change
7.3.2 Water meter accuracy		
(a), (b), (c),(d), (e), (f),(g)	From By-law #2012-242 – Section 5.2.2 (a), (b), (c),(d), (e), (f),(g)	No change
(h) ability to back charge for unmetered water use when deliberately tampered with (water theft)	New Clause	To establish that Back Charges may be applied beyond a 24 month period in those situations determined to be appropriate when a by-pass valve or water meter has been deliberately tampered with.
7.3.3 Water Meter Relocation	From By-law #2012-242 – Section 5.2.3	No change
7.3.4 Water Meter Leaks	From By-law #2012-242 – Section 5.2.4	No change
7.3.5 Water Meter Replacement		
(a), (b), (d)& (e)(i)(ii)	From By-law #2012-242 – Section 5.2.5	Subsection 7.3.5(d) had minor wording changes.

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
(c)if private plumbing configuration does not permit the City to replace water meter	New Clause	To establish the City's authority to require the owner/occupier to repair or replace their Private Water Service Pipe or Private Water System around the water meter prior to the City's water meter replacement at their property.
(e)(iii)	New Clause	To clarify that it is an offence when owner/occupier refuses to repair or replace their Private Water Service Pipe or Private Water System around the water meter prior to the City's water meter replacement at their property.
<u>7.4 Water meter removal due to building demolition</u>	From By-law #2012-242 – Section 5.4	Changed the section title.
<u>7.5 Unmetered Fire Line</u>	New Clauses	To establish rules for the continuous use of grand-fathered unmetered fire lines.
8. Water Turn off /Turn on		
8.0 Water Turn off by request	New Clauses	To reflect the current practice.
8.1 Water Turn on by request	New Clauses	To reflect the current practice.
8.2 Water Turn off / Reduction of Water Supply by the City		
8.2.0	New Clauses	To list the scenarios under which the City has authority to turn-off or reduce the water supply the Water.
8.2.1	New Clauses	To specify that the water supply to the property turned-off by the City shall not be turned-on without the City's approval.
8.2.2	From By-law #1602 – Section 37	Revised the wording.
9. Fire Hydrants		
9.0 Public Fire Hydrants		

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
9.0.0	From By-law #2012-242 – Section 6.0	Revised the wording.
9.0.1 & 9.0.2 (i.e. ensure public fire hydrants are accessible by the Fire Department)	New Clauses	To establish rules for the use of space around public fire hydrants.
9.0.3 Anti-tampering devices	New Clauses	To establish rules for public fire hydrants in new subdivisions.
9.1 Private Fire hydrants	New Clauses	To establish rules for the installation approval, use & maintenance of private fire hydrants.
9.2 Fire Hydrant Flow Tests	New Clauses	To reflect the current practice.
9.3 Fire Hydrant Permits	From By-law #2012-242 – Section 6.1	Had minor restructuring.
9.4 Fire hydrant Relocation	New Clauses	To reflect the current practice.
10. Water Use Restriction		
10.0 Lawn Watering Restriction	From By-law #105-95 – Section 1 & 2	Revised the wording. For July and August (i.e. the months with 31 days), section 10.0.0(c) has been added to allow all addresses to water their lawns on the 31st of those months.
10.1 Water Use Restriction Order	New Clauses	To give the Director of Environmental Service the authority to restrict water use in specific water supply emergency situations.
11. Miscellaneous Requirements		
<u>11.0 Private Water Supply System</u>		
11.0.0 Conversion from Private Well Supply to the Waterworks System	New Clauses	To specify requirements for such conversion to a Municipal water supply.
11.0.1 Prohibition of New Private Well within the Municipal Water Service Areas	New Clauses	To prohibit the establishment of a new private well or replacement of an existing private well in a Municipally water serviced urban area and list the situations when an exemption may be provided.

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
11.1 Steam boilers	From By-law #1602– Section 22	Revised the wording.
11.2 Water-cooled air-conditioning systems	From By-law #1602– Section 45	To prohibit the use of any type of water-cooled air-conditioning systems and add wording to permit exemptions in exceptional circumstances.
12. Billings and Collection of Accounts		
12.0 Changes of occupancy and consumer information must be reported	New Clauses	To reflect current practices.
12.1 Non-metered and Metered Accounts	New Clauses	To reflect current practices.
12.2 Regular Billings	New Clauses	To reflect current practices.
12.3 Final Billings	From By-law #1602– Section 29	Revised the wording to reflect current practices.
12.4 Water Meter does not record properly or cannot be read – Estimated Consumption	New Clauses	To reflect current practices.
12.5 Water Meters without Remote Readout Unit	New Clauses	To establish rules allowing for water meters without remote readout unit.
12.6 Charges for late payment	New Clauses	To reflect current industry practices.
12.7 Notice of non-payment	From By-law #1602– Section 45	Revised the wording.
12.8 Records of non-payment	From By-law #1602– Section 27 & 28	Revised the wording.
12.9 Collection of non-payment from the property owner	New Clauses	To reflect current industry practices.
12.10 Water turn off or reduction for non-payment	From By-law #1602– Section 26, 40 & 41	Revised the wording.
12.11 Water Arrears collected as a lien on property	New Clauses	To reflect current industry practices.

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
13. Contact information	New Clauses	To establish what information needs to be provided from water customers.
14. Powers of Entry	From By-law #2012-242– Section 3.2,3.3, 3.4, 3.5, 3.6 & 3.7	Expanded the wording to set out the City’s authority to enter onto property under various scenarios.
15. Enforcement	New Clauses	To reflect bylaw enforcement practices.
16. Offences	New Clauses	To establish offence provisions for charge purposes.
17. Penalty Provisions	From By-law #2012-242– Section 8	“Special Fines” provisions have been deleted because it is very challenging to enforce them.
18. Administrative Penalties		
18.0, 18.1, 18.2 & 18.3	From By-law #2012-242– Section 12	No change
18.4	New Clauses	To reflect one of the new more streamlined bylaw enforcement practices being used by the City – Administrative Penalty.
19. General by-law enforcement powers		
19.0 Order to discontinue activity	From By-law #2012-242– Section 9.0	No change
19.1 Work Order	From By-law #2012-242– Section 9.1	No change
19.2 Obstruction	From By-law #2012-242– Section 9.2	No change
19.3 Remedial Action	New Clause	To establish the City’s authority to take remedial action to undertake work or repairs not completed by a customer required to do so and recover the costs from the customer.
20. Notice/Service	From By-law #2012-242– Section 10	No change
21. Fees		
21.0 Service Fees	New Clauses	To reflect current fees charged to recover costs associated with bylaw officers dealing with water by-law compliance issues.

Updated: March 11, 2019

Section Titles in New Water Use By-law	From By-law #2012-242, By-law #1602, By-law #105-95 or New Clauses	Comments on Updates
21.1 & 21.2 Recovery of Costs	New Clauses	To establish the City's authority to recover unpaid fees either through collection actions or by adding them to the tax roll and collecting them as municipal taxes.
21.3	From By-law #2012-242– Section 11	Revised the wording
22. General Provisions	From By-law #2012-242– Section 13	Reference of the AWWA standard has been removed since it is included in the “definition”.
23. By-law wording	From By-law #2012-242– Section 7	No change
24. Severability	From By-law #2012-242– Section 14	No change
25. Repeal	From By-law #2012-242– Section 15	Revised the wording
26. Interpretation	From By-law #2012-242– Section 16	No change
27. Short title	From By-law #2012-242– Section 17	Revised the wording
28. Effective date	From By-law #2012-242– Section 18	Revised the wording



Report to: General Committee

Meeting Date: April 23, 2019

SUBJECT: Advisory Board and Committee (ABC) Review for the 2018 – 2022 Term of Council

PREPARED BY: Kimberley Kitteringham, City Clerk, ext. 4729
 Martha Pettit, Deputy Clerk, ext. 8220
 Laura Gold, Council/Committee Co-ordinator, ext. 4930

RECOMMENDATION:

1. That the report titled “Advisory Board and Committee (ABC) Review for the 2018-2022 Term of Council” be received; and,
2. That Council maintain the ABCs as outlined in **Appendix “E”**; and,
3. That Council re-classify, amalgamate or dissolve the ABCs as outlined in **Appendix “F”** as of June 30, 2019, and Council extend its sincere thanks to all citizen appointees and City staff liaisons of these ABCs for their contribution to Markham over the years; and,
4. That the composition of the Appointment Committee be maintained and that this Committee conduct interviews for the Heritage Markham Committee, Committee of Adjustment, and the Library Board; and, that a panel of City staff conduct interviews for all other ABCs and present the slate of candidates to Council for approval on an as needed basis; and further,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

Markham City Council’s governance structure includes a number of advisory boards and committees (ABCs) that provide input into decision-making in the City. These bodies are reviewed at the beginning of a Council term to ensure they continue to contribute to a sustainable legislative structure that enhances Council’s ability to achieve its objectives. This report provides a comprehensive review of Markham’s existing ABCs and recommends changes to same for the 2018-2022 term of Council.

BACKGROUND:

ABCs have traditionally been created by municipal councils to provide feedback/advice on specific projects, events or issues. ABC members are appointed by Council and can provide valuable expertise and perspectives that add richness and authenticity to initiatives and projects, etc. In Markham, appointments to ABCs are conducted in accordance with the City’s Board & Committee Appointment Policy (**see Appendix “A”**). ABCs can also facilitate communication between community members and can serve as a liaison between municipal staff, local partners and community members. Additionally, an ABC can provide an important mechanism for engagement and information exchange. The mandate, purpose and objectives of ABCs are usually captured in a Terms of Reference document and the approved minutes of ABC meetings are usually included on the relevant Standing Committee agendas for information purposes. It is considered a best practice (for continuity and to encourage the exchange of new ideas) to stagger the terms of ABC member appointments such that they do not

all expire at the same time. Municipal Councils are under no obligation to take the advice or recommendations put forward by ABCs.

ABCs generally require significant municipal resources to support. For instance, in Markham, ABCs typically have a Staff Liaison(s), whose role it is to serve as a conduit between the City and the committee, and provide support and direction. The majority of Markham's ABCs also have some form of secretariat and/or communications support provided by the City.

Many ABCs were created before electronic and social media tools were in general use and were the primary way for councils to receive advice directly from citizens about specific issues. Over the past several years however, there have been significant improvements in municipal government approaches to citizen engagement. This has increased the ability of citizens to interact directly with their elected representatives and municipal staff in less formal ways and without participation on ABCs. In fact, the City of Markham has recently launched a new online web tool **YourVoiceMarkham.ca** to facilitate and increase public engagement on City projects, programs and initiatives.ⁱ This changing public consultation landscape in local government has coincided with an emerging trend of reducing the number of ABCs in Ontario municipalities.

At the end of 2018, Legislative Services staff undertook a review of Markham's ABCs which included the following:

- A municipal survey comparing the committee structure of 8 other municipalities with Markham's committees (Brampton, Georgina, London, Mississauga, Newmarket, Oshawa, Pickering, and Whitchurch-Stouffville) to determine Advisory Committee practices and trends in other municipalities;
- An internal survey of the Appointment Committee on the appointment process;
- An internal survey of Council/Committee Coordinators and Staff Liaisons on the amount of time they spent supporting their assigned Advisory Committee;
- An internal survey of Committee Chairs and Staff Liaisons of Advisory Committees, excluding working groups, Community Centre Boards, foundations and tribunals and inactive committees, on the efficiency and effectiveness of their committees and on the appointment process; and,
- Research on meeting attendance, ABC accomplishments, and on the diversity of volunteer applicants (this information was obtained from attendance records, meeting minutes, input from staff, and from the voluntary diversity survey applicants complete when they submit their application form).

On February 26, 2019 Council passed a resolution regarding the following Advisory Committees of the Development Services Committee: Markham Centre Advisory Committee, Historical Unionville Community Vision Committee, Cornell Advisory Group, Markham Main Street Committee, planning matters related to the Langstaff Area, and the Milliken Mills Main Street Advisory Committee (**see Appendix "B"**).

OPTIONS/ DISCUSSION:

Attached to this report as **Appendix “C”** is a document entitled “Report on Markham’s Citizen Advisory Boards and Committee 2014-2018.” A summary of its key findings follows.

Key ABC Review Findings**1. Number of ABCs**

Markham currently has 61 ABCs including 32 with citizen appointments, 3 comprised of Council Members only, 2 Foundations, 15 Sub-Committees of Council, 3 tribunals, and 6 Community Centre Boards, (see **Appendix “D”**). This is considerably more than most other Ontario municipalities.ⁱⁱ Some of these ABCs are considered inactive (they met less than three times in the previous Council term). Significant municipal resources are required to support these bodies (see page 3 of **Appendix “C”**). In fact, with the recent amendments to the Municipal Act (via Bill 68) some of Markham’s ABCs may also now constitute “local boards” under the Act. The implications of this designation are numerous and far-reaching. For instance, this would require them to abide by many of the same rules as Council (e.g. adherence to open meeting requirements, implementation of codes of conduct, retaining an Integrity Commissioner, maintaining a conflict of interest registry, etc.). Staff are in the process of reviewing which of Markham’s current ABCs may fall under these new requirements.

To ensure the City is better able to provide adequate support to each ABC and to offer a meaningful volunteer experience for those ABCs with citizen members, staff suggest that the City reduce its current number of ABCs by combining ABCs with similar mandates, with the expectation that any outstanding deliverables would be transferred to the inheriting Committee. Staff also recommend dissolving inactive ABCs or those which have already completed their mandate.

It is also suggested that the ABCs created to support specific special events (e.g., Canada Day Committee) be reclassified as “Task Forces” with a 2-year term of appointment.ⁱⁱⁱ This will allow these bodies to function with greater flexibility and less formality and will alleviate the issues some have experienced achieving quorum for meetings.

Legislative Services staff will be reporting back prior to June, 2019 with recommendations regarding a new legislative framework for the hearing of all quasi-judicial matters currently presented to the Licensing Appeal Hearing Committee and the Property Standards Committee.

Reducing the number of ABCs will allow the City to better balance the benefits of ABCs with the staff and Council resources required to support them. A list of ABCs proposed to remain “as is” is attached as **Appendix “E”**. A list of ABCs to be modified or dissolved is attached as **Appendix “F”**.

2. ABC Effectiveness

Based on the research conducted, it is clear that many of Markham’s ABCs are active in some form. Their accomplishments vary from hosting an event, community outreach,

raising funds for a City program or initiative, hearing deputations on matters regarding their mandate, or providing feedback to Council on City policies or programs. However, in reality, Markham's ABCs do not generally "advise" Council in a direct or obvious sense. For instance, only a few of them actually made a presentation at a Standing Committee or Council Meeting or provided recommendations to Council.

3. ABC Appointments

The ABC Appointment Committee is currently comprised of the Mayor and all Regional Councillors. In order to convene the Committee, three Members must be present. On average, the Appointment Committee meets from 10-20 times per year and conducts approximately 60 -120 interviews annually. The current process is both time consuming and challenging in terms of coordinating suitable interview times with the schedules of five busy Members of Council. As such, it is recommended that the Appointment Committee be tasked with conducting the interviews for the following statutory bodies: Committee of Adjustment, Heritage Markham and the Library Board. Interviews for all other ABCs would be conducted by an internal Staff panel (comprised of a member of the Legislative Services Department and the Committee Staff Liaison) with recommendations brought forward for Council's approval. This streamlined appointment procedure will result in a more efficient process that is less demanding on the schedules of the Mayor and Regional Councillors.

FINANCIAL CONSIDERATIONS:

Based on an estimated average cost of \$50 for refreshments per meeting as noted in the Review Report (See page 12 of **Appendix "C"**), at an average of 10 meetings per year (monthly meetings, save and except July & August) the reduction of 29 ABCs will result in approximately \$1,450 savings on refreshment costs. This is a very rough estimate as some Committees recommended to be dissolved met less than 10 times per year and/or were not provided refreshments on a regular basis.

CONCLUSION:

Since their inception, Markham's ABCs have provided tremendous value to the City. However, they also require significant resources to support and have resulted in other ongoing challenges as discussed in this report. The resourcing requirements will likely continue to increase with the enhanced legislative requirements contained in the Municipal Act. The proposed changes in this report will reduce the number of ABCs by 29 (leaving 32 ABCs) thereby reducing the amount of City resources required for support. This will allow time for staff to: 1. focus on updating the Terms of Reference for each remaining ABC to ensure they reflect Markham's strategic priorities; 2. review the terms of appointment for ABC members; and 3. focus on providing a more meaningful volunteer experience for ABC members.

The public is interested in greater accountability from government and more transparency in decision making. At the same time, local governments are looking for opportunities to gather greater public input. Not surprisingly, this has resulted in the emergence of other (and arguably more effective) public consultation methods (public open houses, online surveys, social media). It is clear that the traditional "one-size-fits-all" approach to public engagement exemplified by a traditional ABC-centric governance model is no longer appropriate for the City. As issues emerge in the future, it is recommended that

the City explore alternative public engagement options such as the ones noted above or create time-limited Task Forces.

Upon approval, Legislative Services staff will notify the Chairs and members of all impacted ABCs. Councillor appointments to ABCs will then be undertaken, followed by any outstanding citizen appointments to same. All outgoing ABC members will be formally recognized at Council's Volunteer Appreciation event scheduled for the fall.

ALIGNMENT WITH STRATEGIC PRIORITIES:

This report recommends changes to the City's ABC structure to ensure advisory bodies operate efficiently and in a manner that supports the City's Strategic Plan "Building Markham's Future Together".

BUSINESS UNITS CONSULTED AND AFFECTED:

ABC Staff Liaisons and Committee Chairs were consulted in the preparation of the ABC review conducted by Legislative Services staff.

RECOMMENDED BY:

Kimberley Kitteringham
City Clerk/Director of Legislative Services
& Corporate Communications & Engagement

Trinela Cane
Commissioner of Corporate Services

ATTACHMENTS:

Appendix "A" – Board & Committee Appointment Policy

Appendix "B" – Council Extract from February 26, 2019 Meeting RE: DSC Advisory Committees

Appendix "C" – "Review Report on Markham's Citizen Advisory Boards and Committees 2014-2018"

Appendix "D" - Current List of Markham ABCs (Citizen and Non-Citizen)

Appendix "E" – ABCs to Remain As Is for the 2018-2022 Term of Council

Appendix "F" - Proposed Changes to ABCs

ⁱ Designed to reach out and educate, seek input, submit ideas and opinions, YourVoiceMarkham.ca is a versatile platform that is easy to use. As participants visit the site, they are encouraged to identify what areas of our business interest or concern them, allowing the City to keep them informed of projects that they have already engaged in and new ones as they develop.

ⁱⁱ The 8 municipalities surveyed by Legislative Services staff had, on average, only 14 Advisory Committees.

ⁱⁱⁱ In 2015, the City of Vaughan dramatically reduced its Sub-Committees and Advisory Committees and replaced them with time-limited Task Forces with specific mandates. In 2019, the Town of Whitchurch-Stouffville reduced their ABCs to 4 (from 18) and established Staff Working Groups.



CITY OF MARKHAM

**BOARD & COMMITTEE
APPOINTMENT POLICY**

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PURPOSE OF POLICY

The purpose of the City of Markham (Markham) Board and Committee Appointment Policy is to ensure a fair and equitable appointment process to City **Boards** and **Committees** where:

- The most qualified applicants are appointed as **Members**; and
- Applicants are representative of Markham's diverse community with a broad wealth of experience and skills.

SCOPE OF POLICY

This Policy applies to appointments to all Markham **Boards** and **Committees**. This Policy does not apply to Markham **Boards** and **Committees** which are subject to their own applicable legislative requirements, governing by-laws and/or other legal requirements regarding **Board** and **Committee** appointments.

1. DEFINITIONS

The following definitions are referred to throughout this Policy:

Appointment Committee – means a Sub-Committee of **Council** responsible for interviewing applicants and recommending a candidate/slate of candidates for **Council**'s consideration and for ensuring consistency, fairness and professionalism in the recruitment, selection and orientation process.

Board, Committee – means any Advisory Committee, Statutory Committee or Board, established by a resolution of **Council** or by enabling legislation, to provide advice, make recommendations; fulfill a statutory or quasi-judicial role; organize events; or provide program support among other functions.

Clerk – means the Clerk of the City of Markham, or his or her designate.

Council – means the **Council** of the Corporation of the City of Markham.

Diversity Information – means information provided on a voluntary basis regarding board and committee applicants' 1) age; 2) gender; 3) aboriginal status; 4) visual minority status; 5) length of time in Canada; and 6) persons with a barrier to ability. **Diversity Information** is used to determine the relative diversity represented on **Boards** and **Committees** at various stages of the **Board** and **Committee** appointment process. **Diversity Information** reflects the communities of focus outlined in the Markham Diversity Action Plan and profile criteria used by Statistics Canada in the course of their data collection.

Eligibility – means the qualifications established by **Council** that an applicant must possess in order to serve on **Boards** and **Committees**.

Member – means a person appointed by **Council** to serve on a **Board** or **Committee**.

Orientation Session – means a training session for new **Members** of **Boards** and **Committees**.

Recruitment Information Session – refers to a meeting or event where interested applicants can enquire about volunteer opportunities related to **Boards** and **Committees**.

Short Listed Applicants – means a list determined by the **Appointment Committee** of the most qualified applicants for appointment to a particular **Board** or **Committee**. Persons appearing on this list can be appointed or considered as alternates if a vacancy arises.

Term of Council – means the period of time for which **Council** is elected to serve, as governed by applicable legislation.

Terms of Reference – a document outlining the mandate and board or committee operational details including such things as composition, activities, term, quorum, meeting schedule, staff roles and the like. **Terms of Reference** must be approved by **Council**, including any amendments.

Voluntary Diversity Form – is a confidential form voluntarily completed by **Board** and **Committee** applicants to collect **Diversity Information**.

2. ELIGIBILITY & GENERAL QUALIFICATIONS OF MEMBERS

- 2.1. A **Member** must be 18 or more years of age to serve on **Boards** and **Committees**, unless otherwise specified in the Terms of Reference for the applicable **Board** or **Committee**, or where youth representation is required.
- 2.2. A **Member** will be a resident of Markham, or own property within Markham unless it is deemed by **Council** that there is need to acquire specialized knowledge, experience or representation, or a need to maintain continuity within a **Board** or **Committee** and requires reappointment of a **Member** who has moved from Markham.
- 2.3. **Members** are responsible for advising the **Clerk** of any change with respect to their **Eligibility** to serve on **Boards** and **Committees**. The **Clerk** in consultation with the appropriate **Staff** will then decide if the **Member** is still eligible to serve on the **Boards** and **Committees** based on other qualifying criteria.
- 2.4. Employees of the City of Markham or a local board are not eligible to serve as a **Member**, unless provided for in legislation.

3. TERM & LENGTH OF SERVICE ON A BOARD OR COMMITTEE

- 3.1. **Members** will be appointed for a period of time set out in the **Terms of Reference** for the applicable **Board** or **Committee**, and will continue to serve until any of the following scenarios occur:
 - i) Their term expires;
 - ii) Their appointment is revoked by Council;
 - iii) They no longer meet the required **Eligibility**; and,
 - iii) The **Board** or **Committee** to which they are appointed is dissolved by Council.
- 3.2. Notwithstanding Section 3.1, **Members** will continue to be appointed and serve beyond their term of appointment until the appointment of successors.
- 3.3. **Members** will not be appointed to more than two (2) **Boards** or **Committees** in a **Term of Council**.
- 3.4. **Members** will not be appointed for more than two (2) consecutive terms on the same **Board** or **Committee**. Notwithstanding the foregoing, **Council** may reappoint a **Member** beyond two (2) consecutive terms if deemed necessary by **Council** to maintain continuity and to achieve balance between new and experienced **Members**.
- 3.5. **Members** eligible for reappointment must complete an application form and submit it to the **Clerk**.

- 3.6. **Members** that have served two (2) consecutive terms on one (1) **Board** or **Committee** may apply to serve on another **Board** or **Committee**.

4. **MEMBER RECRUITMENT PROCESS**

- 4.1. The recruitment of **Members** will begin where vacancies are required to be filled, and, if applicable, following any changes to the terms of reference for the applicable **Boards** and **Committees**, or after the establishment of any new **Boards** and **Committees**.
- 4.2. The recruitment process includes written advertisements and may include a **Recruitment Information Session** for interested applicants, where possible.
- 4.3. Advertisements

Advertisements for vacancies on **Boards** and **Committees** will contain the following information:

- A. **Member Eligibility;**
 - B. Meeting frequency and time;
 - C. Information on how to obtain the following: 1) an application form; 2) **Board** and **Committee Terms of Reference**; and 3) information with respect to attending a **Board** or **Committee** meeting prior to submitting an application;
 - D. The date, time, and location of the **Recruitment Information Session** held to provide information about various **Boards** and **Committees** to interested applicants;
 - E. Details with respect to submitting an application including, without limitation, application deadline, where to submit the application or the application process;
 - F. A note that personal information is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56*;
 - G. A note that the vacancy is a volunteer position.
- 4.4. Vacancies on **Boards** and **Committees** will be advertised in appropriate locations as determined by the **Clerk**.
- 4.5. Recruitment Information Sessions

At the onset of the recruitment process and whenever possible, a **Recruitment Information Session** may be held to provide an opportunity for prospective **Members** to ask questions of staff regarding the **Boards** and **Committees**.

4.6. Filling Positions Where Specialized Knowledge is Required

Boards and **Committees** may have one or more position in its composition designated to a stakeholder group with a specialized knowledge, experience or representation. **Council** may fill this type of vacancy in the following manner: 1) by invitation; 2) by seeking the assistance of a recruitment agency; or, 3) outreach to specific organizations or other means deemed appropriate by **Council**. Activities with respect to filling **Board** and **Committee** vacancies where specialized expertise is required will be coordinated by the **Clerk**, in consultation with applicable staff.

5. APPLICATION PROCESS

- 5.1. All applicants will submit to the **Clerk** a completed application, together with a resume or other supporting information, where applicable.
- 5.2. Completed applications must be submitted before the deadline prescribed by the **Clerk** in order to be considered for appointment to **Boards** and **Committees**.
- 5.3. Applicants applying to more than one vacancy will be requested to prioritize their preference.
- 5.4. Applicants will answer questions on the application form based on their first preference and to the best of their ability.
- 5.5. In order to support Markham's commitment to diverse representation on its **Boards** and **Committees**, applicants will be encouraged to complete a **Voluntary Diversity Form**. The information collected will be processed separately from the application form and will remain confidential and in the secure care and custody of the **Clerk**.

In order to process the **Diversity Information** in a fair and equitable manner, the information will be collected in the following manner:

- A. Upon receipt of the application by the **Clerk**, the application form along with the diversity form will be assigned a sequential application number;
- B. The **Clerk** will then separate the application form from the diversity form;
- C. Once the deadline for receiving applications has past, the **Clerk** will provide a copy of all application forms to the **Appointment Committee** (see Section 6);
- D. The **Appointment Committee** will provide the **Clerk** with the application number(s) of the applicants selected to be interviewed;

- E. After the interviews have occurred and the applicants have been selected, the **Appointment Committee** will provide the **Clerk** with the application number(s) of the applicants selected by the **Appointment Committee** for Council's consideration;
 - F. The **Clerk** will match the number on the application form with the number on the **Voluntary Diversity Form** in order to provide an aggregate indicator of the diversity of applicants at each stage of the recruitment process: applications received, applicants interviewed and applicants selected for recommendation to Council;
 - G. The **Clerk** will provide **Council** with the diversity statistics on an annual basis;
 - H. The **Clerk** will retain **Diversity Information** records in accordance with the City Record Policy after which point it will be destroyed.
- 5.6. Applicants may be required to complete supplementary screening requirements, such as a criminal record check; all applicants exposed to children will be required to complete a vulnerable sector screening. These requirements will be noted in the recruitment advertisement and are considered part of the **Eligibility** requirements for **Members** of a particular **Board** or **Committee**.
- 5.7. All personal information collected in the application process, is collected in accordance with the *Municipal Freedom of Information and Protection of Privacy Act R.S.O., 1990, c.M.56* and will be used to determine **Eligibility** for appointment and aggregate **Diversity Information**.

6. SELECTION PROCESS

- 6.1. **Council** will appoint a Sub-Committee known as the **Appointment Committee** to fill all vacancies on **Boards** and **Committees**. The **Appointment Committee** will be comprised of five (5) Members of Council appointed by **Council**, and will be responsible for interviewing **Short Listed Applicants** and recommending a candidate/slate of candidates for **Council's** consideration and for ensuring consistency, fairness and professionalism in the recruitment, selection and orientation process.
- 6.2. The current Chair or another **Member** of the **Board** or **Committee** may be invited to attend the **Appointment Committee** interviews. As well, **Boards** or **Committees** may provide the **Clerk** with suggested candidate evaluation criteria for consideration.
- 6.3. The Member(s) of Council appointed to the **Board** or **Committee** where a vacancy occurs may provide input on the applicants, or suggest selection criteria for consideration by the **Appointment Committee**.

- 6.4. The **Appointment Committee** must have a minimum of three (3) Members of **Council** in attendance to hold meetings, including applicant interviews.
- 6.5. The **Clerk**, in consultation with appropriate staff, will pre-screen applicants for the **Appointment Committee**.
- 6.6. Once the **Appointment Committee** feels that there are an adequate number of appropriate applications, the **Appointment Committee** will review the applications and create a short list of applicants to interview. The **Appointment Committee** may request an extension to the application submission deadline when there are an insufficient number of applications deemed appropriate.
- 6.7. Unless the **Appointment Committee** decides otherwise, current **Members** that are eligible for reappointment will be evaluated in the same way as all new applicants.
- 6.8. Applicants that have been short listed will be invited to an interview by a representative of the Office of the Mayor and Members of **Council**, or the **Clerk**.
- 6.9. All applicants being interviewed for the same **Board** or **Committee** will be asked the same questions in order to ensure a fair and equitable appointment process. The **Clerk** will provide the **Appointment Committee** with interview questions. The applicants' responses will be evaluated using a measured or scored approach.
- 6.10. The **Appointment Committee** will recommend to **Council** one applicant per vacancy.
- 6.11. The **Appointment Committee** is encouraged to recommend additional **Short Listed Applicants** to fill future vacancies. The **Clerk** will maintain confidential records of **Short Listed Applicants**, and other qualified applicants, that can be used to fill future vacancies for the current Term of Council. All **Short Listed Applicants** will be advised of their application status.
- 6.12. The **Appointment Committee** recommendations will be provided to the **Clerk**, and placed on a Confidential Agenda for consideration by **Council** in accordance with Section 239 (b) of the *Municipal Act, 2001 S.O. 2001, c. 25*.
- 6.13. Once **Council** makes its appointments, the City will send a letter to all successful and unsuccessful Applicants congratulating them on their appointment or thanking them for their interest in applying, respectively.
- 6.14. Once **Council** makes its appointments the **Clerk** will provide **Council** with aggregate statistics pertaining to the diversity of the applicants at the different stages of the appointment process. These statistics are calculated based on information collected from the **Voluntary Diversity Form** (see Section 5.5). The **Clerk** will provide **Council** with this information annually, and will include the diversity statistics from the following stages of the appointment process:

- A. Applications received;
 - B. Applicants interviewed;
 - C. Applicants selected.
- 6.15. All newly appointed **Members** of **Boards** and **Committees** will sign two (2) copies of the Code of Conduct that will be provided to **Members** in their orientation package. **Members** will keep one (1) copy for their reference and return one (1) copy to the **Clerk**.
- 6.16. The **Clerk** will notify the applicable Staff of the appointment and provide them with information on how to contact the new **Member(s)**.
- 6.17. The **Clerk** will maintain a confidential database containing all appointments to **Boards** and **Committees**.

7. VACANCIES

- 7.1. Vacancies on **Boards** and **Committees** are created when a **Member** resigns or vacates the position, effective:
- A. The date of the resignation;
 - B. The date the **Member** is removed by **Council** resolution;
 - C. The date the **Member** no longer qualifies for the position;
 - D. The date of the death of the **Member**.
- 7.2. In accordance with the Rules of Procedure Governing Statutory and Advisory Committees (as amended), **Boards** and **Committees** may pass a resolution requesting that a **Member's** position be declared vacant when a **Member** has been absent without good reason for three (3) consecutive meetings or five (5) meetings in any calendar year.
- 7.3. A **Member** who is resigning from their appointed position will submit a written letter of resignation to the **Clerk**.
- 7.4. Whenever possible, vacancies will be filled from the **Short Listed Applicants** for particular **Boards** and **Committees**; otherwise vacancies will be filled as specified in Sections 4, 5 and 6.

8. ORIENTATION FOR NEW MEMBERS

- 8.1. The **Clerk**, in consultation with appropriate staff will provide new **Members** with an orientation package prior to the first meeting, which will generally include:
 - A. Previous meeting minutes;
 - B. **Members'** contact information, provided the consent of the **Members** has been obtained;
 - C. Meeting dates;
 - D. **Terms of Reference**;
 - E. Rules of Procedure Governing Statutory and Advisory Committees (as amended);
 - F. Two (2) copies of the Code of Conduct;
 - G. Accessible Customer Service: A Guide for Markham Advisory Boards and Committees Members and Volunteers;
 - H. Markham's Strategic Priorities; and
 - I. Other relevant documentation deemed appropriate for volunteers prepared in cooperation with key stakeholders.
- 8.2. Staff will, whenever possible, telephone new **Members** to provide them with meeting details and to address any questions or concerns.
- 8.3. At the onset of each **Council** term, once **Council** makes its appointments, the **Clerk** will hold an **Orientation Session** for newly appointed **Members**. An **Orientation Session** will also be held for **Members** appointed to fill a vacancy in the midst of a **Term of Council**, when there is sufficient attendance to hold an **Orientation Session**.

9. LEAVE OF ABSENCE

- 9.1. A **Member** who would like to take a leave of absence for an extended period of time must obtain the approval of the **Board** or **Committee**. The approved request will be forwarded to the **Clerk**.
- 9.2. **Council** may appoint a temporary **Member** to the **Board** or **Committee**. The temporary vacancy will be filled as prescribed above in Section 7. The **Member** whose spot is vacant as a result of a leave of absence will not be included towards establishing quorum until the temporary vacancy is filled.

10. COMPLETION OF MEMBERS TERM

- 10.1. At the completion of a **Member**'s term or once **Council** receives the resignation; the **Member** will be sent a letter thanking them for their service.
- 10.2. At the completion of a **Member**'s term or when a **Member** submits their resignation, the **Clerk** may conduct an exit interview with the objective of improving the volunteer position (to be conducted in person or by completing a written questionnaire). The **Member** may provide suggestions for improving the position, or may seek information with respect to other opportunities to serve on other **Boards** and **Committees**.

11. EXCEPTIONS TO THIS POLICY

Where a conflict exists between the provisions of this policy and any legislative or legal requirement, the legislative or legal requirement will prevail.

12. INTERPRETATION & ADMINISTRATION

The **Clerk** is responsible for interpreting and administering this policy, and such interpretations will be final.



APPENDIX B

RESOLUTION OF COUNCIL MEETING NO. 5 DATED FEBRUARY 26, 2019

11. NEW/OTHER BUSINESS

11.3. NEW/OTHER BUSINESS: APPOINTMENT TO DEVELOPMENT SERVICES

SUB-COMMITTEES (16.24)

Unionville Subcommittee

1. That the following Members of Markham Council be appointed to the Unionville Subcommittee for a term ending November 14, 2022, to take effect immediately:
 - Deputy Mayor Don Hamilton (Chair)
 - Councillor Alan Ho
 - Councillor Reid McAlpine
 - Councillor Amanda Collucci; and,
2. That planning and development matters pertaining to Markham Centre Advisory Committee be included as part of the mandate of the Unionville Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That planning and development matters related to Historical Unionville Community Vision committee be included as part of the mandate of the Unionville Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
4. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Unionville Subcommittee; and further,
5. That the Unionville Subcommittee Terms of Reference be amended, accordingly.

Markham Subcommittee

1. That the following Members of Markham Council be appointed to the Markham Subcommittee for a term ending November 14, 2022, to take effect immediately:
 - Regional Councillor Jack Heath (Chair)
 - Councillor Karen Rea
 - Councillor Amanda Collucci
 - Councillor Andrew Keyes; and,

2. That planning and development matters related to Cornell Advisory Group be included as part of the mandate of the Markham Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That planning and development matters related to Markham Main Street Committee be included as part of the mandate of the Markham Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
4. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Markham Subcommittee; and further,
5. That the Markham Subcommittee Terms of Reference be amended, accordingly.

Thornhill Subcommittee

1. That the following Members of Markham Council be appointed to the Thornhill Subcommittee for a term ending November 14, 2022, to take effect immediately:
 - Regional Councillor Jim Jones (Chair)
 - Councillor Keith Irish
 - Councillor Khalid Usman;
 - Councillor Isa Lee; and,
2. That planning and development matters related to the Langstaff area be included as part of the mandate of the Thornhill Subcommittee; and,
3. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Thornhill Subcommittee; and further,
4. That the Thornhill Subcommittee Terms of Reference be amended, accordingly.

Milliken Subcommittee

1. That the following Members of Markham Council be appointed to the Milliken Subcommittee for a term ending November 14, 2022, to take effect immediately:
 - Regional Councillor Joe Li (Chair)
 - Councillor Khalid Usman
 - Councillor Isa Lee; and,
2. That planning and development matters related to the Milliken Mills Main Street Advisory Committee be included as part of the mandate of the Milliken Subcommittee and that community representatives be invited to attend where there are specific agenda items; and,
3. That the Chair and Vice-Chair of Development Services Committee are ex-officio Members of the Milliken Subcommittee; and further,

4. That the Milliken Subcommittee Terms of Reference be amended, accordingly.

A handwritten signature in black ink, appearing to be 'K. Kitteringham', with a horizontal line extending to the right.

Kimberley Kitteringham
City Clerk

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APPENDIX “C”



APPENDIX C - REPORT ON MARKHAM CITIZEN ADVISORY BOARDS COMMITTEES 2014-2018 - APRIL 4

Engaging Markham residents in the democratic process.

Prepared by Laura Gold

Note: This Report deals with Advisory Boards/Committees with citizen Members only.

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1. Executive Summary

Markham's Advisory Boards/Committee

The City of Markham has 42 Advisory Boards/Committees (see “**Appendix A**”). They provide Markham City Council with expertise, advice, assistance, and feedback from a citizen perspective. Research and surveys were conducted to evaluate the efficiency and effectiveness of these Advisory Boards/Committees during the 2014-2018 Term of Council.

How Markham Compares with its Peer Municipalities

Staff in the Legislative Services and Corporate Communications and Community Engagement Department surveyed nine municipalities (Georgina, Markham, Mississauga, Oshawa, Pickering, Newmarket, Stouffville, Brampton, and London) regarding their Advisory Board/Committee practices. The municipalities on average had 15.1 Advisory Board/Committees. Most of the municipalities surveyed: did not permit Committee Members to remotely participate in meetings (67%); required their Advisory Boards/Committees to report annually to Council (78%); and had a Code of Conduct (56%).

The Appointment Process to Serve on a City Committee

In the 2014-2018 Term of Council, Markham's Appointment Committee, comprised of the Mayor and Regional Councillors, conducted approximately 350 interviews. During this same time, approximately 250 Markham residents were appointed to serve on a committee, and approximately 65 members resigned from their position on an Advisory Boards/Committee. Based on survey results (survey were completed by the Appointment Committee, Advisory Chairs, and Staff Liaisons), the following is recommended: 1) the composition of the Appointment Committee be reviewed in the new Term of Council; 2) the interview questions be refreshed; 3) regular updates on the status of appointments be provided to the relevant Board/Committee Chair; and 4) attendance of the Appointment Committee be monitored to ensure quorum is achieved more frequently.

Diversity of Markham's Committees

In the 2014-2018 Term of Council, (50%) of all applicants to Advisory Boards/Committee were a visual minority, with (55%) of these applicants being appointed as members. The majority of applicants that indicated they were a visual minority were Asian (40%) or East Indian (36%). Only (4%) of applicants indicated they have a disability. Applicants aged (44-54) were most likely to get appointed to a board or committee and applicants aged (18-24) were least likely to get appointed to a committee. An equal number of males and females were appointed to boards or committees from the applicants that identified their gender. It is recommended that the City work on increasing the number of applications submitted by (18-24) year olds and persons with a disability by (10%) by choosing promotional activities that target these audiences. It is also recommended,

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

if possible, that the composition of the Appointment Committee be diversified to provide more diverse insight into the decision making process with respect to the selection of members. Consider having the appointed Council representative of the Committee participate in the recruitment for citizen members of the Committee.

City Resources Required to Support a Markham Advisory Board/Committee

Markham's Advisory Boards/Committees require significant City resources to support them, which include staff resources and meeting refreshments. Advisory Committees for the City's large events require the greatest amount of staff resources. The median amount of staff time spent per year supporting a City Advisory Board/Committee is estimated to be 240.5 hours. The estimated cost of providing basic refreshments to an Advisory Board/Committee per year is \$500. The total estimated cost of providing an Advisory Board/Committee with staff resources and basic refreshments is \$12,525 per year, based on the median amount of time staff spent per year supporting a City committee (see "**Appendix B**").

It is recommended that the City reduce its number of Advisory Boards/Committees by (10%) to ensure committees are effectively supported while managing the City's limited resources. It is suggested that this be done by combining similar Advisory Boards/Committees and disbanding inactive ones. It is also recommended that a balance scorecard be created and completed each year to measure the costs and benefits associated with each Advisory Board/Committee on a go forward basis.

Terms of Reference

A recent survey of Advisory Board/Committee Chairs indicate that (56%) of Committee Chairs felt their committee's Terms of Reference were not appropriate, although (78%) of Committee Chairs felt their committees were achieving their mandate. Qualitative feedback suggests that committee Terms of References should be updated to reflect the City's current strategic goals and activities, and to ensure members are engaged. Based on the survey results, it is recommended that the City review the City's Advisory Board/Committee Terms of References that have not been recently updated in the new Term of Council to ensure their mandate provides value to its members and to the City. It is also being recommended that a Terms of Reference be created for any committee that does not currently have one.

Meeting Effectiveness

Survey results indicate that only (52%) of Advisory Board/Committee Chairs felt their committee meetings were effective, although (96%) felt they were either effective or somewhat effective. Qualitative feedback suggested the following: that a refresher on the rules of procedure be provided; that the rules regarding meeting attendance be better enforced; and that all committees receive meeting refreshments. Based on the survey results, it is recommended that in the new

Term of Council the City provide a refresher on meeting procedure to each committee, and that the Committee Chairs be trained on how to chair a meeting.

Meeting Attendance

Markham's Advisory Boards/Committees on average held 1.7 meetings per year without quorum. The Markham-Milliken Children's Festival Committee and the Canada Day Committee had the most difficulty obtaining quorum. The following is being recommended: 1) each Advisory Board/Committee establish rules of engagement regarding meeting attendance and for the handling of other problem areas the committee may be experiencing; 2) the rules of procedure regarding meeting attendance be better enforced; and, 3) The structure of the City's event-based committees be changed so that they exist primarily to assist the City in the organization of events - so that quorum is not required to pass committee resolutions regarding event decisions.

Committee Accomplishments

Based on the research conducted, the majority of Markham's Advisory Boards/Committees are active. Their accomplishments may include hosting an event, community outreach, raising funds for a City program or initiative, hearing deputations on matters regarding their mandate, or providing feedback on City policies or programs. Survey results indicate that (45%) of Committee Chairs versus (25%) of staff are satisfied with their committee's accomplishments. Based on these results, it is recommended that a business plan template or annual work plan be created that committees be required to complete each year to ensure the activities they are focusing on are within their mandate and are contributing to the goals of the organization.

Volunteer Experience

Markham residents may volunteer to participate on a City Advisory Board/Committee to make a difference in their community and/or to be engaged in the democratic process. Survey results suggest that volunteer contributions need to be better recognized by the City while a member is still serving on a board or committee. It is recommended that a volunteer recognition plan be created to better acknowledge the hard work of committee members while they are serving on a City committee.

Communication

Effective boards and committees have a good relationship with City Staff, Members of Council and other Advisory Boards/Committees. Survey results suggest that the communication between committees and staff need to be improved, and that boards and committees need to be better connected with the City's activities and goals. It is recommended that an annual meeting be held with Board/Committee Chairs, Secretariat Staff, and Staff Liaisons to improve communication with the City and committees, and to help promote inter-committee communication.

Conclusion

Effective committees require City resources. In order to ensure their success, the City must balance the number of Advisory Boards/Committees it has with the resources it is able to provide.

2. Purpose

The purpose of this report is to provide a snapshot of Markham's Advisory Boards/Committees in the 2014-2018, Term of Council and make recommendations for the next Term of Council. Some of the subject matters covered in this report include:

- Why we have boards and committees;
- The appointment process to serve on a City Advisory Board/Committee;
- The Diversity of City's Advisory Boards/Committees;
- Other municipalities' practices with respect to Advisory Boards/Committees;
- How committees impact City resources;
- The efficiency and effectiveness of the City's Advisory Boards/Committees, including their:
 - Terms of Reference;
 - meeting effectiveness;
 - meeting attendance;
 - communication with the City;
 - accomplishments; and,
 - volunteer experience.

3. Methodology

In order to review the efficiency and effectiveness of the City's Advisory Boards/Committees, and the citizen appointment process to serve on a City Advisory Board/Committee, the following surveys were conducted and completed on a voluntary basis:

- The Appointment Committee was surveyed on the appointment process;
- Council/Committee Coordinators and Staff Liaisons were surveyed on the amount of time they spent supporting their assigned Advisory Board/Committee during the last Council term;
- Other municipalities were surveyed on their practices with respect to their Advisory Boards/Committees;
- Committee Chairs and Staff Liaisons of Markham Advisory Boards/Committees, excluding working groups, Community Centre Boards, foundations, tribunals, and inactive committees, were surveyed on the efficiency and effectiveness of their committees and on the appointment process.

Research was also gathered on meeting attendance, board and committee accomplishments, and on the diversity of volunteer applicants. This information was obtained from attendance records,

meeting minutes, input from staff, and from the voluntary diversity survey applicants complete when they submit their application form.

4. Why we have Advisory Boards and Committees

Advisory Boards/Committees are generally created by Council in response to citizen concerns, to support Council priorities, or to address an operational need. Some of the City's Advisory Boards/Committees are legislatively required. Typically, these bodies have a Terms of Reference stipulating their mandate and outlining roles and responsibilities. A Council resolution or by-law is required to form an Advisory Board/Committee.

Some of the benefits the City gains from its Advisory Boards/Committees include:

- Obtaining expertise, experience and perspective from a citizen perspective;
- Receiving advice on matters related to the board or committee's mandate;
- Obtaining feedback on new City programs and policies;
- Receiving help organizing a large City event; and,
- Engaging residents in the democratic process.

5. How Does Markham Compare with its Peer Municipalities?

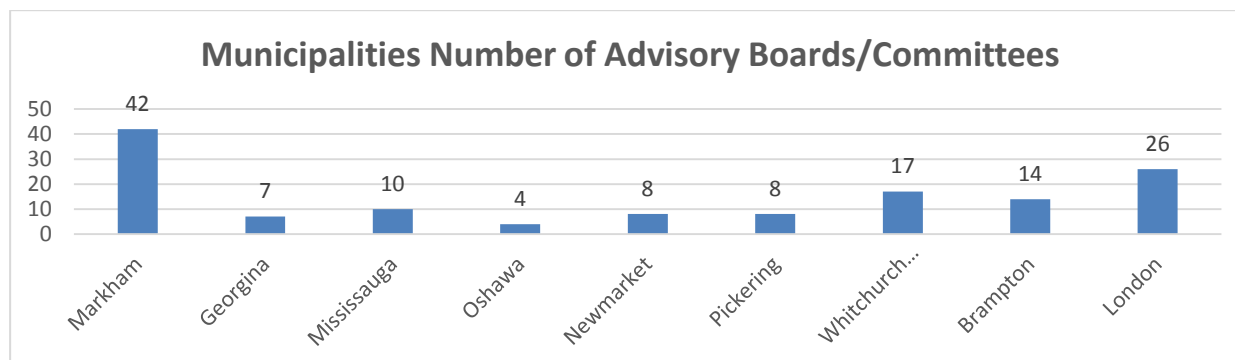
Nine local municipalities were surveyed regarding their Advisory Board/Committee practices. Responses to the survey were received from Georgina, Mississauga, Oshawa, Pickering, Newmarket, Whitchurch-Stouffville, Brampton, and London. Markham's practices were then compared against the survey results. The results were as follows:

Number of Advisory Boards/Committees

Municipalities on average have 15.1 Advisory Boards/Committees. Markham has 42 Advisory Boards/Committees, which is (278%) or 26.9 more than the survey sample.

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The chart below shows how many Advisory Boards/Committees each surveyed municipality has.



Remote Participation of Members at Meetings

Six or (67%) of the nine municipalities' surveyed did not permit members of its Advisory Boards/Committees to remotely participate in meetings. Two or (22%) permitted their Advisory Committee on Accessibility members to participate remotely. Markham was the only municipality to let members of its Advisory Boards/Committees to participate remotely when possible, however, remote participants are not included towards quorum.

Reporting Requirements

Seven or (78%) of the municipalities' surveyed required their Advisory Boards/Committees to report annually to Council. However, none of the municipalities surveyed required their Advisory Boards/Committees to submit an annual report with key performance indicators. Similarly, Markham recommends that all Advisory Boards/Committees report to Council on an annual basis with respect to their accomplishments, but does not require its Advisory Boards/Committees to submit an annual report with key performance indicators.

Code of Conduct

Five or (56%) of the municipalities surveyed had a Code of Conduct for its Advisory Boards/Committees. Three or (60%) of these municipalities used the Integrity Commissioner to investigate complaints. One or (20%) use their Clerk to investigate complaints. In comparison, Markham currently has a simple Code of Ethics, but is in the process of replacing it with a more comprehensive Code of Conduct and the Clerk currently investigates complaints.

With the recent amendments to the Municipal Act (via Bill 68) some of Markham's ABCs may also now constitute "local boards" under the Act. The implications of this designation are numerous and far-reaching. For instance, this would require them to abide by many of the same rules as Council (e.g. open meeting requirements, codes of conduct, integrity commissioner, conflict of

interest registry, etc.). Staff are in the process of reviewing which of Markham's ABCs may fall under these new requirements.

6. Appointments to Markham's Advisory Committees

The City of Markham has 41 citizen Advisory Boards/Committees (see Appendix A). Appointments to these committees are overseen by the Appointment Committee, comprised of the Mayor and the four Regional Councillors. The Appointment Committee conducted approximately 350 interviews between January 1, 2015, and June 31, 2018, and recommended to Council approximately 250 citizen appointments.

During this same period, there were approximately 65 citizen members that resigned from a Markham Advisory Board/Committee. Some of the reasons citizens resign from committees include: moving out of Markham; work conflicting with committee obligations; and/or a shift in their life focus.

Feedback from the Appointment Committee was to include the Council Liaison(s), the Councillor(s) appointed to the committee in the interview process, to refresh some of the interview questions, and to keep an attendance record of who attends each interview session. A full analysis of the Appointment Committee could not be conducted due to poor response to the survey.

The following qualitative feedback was obtained from the survey results from the Committee Chairs and the Staff Liaisons regarding the appointment process to serve on a City Advisory Board/Committee:

- Include the Councillor Liaison(s) in the interviews held to select new members;
- Include the Committee Chair in the interview process;
- Advise residents interested in serving on a committee of the work requirements prior to appointing them to a board or committee;
- Consult with the Chair of the committee prior to appointing new members to the committee;
- Enforce term limits and residency requirements;
- Waive the requirement to hold an interview of past Members who are re-applying to serve on a board or committee.

7. The Diversity of Markham's Committees

Markham strives for the composition of its Advisory Boards/Committees to reflect the diversity of Markham. Diversity on boards and committees helps promote innovation, insightful decision making, inclusiveness, and decisions/advice that reflect the diversity of Markham's residents and businesses.

When applicants apply to serve on a Markham Advisory Board/Committee they have the option to complete a voluntary diversity survey. The following diversity results are based on the results from this survey, in 2014-2018 Term of Council:

Visual Minority

- (50%) of all applicants to boards and committees identified themselves as being a visual minority;
- (55%) of these applicants were appointed as a member to a Markham Advisory Board/Committee;
- The majority of applicants that identified themselves as being a visual minority that were appointed to a Markham Advisory Board/Committee identified themselves as being Asian (40%) or East Indian (36%).

Disability

- (4%) of all applicants to committees identified themselves as having a disability;
- (40%) of these members that indicated they had a disability were appointed to a Markham Advisory Board/Committee.

Age

- The greatest number of applicants to Markham Advisory Boards/Committees were aged from (35-44) years old (20%);
- The least number of applicants to Markham Advisory Boards/Committees were aged from (18-24) years of age (5%);
- (68%) of applicants aged (45-54) were successfully appointed to a Markham Advisory Board/Committee (more than any other age group);
- (23%) of applicants aged (18-24) were successfully appointed to a Markham Advisory Board/Committee (less than any other age group).

Gender

- (53%) of applicants to Markham Advisory Boards/Committees identified themselves as male; (39%) identified themselves as female; and (8%) did not identify their gender.

- Applicants that were appointed to a Markham Advisory Board/Committee that identified their gender were (50%) male, and (50%) female.

Having more diverse board and committees brings many benefits, but can also lead to cultural or generational differences between members. Accordingly, Markham has started to provide its Advisory Boards/Committees with diversity training.

8. How Advisory Committees Impact City Resources

Advisory Boards/Committees require City resources to operate. Most committees have a Staff Liaison, Council Liaison and Council/Committee Coordinator that attend meetings and provide support. Additionally, many boards and committees are provided with refreshments at meetings. The cost of supporting a board or committee should be considered prior to creating a new committee, and when reviewing the costs and benefits derived from existing committees.

The amount of human resources required to support a City Advisory Board/Committee was estimated by asking staff from a sample of the City's committees to complete a survey on the matter. Responses were received from the staff that support the following committees (see **"Appendix B"** for a detailed breakdown of the staff time spent supporting committees):

- Advisory Committee on Accessibility;
- Animal Care Committee;
- Canada Day Committee;
- Cycling & Pedestrian Advisory Committee;
- Doors Open Markham Committee;
- Environmental Advisory Committee;
- German Mills Meadow & Natural Habitat Liaison Committee;
- Markham-Milliken Children's Festival Committee;
- Senior's Advisory Committee;
- Senior's Hall of Fame Committee;
- Public Realm Advisory Committee;
- Race Relations Committee;
- Varley-McKay Art Foundation of Markham.

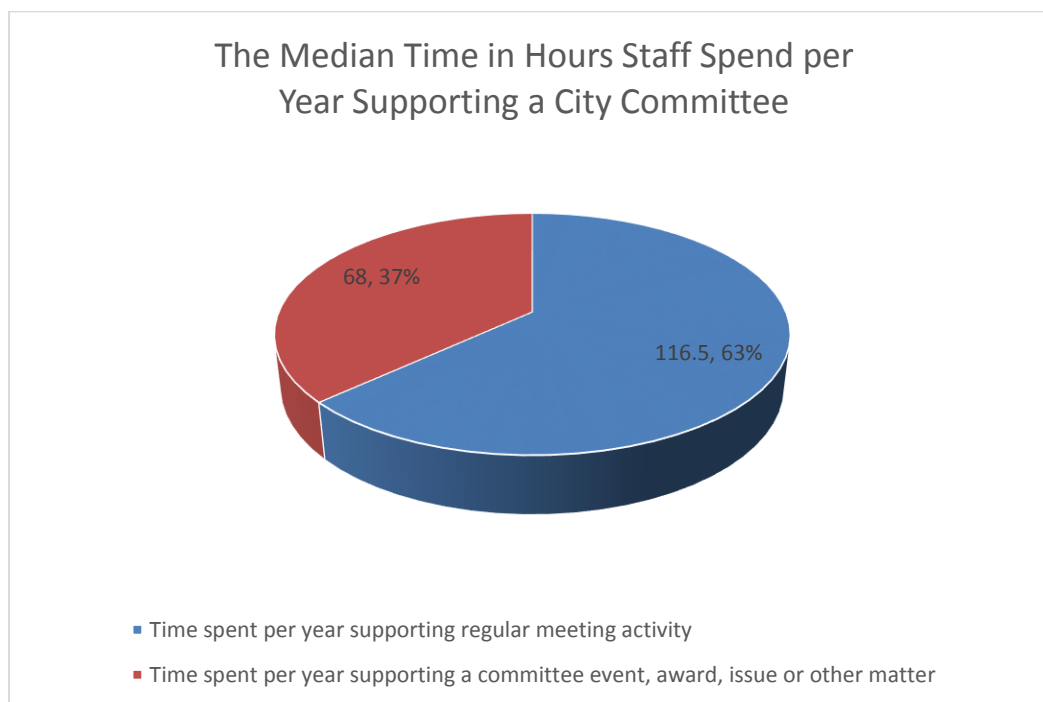
The survey results indicate that there is a large range in the amount of human resources required to support a City board or committee, with Committees for large City events requiring the most staffing resources. Consequently, the median was used to estimate the amount of staff time required to support a board or committee. The results are as follows:

- The median amount of staff time spent supporting regular committee activities per meeting is 11.25 hours;

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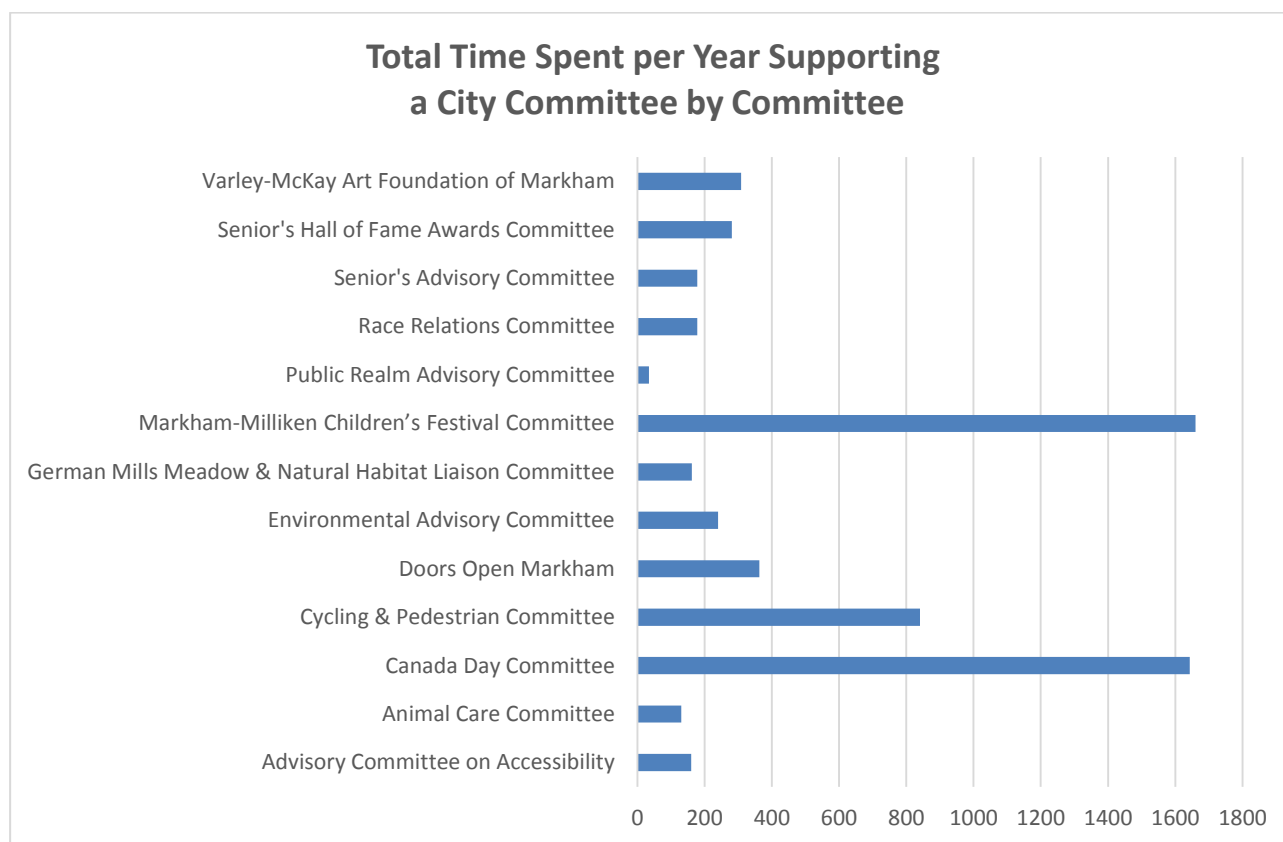
- The median amount of staff time spent supporting regular committee activities per year is 116.5 hours;
- The median staff time spent per year supporting an event or award, and/or handling committee issues or any other matter pertaining to the committee is 68 hours;
- The median total amount of staff time spent per year supporting a committee is 240.5 hours;
- The estimated cost of providing staff support to a committee is \$12,025 per year based on the median amount of hours spent supporting a committee, and on the assumption that staff members are paid \$50 per hour;
- The cost of providing a committee of 15 people coffee, tea, a jug a water and cookies is \$50 per meeting, or \$500 per 10 meetings.
- The total estimated cost of providing staff resources and refreshments to a committee per year is \$12,525, based on basic meeting refreshments provided at 10 committee meetings, and on the median staff resources provided to support a committee.

Below is a chart displaying the median time in hours staff spend per year supporting a City committee.



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Below is a chart listing by committee the total time staff spent supporting the committee per year.



9. Terms of References of Markham Advisory Boards/Committees

An Advisory Board/Committee's Terms of Reference outlines its mandate, roles and responsibilities, composition, and meeting frequency. Typically the Terms of Reference is created when the body is first established. However, some committees were never provided with a Terms of Reference document. Over the years, some Terms of References have been reviewed and updated, but many have not been updated since the committee was originally established. Changes to a committee's Terms of Reference must be approved by Council. All City committees should have a Terms of Reference so that they have a clear mandate and understanding of their roles and responsibilities.

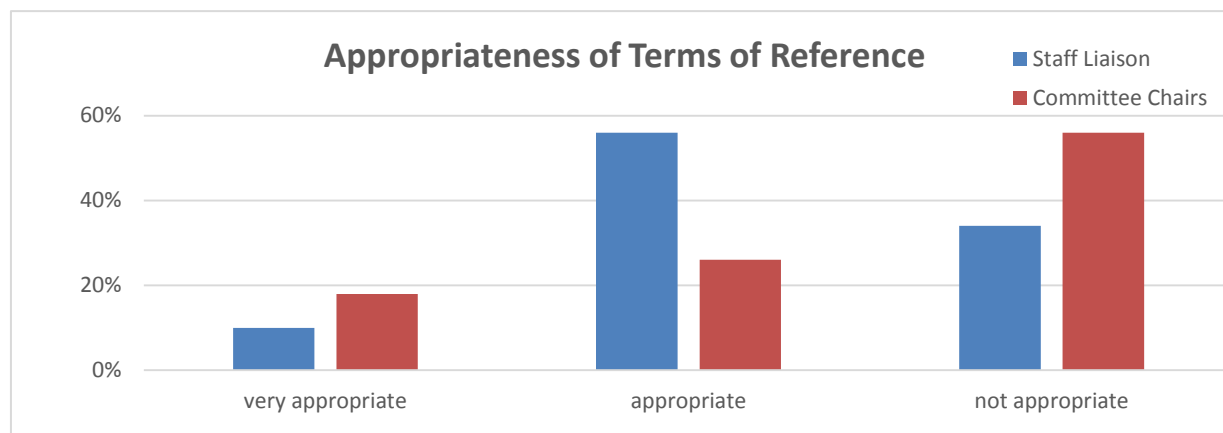
The following quantitative feedback on Markham's Advisory Board/Committee Terms of Reference was provided from the survey results:

- (56%) of Committee Chairs felt that their committee's Terms of Reference was not appropriate versus (34%) of Staff;

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- (78%) of Committee Chairs felt their committees were achieving or somewhat achieving their mandate versus (94%) of Staff;
- (30%) of Committee Chairs were very satisfied with the composition/mix of committee members versus (16%) of Staff;
- (60%) of Committee Chairs were somewhat satisfied with the composition/mix of committee members versus (69%) of Staff.

Below is a chart comparing the responses of Staff versus the responses of Committee Chair in regards to the appropriateness of their committee's Terms of Reference.



The following qualitative feedback was obtained from the Committee Chairs and the Staff Liaisons from the survey results:

- Update Terms of Reference documents to reflect the City's current strategic goals (project should be undertaken by Clerks in partnership with the Committees);
- Ensure Committees have a purpose and that its members understand their role.

10. Meeting Effectiveness of Markham's Advisory Boards/Committees

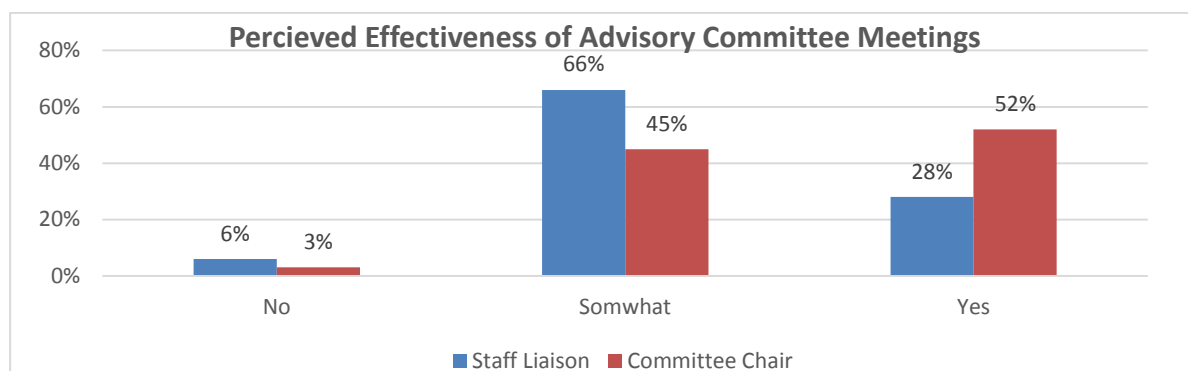
Effective meetings have a purpose and Committee Members leave feeling they have accomplished something. They have a set agenda with items related to the committee's mandate with sufficient time allotted to discuss each item. A majority of members are in attendance so the board or committee is able to make decisions. The City's "Rules of Procedure Governing Statutory and Advisory Committee Meetings" are followed and all members have an opportunity to share their

viewpoint in a respectful manner. Holding effective meetings helps Advisory Boards/Committee's achieve their goals and work as a team.

The following quantitative results regarding meeting effectiveness was obtained based on the survey results:

- (52%) of Committee Chairs felt that their committee meetings were effective versus (28 %) of Staff Liaisons;
- (96%) of Committee Chairs and (94%) of Staff Liaisons thought that their committee meetings were either somewhat effective or effective;

Below is a chart that compares Staff Liaisons' and the Committee Chairs' perceived effectiveness of Advisory Board/Committee meetings.



The following qualitative feedback was obtained from the Committee Chairs and the Staff Liaisons from the survey results:

- Enforce the Rules of Procedure regarding meeting attendance, so that members not attending meetings are removed from committees;
- Ensure the appointed Councillor and Staff Liaisons regularly attend meetings;
- Provide meeting refreshments to all committees;
- Provide a refresher on meeting procedure in the new Term of Council, and any time a new member joins the board or committee.

11. Meeting Attendance at Markham's Advisory Boards/Committees

Advisory Boards/Committees sometimes have difficulty obtaining quorum (having a majority of members in attendance at a meeting). Committees cannot make decisions when they do not have quorum. However, items on the agenda can be discussed. Quorum is often lost due to poor

weather, meetings held in December, meetings held during the March or summer breaks, meetings held soon after a large committee event, when members are unsatisfied with their volunteer experience, when members feel their role is unclear, or when there is committee conflict. When committees have trouble achieving quorum it can impact the morale of members and the overall effectiveness of the committee.

Some strategies used in this Term of Council to resolve issues regarding obtaining quorum were: reducing the number of times per year certain committees meet; cancelling meetings when there is nothing on the agenda; rebuilding committees that had dwindling membership; and resolving issues identified by committees. Although some progress has been made, meeting attendance remains an issue for some committees.

The majority of Advisory Board/Committee meetings in the 2014-2018, Term of Council were held with quorum (see "Appendix C"). The average number of meetings held per year without quorum was 1.7. There were no Advisory Committees that struggled significantly with quorum in this time period. However, Markham's Canada Day Committee and Markham-Milliken Children's Festival were two committees that struggled the most with obtaining quorum.

12. Committee Communication with Staff, Members of Council, and Other Committees

Effective committees have a good relationships with City Staff, Members of Council and other City committees. They have a Staff and Council Liaison that keeps them updated on City issues/matters related to their mandate. Furthermore, they communicate with other committees on matters of a shared interest, for example, event committees sharing ideas regarding children's activities and performers. Lastly, it appears that when an Advisory Board/Committee has good relations with Staff, Council, and other City committees it enhances the members' volunteer experience by making them feel their work is valued and that they are contributing to the community.

The following qualitative feedback was obtained from the survey results from the Staff Liaisons and Committee Chairs on committee communication matters:

- Improve communication/strengthen the relationship between committees and staff;
- Improve the connection between committee activities and the City's goals/activities;
- Consider committee recommendations as the voice of the community;
- Clarify the support Corporate Communications and the Mayor's Office Representative can provide to committees;

- Provide Committees with ways to get their message out (e.g. allowing them to have their own website or Facebook Page);
- Improve the transition of new staff with respect to supporting committees (e.g. a change in the Corporate Communication Representative, Mayor's Office Representative, Council/Committee Coordinator or Staff Liaison on a committee);
- Create an umbrella committee that all Chairs of Advisory Boards/Committee serve on to share ideas and to encourage City committees to work together.

13. Committee Accomplishments

The accomplishments of the City's Advisory Boards/Committees are the activities they undertake to achieve their mandate. These activities were reviewed for the 2014-2018, Term of Council by reviewing past meeting minutes. The results showed that most of the City's Advisory Boards/Committees are active. Some of the types of activities they have been undertaking include (see "Appendix B" to view a more comprehensive list of committee accomplishments):

- Community engagement activities;
- Raising funds for a City program or initiative;
- Hosting an award, event or fair;
- Listening to deputations from the community on matter regarding their mandate;
- Providing feedback to staff on a City program, policy, or initiative; and/or,
- Holding a focus group.

The following quantitative result regarding committee accomplishments was obtained from Staff Liaisons and Committee Chairs from the survey results:

- (41%) of Advisory Committee Chairs were very satisfied with their Committee's accomplishments versus only (25%) of Staff Liaisons.

14. The Volunteer Experience

Residents may volunteer to serve on a City Advisory Board/Committee to give back to the community, make a difference, learn more about municipal government, or to gain new skills or knowledge. Volunteers that are satisfied with their volunteer placement generally feel their hard work is valued and respected.

The following qualitative feedback was obtained regarding the volunteer experience serving on a City Advisory Board/Committee from the Committee Chairs survey results:

- Acknowledge the hard work of Committee Members;
- Respect and appreciate the volunteer time of Committee Members.

15. Other Survey Results

The following miscellaneous qualitative feedback was obtained from the Committee Chairs and the Staff Liaisons on other Advisory Board/Committee matters from the survey results:

- Suggested that Markham Theatre is working collaboratively as a cohesive team and that it is very committed to contributing to the huge success of the Theatre;
- Suggested that a budget be provided to Advisory Boards/Committees that they can use for projects or initiatives they are undertaking;
- Recommended that cemetery operations be taken over by City Staff;
- Recommended that the Agricultural Advisory Committee be disbanded, as it is no longer active.

16. Recommendations

Based on the survey results and the research conducted, staff recommend the following to improve the efficiency and effectiveness of Markham's Advisory Boards/Committees:

Improving the Management of City Resources and Communication between the City and Advisory Boards/Committees

- Develop a balanced scorecard that can be used to measure the costs and benefits of each City Advisory Board/Committee that is completed on an annual basis (Secretariat Staff to develop);
- Create a business plan template that can be completed by Advisory Boards/Committees and submitted to Council for approval each year to help ensure the activities they are focusing on are working towards the goals of the organization (Secretariat Staff to develop);
- Reduce the number of Advisory Boards/Committees by (10%) so that City can better support the Board/Committees that it has with the current resources;

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- Hold a meeting once per year with Secretariat Staff, Staff Liaisons, and Committee Chairs to improve communication between the City's Advisory Boards/Committees and the City, and to encourage committees to communicate with each other.

Improving the Appointment Process

- Review the composition of the Appointment Committee in 2018-2022 Term of Council;
- Provide regular updates to the Committee Chair on the status of the appointments;
- Refresh the interview questions used to interview committee members to ensure the City is appointing applicants with the right skillsets.
- Keep an attendance record of who attends the Appointment Committee sessions.

Diversity on Committees

- Increase the number of applications submitted to be considered for a position on a Markham Advisory Board /Committee by (18-24) year olds by (10%) by using social media and other ways of promoting the vacancies that appeal more to a younger audience (Secretariat Staff to work with Corporate Communications to achieve this objective);
- Increase the number of applications submitted by persons with disabilities by (10%) by using more innovative ways to promote vacancies to this target audience (Secretariat Staff to work with Corporate Communications to achieve this objective);
- If possible, have more diversity in the composition of the Appointment Committee to diversify the insight that goes into the decision making process with respect to the selection of members.

Board/Committee Terms of References

- Review City Advisory Boards/Committee Terms of References that have not been recently reviewed in the new Term of Council in collaboration with the committees to ensure their mandate is providing value to the City and its volunteers;
- Ensure all Advisory Boards/Committees have a Terms of Reference (Secretariat Staff to work with Staff Liaison's to create Terms of References if required).

Meeting Effectiveness

- Provide a refresher on meeting procedures to all Advisory Boards/Committees in new Term of Council;
- Provide Committee Chairs with training on how to Chair a meeting.

Meeting Attendance

- Have committees establish rules of engagement regarding meeting attendance and other problem areas that a committee may be experiencing;

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- Ensure the rules of procedure regarding meeting attendance are enforced;
- Change the structure of the City's event committees so that they exist primarily to assist the City in the organization of events, so that quorum is not required to pass committee resolutions regarding event decisions.

Volunteer Experience

- Develop a volunteer recognition plan to recognize Committee Members hard work while they are still serving on a Markham committee.

Combine Similar Committees and Disband Inactive Committees

- Combine the Public Art and Public Realm Advisory Committee or disband the Public Realm Advisory Committee;
- Combine the Senior's Hall of Fame Awards Committee and the Senior's Advisory Committee
- Disband the Achievement & Civic Recognition Committee, Agricultural Advisory Committee, and the Pan Am Host Advisory Committee, as these committees are no longer active.

16. Conclusion

In conclusion, Markham has many active Advisory Boards/Committees comprised of members that represent the diversity of Markham. These bodies engage residents in the democratic process and provide Council with valuable advice from a citizen perspective. However, City resources are required to support these committees. Advisory boards/committees that are sufficiently supported by staff and Council operate effectively. These committees also seem to provide a more rewarding volunteer experience to its members. Given the current resources available, the City must balance the number of Advisory Boards/Committee it has with the amount of staff and Council support required. The City otherwise risks the success of its Advisory Boards/Committees: in achieving their mandates; providing value to the City; and in being able to provide members with a rewarding volunteer experience.

17. Appendixes

- A) Appendix A** – List of Markham Advisory Boards/Committees
- B) Appendix B** – Staff Time Spent Supporting Markham's Advisory Boards/Committees
- C) Appendix C** - Meetings Held Without Quorum in the 2014-2018 Term of Council
- D) Appendix D** - Markham Advisory Board/Committee Accomplishment in the 2014 -2018 Term of Council

“Appendix A”**Markham Citizen Advisory Boards/Committees and Working Groups
(listed in alphabetical order)**

- | | |
|---|--|
| 1. Achievement & Civic Recognition Committee | 23. Markham-Milliken Children's Festival Committee |
| 2. Advisory Committee on Accessibility | 24. Milliken Mills Main Street Advisory Group |
| 3. Agricultural Advisory Committee | 25. Markham Sports Hall of Fame Committee |
| 4. Animal Care Committee | 26. Markham Village Train Station Community Centre Board |
| 5. Box Grove Community Centre Board | 27. Mayor's Youth Council |
| 6. Canada Day Committee | 28. Milne Pathway Working Group |
| 7. Cedar Grove Community Centre Board | 29. Pan Am Host Advisory Committee |
| 8. Cemetery Board | 30. Property Standards Committee |
| 9. Committee of Adjustment | 31. Public Art Advisory Committee |
| 10. Cornell Advisory Group | 32. Public Realm Advisory Committee |
| 11. Cycling & Pedestrian Advisory Committee | 33. Public Library Board |
| 12. Door Open Markham Committee | 34. Race Relations Committee |
| 13. Environmental Advisory Committee | 35. Santa Claus Parade Advisory Committee |
| 14. Flato Markham Theatre Advisory Board | 36. Seniors Advisory Committee |
| 15. Friends of the Markham Museum Board | 37. Senior's Hall of Fame Awards Committee |
| 16. German Mills Community Centre Board | 38. Train Anti Whistling Working Group |
| 17. German Mills Meadow & Natural Habitat Liaison Committee | 39. Thornhill Revitalization Committee |
| 18. Heintzman House Community Centre Board | 40. Unionville-Stiver Mill Preservation Advisory Committee |
| 19. Heritage Markham Committee | 41. Varley-McKay Art Foundation of Markham |
| 20. Historical Unionville Community Vision Committee | 42. Victoria Square Community Centre Board |
| 21. Main Street Markham Committee | |
| 22. Markham Centre Advisory Group | |

Other City Advisory Committees that are comprised of only Councillor Members or Councillor Members and Business Representatives include:

1. Licensing Committee
2. Automated Vacuum Collection Feasibility Working Group
3. Pandemic Readiness Emergency Plan Steering Committee

“Appendix B”
Staff Time Spent Supporting Markham's Advisory Committees

Summary of Results

Committee	Time spent per meeting in hours supporting regular meeting activities	Time spent per year in hours supporting regular meeting activity	Time spent per year in hours supporting a committee event, award, issue or other matter	Total time spent per year in hours supporting the committee	Estimated Cost – with assumption that staff are paid \$50 per hour
Advisory Committee on Accessibility	10.83	110.3	50	160.3	\$8,015
Animal Care Committee	11	110	21	131	\$6,550
Canada Day Committee	26.67	213.36	1430	1643.36	\$82,188
Cycling & Pedestrian Committee	21	212	64	841	\$42,050
Doors Open Markham	8	80	283	363	\$18,150
Environmental Advisory Committee	11.25	116.5	124	240.5	\$12,025
German Mills Meadow & Natural Habitat Liaison Committee	56	112	50	162	\$8,100
Markham-Milliken Children's Festival Committee	23.5	188	1472	1660	\$83,000
Public Realm Advisory Committee	9.75	19.5	15	34.5	\$1,725
Race Relations Committee	10.83	110.3	68	178.3	\$8,915
Senior's Advisory Committee	13	130	48	178	\$8,900
Senior's Hall of Fame Awards Committee	9	90	191	281	\$14,050
Varley-McKay Art Foundation of Markham	19.75	158	151	309	\$15,450
Total	230.58	1649.96	3967	6181.96	\$309,118.00

The Mean, Median and Range of Staff Time Spent Supporting Committees

	Average Amount of Time Spent in Hours Supporting a Meeting	Time spent per year in Hours supporting regular meeting activity	Time spent per year in Hours supporting a committee event, award, issue or other matter	Total time spent per year in hours supporting the committee
Mean	17.74	126.92	305.12	475.54
Median	11.25	116.5	68	240.5
Range	48	193.86	1415	1625.5

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Staff Time Spent Supporting Committees Broken-down by Committee

Advisory Committee on Accessibility

Monthly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corporate Com. Time in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0	0	1
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	0	3
Time spent per meeting attending the meeting	2.5	3	0	5.5
Time spent per meeting on email correspondence	1	0.33	0	1.33
Total per month	7	3.83	0	10.83
Total time per year (total times the number of meetings) • Meets 10 times per year	70	38.3	2 (per year)	110.3

Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time in Hours	Total Hours
Time spent per year supporting and/or attending a committee event or award	15	15	15	45
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	1	2	5
Total	17	16	17	50

Grand Total	160.3
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Animal Care Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	1	0	2
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	0	3
Time spent per meeting attending the meeting	2	2	0	4
Time spent per meeting on email correspondence	1	1	0	2
Total per month	6.5	4.5	0	11
Total time per year (total times the number of meetings) • Meets 10 times per year	65	45	0	110

Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per year supporting and/or attending a committee event or award	1	5	3	9
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	10	0	12
Total	3	15	3	21

Grand Total	131
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Canada Day Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent (includes the time multiple employees) in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.26	0.41	1.67
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	1	4
Time spent per meeting attending and preparing for the meeting	2	3	7	12
Time spent per meeting on email correspondence	1	8	0 (included under time spent support the event)	9
Total per month	6.5	13.25	8.41	26.67
Total time per year (total times the number of meetings) • Meets 8 times per year	52	106	67.28	213.36

Yearly Activities

Task/Action	Committee Coordinator Time Spent in hours	Staff Liaison Time Spent in hours	Corp Com Time Spent in hours	Total hours
Time spent per year supporting and/or attending a committee event or award	0	300	764	950
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	25	339	366
Total	2	325	1103	1430

Grand Total	1643.36
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

The Canada Day Committee is supported by each and every member of the Corporate Communications team. Special Events begins logistics planning in January, while communications team begins sponsorship activities. Designers are tasked with signage and social media images, communications follows its comprehensive communications plan to create media advisories and conducts media outreach, signage content, social media, advertising and portal messaging, and oversees all aspects of the event.

On July 1, at least 12 members of Corporate Communications are required to manage the day's four (Citizenship Ceremony, Senior's Luncheon, People's Parade, and Milne Dam Park) events from 6 a.m. to finish, with several attending and managing the entire day.

Working with Community and Fire Services, considerable time is placed on ensuring a proper emergency communication plan is prepared and read to launch, should it be required.

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Cycling & Pedestrian Advisory Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total in Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	1	0	2
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	3	4	0	7
Time spent per meeting attending and preparing for the meeting	2	8.5	0	10.5
Time spent per meeting on email correspondence	1	0.5	0	1.5
Total per month	7	14	0	21
Total time per year (total times the number of meetings) • Meets 10 times per year	70	140	2 (per year)	212

Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per year supporting and/or attending a committee event or award	1	140	70	211
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	350	66	418
Total	3	490	136	629

Grand Total	841
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Doors Open Markham**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	0	1	0	1
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	0	2	0	2
Time spent per meeting attending and preparing for the meeting	0	2	2	4
Time spent per meeting on email correspondence	0	1	0	1
Total per month	0	6	2	8
Total time per year (total times the number of meetings) • Meets 10 times per year	0	60	20	80

Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per year supporting and/or attending a committee event or award	0	0 (counted these hours in other questions)	210	210
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	0	13	60	73
Total	0	13	270	283

Grand Total	363
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Environmental Advisory Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.5	0	1.5
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	0	3.0
Time spent per meeting attending the meeting	2.5	2.5	0	5
Time spent per meeting on email correspondence	1	0.75	0	1.75
Total per month	7	4.25	0	11.25
Total time per year (total times the number of meetings) • Meets 10 times per year	70	42.5	4 (attend 2 meetings per year)	116.5

Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per year supporting and/or attending a committee event or award	1	50	47	98
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	14	10	26
Total	3	64	57	124

Grand Total	240.5
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

German Mills Meadow & Natural Habitat Liaison Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours (3 staff attend)	Corp Com Time Spent in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	21	0	22
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	3	12	0	15
Time spent per meeting attending the meeting	2	6	0	8
Time spent per meeting on email correspondence	1	10	0	11
Total per month	7	49	0	56
Total time per year (total times the number of meetings) • Meets 2 times per year	14	98	0	112

Yearly Activities

Task/Action	Committee Coordinator Time Spent	Staff Liaison Time Spent	Corp Com Time Spent	Total
Time spent per year supporting and/or attending a committee event or award	0	0	0	0
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	1	49	0	50
Total	1	49	0	50

Grand Total	162
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Markham-Milliken Children's Festival Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours (includes multiple staffs time)	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.5	0.5	2
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	1	1.5	5
Time spent per meeting attending and preparing for the meeting	2	2	6.5	10.5
Time spent per meeting on email correspondence	1	5	0 (included under time spent supporting the event)	6
Total per month	6.5	8.5	8.5	23.5
Total time per year (total times the number of meetings) • Meets 8 times per year	52	68	68	188

Yearly Activities

Task/Action	Committee Coordinator Time Spent	Staff Liaison Time Spent	Corp Com Time Spent	Total
Time spent per year supporting and/or attending a committee event or award	0	120	974	1094
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	16	360	378
Total	2	136	1,334	1,472

Grand Total	1660
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Corporate Communications carries the bulk of the responsibility for this event, from securing sponsorships and volunteers, to managing the intricate details of two entertainment stages, inflatables, free activity stations and more. Each Member of Special Events, Design and Communications plays a significant role for

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

the months leading up to the event, and including a full day on event day. Working with Community & Fire Services, considerable time is placed on ensuring proper emergency communications plan is prepared and ready to launch, should it be required.

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Public Realm Advisory Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours (3 staff attend)	Corp Com Time Spent in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.5	0	1.5
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	3	0.5	0	3.5
Time spent per meeting attending the meeting	2	1	0	3
Time spent per meeting on email correspondence	1	0.75	0	1.75
Total per month	7	2.75	0	9.75
Total time per year (total times the number of meetings) • Meets 2 times per year	14	5.5	0	19.5

Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per year supporting and/or attending a committee event or award	0	12	0	12
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	1	2	0	3
Total	1	14	0	15

Grand Total	34.5
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Race Relations Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0	0	1
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2.5	0.5	0	3
Time spent per meeting attending the meeting	2.5	3	0	5.5
Time spent per meeting on email correspondence	1	0.33	0	1.33
Total per month	7	3.83	0	10.83
Total time per year (total times the number of meetings) • Meets 10 times per year	70	38.3	2 (attends 1 meeting per year)	110.3

Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per year supporting and/or attending a committee event or award	40	15	10	65
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	1	0	3
Total	42	16	10	68

Grand Total	178.3
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Senior's Advisory Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.25	0	1.25
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2	0.25	0	2.25
Time spent per meeting attending the meeting	2.5	4	0	6.5
Time spent per meeting on email correspondence	1	2	0	3
Total per month	6.5	6.5	0	13.0
Total time per year (total times the number of meetings) • Meets 10 times per year	65	65	0	130

Yearly Activities

Task/Action	Committee Coordinator Time Spent	Staff Liaison Time Spent	Corp Com Time Spent	Total
Time spent per year supporting and/or attending a committee event or award	1	25	10	36
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	2	10	0	12
Total	3	35	10	48

Grand Total	178
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Senior's Hall of Fame Awards Committee**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0	0	1
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	2	0	0.5	2.5
Time spent per meeting attending the meeting	2	0	1.5	3.5
Time spent per meeting on email correspondence	1	0	1	2
Total per month	6	0	3	9
Total time per year (total times the number of meetings) • Meets 10 times per year	60	0	30	90

Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per year supporting and/or attending a committee event or award	21	0	85	106
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	7	0	78	85
Total	28	0	163	191

Grand Total	281
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Varley-McKay Art Foundation of Markham**Monthly Activities**

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total Hours
Time spent per meeting preparing, coordinating or reviewing the agenda	1	0.5	0	1.5
Time spent per meeting preparing or reviewing the meeting minutes and following up on action items	4	1	0	5
Time spent per meeting attending and preparing for the meeting	2.5	8.75	0	11.5
Time spent per meeting on email correspondence	1	1	0	2
Total per month	8.5	11.25	0	19.75
Total time per year (total times the number of meetings) • Meets 8 times per year	68	90	0	158

Yearly Activities

Task/Action	Committee Coordinator Time Spent in Hours	Staff Liaison Time Spent in Hours	Corp Com Time Spent in Hours	Total in Hours
Time spent per year supporting and/or attending a committee event or award	0	53	10	63
Time spent per year managing committee issues or on any other mattering pertaining to your role supporting the Committee	0	88	0	88
Total	0	141	10	151

Grand Total	309
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Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

“Appendix C”**Number of Meetings Held without Quorum in 2014-2018 Term of Council**

Committee	2015		2016		2017		2018	
	No. of Meetings	No. of Meetings without Quorum	No. of Meetings	No. of Meetings without Quorum	No. of Meetings	No. of Meetings without Quorum	No. of Meetings	No. of Meetings without Quorum to date
Advisory Committee on Accessibility	8	1	10	0	10	1	10	1
Agricultural Advisory Committee	2	1	6	1	0	0	0	0
Animal Care Committee	12	0	12	2	10	0	10	1
Canada Day Committee	7	0	8	0	8	1	7	3
Cycling and Pedestrian Advisory Committee	10	0	10	0	10	0	10	0
Doors Open Markham	8	0	8	0	9	0	10	0
Environmental Advisory Committee	10	0	8	1	9	1	10	1
Flato Markham Theatre Advisory Board	9	1	9	2	9	0	9	0
German Mills Meadow & Natural Habitat Liaison Committee	1	0	2	0	2	0	2	0
Friends of the Markham Museum Board	10	0	9	0	9	1	10	1
Historical Unionville Community Vision Committee	0	0	4	0	9	1	9	0
Main Street Markham	10	0	8	1	5	1	5	0
Markham-Milliken Children's Festival Committee	9	5	7	1	8	2	8	2
Markham Sports Hall of Fame Awards Committee	0	0	7	0	9	0	6	1
Public Art Advisory Committee	4	0	4	0	4	0	4	0
Public Library Board	10	0	10	1	9	0	10	1
Public Realm Advisory Committee	4	0	3	1	4	0	2	1
Seniors Advisory Committee	12	1	7	2	8	0	10	1
Seniors Hall of Fame Committee	5	1	7	0	8	1	8	1
Varley-McKay Art Foundation of Markham	8	0	7	1	5	0	7	0
total	139	10	146	13	145	9	147	14

“Appendix D”**Markham Advisory Board/Committee Accomplishments
in 2014-2018 Term of Council**

Committee	Accomplishments
1. Achievement & Civic Recognition Committee	Did not meet in this Term of Council
2. Advisory Committee on Accessibility	<ul style="list-style-type: none"> • Provides feedback on the City's multiyear accessibility plan; • Provided feedback on the accessibility of the City's website; • Provided feedback on the accessibility of key commercial and City site plans; • Made recommendations to Council on accessibility matters; • Organized the 2015, 2016, 2017, and 2018 Accessibility Fair; • Supported the Markham Board of Trade Award 2015, and 2016; • Created and launched the Markham Accessibility Award; • Participated in the Canada Day Parade.
3. Agricultural Advisory Committee	<ul style="list-style-type: none"> • Organized the 2015 and 2016 Agricultural Tour; • Made recommendations to Council on agricultural matters; • Provided feedback on the City Tree-By-Law, the Province's Land Use Planning Review, and on building permit fees for agricultural buildings; • Received presentations on relevant City programs; • Attended the Friends of the Greenbelt Workshop; • Has meet since 2016.
4. Animal Care Committee	<ul style="list-style-type: none"> • Heard deputations regarding matters pertaining to animals; • Donated \$36K to the Cat Adoption and Education Centre; • Participated in the Unionville Old Tyme Christmas Parade; • Made recommendation to Council on matters regarding animals; • Attended many events educating the public on the City's animal services and

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
	raising funds for the Cat Adoption and Education Centre; <ul style="list-style-type: none"> • Provided feedback on relevant City programs; • Reviewed and made recommendations to staff with respect to the City's Animal Control By-Law.
5. Box Grove Community Centre Board	<ul style="list-style-type: none"> • Managed the operations of Box Grove Community Centre.
6. Canada Day Committee	<ul style="list-style-type: none"> • Helped organize the 2015, 2016, 2017, and 2018 Canada Day event.
7. Cedar Grove Community Centre Board	<ul style="list-style-type: none"> • Manages the operations of Box Grove Community Centre.
8. Cemetery Board	<ul style="list-style-type: none"> • Managed the City's cemeteries.
9. Cornell Advisory Group	<ul style="list-style-type: none"> • Provided feedback on development applications being submitted for the Cornell area.
10. Cycling & Pedestrian Advisory Committee	<ul style="list-style-type: none"> • Organize and plan the annual Giro and Cycling Day in Markham; • Provided feedback on relevant City programs and projects; • Heard deputations on Cycling matters; • Made recommendations to Council on cycling and pedestrian matters (e.g. requesting Council pass a by-law restricting vehicles from parking on bicycle facilities, and endorsing the Lake to Lake Path implementation through the City of Markham).
11. Door Open Markham Committee	<ul style="list-style-type: none"> • Organize and plan the Doors Open Markham event.
12. Environmental Advisory Committee	<ul style="list-style-type: none"> • Participated in the Net Zero Workshop held by City of Markham; • Attended the annual Regional Environmental Advisory Committee meeting; • Hosted Earth Day Events in 2015, 2016, 2017, and in 2018; • Worked with the Cycling & Pedestrian Committee promote awareness of the City' trail system at the Earth Day Event; • Helped promote the City's new textile program; • Attended the Provincial Environmental Advisory Committee Symposium; • Provided feedback on City programs;

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
	<ul style="list-style-type: none"> • Heard deputation on environmental matters.
13. Flato Markham Theatre Advisory Board	<ul style="list-style-type: none"> • Hosted Fundraising Gala in 2015, 2016, 2017, and 2018; • Hosted Live Art Awards and requested that the week be proclaimed; • Provided feedback on the theatre operations; • Launched Every Child Every Year; • Provided feedback/input into the development of the Theatre's Strategic Plan; • Provided feedback on theatre programs; • Raised funds for the theatre; • Supported a grant application for the Theatre.
14. Friends of the Markham Museum Board	<ul style="list-style-type: none"> • Hosted a speaker series at the Museum; • Provided feedback on the Museum Strategic Plan; • Raised funds for the Museum.
15. German Mills Community Centre Board	<ul style="list-style-type: none"> • Manages the operations of the German Mills Community Centre Board.
16. German Mills Meadow & Natural Habitat Liaison Committee	<ul style="list-style-type: none"> • Provided recommendations to Council and staff regarding the German Mills Meadow & Natural Habitat.
17. Heintzman House Community Centre Board	<ul style="list-style-type: none"> • Hosted an annual art show; • Host an annual Halloween event; • Host an annual Christmas Craft Sale;
18. Historical Unionville Community Vision Committee	<ul style="list-style-type: none"> • Made recommendations to Council regarding the Unionville area (e.g. requesting Unionville Core Area Streetscape Master Plan, introducing wayfinding signs on Main Street Unionville, and requesting full enforcement of property standards on Main Street Unionville); • Received presentations from staff on the Main Street Unionville Vision Plan and on other relevant matters.
19. Main Street Markham Committee	<ul style="list-style-type: none"> • Provided input on relevant City programs/projects; • Made recommendations to staff and Council regarding the Main Street Markham Area (e.g. requesting staff investigate installing a heritage bus shelter at Princess and Main Street Markham, and

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
	<p>on the requesting the replacement of the tree/Christmas tree near the old City Hall);</p> <ul style="list-style-type: none"> Received presentation/updates on relevant City projects/programs.
20. Markham Centre Advisory Group	<ul style="list-style-type: none"> Provided feedback on development applications in the area.
21. Markham-Milliken Children's Festival Committee	<ul style="list-style-type: none"> Assisted staff in the planning and undertaking of the Markham-Milliken Children's Festivals held in 2015, 2016, 2017, and 2018.
22. Milliken Advisory Group	Did not meet in this Term of Council.
23. Markham Sports Hall of Fame Committee	<ul style="list-style-type: none"> Planning/creating the Markham Sports Hall of Fame Awards; First Award ceremony to be held in 2019.
24. Mayor's Youth Taskforce	<ul style="list-style-type: none"> Markham Youth Expo – Annual event for youth and community to showcase youth talent and services for youth. Amazing Race Markham – Annual event for youth to participate in a fun and challenging full day race. Teams raise funds for a chosen local charity such as the food bank, Native Youth Services, MSH Collage- Annual networking event which brings area youth councils together for social and networking. Think Tank – Annual event which brings together local presenters to present on topics relating to youth issues and topics. Get Involved Conference – Annual conference in which the MMYC host local grade 8 students for a day long conference. Topics include leadership, volunteering, and teamwork.
25. Pan Am Host Advisory Committee	<ul style="list-style-type: none"> Helped organize the Pan Am festivities in Markham.
26. Property Standards Committee	<ul style="list-style-type: none"> Heard property standard appeals and made decisions on the matters.
27. Public Art Advisory Committee	<ul style="list-style-type: none"> Reviews and advises Council on public art projects including the Downtown Markham Public Art installation, the Benjamin Thorne, Berczy, and Rizal statues, the Charity Sculpture, and the War Memorial Cenotaph; Participated in the York University Public Art Symposium May 2017.

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
28. Public Realm Advisory Committee	<ul style="list-style-type: none"> • Provided feedback on Markham's public realm projects; • Projects have included: Forest of Hope, Unionville inspiration board, wrapping of traffic control boxes, revitalization of park shelters, and community message boards.
29. Public Library Board	<ul style="list-style-type: none"> • Provided feedback on Library policies, programs, and operations.
30. Race Relations Committee	<ul style="list-style-type: none"> • Hosted the 2015, 2016, and 2018 Many Faces of Markham event; • Had a booth at the York Region Police, International Day for the Elimination of Racism event; • Had a booth at the Taste of Asia promoting the Race Relations Committee; • Held a youth conference; • Held a Human Rights Event; • Held a Race Relations Open House; • Provided feedback on the Diversity and Inclusion Charter for York Region; • Hosted a Community Round table event.
31. Santa Claus Parade Advisory Committee	<ul style="list-style-type: none"> • Planned and organized the Markham Santa Claus Parade.
32. Seniors Advisory Committee	<ul style="list-style-type: none"> • Heard presentations on matters regarding seniors; • Provided feedback at many meetings on Markham's proposed Older Adult Strategy; • Hosted a Health and Wellness Fair for Seniors; • Provide input into the Senior's section in Markham Life, including providing article ideas; • Received presentation and provided feedback from a seniors perspective on City program; • Assisted with the a senior's art show and fashion show; • Hosted a senior's craft show; • Helped promote the Senior's Extravaganza and other seniors events.
33. Senior's Hall of Fame Awards Committee	<ul style="list-style-type: none"> • Obtained nominations for the Senior's Hall of Fame Awards ceremony; • Provided input into the planning and organization of the ceremony;

Report on Markham's Citizen Advisory Boards/Committees 2014 – 2018

Committee	Accomplishments
	<ul style="list-style-type: none"> Judged the nominations and selected the winners of the awards.
34. Thornhill Revitalization Committee	<ul style="list-style-type: none"> Did not meet in this Term of Council.
35. Unionville-Stiver Mill Preservation Advisory Committee	<ul style="list-style-type: none"> Did not meet in this Term of Council.
36. Varley-McKay Art Foundation of Markham	<ul style="list-style-type: none"> Primary focus is on raising funds to support the <u>Varley Art Gallery of Markham</u>, with a focus on art acquisitions, conservation of the art collection, educational programs and exhibition research; Organized the annual Rouge Varley Gala; Hosted Vintages at the Varley New World Wine event; The Foundation also helps operate an active volunteer program to further support the Varley Art Gallery of Markham.
37. Victoria Square Community Centre Board	<ul style="list-style-type: none"> Managed the operations of Victoria Square Community Centre.

Appendix “D”

Current List of ABCs

Advisory Committees with Citizen Appointments

1.	Achievement & Civic Recognition Committee
2.	Advisory Committee on Accessibility
3.	Agricultural Advisory Committee
4.	Animal Care Committee
5.	Canada Day Committee
6.	Cemetery Board
7.	Cornell Advisory Group
8.	Cycling & Pedestrian Advisory Committee
9.	Doors Open Markham Committee
10.	Environmental Advisory Committee
11.	Flato Markham Theatre Advisory Board
12.	German Mills Meadow & Natural Habitat Liaison Committee
13.	Heritage Markham Committee
14.	Historical Unionville Community Vision Committee
15.	Main Street Markham Committee
16.	Markham Centre Advisory Group
17.	Markham-Milliken Children’s Festival Committee
18.	Milliken Mills Main Street Advisory Group
19.	Markham Sports Hall of Fame Committee
20.	Mayor’s Youth Council
21.	Milne Pathway Working Group
22.	Pan Am Host Advisory Committee
23.	Public Art Advisory Committee
24.	Public Realm Advisory Committee
25.	Public Library Board - appointed for the term of Council
26.	Race Relations Committee
27.	Santa Claus Parade Advisory Committee
28.	Seniors Advisory Committee
29.	Senior’s Hall of Fame Awards Committee
30.	Train Anti Whistling Working Group
31.	Thornhill Revitalization Committee
32.	Unionville-Stiver Mill Preservation Advisory Committee

Advisory Committees with Council Members Only - appointed for the term of Council

1.	Appointment Committee
2.	Automated Vacuum Collection Feasibility Working Group
3.	Pandemic Readiness Emergency Plan Steering Committee

Foundations

1.	Varley-McKay Art Foundation of Markham
2.	Friends of the Markham Museum Board

Council Sub-Committees - appointed for the term of Council

1.	Budget Sub-Committee
2.	Development Charges Sub-Committee
3.	Eabametoong First Nations Sub-Committee
4.	Environmental Issues Committee
5.	Green Print Steering Committee
6.	Information Communication & Technology Sub-Committee
7.	Markham Sports Entertainment & Cultural Centre Sub-Committee
8.	Markham Sub-Committee* (including Main Street Markham & Cornell Advisory Group)
9.	Milliken Mills Sub-Committee* (including Milliken Mills Main Street Advisory Group)
10.	Parking Advisory Committee
11.	South East Community Centre & Library
12.	Thornhill Sub-Committee* (including Langstaff Implementation Committee)
13.	Transit Sub-Committee
14.	Unionville Sub-Committee* (including Historical Unionville Community Vision Committee, Markham Centre Advisory Group and Markham Centre Sub-Committee)
15.	York University Committee

*Adopted by Council on February 26, 2019.

Tribunals (Quasi-Judicial)

1.	Licensing Committee*
2.	Committee of Adjustment – appointed for the term of Council
3.	Property Standards Committee - appointed for the term of Council

*No citizen appointees on this Committee

Community Centre Boards

1.	Box Grove Community Centre Board
2.	Cedar Grove Community Centre Board
3.	German Mills Community Centre Board
4.	Heintzman House Community Centre Board
5.	Markham Village Train Station Community Centre Board
6.	Victoria Square Community Centre Board

APPENDIX “E”**ADVISORY BOARDS AND COMMITTEES (ABCS) TO REMAIN AS IS****FOR 2018-2022 TERM OF COUNCIL****Advisory Committees with Citizen Appointments**

1.	Advisory Committee on Accessibility
2.	Animal Care Committee
3.	Cemetery Board
4.	Cycling & Pedestrian Advisory Committee
5.	Environmental Advisory Committee
6.	Flato Markham Theatre Advisory Board
7.	Heritage Markham Committee
8.	Markham Sports Hall of Fame Committee
9.	Mayor's Youth Council
10.	Public Art Advisory Committee
11.	Public Library Board
12.	Race Relations Committee
13.	Seniors Advisory Committee

Advisory Committees with Council Members Only

1.	Appointment Committee*
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*conducting interviews for Heritage Markham, Public Library Board & Committee of Adjustment only

Foundations – no changes

1.	Varley-McKay Art Foundation of Markham
2.	Friends of the Markham Museum Board

Tribunals (Quasi-Judicial) – no changes at this time

1.	Licensing Committee*
2.	Committee of Adjustment
3.	Property Standards Committee

*proposed changes to be brought forward in June 2019

Council Sub-Committees

1.	Budget Sub-Committee (including Development Charges Sub-Committee)
2.	Markham Sub-Committee* (including Main Street Markham & Cornell Advisory Group)
3.	Milliken Mills Sub-Committee* (including Milliken Mills Main Street Advisory Group)
4.	Thornhill Sub-Committee* (including Langstaff Implementation Committee)
5.	Unionville Sub-Committee* (including Historical Unionville Community Vision Committee, Markham Centre Advisory Group and Markham Centre Sub-Committee)

*Adopted by Council on February 26, 2019.

Community Centre Boards – no changes

1.	Box Grove Community Centre Board
2.	Cedar Grove Community Centre Board
3.	German Mills Community Centre Board
4.	Heintzman House Community Centre Board
5.	Markham Village Train Station Community Centre Board
6.	Victoria Square Community Centre Board

APPENDIX “F”**PROPOSED CHANGES TO EXISTING COMMITTEES****FOR 2018-2022 TERM OF COUNCIL****Advisory Committees to be Re-Classified as Taskforces**

	Committee Name	Proposed 2 Year Term
1.	Canada Day Committee	September - September
2.	Doors Open Markham	November - November
3.	Markham-Milliken Children's Festival Committee	September - September
4.	Santa Claus Parade Advisory Committee	January - January

Advisory Committee Functions to be Amalgamated into Another Existing Committee & Originating Committee Dissolved

	Committee Name	Comments
1.	Agricultural Advisory Committee	Matters will be sent directly to DSC
2.	Automated Vacuum Collection Feasibility Working Group	Matters will be sent directly to General Committee
3.	Cornell Advisory Group	Matters will be dealt with at the Markham Sub-Committee*
4.	Development Charges Sub-Committee	Matters will be dealt with at the Budget Sub-Committee
5.	Eabametoong First Nations Sub-Committee	Matters will be sent directly to General Committee
6.	Environmental Issues Committee	Matters will be sent directly to General Committee. Cross Commission Staff can give grants out with criteria, similar to Celebrate Markham
7.	Green Print Steering Committee	Matters will be sent directly to General Committee
8.	Historical Unionville Community Vision Committee	Matters will be dealt with at the Unionville Sub-Committee*
9.	Information Communication & Technology Sub-Committee	Matters will be sent directly to General Committee

10.	Langstaff Implementation Committee	Matters will be dealt with at the Thornhill Sub-Committee*
11.	Main Street Markham	Matters will be dealt with at the Markham Sub-Committee*
12.	Markham Centre Advisory Group	Matters will be dealt with at the Unionville Sub-Committee*
13.	Markham Centre Sub-Committee	Matters will be dealt with at the Unionville Sub-Committee*
14.	Milliken Mills Main Street Advisory Group	Matters will be dealt with at the Milliken Mills Sub-Committee*
15.	Pandemic Readiness Emergency Plan Steering Committee	Matters will be dealt with under the City's Emergency Management program
16.	Public Realm Advisory Committee	Matters will be sent directly to General Committee
17.	Seniors Hall of Fame Awards Committee	Matters will be dealt with at the Seniors Advisory Committee
18.	Transit Sub-Committee	Matters will be sent directly to Development Services Committee
19.	York University Committee	Matters will be sent directly to General Committee

*Adopted by Council on February 26, 2019.

Advisory Committees to be Dissolved

	Committee Name	Comments
1.	Achievement and Civic Recognition Committee	Will be handled through Mayor's office if required
2.	German Mills Meadow and Natural Habitat Liaison Committee	Mandate completed
3.	Markham Sports Entertainment and Cultural Centre Subcommittee	Mandate completed
4.	Milne Pathway Working Group	Mandate completed
5.	Pan Am Host Advisory Committee	Mandate completed
6.	Parking Advisory Committee	Did not meet in past term of Council
7.	South East Community Centre and Library	Mandate completed
8.	Thornhill Revitalization Committee	Mandate completed
9.	Train Anti-Whistling Group	Mandate completed

10.	Unionville Stiver Mill Preservation Advisory Committee	Mandate completed
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Report to: Council

Meeting Date: April 30, 2019

SUBJECT: Request for Tender 057-T-19 Markham Village C.C. Refrigeration Room Construction

PREPARED BY: Lorne DeHaas, Supervisor, Community Facility, Ext. 3351
Darius Chung, Senior Buyer, Ext. 2025

RECOMMENDATION:

- 1) That the report entitled “057-T-19 Markham Village C.C. Refrigeration Room Construction” be received; and,
- 2) That the contract for tender 057-T-19 Markham Village C.C. Refrigeration Room Construction be awarded to the sole bidder, Black & McDonald Limited in the amount of \$829,318.18 inclusive of HST; and,
- 3) That the cost of the award in the amount of \$829,318.18 be funded from capital project 500-101-5399-19128 “Markham Village C.C. refrigeration Room Construction” which has an available budget of \$716,439.52; and,
- 4) That the shortfall in the amount of \$112,878.66 be funded from the Lifecycle Replacement and Capital Reserve Fund; and,
- 5) That the 2020 Operating Budget reflect savings as a result of the new system and legislative TSSA Standards; and further,
- 6) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

Staff is seeking approval to award the contract for the supply and replacement of the refrigeration system at Markham Village C.C., which will utilize Opteon XP10 as the new refrigerant.

The City of Markham currently utilizes ammonia based refrigeration systems in its eight (8) arenas locations. Aligning with the strategic priority to maintain a safe and sustainable community, staff recommends utilization of an alternative refrigerant (Opteon XP10). This new refrigerant is more environmental friendly option that will reduce operation costs and enhance public safety. Opteon is a new product alternative for ammonia based refrigeration system that is being used in Quebec and United States, this installation will be one of the first in Ontario.

BACKGROUND:

Two key determinants have led to the replacement requirements of the refrigeration system at Markham Village C.C.:

1. The refrigeration plant within Markham Village C.C. was last updated in 1994 and a condition assessment completed in 2016 outlined that a lifecycle replacement of the refrigeration equipment was warranted. This arena is one of the City's older facilities which was built in 1954 (please check date).
2. Technical Safety Standards Association (TSSA) issued a compliance order in February, 2016 to the City of Markham citing that the current Markham Village C.C. refrigeration plant design does not comply with *B52 Mechanical Refrigeration Code (2014)* requirements.

To address the replacement requirements, the City of Markham needs to conform with Section 6.2.2. of the B52 Mechanical Refrigeration Code (Section 6.2.2.), whereby a refrigeration plant room requires *a minimum of one self-closing door that opens outwardly and is not accessible to a public corridor*. Therefore, the refrigeration room would need to be retrofitted. In addition, due to aging equipment, the removal, disposal, supply and replacement of the refrigeration equipment would be required.

In January, the City issued tender # 008-T-19 to the market for a like for like replacement of the refrigeration system at Markham Village C.C., which closed on February 13, 2019. The City received two bids at that time. The two bid prices received were \$931,104 and \$966,007 respectively, with the low bidder being \$214,665 (\$931,104 - \$716,439) over budget.

Through discussions, internally and with an engineering consultant (I.B. Storey), it was recommended to re-issue the bid utilizing the OPTEON XP10 refrigerant instead of an ammonia system. This change would result in utilizing a refrigerant that changes the operating requirements and would eliminate the need for a vestibule and secondary exit, as well as enhancing operator and public safety. By doing so, the City was able to reduce the budget shortfall by \$101,787 (\$215,665 - \$112,878).

DISCUSSION:

The first tender released did not consider the use of Opteon XP10 as a refrigerant, because Opteon is a new product on the market and is not used as of yet used in the Ontario market. Opteon XP10 is a refrigerant that has an A1 safety classification, which means that it is safe and nonflammable in air under normal conditions. While the replacement with the Opteon solution provides a safer solution than ammonia, it can only take place when the complete refrigeration system is replaced in its entirety. This is generally not the case with refrigeration systems, where replacements are component based and timing for replacement is based on each component's condition.

Opteon XP10 is used extensively in Quebec and in the United States, since the legislative ban on the R22 (Freon) refrigerant to support ice in arenas. The use of OPTEON XP10

will be the first in Ontario. The new system has been designed to reduce the installation costs, and includes the following additional benefits:

- **No ammonia charge** – enhanced operator and public safety.
- Additional financial savings include:

Annual Operating Savings

Category	Volume / Description	Savings
Reduced Water Consumption	567,811 litres / year	\$ 1,391 / year*
Reduced Energy (Hydro) consumption	50,000 kwh / year	\$10,356 / year*
Chiller manufacturer warranty	10 year warranty incl. labour, parts and refrigerant.	
Service Maintenance Agreement	Current contract - \$10,593/year New contract - \$5,707/year on parts and labour excl. chiller	\$ 4,886 / year
	Total Annual Savings	\$16,633 / year

* Savings fluctuate based on annual base rate

Recreation Services continues to safely operate and mitigate risks of ammonia based refrigerator systems through highly trained and skilled operators and compliance to strict protocols and regular inspections.. Safety controls dictated by regulators are in place such as audible and visual alarms when there is detection of ammonia presence. The department also utilizes standard operating procedures (SOP) to support staff and users when and if there is a presence of ammonia. They are also trained on emergency response and hazard identification.

Recently, TSSA proposed new regulatory standards for industry review. Current TSSA legislation that impacts arena operations are plant rating and supervision requirements based on total kilowatt capacity of a plant.

Staff anticipate that the legislative approval of TSSA proposals would lead to additional operating costs associated with the operation of ammonia plants. The impact of future TSSA proposed changes on the City of Markham's ammonia based systems at our eight locations (10 ice pads) is currently unknown.

The operating budget savings associated with the new equipment at Markham Village Community Centre estimated in the amount of \$16,633 may be offset by higher costs due to potential TSSA changes. As a result, Staff will make necessary adjustments as part of the 2020 budget once there is clarity on regulation changes.

As opportunities arise to replace complete refrigeration systems through the lifecycle replacement program, staff will ensure that the project includes evaluation of alternatives to ammonia and to any new technology opportunities that further enhance public safety and operating costs. .

BID INFORMATION:

Bids closed on	March 26, 2019
Number picking up bid document	15
Number responding to bid	1*

*This is a niche market with few local refrigeration contractors who can provide this type of work. The complexity of the work, coupled with the removal and proper disposal of ammonia has resulted in reduced bid participation. While many of the contractors that picked up the bid document were familiar with the refrigeration system, many were unfamiliar with the work required for proper ammonia removal and disposal, thus viewed the work with greater liability than they were comfortable with executing.

PRICE SUMMARY:

Suppliers	Bid Price (Inclusive of HST Impact)
Black & McDonald Limited	\$829,344.00

FINANCIAL CONSIDERATIONS

Original Budget and Account #	\$716,439.52	500-101-5399-19128
Less Cost of award	\$829,318.18	Total Cost of Award (Inclusive of HST)
Budget Remaining after this award	(\$112,878.66)	*

*The shortfall of \$112,878.66 be funded from the Lifecycle Replacement and Capital Reserve Fund.

HUMAN RESOURCES CONSIDERATIONS

Not Applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

Safe & Sustainable Community

BUSINESS UNITS CONSULTED AND AFFECTED:

Financial Services Department has been consulted during the preparation of this report.

RECOMMENDED BY:

Mary Creighton
Director, Recreation Services

Brenda Librecz
Commissioner, Community & Fire Services

2019-

A by-law to designate part of a certain
plan of subdivision not subject to Part Lot Control

The Council of The Corporation of the City of Markham hereby enacts as follows:

- 1. That Section 50(5) of the *Planning Act*, R.S.O. 1990, P.13 shall not apply to the lands within the part of a registered plan of subdivision designated as follows:

Blocks 1 to 8 (inclusive), Registered Plan 65M-4603; City of Markham,
Regional Municipality of York

- 2. This By-law shall expire two years from the date of its passage by Council.

Read a first, second and third time and passed this 30th day of April, 2019.

City Clerk

Mayor



EXPLANATORY NOTE

BY-LAW NO: 2019-XXX

Part lot Control Exemption By-law

Kymberville Capital Inc.

Blocks 1 to 8 (inclusive), Registered Plan 65M-4603

The proposed by-law applies to Blocks 1 to 8 (inclusive), Registered Plan 65M-4603. These lands are located north of Highway 7 East and east of Bur Oak Avenue in the Cornell community.

The purpose of this by-law is to exempt the subject blocks from the part lot control provisions of the Planning Act.

The effect of this by-law is to allow for the creation of fifty (50) townhouse dwelling units.

DRAFT



THE CORPORATION OF THE CITY OF MARKHAM

BY-LAW NUMBER _____

TO AMEND BY-LAW 106-71

BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM THAT BY-LAW 106-71 BE AND THE SAME IS HEREBY AMENDED AS FOLLOWS:

1. That Schedule 19 of Traffic By-law 106-71, pertaining to “Traffic Control Signals”, be amended by adding the following locations

COLUMN 1
INTERSECTION

Allstate Parkway at Norman Bethune Avenue / Centurian Drive

Birchmount Road at Aviva Way

Birchmount Road at Verdale Crossing

Birchmount Road, 125 metres south of Enterprise Boulevard

Bur Oak Avenue at Roy Rainey Avenue

Centurian Drive at Frontenac Drive

Enterprise Boulevard at Andre De Grasse Street

Enterprise Boulevard at Bill Crothers Drive

Enterprise Boulevard at University Boulevard

Enterprise Boulevard / Unionville Gate at Main Street Unionville

John Street, 30 metres east of Rockingham Court

Norman Bethune Avenue at Aristotle Avenue

YMCA Boulevard at University Boulevard

2. That Schedule 12 of Traffic By-law 106-71, pertaining to “Compulsory Stops”, be amended by deleting the following locations:

COLUMN 1	COLUMN 2	COLUMN 3
<u>INTERSECTION</u>	<u>FACING TRAFFIC</u>	<u>LOCATION OF STOP SIGN</u>
Allstate Parkway at Centurian Drive	Southbound on Allstate Parkway	West side of Allstate Parkway, North side of Centurian Drive
Allstate Parkway at Centurian Drive	Northbound on Allstate Parkway	East side of Allstate Parkway, South side of Centurian Drive
Allstate Parkway at Centurian Drive	Westbound on Centurian Drive	North side of Centurian Drive, East side of Allstate Parkway
Bur Oak Avenue at Roy Rainey Avenue	Southbound on Roy Rainey Avenue	West side of Roy Rainey Avenue, North side of Bur Oak Avenue
Bur Oak Avenue at Roy Rainey Avenue	Northbound on Roy Rainey Avenue	East side of Roy Rainey Avenue, South side of Bur Oak Avenue
Bur Oak Avenue at Roy Rainey Avenue	Eastbound on Bur Oak Avenue	South side of Bur Oak Avenue, West side of Roy Rainey Avenue
Bur Oak Avenue at Roy Rainey Avenue	Westbound on Bur Oak Avenue	North side of Bur Oak Avenue, East side of Roy Rainey Avenue
Centurian Drive at Frontenac Drive	Northbound on Frontenac Drive	East side of Frontenac Drive, South side of Centurian Drive
Main Street Unionville at Unionville Gate	Southbound on Main Street Unionville	West side of Main Street Unionville, North side of Unionville Gate
Main Street Unionville at Unionville Gate	Northbound on Main Street Unionville	East side of Main Street Unionville, South side of Unionville Gate
Main Street Unionville at Unionville Gate	Westbound on Unionville Gate	North side of Unionville Gate, East side of Main Street Unionville

3. The By-law shall come into force and effect upon receiving the third reading by the Council of the City of Markham and also when authorized traffic control signals have been energized.

4. All other provisions of By-law 106-71 which have not been hereby amended shall remain in full force and effect.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS_____ DAY OF _____, 2019.

KIMBERLY KITTERINGHAM
CITY CLERK

FRANK SCARPITTI
MAYOR



BY-LAW 2019-XXX

A by-law to enact rules and regulations covering the construction, operation and maintenance of a Waterworks System within the serviced area of the City of Markham.

WHEREAS The Corporation of the City of Markham (hereinafter referred to as the “City”) is a lower-tier municipality within the Regional Municipality of York in the Province of Ontario;

AND WHEREAS subsection 11(3) and (4) of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended (hereinafter referred to as the “*Municipal Act*”), authorizes lower tier municipalities to pass by-laws respecting public utilities including systems that distribute Drinking Water;

AND WHEREAS the City has certain responsibilities for the distribution of Drinking Water within the jurisdiction of the City of Markham;

AND WHEREAS the City is deemed to be the “water purveyor” as defined in subsection 1.4.1.2 (1) (b) of the *Ontario Building Code*;

AND WHEREAS Part 7 of the *Ontario Building Code*, as amended, authorizes a municipality to regulate the connection of individual water services to a municipal potable water system;

AND WHEREAS subsection 7.6.1.3 (5) of the *Ontario Building Code* states that “Where the water supply is to be metered, the installation of the meter, including the piping that is part of the meter installation and the valving arrangement for the meter installation, shall be according to the water purveyor’s requirements”;

AND WHEREAS subsection 80 (1) of the *Municipal Act*, authorizes a municipality, at reasonable times, to enter on land to which it supplies a public utility,

- (a) to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply the public utility; or
- (b) to inspect, install, repair, replace or alter a public utility meter.

AND WHEREAS subsection 80 (2) of the *Municipal Act* authorizes a municipality to shut off or reduce the supply of a public utility to the land for the purposes of subsection 80 (1);

AND WHEREAS subsections 81 (1) and (2) of the *Municipal Act* authorize a municipality to shut off the supply of a public utility to land if fees or charges payable by the Owners or Occupants of the land for the supply of the public utility are overdue, upon providing reasonable notice of the proposed shut off to the Owners and Occupants;

AND WHEREAS subsection 82 (1) of the *Municipal Act* provides that a municipality is not liable for damages caused by the interruption or reduction of the amount of a public utility supplied to the land of any Person as a result of an emergency or a breakdown, repair or extension of its public utility if, in the circumstances, reasonable notice of its intention to interrupt or reduce is given;

AND WHEREAS subsection 91 (9) of the *Municipal Act* authorizes a municipality to enter upon land to repair and maintain its public utilities;

AND WHEREAS the Council of the Corporation of the City of Markham deems it expedient to have water restrictions for certain classes of Property within the serviced area of the City of Markham;

AND WHEREAS subsection 391 (1) of the *Municipal Act* provides that a municipality may pass by-laws imposing fees or charges on Persons for services or activities provided or done by or on behalf of it;

AND WHEREAS subsection 398 (1) of the *Municipal Act* provides that fees and charges imposed by a municipality on a Person constitute a debt of the Person to the municipality;

AND WHEREAS subsection 398 (2) of the *Municipal Act* states that a municipality may add fees and charges to the Tax Roll of the Property to which the public utility is supplied and

collect them in the same manner as municipal taxes and such fees shall have priority lien status;

AND WHEREAS subsection 425 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing a Person who contravenes it is guilty of an offence and subsection 429 (1) authorizes the establishment of a system of fines for offences under a by-law of the municipality;

AND WHEREAS section 434.1 of the *Municipal Act* provides that a municipality may require a Person to pay an Administrative Penalty if the municipality is satisfied that a Person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

AND WHEREAS section 434.2 (1) of the *Municipal Act* provides that an Administrative Penalty imposed by a municipality on a Person constitutes a debt of the Person to the municipality;

AND WHEREAS sections 435 and 437 of the *Municipal Act* provides for conditions governing the power of entry of a municipality;

AND WHEREAS subsection 436 (1) of the *Municipal Act* authorizes a municipality to pass by-laws providing that a municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law, direction or order of the municipality is being complied with;

AND WHEREAS section 444 of the *Municipal Act* authorizes a municipality to make an Order requiring the Person who contravened a by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to discontinue the activity and any Person who contravenes such Order is guilty of an offence;

AND WHEREAS section 445 authorizes a municipality to make an Order requiring the Person who contravened the by-law or who caused or permitted the contravention or the Owner or Occupier of the land on which the contravention occurred to do the work to correct the contravention;

AND WHEREAS section 446 authorizes a municipality to direct or require a Person to do a matter or thing and in default of it being done, the matter or thing shall be done at that Person's expense and the municipality may collect the costs from the Person required to do it by action or by adding the costs to the Tax Roll and collecting them in the same manner as municipal taxes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM HEREBY ENACTS AS FOLLOWS:

1. DEFINITIONS

1.0 For the purpose of this By-law, the following definitions and interpretations shall govern:

- 1) **"Account"** means the record of Water consumption and all fees and charges relating to a Property;
- 2) **"Administrative Penalty"** means an administrative penalty established by the City By-law No. 2016-84, as amended;
- 3) **"Advanced Metering Infrastructure (AMI)"** means all aspects related to collection, transmission, storage and monitoring of consumption, diagnostic and status data from metering devices by an automatic two-way metering infrastructure including the related equipment, software and hardware as adopted by the City from time to time for the purposes of billing, data analysis and remote utility management;
- 4) **"AMPS By-law for Non-Parking Offences"** means the City By-law No. 2016-84, a by-law to implement an Administrative Monetary Penalty System for Non-Parking Offences, as amended from time to time;
- 5) **"Applicable Law"** means any applicable federal, provincial or municipal laws, statutes, by-laws, rules, regulations, Orders, directives and codes including the *Ontario Building Code* and *Fire Code* as amended from time to time;
- 6) **"Applicant"** means any Person who makes an application under this By-law;

- 7) “**Automatic Meter Reading (AMR)**” means all aspects related to collection, transmission and storage of consumption data from metering devices by an automatic system including the related equipment, software and hardware as adopted by the City from time to time for the purposes of billing and data analysis;
- 8) “**AWWA Standards**” means the standards adopted by the American Water Works Association, as amended from time to time;
- 9) “**Back Charges**” means additional charges added to an Account to correct deficiencies, arising out of or in relation to a stopped Water Meter, illegal connections, Water Meter in by-pass, tampered Water Meter, opened by-pass valve, Water Meter Reversal, incorrect Water Meter conversion multiplier, non-sewer charges, and other applicable situations which may cause the City to lose water sale revenue because of improper use of Water, Water Meters or the Waterworks System;
- 10) “**Backflow**” means a flowing back of or reversal of the normal direction of flow of water, as defined by the *Ontario Building Code*, as amended;
- 11) “**Backflow Preventer**” means a device or method that prevents Backflow in a water distribution system, as defined by the *Ontario Building Code*, as amended;
- 12) “**Building**” means a structure as defined by subsection 1 (1) of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;
- 13) “**Business Day**” means any working day, Monday to Friday inclusive, but excludes public holidays as defined in Part I of the *Employment Standards Act, 2000*, S.O. 2000, c.41, as amended;
- 14) “**Chief Building Official**” means the chief building official appointed by Council for the purpose of enforcement of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended, or their designate;
- 15) “**City**” means the Corporation of the City of Markham and includes its employees, Municipal Law Enforcement Officers, and authorized agents and contractors retained to act on the City’s behalf ;
- 16) “**City Standards and Specifications**” means the City’s *Engineering Design Criteria, Engineering Standard Drawings and Municipal Inspection & Construction Guidelines*, as amended from time to time or any other document superseding or replacing it;
- 17) “**Consumer**” means any or all of the Owner, Occupier, Developer or Builder of a Property which is serviced by, connected to or uses the Waterworks System;
- 18) “**Continuing Offence**” means a Person can be charged with a separate offence for each day on which the offence was committed or continued;
- 19) “**Council**” means the Council of the Corporation of the City of Markham;
- 20) “**Developer or Builder**” means the Owner or Person who has entered into an agreement with the City for the purposes of permitting development or construction to occur on a Property or land, which includes but is not limited to subdivision and site plan agreements entered into pursuant to the *Planning Act*, R.S.O. 1990, c. P. 13, as amended; or the Owner or Person to whom a building permit has been issued by the City pursuant to the *Building Code Act, 1992*, S.O.1992, c23, as amended;
- 21) “**Director of Engineering**” means the person designated as the Director for the Department of Engineering of the City or their designate;
- 22) “**Director of Environmental Services**” means the person designated as the Director for the Department of Environmental Services of the City or their designate;
- 23) “**Drinking Water**” means water intended for human consumption as defined by subsection 2 (1) of the *Safe Drinking Water Act, 2002*, c.32, as amended;
- 24) “**Fee By-law**” means the City By-law No.2002-276, a by-law to impose fees or charges for services or activities provided or done by the City, as amended from time to time;

- 25) **“Fire Chief”** means the person appointed by the Council and who is responsible for the delivery of fire protection services in the City pursuant to the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended, or their designate;
- 26) **“Fire Code”** means Ontario Regulation 213/07 of the Fire Protection and Prevention Act, 1997, S.O. c.4, as amended or any successor thereto;
- 27) **“Fire Protection System”** means an assembly of pipes, valves, appurtenances and fittings that conveys Water from the Private Fire Service Main to the private fire hydrants(s), the fire sprinkler system or the standpipe and hose system, or any combination of the foregoing in or outside the building;
- 28) **“ICI”** means industrial, commercial and institutional, including mixed use Buildings which contain at least one of an industrial, commercial or institutional use;
- 29) **“Infill Home”** means a new home built on a vacant lot, a severed lot or on a lot where an existing structure is demolished;
- 30) **“Irrigation System”** means fixed equipment, which includes sprinkler heads, piping and other components that are used primarily to apply Water to vegetation;
- 31) **“Licensing, Permit and Service Fees By-law”** means the City By-law No.2012-137, a by-law to establish licenses fees and to impose fees or charges on Persons for services or activities provided or done by or on behalf of the City, as amended from time to time;
- 32) **“Multiple Offence”** means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a by-law;
- 33) **“Multi-Residential”** includes apartment buildings, residential condominium buildings, and townhouse condominium blocks;
- 34) **“Municipal Law Enforcement Officer”** means an employee of the City who has been appointed to enforce the City By-laws or a member of the York Regional Police;
- 35) **“Occupancy Certificate or Occupancy Permit”** means documents issued by the Department of Building Standards of the City confirming a Building's compliance with prescribed standards set out in the *Ontario Building Code*;
- 36) **“Occupier”** or **“Occupant”** includes a Person residing on or in a Property; a Person entitled to the possession of the Property; a tenant or leaseholder; and, where that Person is a corporation, shall include the officers, directors and shareholders of that corporation;
- 37) **“Ontario Building Code”** means Ontario Regulation 332/12, of the *Building Code Act*, 1992, S.O. c.23, as amended or any successor thereto;
- 38) **“Ontario Drinking Water Quality Standards”** means Ontario Regulation 169/03 under *Safe Drinking Water Act*, 2002, S.O.2000, c.32, as amended or any successor thereto;
- 39) **“Order”** includes a Notice, Work Order, Order to Comply, and Order to Discontinue issued by the City;
- 40) **“Owner”** means a Person who is the registered owner of a Property or who has any right, title, estate, or interest in a Property, other than that of only an Occupant and, where that Person is a corporation, shall include the officers, directors and shareholders of that corporation, and shall include any Person with authority or power over or control of that Property on the behalf of an Owner. An Owner includes a Developer or Builder;
- 41) **“Person”** means an individual, sole proprietorship, partnership, municipality, unincorporated association, unincorporated organization, corporation, trustee, heir, executor, administrator or other legal representative, Owner or Occupier of a Property, and includes an agent or employee of any of them;

- 42) “**Plumbing**” means a water system, drainage system and a venting system or parts thereof as defined in subsection 1 (1) of the *Building Code Act, 1992*, S.O.1992,c.23, as amended;
- 43) “**Private Fire Service Main**” means pipes, fittings and appurtenances that convey Water from the Water Service Connection for the purpose of fire protection or suppression only to all points in a fire protection or suppression system;
- 44) “**Private Water Meter**” means a Water Meter which is not owned, serviced or maintained by the City;
- 45) “**Private Water Service Pipe**” means the pipe and fittings owned by an Owner of Property that convey Water from the Water Service Connection to a Water Meter, or to the point where the pipe and fittings connected to the Water Service Connection enters a Building or structure if there is no Water Meter;
- 46) “**Private Water System**” means an assembly of pipes, fittings, valves, equipment and appurtenances owned by an Owner of Property that convey Water from the Private Water Service Pipe to Water supply outlets, fixtures, Plumbing appliances, devices and appurtenances and all other points downstream of the Water Meter or downstream of the point where the Private Water Service Pipe enters a Building or structure if there is no Water Meter;
- 47) “**Professional Engineer**” means an engineer experienced in municipal works, registered with the Association of Professional Engineers Ontario, possessing a current valid license to practice professional engineering as required by *the Professional Engineers Act*, R.S.O.1990, as amended or any successor thereto, and working for a consulting engineering company registered through a Certificate of Authorization to undertake engineering work;
- 48) “**Property**” means one house, one Building, one structure, one lot or block on a plan of subdivision or one parcel of land within the City which has a unique municipal address and is adjacent to the Waterworks System;
- 49) “**Qualified Person**” means an individual who holds a Drinking Water System Operator’s certificate under Ontario Regulation 128/04 (*Certification of Drinking Water System Operators and Water Quality Analysts*) of the *Safe Drinking Water Act*, S.O.2002, c.32, as amended or any successor thereto;
- 50) “**Remote Readout Unit**” means any device which is used to record or transmit the meter register reading of a Water Meter whether or not it is installed at a separate location from the Water Meter but does not include the Water Meter register;
- 51) “**Renovated Building**” means any Building or structure where the Plumbing or piping around or adjacent to a Water Meter is changed or altered after the Water Meter is installed;
- 52) “**Road Allowance**” means any right of way for the purpose of a road dedicated to the City or Regional Municipality of York;
- 53) “**Safe Drinking Water Act**” means the *Safe Drinking Water Act*, S.O.2002, c.32, as amended or any successor thereto
- 54) “**Single-Residential**” includes detached, linked, semi-detached houses and free hold townhouses, but excludes Multi-Residential uses;
- 55) “**Sprinkler Meter**” is a part of the Waterworks System and means any Water Meter which is installed separately for the purpose of metering water used by irrigation systems;
- 56) “**Street Line**” means the boundary of a Property abutting a Road Allowance;
- 57) “**Tax Roll**” means a listing of all taxable property in the City for a given year;
- 58) “**Temporary Water Service Connection**” means a water supply pipe which is installed for a specific short term purpose;
- 59) “**Treasurer**” means the Treasurer of the City or his/her designate;

- 60) “**Vacant**” means a vacant or an unoccupied Property regardless of the length of time the Property has been left unattended or not inhabited;
- 61) “**Valve Box**” is a part of the Waterworks System and means the vertical pipe and cap installed over an underground valve in the Waterworks System which allows the said valve to be operated from ground level;
- 62) “**Valve Chamber**” is a part of the Waterworks System and means the underground structure housing a valve in the Waterworks System which permits access to and operation of the said valve from ground level;
- 63) “**Water**” means Drinking Water;
- 64) “**Water Bill**” means the charge that is made to the Consumer for the City’s water and wastewater services which are billed by the City or any authorized agents acting on behalf of the City of Markham;
- 65) “**Watermain**” means a pipe forming part of the Waterworks System that conveys municipal Water supply to Water Service Connections;
- 66) “**Water Meter**” is a part of the Waterworks System and means the meter read, serviced, maintained or supplied by the City to measure the quantity of Water consumed at, in or upon a Property;
- 67) “**Water Meter Chamber**” is a part of the Waterworks System and means the underground structure housing a Water Meter which is located within three (3) meters of the Street Line;
- 68) “**Water Meter Replacement Program**” means an annual capital program implemented by the City to replace Water Meters at or near the end of their lifespan of approximately twenty (20) years. This proactive annual program reduces maintenance costs, and risks of water leaks at the meter, and provides an accurate measurement of Water consumed or wasted by the Consumer;
- 69) “**Water Rates**” includes “water rate” and “flat rate water charge” as set out in the Fee By-law;
- 70) “**Water Service Box**” is a part of the Waterworks System and means the vertical pipe and cap installed over the Water Shut Off Valve and stem on the Water Service Connection;
- 71) “**Water Service Connection**” is a part of the Waterworks System and means the pipes, fittings and appurtenances used for the purpose of supplying a Property in the City of Markham with Water from the Waterworks System and is located between the Street Line and the Watermain or between the Water Service Box and the Watermain;
- 72) “**Water Shut Off Valve**” is a part of the Waterworks System and means the valve on the Water Service Connection owned and used by the City to turn off or turn on the Water supply from the Waterworks System to any Property;
- 73) “**Water Use Restriction Order**” means a ban or other restrictions put into effect that restricts the outdoor use of Water;
- 74) “**Waterworks System**” means the municipal drinking water system which is owned and operated by the City licensed pursuant to the *Safe Drinking Water Act, S.O.2002, c.32*, as amended;
- 75) “**Waterworks User Fees**” means waterworks fees, charges and rates as set out in the Fee By-law, but not including Water Rates;
- 76) “**Well**” means an excavation or structure created in the ground by digging, driving, boring, or drilling to access groundwater;
- 77) “**Wells Regulation**” means Ontario Regulation 903 under *Ontario Water Resources Act, R.R.O. 1990*, as amended or any successor thereto;
- 78) “**Work**” means all construction, operation and maintenance activities related to the Waterworks System.

2 APPLICATION OF BY-LAW

2.0 This By-law shall apply to

- 2.0.0 Every Person using or drawing Water from the Waterworks System;
- 2.0.1 The Owner or Occupier of every Property upon which Water is used, unless the Water being used is not supplied by the Waterworks System; and
- 2.0.2 All Properties with a connection to the Waterworks System whether metered or not, and whether the connection is permanent or temporary.

3 ADMINISTRATION OF BY-LAW

3.0 Waterworks System Construction, Operation and Maintenance

- 3.0.0 The City shall be responsible for the construction, operation and maintenance of the Waterworks System in accordance with all Applicable Law including but not limited to the *Safe Drinking Water Act*.
- 3.0.1 The City shall become the operator of a water system that is built within the Road Allowance as part of a subdivision by a Developer or Builder with the approval of the City, once the water system has been put into service even if it has not yet been assumed by the City.
- 3.0.2 The City shall be responsible for the administration of the Waterworks System including Water Meter installation, Water Meter maintenance and testing, and Water Meter Replacement program.
- 3.0.3 The administration of the installation of new, renovated or altered Private Water Service Pipes, Private Fire Service Mains, Private Water Systems and appurtenances thereto, and Backflow Preventers on private Property is the responsibility of the City's Chief Building Official pursuant to the *Ontario Building Code*.
- 3.0.4 The City shall be authorized to inspect all existing Private Water Service Pipes, Private Fire Service Mains, Private Water Systems and appurtenances thereto, and Backflow Preventers located and installed on private Property.
- 3.0.5 Any Person who has undertaken or caused or permitted to be undertaken any construction or work, whether authorized or approved by the City or not, and which is located under, over, across or along any Watermain or other part of the Waterworks System shall be liable to the City for any damage caused by such construction or work. The Person shall notify the City immediately of any damage and the City will undertake the repair of any such damage and all costs for the repairs including but not limited to any overhead and administrative fees as set out in the Fee By-law, incurred by the City shall be the responsibility of such Person.
- 3.0.6 Conditions on Water Supply
 - a. The City agrees to use reasonable diligence in providing a regular and uninterrupted Water supply and quality of Water but does not guarantee:
 - i. a constant Water service; or
 - ii. the maintenance of unvaried Water pressure; or
 - iii. the maintenance of unvaried Water quality; or
 - iv. the maintenance of unvaried Water supply. and
 - b. The City shall not be liable to the Consumer or any Person for any damages, including but not limited to direct or consequential damages, in relation to the provision of Water as set out in 3.0.5(a), or caused by or arising out of the breaking of any Private Water Service Pipe or attachment, or any material buildup in a Private Water System, or arising from the shutting off of Water to repair, replace or install any

part of the Waterworks System including but not limited to Watermains or to tap Watermains.

3.1 Water Rates, Charges and Revenues Responsibilities

- 3.1.0 The City shall be responsible for reading Water Meters and for the accounting, billing and collection of Waterworks User Fees and Water Rates charged in accordance with the Fee By-law.
- 3.1.1 The Water Rates, Waterworks User Fees and Back Charges shall be charged in accordance with the Fee By-law.
- 3.1.2 Water supplied by the City and measured by the Water Meter will be charged to the Consumer, regardless of whether the Water supplied is consumed or wasted.
- 3.1.3 Consumers shall be charged for and shall pay the amount due and owing as set out on their Water Bill for their Property based on the quantity of Water supplied by the City and in accordance with the Water Rates as set out in the Fee By-law.

3.2 By-law Administration and Enforcement

- 3.2.0 The Director of Environmental Services shall be responsible for the administration and enforcement of this By-law, including prescribing the content of:
 - a. any forms,
 - b. the City Standards and Specifications, or
 - c. any other documents required under this By-law as amended or revised from time to time.
- 3.2.1 The Director of Environmental Services may authorize any programs or projects which may exempt Persons or Properties from the application of a specific provision or provisions of this By-law.

4 USE AND RECEIPT OF WATER

- 4.0 No Person shall sell, dispose, or permit the sale or disposal of Water within the City without the prior written approval of the Director of Environmental Services.
- 4.1 No Person shall use, cause or permit Water to be used other than through a Water Service Connection to the Property at which the Water is supplied, except with the prior written approval of the Director of Environmental Services.
- 4.2 No Person shall obtain Water from the Waterworks System, without making an application to and being authorized by the Director of Environmental Services to do so and paying the appropriate charges, fees and Water Rates for it, except with the prior written approval of the Director of Environmental Services.

5 ESTABLISHMENT AND DISCONTINUANCE OF WATER SERVICE ACCOUNT

5.0 Establishment of Water Service Account

The supply of Water to a Property from the Waterworks System shall not be turned on until the following requirements have been completed to the satisfaction of the Director of Environmental Services:

- 5.0.0 A written application has been completed by the Owner or Developer and approved by the Director of Environmental Services indicating the purpose for which the Water is required;
- 5.0.1 The necessary Water Service Connection and Private Water Service Pipe have been installed and inspected by and are to the satisfaction of the Director of Environmental Services or the Director of Engineering;
- 5.0.2 The cost of such installations have been fully paid by Owner or Developer;
- 5.0.3 A Water Meter and all related wiring has been installed, tested and sealed to the satisfaction of the Director of Environmental Services; and

5.0.4 An Account has been created by the City or the City’s authorized agent.

5.1 Discontinuance of Water Service Account

An Owner, may request that the Water supply to a Property from the Waterworks System be permanently discontinued. The Owner shall make such request in writing to the Director of Environmental Services. If the discontinuance request is approved by the Director of Environmental Services, the Account associated with that Property will be closed once the following requirements have been completed to the satisfaction of the Director of Environmental Services:

5.1.0 The Owner has prepaid in full all required fees for the permanent removal of the Water Meter and the Water turn off in the amounts set out in the Fee By-law;

5.1.1 The City has removed the Water Meter and turned off the Water supply at the Water Shut Off Valve of the Property;

5.1.2 The Owner has paid in full all Water Rates or other charges due and owing on such Account for the Property up to and until the Water has been turned off and the Water Meter has been removed by the City; and

5.1.3 The Owner has paid the Final Billing as required by section 12.3 of this By-law after the final Water Meter reading is taken and the Water Meter is removed by the City.

6 WATER SERVICE CONNECTIONS

6.0 Application for Water Service Connections

6.0.0 All Water Service Connections require City Approval

No Person shall connect or permit a connection to the Waterworks System or alter or permit an alteration to an existing Water Service Connection without the prior approval of the Director of Environmental Services or the Director of Engineering and such connections shall be in full compliance with the requirements of this By-law.

6.0.1 Application for Water Service Connection

Any Person who requires a new Water Service Connection or wishes to change or alter an existing Water Service Connection to the Waterworks System shall submit an application on the prescribed form and shall comply with the following requirements to the satisfaction of the Director of Environmental Services or the Director of Engineering:

- a. Detailed plans for the Water Service Connection shall be submitted to the satisfaction of the Director of Environmental Services or the Director of Engineering and in accordance with all requirements set out in the City Standards and Specifications;
- b. Where a Water Service Connection is to be installed as part of:
 - i. an unmetered fire line;
 - ii. for any use other than a Single-Residential Property; or
 - iii. where the proposed Water Service Connection is greater than twenty five (25) millimeters in diameter;

detailed design drawings of the proposed Water Service Connection or unmetered fire line, prepared and stamped by a Professional Engineer, shall be submitted to the satisfaction of the Director of Environmental Services or the Director of Engineering and in accordance with all requirements set out in the City Standards and Specifications;

- c. The Owner has signed the application certifying the completeness and accuracy of the information provided on the application and in the plans or drawings; and

- d. Payment has been made to the City of all applicable fees, deposits and charges, in the amounts as set out in the Fee By-law prior to the installation of the Water Service Connection by the City.

6.0.2 Application refused by the City

The Director of Environmental Services or the Director of Engineering may refuse approval of an application for a Water Service Connection where, in the opinion of the Director of Environmental Services or the Director of Engineering,

- a. The City's Waterworks System may be adversely affected;
- b. There is insufficient Water supply available;
- c. There is insufficient Water allocation to service the Property;
- d. A Watermain is not adjacent to the Applicant's Property;
- e. The Property does not have frontage on a Road Allowance with a Watermain from which it can receive a Water Service Connection;
- f. The Property cannot receive a Water Service Connection through a public easement; or
- g. The Water Service Connection would contravene existing City By-laws or other Applicable Law.

6.0.3 Temporary Water Service Connections

- a. An application for a temporary Water Service Connection shall comply with the permanent Water Service Connection application process set out in this By-law and sections 6.0.1 and 6.0.2 shall apply to both temporary and permanent Water Service Connection applications.
- b. Any temporary Water Service Connection approved by the Director of Environmental Services or Director of Engineering shall expire six (6) months from the date of approval. Prior to the expiration of the six (6) month period, the Applicant may apply to renew or extend the approval of the temporary Water Service Connection for an additional six (6) months subject to the approval of the Director of Environmental Services.
- c. Upon the expiration of the temporary Water Service Connection approved under this section, the City may turn off the Water supply to the Property. The Applicant shall be responsible for the proper disconnection of the Water Service Connection and the return of the Water Meter in accordance with City requirements.

6.0.4 Water Service During Construction

A Developer or Builder requiring Water for construction purposes shall make a separate application for a Water Service Connection on the prescribed form or in accordance with any requirements prescribed by the Director of Environmental Services, to the City for each subdivision or site development proposed and shall comply with the following requirements to the satisfaction of the Director of Environmental Services:

- a. Detailed plans shall be submitted to the satisfaction of the Director of Environmental Services illustrating the Water Service Connection point to the Waterworks System for the construction purposes;
- b. A tested Backflow Preventer shall be installed on the water pipe and after the Water Service Connection point to the Waterworks System to the satisfaction of the Director of Environmental Services and in accordance with City By-laws and Applicable Law;
- c. Payment has been made in full to the City for all construction Water fees, in the amount set out in the subdivision agreement or site plan agreement entered into with the City; and

- d. Payment has been made to the City of all applicable fees, deposits and charges, in the amount as set out in the Fee By-law prior to turn on or turn off of Water supply by the City.

6.1 **Installation of Water Service Connections**

6.1.0 Installation by the City

Upon the approval of an application by the Director of Environmental Services or the Director of Engineering submitted pursuant to section 6.0.1 or 6.0.3, a Water Service Connection shall be installed by the City, in accordance with the City Standards and Specifications, at the expense of the Owner, as specified in section 6.2 “Costs of Water Service Connections”.

6.1.1 Installation by the Owner

- a. Notwithstanding section 6.1.0, if an application has been approved by the Director of Environmental Services or the Director of Engineering pursuant to section 6.0.1 or 6.0.3, the Director of Environmental Services or the Director of Engineering may authorize an Owner, in writing, to install a Water Service Connection including any Watermain, at the Owner’s expense in the following circumstances and subject to the requirements set out in sections 6.1.1(b) to 6.1.1(d):
 - i. the Water Service Connection shall be installed within or as part of an unassumed subdivision;
 - ii. the Water Service Connection shall be installed in conjunction with the construction of new Watermain infrastructure related to the Owner’s project;
 - iii. the Water Service Connection shall be installed within the City’s approved easement;
 - iv. The Water Service Connection shall be a requirement of a site plan application process;
 - v. The existing Water Service Connection for an ICI or Multi-Residential Property is required to be replaced with a larger pipe size;
 - vi. The existing ICI or Multi-Residential Property requires a new Water Service Connection; or
 - vii. Any other circumstances that the Director of Environmental Services deems appropriate.
- b. The Owner shall enter into a written agreement with the City with respect to the installation of the Water Service Connection, any related Work, the payment of securities and the assumption of risk by the Owner in relation to same, on such terms and conditions as are acceptable to the Director of Environmental Services or the Director of Engineering and in a form that is satisfactory to the City Solicitor;
- c. The Owner shall construct the Water Service Connection in accordance with the City Standards and Specifications and any other terms and conditions as set out in the agreement referred to in section 6.1.1 (b); and
- d. The construction of the Water Service Connection by the Owner shall be inspected by and installed to the satisfaction of the Director of Environmental Services or the Director of Engineering and the Owner shall notify the Director of Environmental Services or the Director of Engineering that it is ready for inspection prior to the commencement of any backfilling or restoration of the Road Allowance or easement where the Water Service Connection has been installed.

6.1.2 Connection or Water Service Connection Installation rejected by the City

If a Person connects to the Waterworks System or installs a Water Service Connection in a manner other than as permitted by this By-law, the

Director of Environmental Services or the Director of Engineering may require the Owner to undertake the following, at the Owner's expense:

- a. Re-excavate the connection or Water Service Connection for the purpose of inspection and testing to the satisfaction of the Director of Environmental Services or the Director of Engineering;
- b. If required, reinstall the Water Service Connection or any associated Work to the satisfaction of the Director of Environmental Services or the Director of Engineering and in compliance with this By-law; or
- c. Disconnect the Water Service Connection which shall not be reinstalled or reconnected except with the prior written permission of the Director of Environmental Services or the Director of Engineering and in full compliance with the requirements of this By-law.

6.1.3 Pre-installed Water Service Connections

- a. Where the Water Service Connection has been pre-installed by a Developer or Builder, or under the City's direction on lands assumed by the City, a building permit pursuant to the *Ontario Building Code* must be issued prior to the connection of the Private Water Service Pipe to the pre-installed Water Service Connection for each separate Water Service Connection.
- b. If a Water Service Connection or its appurtenance that was pre-installed as part of a plan of subdivision or a site development has been damaged, the Owner of the Property shall be responsible for all associated repair or replacement costs.

6.2 **Costs of Water Service Connections**

6.2.0 Upon the approval of an application for a Water Service Connection by the Director of Environmental Services or the Director of Engineering, the Director of Environmental Services or the Director of Engineering shall determine and advise the Owner of:

- a. All costs of providing such Water Service Connection, which include;
 - i. the City's contractor construction and contingency costs;
 - ii. the City's administrative costs to manage the construction work and conduct inspection for connecting the Private Service Pipe to the Water Service Connection in the amount as set out in the Fee By-law;
 - iii. the City's Water service fee for turning-on the Water to the Property in the amount as set out in the Fee By-law; and
- b. The conditions upon which such Water Service Connection shall be provided.

6.2.1 Prior to installation of the Water Service Connection by the City, the Owner shall pay to the City all costs as set out in section 6.2.0 (a) and comply with any such conditions provided in accordance with section 6.2.0 (b).

6.2.2 Notwithstanding sections 6.2.0 and 6.2.1, if the Water Service Connection is installed by the Owner in accordance with section 6.1.1 and such installation is accepted by the Director of Environmental Services or the Director of Engineering, the Owner shall only be required to pay the City's waterworks service fee, the service fee for turning on the Water supply to the Property and any other applicable fees set out in the Fee By-law.

6.3 **Water Service Operation and Maintenance – By the City**

6.3.0 No Person, except the Director of Environmental Services or those acting under his/her direction, shall open or close any water valve, fire hydrant, Water Valve Chamber, Watermain or any pipe, fixture or other part of the Waterworks System used for the Water supply or disturb, tamper or interfere with same in any manner whatsoever.

6.3.1 No Person, except the Director of Environmental Services or those acting under his/her direction, shall turn on /turn off or alter any Water Shut Off Valve.

6.3.2 The City is responsible for maintaining and repairing Water Service Connections between the Watermain and the Street Line or in the City's Road Allowance or easement.

6.4 Number of Water Service Connections

6.4.0 Unless otherwise approved by the Director of Environmental Services or Director of Engineering, no Person shall install, or permit the installation of a Water Service Connection that services more than one Property.

6.4.1 Unless otherwise approved by the Director of Environmental Services or Director of Engineering, no Person shall install, or permit the installation of a Water Service Connection that services more than one Property even if those Properties are owned or occupied by the same Person.

6.4.2 Unless otherwise approved by the Director of Environmental Services or Director of Engineering, no Person shall install, or permit the installation of more than one Water Service Connection for each Property.

6.4.3 For Property that is Multi-Residential or ICI, additional Water Service Connections and Water Meters may be permitted or required only with the prior approval of the Director of Environmental Services or Director of Engineering.

6.4.4 Dual Water Service Connections and Water Meters for a Property may be provided only for looping purposes to ensure Water supply redundancy or in accordance with the requirements under the *Ontario Building Code*.

6.5 Replacement of Water Service Connections

6.5.0 If a new Water Service Connection has been approved to replace an existing Water Service Connection, the existing Water Service Connection shall be disconnected at the connection point to the Watermain and the existing Water Service Box shall be removed at the same time as the new Water Service Connection is installed.

6.5.1 The Owner shall pay all costs and fees associated with the disconnection of an existing Water Service Connection and the connection of new a Water Service Connection in the amount as set out in the Fee By-law.

6.6 Existing Water Service Connection or Pre-serviced Lot

6.6.0 Existing Water Service Connection to be turned off prior to demolition

An Owner who has received a permit to demolish a Property shall provide the Director of Environmental Services with a notice five (5) days in advance of the demolition and the Water Service Connection shall be turned off by the City at that Property's Water Shut Off Valve. The Owner shall pay the City's Water turn off service fee in the amount as set out in the Fee By-law.

6.6.1 Existing Water Service Connection to be re-used

If the Owner is seeking to re-use the existing Water Service Connection, which previously serviced the Building, or use the installed Water Service Connection of a pre-serviced Property, the Owner shall make an application on the prescribed form to re-use the Water Service Connection and shall comply with the following requirements to the satisfaction of the Director of Environmental Services:

- a. Detailed design drawings illustrating the location, size, material and condition of the existing Water Service Connection shall be submitted to the satisfaction of the Director of Environmental Services; and
- b. The Owner shall retain a Professional Engineer to perform the field inspection of the existing Water Service Connection and to provide the City with a report indicating whether the existing Water Service

Connection conforms to the City Standards and Specifications and confirming whether it can be re-used.

- c. The Director of Environmental Services may refuse the re-use of the existing Water Service Connection if it fails to conform to the City Standards and Specifications or if it is determined to be defective.

6.6.2 Re-use of existing Water Service Connection not permitted

The re-use of an existing Water Service Connection shall not be permitted, if the new proposed Private Water Service Pipe or a pre-serviced Property has a larger size than the existing Water Service Connection. The Owner shall apply for a new Water Service Connection as set out in sections 6.0.1 and 6.0.2 and pay for the costs of new Water Service Connection as set out in section 6.2.

6.6.3 Existing Water Service Connection to be disconnected

If the existing Water Service Connection is not re-used, or in the case of a pre-serviced Property where such connection will not be used for servicing the Property, the existing Water Service Connection shall be disconnected at the connection point to the City Watermain and the existing Water Service Box shall be removed at the time the new Water Service Connection for the Property is being installed. The Owner shall pay all costs and fees associated with the disconnection of the existing Water Service Connection in accordance with the Fee By-law.

6.7 Private Water Service Pipes and Private Fire Service Mains

6.7.0 Installation by the Owner

- a. All Private Water Service Pipes shall be installed by and at the expense of the Owner of the Building or Property for which such Water services are required. The Water Meter for all Water services shall be supplied by the City.
- b. The Private Water Service Pipes shall be installed in accordance with the site servicing design drawings approved by the City and the requirements of the *Ontario Building Code*.
- c. City's Inspection before turn on of the Water Supply

The Chief Building Official shall be notified by the Owner of the Property when a Private Water Service Pipe has been laid, and is ready for inspection. All works must be left uncovered and convenient for examination until inspected and approved. The Water supply shall not be turned on unless the work has been inspected and approved by the Chief Building Official.

6.7.1 Private Fire Protection Systems in Buildings

All Fire Protection Systems in a Building shall be constructed so as to provide exclusive access to the Fire Protection System to the City's Fire and Emergency Department in accordance with the *Ontario Building Code*.

6.7.2 Private Water Service Pipe Sizes and Materials

- a. All Private Water Service Pipes shall be of the same material and size as the Water Service Connection to which such Private Water Service Pipe is connected, and the pipes and fittings used for Private Water Service Pipes shall conform to the design and quality standards as prescribed by the City Standards and Specifications.
- b. Property Expansion/Renovation
During a Property expansion or renovation, the installation of a new Private Water Service Pipe that has a larger size than the existing Water Service Connection and connecting it to the existing Water Service Connection shall not be permitted. The Owner shall apply for a new Water Service Connection as set out in section 6.0 with a size larger than or equal to the new Private Water Service Pipe. Once the new Water Service Connection is constructed, the new Private Water

Service Pipe can be connected to the new Water Service Connection. Meanwhile, the existing Water Service Connection shall be disconnected as set out in section 6.6.3.

6.7.3 Maintenance Responsibilities

Every Owner shall maintain their Private Water Service Pipe in proper working order and shall be responsible for undertaking any required repairs and maintenance to the Private Water Service Pipe, its fixtures and appurtenances at their own expense and in a prompt manner.

6.7.4 Investigation and Repair of Leakage on Private Water System

- a. Every Owner shall be responsible for investigating and determining the cause of any leak, defect or malfunction in the Private Water System serving the Owner's Property. The City is not responsible for locating any leaks for the Owner.
- b. Every Owner shall, at their own expense, repair any leak, defect or malfunction in, of or on the Private Water Service Pipe, Private Fire Service Main or private fire hydrant located on or servicing their Property which results in Water being consumed or lost before passing through the Water Meter, including but not limited to any leak, defect or malfunction related to valves, fittings or corroded piping, as soon as possible after becoming aware of any such leak, defect or malfunction. Every Owner shall pay the cost of Water consumed or lost as a result of such leak, defect or malfunction.
- c. In the event that an Owner fails or refuses to repair any and all leaks, defects or malfunctions in, of or on the Private Water Service Pipe, or Private Fire Service Main or private fire hydrant located on or servicing their Property which results in Water being consumed or lost before passing through the Water Meter, including any leak, defect or malfunction related to valves, fittings or corroded piping, the City may issue an Order to the Owner to do so.
- d. The Owner shall comply with such Order issued by the City pursuant to section 6.7.4 (c) and undertake any required works and repairs within five (5) Business Days of being served with the Order.
- e. If the Owner fails to comply with such Order of the City in accordance with sections 6.7.4 (c) and 6.7.4 (d), the City may make such repairs as the City deems necessary or appropriate and the Owner shall pay to the City the full cost of such work, inspection fees for each attendance at the Property by the City as well as any overhead and administrative fees in the amounts as set out in the Fee By-law.
- f. If the Owner fails to comply with such Order of the City in accordance with sections 6.7.4 (c) and 6.7.4 (d), the City reserves the right to turn off Water supply to the Property until the leaking Private Water Service Pipe or Private Fire Service Main or private fire hydrant is repaired.
- g. The Owner shall pay all costs related to the loss of Water. Where the Water loss has not been recorded by a Water Meter, Water consumption shall be estimated by the City according to the nature of the leak.
- h. The Owner of a Property shall grant the City access to the Property to confirm a leak and its location in the Private Water System through a leak survey, when the City determines it is necessary to conduct such an inspection.

6.8 Frozen Water Service Connection/Private Water Pipes

6.8.0 Every Owner shall ensure that all Private Water Service Pipes, the Private Water System, Private Fire Service Mains and Water Meter on their Property are protected from freezing.

6.8.1 An Owner of a Property shall be responsible for

- a. Thawing out a frozen Private Water Service Pipe, Private Water System, Private Fire Service Main or Water Meter;
- b. Any damage incurred in the event that any of the Private Water Service Pipe, Private Water System or Private Fire Service Main or Water Meter freezes; and
- c. Any Water loss or discharge which occurs as the result of a leak in a frozen Private Water Service Pipe, Private Water System, Private Fire Service Main or Water Meter.

6.8.2 The City shall be responsible for thawing out a frozen Water Service Connection up to the Water Service Box.

6.9 Vacant or unheated Properties

6.9.0 When any Property is left Vacant or where the temperature in a Building is allowed to drop to below five (5) degrees Celsius, the Owner or Occupant shall turn off the Water supply within the Property and drain the piping and Water Meter therein. The Owner or Occupant may make an application to the City to turn off the Water supply at the Water Service Box. The Water Shut Off Valve will be turned on only at the request of the Owner or Occupant and in their presence. The Owner or Occupant shall pay for these Water turn off/turn on service fees in the amounts as set out in the Fee By-law.

6.9.1 When any Property is left Vacant or where the temperature in a Building is allowed to drop to below five (5) degrees Celsius and the Water supply has not been turned off, and the Property suffers damage to it and its contents from a leaking, frozen or burst Water pipe or Water Meter, the Owner or Occupant shall have no claim for any such loss or damage against the City and the Owner or Occupant shall pay all applicable Waterworks User Fees in the amounts as set out in the Fee By-law and any further costs incurred by the City as a result. These costs may include the Water Meter replacement cost if the Water Meter is damaged.

6.9.2 Should the City become aware of such leaking or burst water pipes or Water Meter, the Director of Environmental Services may turn off the Water supply to the Property at the Water Service Box, and the Water supply shall not be turned on until the Director of Environmental Services, in his/her discretion, considers it safe and advisable to do so. The Owner or Occupant shall pay for these Water turn off/turn on service fees in the amounts as set out in the Fee By-law.

6.10 Tests and Disinfection

6.10.0 Water supply for ICI, and Multi-Residential Properties shall not be turned on until the Private Water Service Pipes, Private Water Systems, or Private Fire Service Mains have been inspected, pressure tested, flushed and satisfy the requirements of sections 6.10.1, 6.10.2 and 6.10.3 as they apply.

6.10.1 No Person shall connect or permit to be connected any Private Water Service Pipes, Private Water Systems or Private Fire Service Mains of a size equal to or greater than fifty (50) millimeters in diameter to a Water Service Connection until the Owner of the Property has complied with following requirements to the satisfaction of the Director of Environmental Services:

- a. Submission of a completed application on a form prescribed by the Director of Environmental Services.
- b. The Private Water Service Pipes, Private Water Systems or Private Fire Service Mains shall be disinfected under the supervision of a Professional Engineer qualified to perform such work, in accordance with the City Standards and Specifications and *Ontario Drinking Water Quality Standards* and at the expense of the Owner.

- c. After the Private Water Service Pipes, Private Water Systems or Private Fire Service Mains have been disinfected, Water samples shall be taken and testing shall be conducted in accordance with the following :
 - i. Water sampling, and transportation of the Water sample to the laboratory shall be conducted by a Qualified Person;
 - ii. analytical testing of the Water sample shall be conducted by an accredited laboratory which is licensed by the Ontario Ministry of the Environment, Conservation and Parks, or successor, for the provision of Drinking Water testing services; and
 - iii. a complete Water sample chain of custody shall be properly established from the taking and transportation of the Water sample through to the report of the test results; and
 - d. Prepare and submit to the City a report explaining the Water test results which shall be to the satisfaction of the Director of Environmental Services as set out in this By-law.
- 6.10.2 The Water supply to a Property requiring Water testing in accordance with section 6.10.1 shall not be turned on until the following documents are received by and are to the satisfaction of the Director of Environmental Services within forty-eight (48) hours of the receipt of the laboratory testing results:
- a. An original copy of the Water sampling laboratory analysis report indicating satisfactory disinfection and the associated chain of custody form;
 - b. A written verification of satisfactory disinfection by a Professional Engineer retained by the Owner; and
 - c. All documentation must be stamped, signed and sealed by the Owner's Professional Engineer.
- 6.10.3 All field disinfection, Water sampling, laboratory testing and analysis report preparation, and the Professional Engineer's verification as required by this By-law shall be done at the expense of the Owner.

7 WATER METER

7.0 Water to Be Metered

7.0.0 Water to Be Metered

- a. No Person shall use or permit the use of Water that has not passed through a Water Meter.
- b. Every Owner shall have a Water Meter installed and in use at their Property where such Property is supplied with Water by the City.
- c. All Water supplied to a Property through Private Water Service Pipes shall pass through a Water Meter and shall be charged to the Consumer at such rates as set out in the Fee By-law. All Water passing through the Water Meter will be charged for whether used or wasted.
- d. Sections 7.0.0 (a) and (b) and (c) shall not apply where:
 - i. Water is used by authorized City personnel acting in the course of their duties or by City authorized agents or contractors expressly acting within the scope of their contract;
 - ii. Water is used by the City for firefighting purposes;
 - iii. Water is used by Consumers at a Property serviced by the City on a "flat rate water charge" as of the date of the coming into force of this By-law;
 - iv. Water is used for construction purposes with the approval of the City in accordance with the provisions of this By-law; or

- v. Where the use of un-metered Water is otherwise permitted by this By-law.
- e. All Water Service Connections to the Waterworks System are required to be metered. Any Owner of a residential unit who does not have a Water Meter installed shall pay the City a “flat rate water charge” as set out in the Fee By-law.
- f. Any existing Property serviced by the Waterworks System, on a “flat rate water charge”, is required to have a new Water Meter installed within one (1) year from the day the “flat rate water charges” started or the enactment of this By-law, whichever is earlier.
- g. If two or more Water Service Connections supply Water to a Property, each Water Service Connection shall be separately metered.
- h. Notwithstanding the issuance of any Occupancy Permit under the *Ontario Building Code*, no Person shall draw or use any Water until the Water Meter for the Property has been installed, inspected and sealed by and to the satisfaction of the Director of Environmental Services.

7.0.1 Water Meters – City Property

All Water Meters including Remote Readout Units, wiring and AMR/AMI equipment that register Water supplied and billed by the City, are and shall remain the property of the City, although initially paid for by an Owner or Consumer, and shall be supplied, maintained and replaced by the City.

7.0.2 Private Water Meters – Not the City’s Responsibility; not used for the City’s Water billing purposes

- a. Additional Private Water Meters required for the individual metering or internal private billing purposes within a Building or on a Property shall be installed by and at the expense of the Owner on the downstream side of the Water Meter.
- b. Consumption readings from Private Water Meters will not be recognized by the City for municipal billing purposes. The City is not responsible for any maintenance of Private Water Meters or any requested reconciliation arising from the use of Private Water Meters.

7.0.3 Sprinkler Meter for Irrigation System

The Owner or Occupier of a Property with a Sprinkler Meter shall pay the City the Water turn on/turn off fee in the amounts as set out in the Fee By-law, for each attendance at the Property as requested by the Owner or Occupier.

7.1 **Water Meter Installation**

7.1.0 Installation of Residential Water Meter

- a. No Person shall turn on or cause to turn on the Water supply to a Property or use or draw Water from the Waterworks System until a Water Meter has been installed at the Property and inspected and sealed by and to the satisfaction of the Director of Environmental Services.
- b. All Water Meters that have been installed at a Property, shall be inspected and sealed by and to the satisfaction of the Director of Environmental Services and all associated fees and charges for the Water Meter and any required inspection fees and other applicable fees in the amounts as set out in the Fee By-law must be paid in full prior to turning on the Water supply by the City.
- c. Notwithstanding the issuance of an Occupancy Permit under the *Ontario Building Code*, no Person shall occupy a Building prior to the installation of a Water Meter, nor shall any Person use or draw Water from the Waterworks System prior to the installation of the Water Meter. In the event that Water is used or drawn contrary to the above,

the Owner shall pay the City a “flat rate water charge” as set out in the Fee By-law from the time of issuance of the Occupancy Certificate to the time of installation of a Water Meter.

- d. In the case of an Infill Home:
 - i. The City shall send a notice to the Owner/Occupier advising the Owner/Occupier to submit a Water Meter Application and schedule an appointment for the installation a new Water Meter by the City or a City authorized third party agent within thirty (30) days upon receipt of such Notice;
 - ii. The notice shall be served:
 - (a) personally on the Occupier; and
 - (b) either personally on the Owner or mailed by regular mail to the last known address of the Owner according to the current assessment rolls.
 - iii. The Owner shall pay to the City the full cost of the installation of a Water Meter, and all applicable fees and charges in the amounts as set out in the Fee By-law.
- e. In the case of a Property subject to meter replacement or installation in accordance with the City’s meter maintenance program or AMR/AMI program, the City may install such Water Meter, conduit and wire for Remote Readout Unit and AMR/AMI equipment at no expense to the Owner.

7.1.1 Installation of ICI and Multi-Residential Water Meter

- a. An Owner shall install or cause to be installed a Water Meter in accordance with this By-law on the Owner’s Property in a secure and accessible location a minimum five (5) Business Days prior to occupancy.
- b. An Owner shall install or cause to be installed all Plumbing and appurtenances related to the Water Meter, including conduit for wiring in accordance with the City Standards and Specifications and at the sole expense of the Owner.
- c. Notwithstanding any other provisions of this By-law, the wire and the Remote Readout Unit or AMR/AMI equipment shall be installed by the City prior to the Owner’s occupancy of a new or Renovated Building or part thereof.
- d. Except as otherwise provided for in this By-law, no Person shall turn on or cause to be turned on the Water supply to a Property until the City has inspected and sealed the Water Meter installed at the Property as set out in this By-law.
- e. In the event that Water supply to a Property has been turned on prior to the City inspection and sealing of the Water Meter at the Property, the Director of Environmental Services reserves the right to turn off the supply of Water to the Property.
- f. To allow for proper flow of Water or maintenance of equipment or both, the City may require an Owner to install the proper valving arrangement in respect of the supply of Water to the Property in accordance with the City Standards and Specifications at the sole expense of the Owner.
- g. In the case of a Property subject to meter replacement or installation in accordance with the City’s meter maintenance program or AMR/AMI program, the City may install such Water Meter, conduit and wire for Remote Readout Unit and AMR/AMI equipment at no expense to the Owner.

7.1.2 Supply of Water Meter

Water Meters for new development shall be supplied by the City at the Owner's expense in accordance with the Fee By-law and the City Standards and Specifications.

7.1.3 Application for Water Meter – (Only for Infill Home, ICI and Multi-Residential Water Meter Application)

An Owner/Applicant of an Infill Home, ICI or Multi-Residential Property who requires a new Water Meter for a new or Renovated Building or who wishes to change the Water Meter size in an existing Building shall submit a completed Water Meter application on the prescribed form to the City and shall comply with the following requirements to the satisfaction of the Director of Environmental Services:

- a. For ICI and Multi-Residential Water Meter applications only, the Owner/Applicant shall provide the City with:
 - i. calculated peak flow rate including consumption flow and fire flow, to be supplied and certified by a Professional Engineer, to pass through the Water Service Connection;
 - ii. type of business; and
 - iii. number of occupants or employees.
- b. The Owner/Applicant shall sign the application form and shall be responsible for the completeness and accuracy of all information provided with the application;
- c. The Owner shall pay the application fee at the time of submission of application; and
- d. All applicable Water Meter fees and charges in the amounts as set out in the Fee By-law must be received by the City prior to the application being processed.

7.1.4 Size of Water Meter

- a. Based on the information supplied by the Owner/Applicant in their application, the Director of Environmental Services shall determine the size of the Water Meter required for the Property.
- b. Unless approved by the Director of Environmental Services, the size of a residential Water Meter shall not be in excess of twenty-five (25) millimeters in diameter.

7.1.5 Water Meter Loss or Damage

- a. Other than damage caused by the City, every Owner shall be responsible for any loss or damage to a Water Meter including but not limited to damage caused by freezing.
- b. The Owner shall pay the City the costs for making the necessary repairs to or for the replacement of such Water Meter and all applicable fees and charges in the amounts as set out in the Fee By-law.

7.1.6 Notification by Owner

The Owner shall immediately notify the Director of Environmental Services that the Property is ready for the installation of a Water Meter.

7.1.7 Provision for Installing a Water Meter

The Owner shall ensure that provision is made in the piping system of all existing, new and Renovated Buildings or structures for the installation of a Water Meter of the same diameter as the Private Water Service Pipe in accordance with the City Standards and Specifications.

7.1.8 Water Meter By-Pass Piping

- a. Every Owner shall install by-pass piping for Water Meter sizes greater than twenty-five (25) millimeters in diameter, and maintain same in good working order in accordance with the City Standards and Specifications and at the sole expense of the Owner.

- b. Once the by-pass piping has been installed by the Owner, the Owner shall immediately notify the Director of Environmental Services, and the City shall seal the by-pass valve in the closed position upon notification of its installation by the Owner. No Person shall, unless authorized by the Director of Environmental Services, open a by-pass valve or break its seal, or cause a by-pass valve to be opened or a seal to be broken, after it has been inspected and sealed by the City.
- c. Where the by-pass pipe or valves of a Property are not installed in accordance with the City Standards and Specifications, the City may Order the Owner to undertake the following work at the sole expense of the Owner:
 - i. To install a new or replace the Water Meter by-pass pipe or valves; and/or
 - ii. To remove any defective pipe or valves and install a new pipe or valves.
- d. An Owner shall comply with an Order made under section 7.1.8 (c) within thirty (30) days from receipt of the Order from the City.
- e. If an Owner fails to:
 - i. Supply, install or maintain the by-pass pipe and valves in proper working order in accordance with 7.1.8 (a); or
 - ii. Comply with an Order of the City made pursuant to this By-law within the time required,

The City may perform any work required by the Order including but not limited to supply, install, repair, replace or otherwise maintain the by-pass pipe and valves, as the City considers appropriate and the Owner shall pay to the City the full cost of the work, the inspection fee for each attendance at the Property, and all other applicable fees and charges in the amounts as set out in the Fee By-law.

- f. If a by-pass valve is opened or the seal is broken or damaged regardless of the cause:
 - i. the City shall close or seal the by-pass valve once it is discovered and monitor the Water consumption pattern for the Property for twelve (12) months after the by-pass valve is closed and re-sealed;
 - ii. the City will apply that Water consumption pattern as the base Water consumption for the Property and determine how long and how much Water consumption has been unbilled in accordance with the historic billing for the Property; and
 - iii. the City will Back Charge the Owner or Occupant of the Property for the Water consumed through the opened or seal-broken by-pass valve based on the Water Consumption pattern pursuant to subsection (ii) above for the duration as set out in section 7.3.2(g) and 7.3.2 (h) of this By-law. Back charges for ICI and Multi-Residential Property will be calculated based on the “water rate” and Single-Residential Property will be calculated based on the “flat rate water charge” as set out in the Fee By-law.

7.1.9 Water Meter Chamber

- a. If the Director of Environmental Services is of the opinion that a Water Meter cannot be conveniently located inside a Building or structure in accordance with the City Standards and Specifications or where the City does not have access to the Water Meter, the Director of Environmental Services may require the Water Meter to be installed in a Water Meter Chamber constructed by the Owner in accordance with the City Standards and Specifications, at the sole expense of the Owner.

- b. All Water Meter Chambers shall be placed in a location approved by the Director of Environmental Services, prior to construction.
- c. No Person shall obstruct or permit the obstruction of a Water Meter Chamber and associated valves.
- d. No Person shall place shrubs, trees, or other landscaping within one and one half (1.5) meters of the outer perimeter of a Water Meter Chamber.
- e. The Owner shall keep all landscaping on his Property cut back and clear of a Water Meter Chamber and the access to a Water Meter Chamber.
- f. To facilitate the reading of a Water Meter, the City may require the Owner to:
 - i. Prepare the Water Meter Chamber cover for the installation of a chamber cover type Remote Readout Unit in accordance with the City Standards and Specifications at the sole expense of the Owner.
 - ii. If the City determines a chamber cover type Remote Readout Unit device is not appropriate for a location, the City may:
 - (a) Determine the appropriate type and location of the Remote Readout Unit and the Owner shall install such unit at the sole expense of the Owner according to the City Standards and Specifications; and
 - (b) Require the Owner to install a mounting post and plate to accommodate the Remote Readout Unit at the sole expense of the Owner.

7.2 Water Meter Inspection

7.2.0 Water Meter Inspection and Sealing

- a. Every Water Meter on a Property shall be inspected and sealed by the City at or about the time of installation or relocation. The Owner shall notify the City within forty-eight (48) hours of the installation or relocation of a Water Meter that it has been installed or relocated and is ready for inspection.
- b. The Owner or Occupier shall, within the time set out in a notice provided by the City, permit the City to have free, clear and unobstructed access to the Water Meter to inspect, test, read, repair, maintain, alter, disconnect, remove, replace or seal such Water Meter.
- c. In case of Water Meter inspection, testing, repair, replacement or maintenance, the City will provide reasonable notice to the Owner or Occupier when required by and in accordance with the *Municipal Act*.

7.2.1 Water Meter Access

- a. The Owner shall install or cause to be installed a Water Meter in a location that is in accordance with the City Standards and Specifications.
- b. The Water Meter shall be installed in or on a Property where it is convenient for the City to inspect, test, read, repair, maintain, alter, disconnect, remove, replace or seal such Water Meter. The location of a Water Meter shall be accessible without the use of a portable ladder or the necessity of climbing over or removal of an obstacle.
- c. When requested by the City, an Owner or Occupier, as the case may be, shall remove any insulation or other obstructions or material from, on or around a Water Meter in order to provide the City with full, unobstructed access to the Water Meter. The Owner or Occupier shall be responsible for replacing any materials removed at their own expense.

- d. If access to the Water Meter is not free and clear of any and all obstructions, the City may issue an Order requiring the Owner or Occupier to remove all obstructions or materials and to provide free and clear access.
- e. If the Owner or Occupier fails to carry out the work as required by the City within thirty (30) days from receipt of the Order, then the City may perform all necessary work including the removal of any insulation or other obstructions or material blocking free and clear access to the Water Meter. The City shall not be liable for any loss or damage to the Owner's Property or loss or damage otherwise suffered by the Owner or Occupier arising from such work.
- f. The Owner or Occupier shall pay all costs incurred by the City for carrying out the work required as a result of the Owner or Occupier failing to comply with an Order to remove insulation or other material blocking the Water Meter. The Owner or Occupier shall also pay the inspection fee, if any, for each attendance at the Property by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.
- g. As part of an inspection, the City shall at all times be permitted to take photographs, including digital images, of any Plumbing, Water Meter, Private Meter, by-pass pipe and valves, inlet and outlet valves, Backflow Preventer, Private Water System, Private Water Service Pipe, Private Fire Service Main or Water Meter Chamber.
- h. The Owner or the Occupier shall, within the time set out in the City notice, permit the City to inspect the Private Water Service Pipe, Private Water System, Private Fire Service Main, or the inlet, outlet, flushing, drainage and by-pass valves on piping adjacent to or around the Water Meter.
- i. The Owner or the Occupier of a Property with a Water Meter not equipped with Remote Readout Unit shall, within the time set out in the City notice, permit the City to have free, clear and unobstructed access to the Water Meter for a visual Water Meter reading a minimum of two (2) times per calendar year.
- j. If the Owner or Occupier refuses to provide the City access to the Water Meter, the City may exercise Section 14 "Powers of Entry" as set out in this By-law.

7.2.2 Water Meter Interference Prohibited

- a. No Person, except as authorized by the City, shall perform, permit or cause the tampering, un-sealing, reversal, or alteration of a Water Meter in any way which may interfere with the proper registration of the quantity of Water that passes through a Water Meter or ought to pass through a Water Meter.
- b. No Person shall connect any pipes or other appurtenances to direct flow from a Private Water Service Pipe upstream of a Water Meter or the by-pass pipe and valves.
- c. If the City determines that a seal on a Water Meter has been tampered with or is broken, or if any pipes or other appurtenances directing flow upstream of the Water Meter have been connected or installed, then the City will re-seal the Water Meter. The City will Back Charge the Owner or Occupier of the Property for the Water consumed through the tampered, broken, reversed or un-sealed Water Meter or through a pipe or other appurtenance directing flow upstream of the Water Meter, as estimated by the City and in accordance with section 7.3.2(h).

7.3 **Water Meter Maintenance**

7.3.0 Maintenance of Water Meter Appurtenances and Piping

- a. Every Owner shall ensure that all valves are fitted with proper handles and that all valves to, from and around the Water Meter are installed and properly maintained in accordance with the City Standards and Specifications.
- b. Every Owner shall maintain all Plumbing including all piping, fittings and valves to and from and around a Water Meter in good working order and shall replace and repair them as necessary in accordance with the City Standards and Specifications. The Owner is not responsible for maintaining the Water Meter and/or the associated strainer.
- c. If the City determines that the condition of a Private Water Service Pipe, Private Fire Service Main, or Private Water System or valves on piping adjacent to the Water Meter is such that the Water Meter cannot be properly or conveniently tested, calibrated or repaired in place or removed for the purpose of testing, replacing or repairing, the Owner shall, at his sole expense, repair or, if necessary, replace the Private Water Service Pipe, Private Fire Service Main, or Private Water System or valves, as the case may be, to enable the City to test, calibrate, repair or remove the Water Meter.
- d. Where the City determines that a Private Water Service Pipe, Private Fire Service Main or Private Water System or valves on piping adjacent to the Water Meter requires repair or replacement in accordance with section 7.3.0(c), the City may issue an Order to the Owner to repair or replace the Private Water Service Pipe, Private Fire Service Main or Private Water System or valves, as the case may be, within thirty (30) days from the receipt of such Order, at the sole expense of the Owner. The Owner shall obtain a building permit from the City prior to the repair or replacement of the Private Water Service Pipe or Private Water System.
- e. If the Owner or his/her authorized agent does not carry out the Work as required within thirty (30) days from the receipt of the Order from the City, then the City may carry out the work and turn off the Water supply to the Property during the removal, replacement, repair, testing and calibration of the Water Meter. The City shall not be liable for any loss or damage to the Owner's Property, including but not limited to direct or consequential damages, or loss or damage otherwise suffered by the Owner or an Occupant arising from such work or the turn off or on of the Water supply.
- f. The Owner shall pay all costs incurred by the City for carrying out the work required under an Order and pursuant to section 7.3.0 (e), as a result of the Owner failing to make the necessary repair or replacement. The Owner shall also pay the inspection fee for each attendance at the Property made by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.

7.3.1 Maintenance of Chambers

- a. This section applies to all chambers including Water Meter Chambers and chambers for Sprinkler Meters if installed.
- b. Every Owner shall be responsible for maintaining, repairing and replacing any chamber, and for keeping it in a safe condition.
- c. Every Owner shall remove and dispose of all solid and liquid debris, waste and other materials which are non-essential to the proper functioning of the Water Meter or Sprinkler Meter and/or which may be hazardous, toxic, combustible or explosive in nature, both inside and above a chamber. The removal and disposal of such material is subject to all Applicable Law.
- d. Every Owner shall, upon receipt of a notice from the City requesting an inspection, provide the City with access, within the time set out in the City notice, to any chamber, or to permit the City to inspect, maintain, repair, replace or read the Water Meter or Sprinkler Meter.

- e. Pursuant to sections 7.3.1 (c) and (d), every Owner shall ensure that all solid and liquid material is removed from the chamber to allow access. If an Owner is unable to remove material from the chamber, within the time set out in the notice, the Owner shall notify the City no less than forty-eight (48) hours before the scheduled inspection or other purpose for which the access is required. In addition, the Owner shall at the same time, advise the City of a date and time, no more than five (5) Business Days later, when access will be provided.
- f. If an Owner fails to provide the City with access to a chamber in accordance with 7.3.1 (d), or 7.3.1 (e), the Owner shall pay the inspection fee for each subsequent attendance at the Property made by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.

7.3.2 Water Meter Accuracy

- a. Pursuant to this By-law, the testing, flow rates and procedures used to determine Water Meter (all types and sizes) accuracy will be in accordance with the current AWWA Standards.
- b. An Owner, upon written application to the City, on the prescribed form, may make a request to have the Water Meter at his/her Property tested by the City to determine if the Water Meter is over- registering. The Owner shall pay to the City the fee as set out in the Fee By-law for such testing.
- c. If a Water Meter is found to be over-registering the acceptable meter accuracy range of the type and size of the meter being tested, as governed by the AWWA standards in favour of the City, the City shall credit the Owner's Account with an amount equal to the difference between the amount that had been billed and the amount that would have been billed had the Water Meter been recording consumption accurately. Such credit adjustment shall cover a period of no more than twenty-four (24) months and shall include the testing fee in the amounts as set out in the Fee By-law.
- d. Notwithstanding 7.3.2 (c) above, in the event that the Water Meter had been installed, replaced, or tested and calibrated within a twenty-four (24) month period prior to the accuracy test requested by the Owner, and if a Water Meter is found over-registering the acceptable meter accuracy range of the type and size of the meter being tested, as governed by the AWWA standards in favour of the City, the City shall credit the Owner's Account with an amount equal to the difference between the excess amount billed from the time of the installation, replacement or testing and calibration, whichever is later, to the time of the accuracy test requested by the Owner.
- e. If a Water Meter is found to be over-registering by an amount less than or equal to the acceptable meter accuracy range of the type and size of the meter being tested, as governed by the AWWA standards then no credit shall be applied to the Owner's Account. In addition, the Owner shall pay to the City all expenses incurred by the City in removing, replacing, flow monitoring or testing the Water Meter in the amounts as set out in the Fee By-law.
- f. Positive displacement type Water Meters up to and including fifty (50) millimetres in diameter shall be removed by the City and tested at an off-site location specified by the City. Compound, turbine, electromagnetic and fire service Water Meters equal and greater than fifty (50) millimetres in diameter shall, at the City's sole discretion, be tested either on site or at an off-site location specified by the City.
- g. If a Water Meter fails to register, the City will Back Charge the Owner a Water consumption fee based on previous metered consumption history for the period during which the Water Meter failed to register but for not more than twenty-four (24) months. Back charges for ICI

and Multi-Residential Property will be calculated based on the “water rate” and Single-Residential Property will be calculated based on the “flat rate water charge” as set out in the Fee By-law.

- h. Notwithstanding the forgoing, the City may Back Charge beyond the twenty-four (24) month period in those circumstances, as determined by the Director of Environmental Services to be appropriate, including but not limited to where the failure of the Water Meter to register arises as a result of a by-pass valve that is opened or a seal that has been broken contrary to section 7.1.8 of this By-law, or where a Water Meter has been reversed, tampered with, un-sealed or altered or if any pipes or other appurtenances directing flow upstream of the Water Meter have been connected or installed contrary to section 7.2.2 of this By-law.

7.3.3 Water Meter Relocation

- a. No Person shall relocate a Water Meter that has been installed on a Property to the satisfaction of the Director of Environmental Services without the prior written consent of the Director of Environmental Services.
- b. No Person shall disconnect a Water Meter for maintenance or repair without the prior written consent of the Director of Environmental Services.
- c. An Owner/Applicant may make an application, on the prescribed form to the Director of Environmental Services, to relocate a Water Meter on a Property. If the Water Meter relocation is approved by the Director of Environmental Services, the Owner/Applicant shall pay all costs associated with any relocation of the Water Meter including all applicable fees and charges in the amounts as set out in the Fee By-law.
- d. The Director of Environmental Services shall not approve the application for a Water Meter relocation if:
 - i. the application is incomplete;
 - ii. the prescribed fee is not paid; or
 - iii. the proposed relocation is not in accordance with the City Standards and Specifications with respect to the location of the Water Meter or otherwise.
- e. If the location of an installed Water Meter on a Property does not comply with the City Standards and Specifications, the City may issue an Order requiring the relocation of an installed Water Meter within thirty (30) days from the receipt of the Order from the City, at the sole cost of the Owner.
- f. All work undertaken and materials used to relocate a Water Meter shall conform to the City Standards and Specifications and comply with the requirements of the *Ontario Building Code*.
- g. If an Owner or his/her authorized agent fails to carry out the work as required by the City under 7.3.3 (e) within fifteen (15) days from the receipt of the Order from the City, then the City may carry out the Water Meter relocation and all necessary work required. The City shall not be liable for any loss or damage to the Owner’s Property or any loss or damage otherwise suffered by the Owner or any Occupant arising from such work.
- h. The Owner shall pay all costs incurred by the City for carrying out the work required as a result of the Owner failing to comply with an Order to relocate the Water Meter pursuant to section 7.3.3 (e). The Owner shall also pay the inspection fee for each attendance at the Property made by the City, and all applicable fees and charges in the amounts as set out in the Fee By-law.

7.3.4 Water Meter Leaks

- a. Every Owner or Occupier shall immediately notify the City if any leaks develop at the Water Meter or its couplings.
- b. The City will repair the leaks at the Water Meter or its couplings at no charge to the Owner. The City shall not be liable for any damage or loss to the Owner's Property or any loss or damage suffered by the Owner or Occupant, including but not limited to direct or consequential damages, as a result of any such leaks at the Water Meter or its couplings.

7.3.5 Water Meter Replacement

- a. A Water Meter will be scheduled for replacement when approaching the end of its lifecycle under the City's annual Water Meter Replacement Program.
- b. The City will send a notice to the Owner/Occupier advising the Owner/Occupier to schedule an appointment with the City or a City authorized third party agent to replace the Water Meter within thirty (30) days pursuant to the Water Meter Replacement Program. The Owner/Occupier shall provide the City or a City authorized third party agent access to the Water Meter in order to undertake the Water Meter replacement.
- c. The City may send a notice to the Owner/Occupier requiring the Owner/Occupier to repair or replace the Private Water Service Pipe or Private Water System prior to the City's Water Meter replacement at their Property.
- d. If an Owner/Occupier fails to comply with the City's notice to schedule an appointment with the City to replace the Water Meter, to provide access to the Water Meter, or to repair or replace the Private Water Service Pipe or Private Water System prior to the City's Water Meter replacement, the City may issue an Order requiring the Owner/Occupier to schedule the appointment with the City to replace the Water Meter, to provide access to the Water Meter or to repair or replace the Private Water Service Pipe or Private Water replacement prior to the City's Water Meter replacement at their Property.
- e. It is an offence when:
 - i. an Owner/Occupier, fails to comply with an Order to schedule an appointment with the City or a City authorized third party agent to replace the Water Meter;
 - ii. an Owner/Occupier, fails to comply with an Order to allow the City access to replace the Water Meter scheduled for replacement under the City's Water Meter Replacement Program; and/or;
 - iii. an Owner/Occupier, fails to comply with an Order to repair or replace the Private Water Service Pipe or Private Water System prior to the City's Water Meter replacement at their Property.

7.4 **Water Meter Removal due to Building Demolition**

- 7.4.0 No Person shall demolish a Building or cause a Building to be demolished until the final Water Meter reading is obtained and the Water Meter and Remote Readout Unit are recovered by the City.
- 7.4.1 An Owner who has received a permit to demolish a Building shall notify the City in writing a minimum of five (5) Business Days in advance of the date on which the Water supply to the Property is no longer required. The Owner shall also make an appointment with the City to take a final Water Meter reading, remove the Water Meter and the Remote Readout Unit from the Property and turn off the Water supply at the Water Shut Off Valve.

- 7.4.2 The Owner shall pay the City the Water Meter removal cost in the amount as set out in the Fee By-law.
- 7.4.3 The Owner shall be present at the Property when the final Water Meter reading is taken, the Water Meter is removed and the Water supply is turned off at the Water Shut Off Valve.
- 7.4.4 In the event an Owner fails to attend at the Property and provide access to the City at the appointment time set under this By-law, the Owner shall pay the City the missed appointment fee in the amount as set out in the Fee By-law.
- 7.4.5 In the event an Owner fails to provide access to a Property prior to the demolition of a Building or structure on the Property, in accordance with this By-law, the Owner shall pay to the City an amount equal to the cost of a new Water Meter and Remote Readout Unit of the same type and size in accordance with the fees and charges set out in the Fee By-law. The Owner shall also pay the amount of Water consumption, from the last Water Meter reading date to the date of disconnection of the Private Water Service Pipe or Water Service Connection from the Waterworks System, as estimated by the City.
- 7.4.6 If the Director of Environmental Services determines that it is not necessary to recover a Water Meter from a Property to be demolished, then the City will notify the Owner in writing after receipt of the notice from the Owner to demolish a Building or structure. Upon receipt of the notice from the City and after the disconnection of the Private Water Service Pipe or Water Service Connection from the Waterworks System, an Owner may proceed with the demolition of the Building. In such case, the Owner shall be responsible for the removal and disposal of the Water Meter.

7.5 Unmetered Fire Line

- 7.5.0 An unmetered Water service line installed prior to the passage of this By-law for fire protection purposes and Water used to serve private fire hydrants, automatic sprinkler systems and standpipes may remain unmetered upon the request to and approval by the Director of Environmental Services.
- 7.5.1 An unmetered fire line shall be separate from a domestic Water service line. An unmetered fire line and a domestic Water service line may be combined within the Road Allowance or easement provided separation takes place within the public Road Allowance or easement and provided further that a valve is installed on each branch within the Road Allowance or easement so that each line can be isolated.
- 7.5.2 Where an unmetered fire line has been approved by the Director of Environmental Services pursuant to section 7.5.0, no Person shall take or use Water from the unmetered Water service line for any purpose other than fire protection or testing of the fire protection system unless prior written approval has been given by the Director of Environmental Services.

8 WATER TURN OFF / TURN ON

8.0 Water Turn off by Request

- 8.0.0 An Owner shall notify the Director of Environmental Services no less than forty-eight (48) hours in advance of the date on which the Owner requires the City to temporarily turn off the Water supply to a Property. If the Owner requires the Water supply to the Property to be turned off permanently then the Owner shall make the request in writing and provide the Director of Environmental Services with the written notification a minimum of fifteen (15) Business Days prior to the turn off date.
- 8.0.1 The Owner shall pay the City fees to turn off the Water supply to a Property either temporarily or permanently in accordance with the Fee By-law.

- 8.0.2 In the event that the Property is occupied by Occupants, the Owner shall also provide the Occupants with written notice of the Water turn off at the same time the Owner notifies the City in accordance with this By-law.
- 8.0.3 The Owner shall make an appointment with the City and the Owner or his/her authorized agent shall attend at the Property to ensure the City has access to the Property, Water Meter and the Water Shut Off Valve when the Water supply is being turned off.
- 8.0.4 In the event that an Owner or his/her authorized agent fails to attend at or provide the City access to the Property at the set appointment time, then the Owner shall pay the cost for the missed appointment in accordance with the Fee By-law.
- 8.0.5 In the case of an emergency requiring the Water to be turned off, the notice requirements in this By-law may be waived by the Director of Environmental Services.
- 8.0.6 No Person shall turn off the supply of Water to a Property at the Water Shut Off Valve, without the prior authorization of the Director of Environmental Services.

8.1 Water Turn on by Request

- 8.1.0 An Owner shall notify the Director of Environmental Services no less than forty-eight (48) hours in advance of the date on which the Owner requires the City Water supply to the Property to be turned on.
- 8.1.1 The Owner shall pay the City fees to turn on the Water supply to a Property either temporarily or permanently in accordance with the provisions of the Fee By-law.
- 8.1.2 The Owner shall make an appointment with the City and the Owner or his/her agent shall attend at the Property to ensure the City has access to the Property, Water Meter and the Water Shut Off Valve when the Water supply is being turned on.
- 8.1.3 In the event that Owner or his/her authorized agent fails to attend at or provide the City access to the Property, at the appointment time set, then the Owner shall pay the cost for the missed appointment in accordance with the Fee By-law.
- 8.1.4 No Person shall turn on the supply of Water to a Property at the Water Shut Off Valve without the prior authorization of the Director of Environmental Services.

8.2 Water Turn off / Reduction of Water supply by the City

- 8.2.0 The Director of Environmental Services may, as he/she deems appropriate, turn off or reduce the Water supply to a Property as follows:
 - a. Turn off the supply of Water if fees or charges payable by the Owners or Occupants of the Property for the supply of Water to the Property are overdue or in arrears, upon providing reasonable notice of the proposed turn off to the Owners and Occupants of the Property by personal service or prepaid mail or by posting the notice on the Property in a conspicuous place;
 - b. Turn off the Water if fees or charges payable by the Owners or Occupants of the Property in respect of a sewage system are overdue or are in arrears, and the fees and charges are based on the fees payable for the supply of Water to the Property, upon providing reasonable notice of the proposed turn off to the Owners and Occupants of the Property by personal service or prepaid mail or by posting the notice on the Property in a conspicuous place;
 - c. Turn off or reduce the supply of Water as a result of an emergency, including but not limited to a leak in a Private Water Service Pipe, a Private Fire Service Main, a private fire hydrant, a Water Meter, a Watermain, Water Service Connection or any part of the Waterworks

System if, in the circumstances, reasonable notice of the intention to interrupt or reduce the supply of Water is given;

- d. Turn off or reduce the supply of Water as result of a breakdown, repair or extension of the Waterworks System if, in the circumstances, reasonable notice of the intention to interrupt or reduce the supply of Water is given;
 - e. Turn off or reduce the supply of Water to a Property in order to inspect, repair, alter or disconnect the service pipe or wire, machinery, equipment and other works used to supply Water, including but not limited to any part of the Waterworks System;
 - f. Turn off or reduce the supply of Water to a Property in order to inspect, install, repair, replace or alter a Water Meter, Remote Readout Unit, Water Meter Chamber, or any other meter used by the City to measure the quantity of Water consumed at or on a Property;
 - g. In the event that the Director of Environmental Services determines, in his/her sole discretion, that an immediate threat of contamination to any part of the Waterworks System exists that may endanger public health or safety, the City at its discretion, may without prior notice, discontinue the Water supply to any Property, for the purposes of preventing or containing any such threat of contamination in accordance with the *Safe Drinking Water Act*, 2002, S.O. 2002, c.32, as amended;
 - h. Turn off or reduce the supply of Water temporarily or permanently, at the request of the Owner and upon approval of the Director of Environmental Services pursuant to the provisions of this By-law; or
 - i. Turn off or reduce the supply of Water in accordance with any provision of this By-law or in accordance with the *Municipal Act* or all other Applicable Law.
- 8.2.1 If the Water supply to a Property has been turned off by the City, no Person shall turn on or use the Water supply or permit the Water supply to be turned on or used without the prior written approval of the Director of Environmental Services.
- 8.2.2 The City shall not be liable for damages or loss caused, including but not limited to direct or consequential damages, by the interruption or reduction of the amount of Water supplied to the land or Property of any Person as a result of an emergency or a breakdown, repair or extension of the Waterworks System if, in the circumstances, reasonable notice of the City's intention to interrupt or reduce the supply of Water is given.

9 FIRE HYDRANTS

9.0 Public Fire Hydrants

- 9.0.0 No Person shall at any time operate or take Water from a public fire hydrant except:
- a. a municipal fire fighter, where Water is required for fire protection or fire training purposes;
 - b. a Person who has written authorization from the Director of Environmental Services and in accordance with the terms and conditions of the written authorization;
 - c. a Person who is the holder of a hydrant permit issued under section 9.3 of this By-law; or
 - d. a water operator from the City's Environmental Services Department, or any successor.
- 9.0.1 No Person shall park an automobile, truck or vehicle of any description on a public road within a distance of three (3) meters of any public fire

hydrant measured along the curb line or along the shoulder of the roadway immediately adjacent to the public fire hydrant.

- 9.0.2 A driveway shall be constructed no closer than one and half (1.5) meters from a public fire hydrant.

9.0.3 Anti-tampering devices

Where anti-tampering devices are required to be installed on fire hydrants in new developments, the cost of purchasing, installing and maintaining such devices shall be borne by the Developer or Builder.

9.1 Private Fire Hydrants

- 9.1.0 No Person shall install a private fire hydrant unless the following requirements have been met to the satisfaction of the Director of Engineering:

- a. a complete application to install the private fire hydrant has been submitted on the prescribed form to the City;
- b. the type of the private fire hydrant to be installed is approved by the Director of Engineering;
- c. the manufacturer of the private fire hydrant to be installed is approved by the Director of Engineering; and
- d. a Building Permit for the installation of the private fire hydrant has been issued by the Chief Building Official.

- 9.1.1 The Director of Engineering may approve or reject applications for the installation of a private fire hydrant based on compliance with the requirements set out in the City Standards and Specifications.

9.2 Fire Hydrant Flow Tests

- 9.2.0 A Person may make an application to the Director of Environmental Services on the prescribed form requesting permission to conduct a public fire hydrant or a private fire hydrant flow test in order to determine the characteristics of the local Waterworks System.

- 9.2.1 A Person requesting a fire hydrant flow test shall pay to the City in advance of the test, all applicable fees and charges associated with the performance of the test in the amounts as set out in the Fee By-law.

- 9.2.2 The Person shall provide the Director of Environmental Services with a copy of the flow test results promptly upon the completion of the test. Such flow test results shall include the date, time, location and duration of the fire hydrant flow test.

9.3 Fire Hydrant Permits

- 9.3.0 A Person may make an application to the Director of Environmental Services on the prescribed form for a hydrant permit for the temporary supply of Water from a public fire hydrant.

- 9.3.1 The Director of Environmental Services may, by issuing a hydrant permit, authorize the use of a specified fire hydrant for the temporary supply of Water for a specified period of time and subject to specified conditions, including but not limited to the supervision of such use by the City. A hydrant permit may, at the discretion of the Director of Environmental Services, be suspended for any length of time.

- 9.3.2 If an application has been approved by the Director of Environmental Services and a hydrant permit has been issued, the City will provide and install a Backflow Preventer, a valve and a temporary hydrant meter on the public fire hydrant. Prior to the City's turn on of the Water supply at the hydrant, the Applicant shall provide the City with a security deposit as set out in the Fee By-law to ensure the safe return and proper working condition of the Backflow Preventer, temporary hydrant meter and valve supplied by the City and to cover against any potential damage that may be caused to the fire hydrant. The Applicant shall be responsible for

reimbursing the City for all costs associated with any damage caused, including but not limited to repair or replacement costs to the Backflow Preventer, temporary hydrant meter, valve or fire hydrant and any other damage arising out of or in relation to the fire hydrant, its use and/or the use of Water from the fire hydrant. The City may draw upon the security deposit provided to cover the costs of any such damage.

- 9.3.3 No Person shall remove or tamper with the supplied Backflow Preventer, valve and temporary hydrant meter installed on the public fire hydrant for the temporary supply of Water.
- 9.3.4 Water shall only be supplied from the public fire hydrant through the temporary hydrant meter. No Person shall connect to the public fire hydrant or take Water from the public fire hydrant except through the temporary hydrant meter installed by the City.
- 9.3.5 When the hydrant permit issued for the temporary use of the public fire hydrant has expired or its use is complete, the City will remove the Backflow Preventer, valve and temporary hydrant meter from the public fire hydrant and the Applicant shall pay the City for the following fees and charges at such rates and in the amounts as set out in the Fee By-law:
 - a. all Water consumption registered on the hydrant meter installed on the public fire hydrant;
 - b. the rental fee for using the public fire hydrant; and
 - c. the hydrant meter installation and removal by the City.

9.4 Fire Hydrant Relocation

9.4.0 Application and Cost of Relocation

- a. A Person may submit an application on the prescribed City form to the Director of Environmental Services for the relocation of a public fire hydrant.
- b. If the Director of Environmental Services approves the relocation of a public fire hydrant in accordance with the City Standards and Specifications, the Applicant shall pay all costs associated with and incurred by the City for the relocation of the fire hydrant. Prior to the commencement of any work by the City, the Applicant shall provide the funding in the form of a deposit, the amount of which to be determined by the Director of Environmental Services and which shall include a minimum of twenty percent (20%) contingency.

9.4.1 Construction and Payment

- a. Upon completion of the fire hydrant relocation, including surface restoration, the Director of Environmental Services shall determine the cost of the fire hydrant relocation, site restoration and the administrative fees. The Applicant shall pay for those actual costs and all applicable fees and charges in the amount as set out in the Fee By-law.
- b. In the event that the actual cost of the work is greater than the original deposit provided, the City shall issue an invoice to the Applicant detailing the difference between the actual cost and the deposit. The Applicant shall pay the outstanding balance by the due date stated on the invoice.
- c. In the event that the actual cost of the work is less than the original deposit provided, the City shall refund the difference between the actual cost and the deposit to the Applicant.

10 WATER USE RESTRICTION

10.0 Lawn Watering Restriction

- 10.0.0 No Person shall use or cause or permit the use of Water from the Waterworks System for the purpose of watering a lawn by hose, pipe,

sprinkler or permanent Irrigation System at any time between June 1st and September 30th in every year except as follows:

- a. All Owners or Occupants of residential properties with an even numbered municipal address shall be permitted to use water between 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on an even numbered day of the month.
- b. All Owners or Occupants of residential properties with an odd numbered municipal address shall be permitted to use water between 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on an odd numbered day of the month.
- c. All Owners or Occupants of residential properties shall be permitted to use water between 6:00 a.m. and 9:00 a.m. or 6:00 p.m. and 9:00 p.m. on the 31st day of the month.
- d. The provision of sections 10.0.0 (a), 10.0.0 (b) and 10.0.0 (c) shall apply to all ICI Properties, and Multi-Residential buildings provided that watering shall be permitted for three (3) hours only between the hours of midnight (12:00 a.m.) and 6:00 a.m.

10.0.1 The lawn watering restriction set out in section 10.0.0, shall not apply to newly laid sod for a period of two (2) months after the sod is first laid.

10.1 Water Use Restriction Order

10.1.0 The Director of Environmental Services may issue a Water Use Restriction Order in the event that the Director of Environmental Services determines:

- a. there is insufficient Water supply in the Waterworks System to maintain an appropriate volume of Water storage for the continued proper and safe operation of the Waterworks System; or
- b. there is insufficient Water pressure in the Waterworks System for firefighting purposes; or
- c. there is an upset or flow restriction caused by the maintenance activities of the Waterworks System.

10.1.1 The Director of Environmental Services will give reasonable notice to the public describing the circumstances associated with the issuance of a Water Use Restriction Order, the date on which it is to take effect and the conditions or restrictions of the Water use that would apply. Notice may be given by any means that, in the opinion of the Director of Environmental Services, is sufficient to provide reasonable notice to the public of the Water Use Restriction Order, which may include posting on the City's website.

10.1.2 No Person, shall use or cause or permit, the use of Water in contravention of the conditions set out in the Water Use Restriction Order issued by the Director of Environmental Services.

10.1.3 Once the situation that caused the issuance of the Water Use Restriction Order has been resolved or is no longer in effect, the Director of Environmental Services will withdraw the Water Use Restriction Order.

11 MISCELLANEOUS REQUIREMENTS

11.0 Private Water Supply System

11.0.0 Conversion from Private Well Supply to the Waterworks System

- a. If a residential Property is originally serviced by a private Well system and the Owner requests to convert it to the Waterworks System, the Owner shall make an application for a Water Service Connection for such conversion.
- b. The Water Service Connection application for such conversion shall conform to section 6.0 of this By-law.

- c. Upon the Director of Environmental Services or Director of Engineering's approval of an application for a Water Service Connection pursuant to section 6.0 and after the Water Service Connection has been installed, the City will not turn on the Water supply until the Owner has complied with the following conditions to the satisfaction of the Chief Building Official:
 - i. The original private Well connection shall be fully and properly disconnected from the Building to the satisfaction of the Chief Building Official ;
 - ii. A Water Meter has been installed on the Property by the City; and
 - iii. All disconnection and Plumbing Works have been fully inspected and approved by and are to the satisfaction of the Chief Building Official.
- d. After the conversion from a Private Well supply to the Waterworks System is complete in accordance with section 11.0.0 (c), the Owner shall comply with the following:
 - i. The original private Well system shall be properly abandoned and decommissioned in accordance with the Wells Regulation; and
 - ii. All documentation related to the Well abandonment and decommission shall be submitted to the Chief Building Official for review.

11.0.1 Prohibition of New Private Well within Municipal Water Service Areas

- a. Where municipal Water Service Connections are available, the establishment of a new private Well or the replacement of an existing private Well used as a primary or auxiliary Water supply for any permanent Water use purpose is prohibited.

b. Exemptions

Notwithstanding section 11.0.1 (a), a private Well may be permitted with the prior written approval of the Director of Environmental Services and subject to any conditions imposed by the Director of Environmental Services, including payment of any applicable fees, in the following circumstances:

- i. private Well which legally existed prior to the date of passing this By-law;
- ii. private Well used for watering grass in golf courses or for use in agriculture-designated farms, hobby farms, or demonstration farms applications;
- iii. private Well installed for the purpose of environmental site remediation, water monitoring or site dewatering;
- iv. private Well owned or operated by the City, or approved by the City and located on lands owned by the City; or
- v. Any such other private Well approved by the Director of Environmental Services.

11.1 **Steam Boilers**

- 11.1.0 Where steam boilers are supplied with Water from the Waterworks System, the City shall not be liable for any damage, including but not limited to direct or consequential damages, which may result to any Person, Property or equipment that may arise from turning off the Water supply for any purpose whatsoever, even if notice is not given by the City prior to turning off the Water supply, or arising out of or related to an uneven Water pressure.

- 11.1.1 For all Water Service Connections to boilers, an Owner shall install Backflow Preventers and suitable relief valves or expansion tanks to relieve thermal expansion.

11.2 Water-Cooled Air-Conditioning Systems

- 11.2.0 No Person shall use any Water supplied by the City in any air-conditioning installation whatsoever, except only in those air-conditioning installations where Water is only used for make-up purposes and no Water is permitted to run to waste.
- 11.2.1 An exemption from section 11.2.0 may be permitted only in exceptional circumstances as approved by the Director of Environmental Services and shall be subject to any conditions imposed by the Director of Environmental Services.

12 BILLINGS AND COLLECTION OF ACCOUNTS

12.0 Changes of occupancy and Consumer information must be reported

- 12.0.0 The Owner of Property shall notify the City in writing of any change of occupancy to the Property and shall pay all applicable fees and charges for the change of occupancy.
- 12.0.1 The City may require a new Occupant or Consumer to complete and sign a Consumer information form.

12.1 Non-Metered and Metered Accounts

- 12.1.0 Non-metered Accounts shall be charged with the “flat rate water charge” as set out in the Fee By-law.
- 12.1.1 Metered Accounts shall be charged with the “water rate” as set out in the Fee By-law.

12.2 Regular Billings

- 12.2.0 Accounts shall be billed monthly, bi-monthly or on any other basis at the discretion of the Director of Environmental Services or Treasurer. The bill shall be deemed to be served upon the Consumer if it is delivered or sent by mail to the mailing addresses provided by the Consumer.
- 12.2.1 When Water Rates change through a billing period, the Water use charge shall be prorated for that billing period.

12.3 Final Billings

- 12.3.0 When a Consumer proposes to vacate any Property supplied by Water, the Consumer shall give notice to the City at least two (2) business days before vacating the Property to permit the reading of the Water Meter. If such notice is not given, then the Consumer may be billed for:
 - a. an estimated bill; or
 - b. the amount calculated by the next Water Meter reading, whichever is the greatest.
- 12.3.1 Any Person who has moved into or is newly occupying a Building supplied with Water shall notify the City immediately so that the Water Meter may be read and so that the Account and records may be updated.

12.4 Water Meter does not record properly or cannot be read – Estimated Consumption

- 12.4.0 In the event of a Water Meter failing to record properly, or where the Remote Readout Unit is unable to obtain a reading, the Consumer shall pay the estimated Water consumption on the basis of a corresponding period in the immediately previous year.
- 12.4.1 Where the Consumer did not occupy the same Property for the corresponding period in the immediately previous year, then the Consumer shall pay the estimated Water consumption on the basis of a similar period in the current year.

- 12.4.2 Where section 12.4.0 and 12.4.1 do not apply, then the Consumer shall pay the applicable “flat rate water charge” as set out in the Fee By-law.

12.5 Water Meters without Remote Readout Unit

- 12.5.0 If it is not feasible to install a Remote Readout Unit to a Water Meter on a Property and the Owner obtained the approval of Director of Environmental Services to make Water Meter readings by themselves, the Owner or Occupant shall provide the Water Meter readings to the City at the agreed upon and required regular Water billing frequency.
- 12.5.1 If the Owner or Occupant fails to provide a Water Meter reading to the City within or by the required time, the Owner or Occupant shall pay for the estimated Water consumption on the basis of a corresponding period in the immediately previous year.
- 12.5.2 After two consecutive estimated Water consumptions, the Owner or Occupant shall provide the City with access to the Property to read the Water Meter. If the Owner or Occupant fails to provide the City access to read the Water Meter, then the Owner or Occupant shall pay for the Water consumption estimated at the discretion of the Director of Environmental Services.

12.6 Charges for late payment

When an Account is not paid by the due date stated on the bill, the Account is overdue and a late payment charge will be assessed to the Account.

12.7 Notice of non-payment

- 12.7.0 Where an Account remains unpaid thirty (30) days after the due date on the Water Bill, a final notice shall be sent out by the regular mail to the Consumer and Property Owner.
- 12.7.1 If the Account remains unpaid sixty (60) days after the due date on the Water Bill, the City may do any or all of the following:
- Turn off or reduce the Water supply to the Property;
 - Add the Water arrears to the Tax Roll of the Property and collect it in the same manner as municipal taxes; and/or
 - Use any other means or method to collect any unpaid or overdue Accounts available at law.

12.8 Records of Non-payment

- 12.8.0 The City shall keep records of unpaid or overdue Accounts. Such records shall include the street, number and location of the Property, and if the Water has been turned off for non-payment of Account balance. Records of non-payment kept by the City shall be for the information and protection of any Person or Persons intending to purchase any Property, and such Person or Persons who inquire with the City whether any Accounts of non-payment appear upon such records.
- 12.8.1 If no such Accounts appear, such Person may, upon the payment of a records search fee as set out in Fees By-law, receive a certificate from the City to that effect, but unless such certificate is issued, the City may collect any sums which may be subsequently discovered to have been due against such Property, but which were not discovered or had been omitted from the register at the time of search.
- 12.8.2 Sections 12.8.0 and 12.8.1 shall not preclude or stop the City from using any other means or method of collecting any unpaid or overdue Accounts available at law.

12.9 Collection of non-payment from the Property Owner

- 12.9.0 All fees charged for Water consumed or supplied to a Property, or fees, charges or expenses incurred for the replacement or repair of Private Water Service Pipes, Water Meters, fixtures and all other appliances connected to a Water Service Connection or the Waterworks System or for damage to

the same, shall be regarded as due and owing to the City from the Owner of the Property.

12.10 Water Turn off or Reduction for Non-payment

- 12.10.0 If an overdue Account cannot be collected from the Owner or the Occupant of the Property, the Director of Environmental Services may turn off or reduce Water supply to the Property. An application to turn on the Water supply to the Property will not be approved by the Director of Environmental Services notwithstanding that the Property may have changed ownership or occupancy, until such unpaid Account and other fees and charges owing have been paid in full to the City.
- 12.10.1 When Water is supplied to more than one party through a single Water Meter, the Account for the Water supply will be in the name of the Owner of the Property and the payment shall be the responsibility of the Owner. In case of an overdue Account, the Water may be turned off by the Director of Environmental Services for non-payment of an overdue Account by the Owner, notwithstanding that one or more of the parties have paid their proportion of the Account to the Owner or to any other party.
- 12.10.2 Prior to turning off the Water to a Property for non-payment of an overdue Account, the City shall provide reasonable notice of the proposed Water turn off to the Owner and Occupier of the Property by personal service, prepaid mail or by posting the notice on the Property in a conspicuous place.
- 12.10.3 When the Water has been turned off by the Director of Environmental Services for non-payment of an overdue Account, it will not be turned on until all outstanding Accounts and all applicable fees and charges for the Water turn off and turn on in the amounts as set out in the Fee By-law have been paid in full to the City.

12.11 Water Arrears collected as a lien on Property

- 12.11.0 Unpaid fees and charges for the supply of Water to a Property shall have priority lien status, and may be added to the Tax Roll of the Property to which the Water was supplied in accordance with the *Municipal Act*.
- 12.11.1 When the unpaid fees and charges are levied to a condominium Property where the Water supplied is measured and accounted for by a single bulk Water Meter, the unpaid Water fees and charges of a condominium corporation may be transferred to the Tax Rolls against the corporation's individual condominium units on a pro-rata basis equal to the proportions, expressed in percentages, allocated to the units, in which the unit owners are to contribute to the common expenses as set out in the declaration of the condominium corporation. The City Treasurer or designate may exempt units, in whole or in part, from their proportionate share of Water arrears where such units are directly supplied with metered Water.

13 CONTACT INFORMATION

- 13.0 Every Owner of a Property where a Water Meter has been or is going to be installed shall provide the City with the following information:
 - 13.0.0 Legal name, address and current telephone number of the Owner;
 - 13.0.1 Legal name, address and current telephone number of the Occupant(s); and
 - 13.0.2 Where an Owner has appointed an authorized agent to act on their behalf, the Owner shall provide the name, address and current telephone number of the authorized agent.
- 13.1 In the event that there is a change in any of the information provided to the City pursuant to section 13.0, then an Owner shall provide the City with updated information in writing within five (5) Business Days from the date the change occurred.

14 POWERS OF ENTRY

- 14.0 No Person shall hinder, obstruct, or attempt to hinder or obstruct or to deny the City or any City employee, Municipal Law Enforcement Officer, authorized agent or contractor expressly acting within the scope of this By-law or pursuant to the *Municipal Act* access to a Property for any purpose provided for in this By-law or pursuant to the *Municipal Act*.
- 14.1 Any Person who hinders or obstructs, or attempts to hinder or obstruct, or who denies access to the City or any City employee, Municipal Law Enforcement Officer, authorized agent or contractor expressly acting within the scope of this By-law or pursuant to the *Municipal Act* shall be deemed to be in contravention of this By-law.
- 14.2 The City or any City employee, Municipal Law Enforcement Officer, authorized agent or contractor expressly acting within the scope of this By-law or pursuant to the *Municipal Act* may enter onto land or Property to which Water is supplied by the City at any reasonable time in accordance with the requirements of this By-law and sections 79, 80, 435, 436, 437 and 438 of the *Municipal Act*, in order to:
- 14.2.0 Inspect, repair, alter or disconnect a service pipe or wire, machinery, equipment and other works used to supply Water;
 - 14.2.1 Read, inspect, install, repair, replace, maintain, alter or remove a Water Meter, AMI or Remote Readout Unit;
 - 14.2.2 Inspect a Backflow Preventer;
 - 14.2.3 Turn off or reduce the Water supply;
 - 14.2.4 When a Customer discontinues the use of Water or the City lawfully ceases supplying Water to the Property, to: turn off the Water; to remove any property of the City; and/or to determine whether Water has been, or is being, unlawfully used;
 - 14.2.5 Inspect Water service leakage including Private Water Service Pipe or Private Fire Service Main or private fire hydrant;
 - 14.2.6 Follow up on an Order issued under this By-law;
 - 14.2.7 Follow up on an Order made under section 431 of the *Municipal Act*;
 - 14.2.8 Carry out an inspection to determine compliance with the requirements or provisions of this By-law, or a direction or Order issued pursuant to this By-law;
 - 14.2.9 Undertake remedial work in accordance with this By-law or the *Municipal Act*; and/or.
 - 14.2.10 For any other purpose authorized by this By-law or the *Municipal Act*.
- 14.3 When exercising its power of entry under this By-law, the City will provide reasonable notice to the Owner or Occupier when required by and in accordance with sections 435 and 437 of the *Municipal Act*.
- 14.4 Where an inspection is conducted by a Municipal Law Enforcement Officer, City employee, or authorized agent, the City representative conducting the inspection may, in accordance with section 436 (2) of the *Municipal Act*:
- 14.4.0 Require the production for inspection of documents or things relevant to the inspection;
 - 14.4.1 Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - 14.4.2 Require information from any person concerning a matter relating to the inspection; and
 - 14.4.3 Alone or in conjunction with a person possessing special or expert knowledge make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

- 14.5 When the City has provided notice to exercise a power of entry when required by and in accordance with this By-law and the *Municipal Act*, and the Owner or Occupier has not provided access within the time set out in the City notice, the Owner or Occupier will be charged a “missed appointment or service refusal” fee in the amount as set out in the Fee By-law to compensate the City for costs incurred in attempting access and for each subsequent attempt.

15 ENFORCEMENT

- 15.0 The provisions of this By-law may be enforced by a Municipal Law Enforcement Officer or any other City staff authorized to do so by the Director of Environmental Services.
- 15.1 A Municipal Law Enforcement Officer who has reasonable grounds to believe that a Person has contravened any provision of this By-law may require that Person to provide their identification to the Officer.
- 15.2 Every Person who is required by a Municipal Law Enforcement Officer to provide identification under section 15.1 shall identify themselves to the Municipal Law Enforcement Officer and give their correct name, date of birth, and address, which shall constitute sufficient identification. Failure to provide sufficient identification shall constitute obstruction of the Municipal Law Enforcement Officer.

16 OFFENCES

- 16.0 Every Person who contravenes or fails to comply with any provision of this By-law or an Order or notice issued pursuant to this By-law is guilty of an offence.
- 16.1 Every Person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.
- 16.2 No Person shall fail to comply with any conditions or term of any Order or notice issued under this By-law.
- 16.3 No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal Law Enforcement Office or any person who is exercising a power or performing a duty under this By-law.
- 16.4 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a Continuing Offence for each day or part of a day that the contravention remains uncorrected.
- 16.5 If any Order has been issued under this By-law, and the Order has not been complied with, the contravention of the Order shall be deemed to be a Continuing Offence for each day or part of a day that the Order is not complied with.
- 16.6 For purposes of this By-law, an offence is a second or subsequent offence if the act giving rises to the offence occurred after a conviction had been entered at an earlier date for the same offence.

17 PENALTY PROVISIONS

- 17.0 Every Person who is guilty of an offence under this By-law, upon conviction shall be subject to the following penalties established pursuant to the *Municipal Act*:
- 17.0.0 Upon first conviction, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Fifty Thousand Dollars (\$50,000.00).
- 17.0.1 Upon a second or subsequent conviction for the same offence, to a fine of not less than Four Hundred Dollars (\$400.00) and not more than One Hundred Thousand Dollars (\$100,000.00).
- 17.0.2 Upon conviction for a Continuing Offence, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Ten Thousand Dollars (\$10,000.00) for each day or part of the day that the offence

continues. The total of the daily fines may exceed One Hundred Thousand Dollars (\$100,000.00).

- 17.0.3 Upon conviction of a Multiple Offence, to a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and not more than Ten Thousand Dollars (\$10,000.00) for each offence included in the Multiple Offence. The total of all fines for each included offence may exceed One Hundred Thousand Dollars (\$100,000.00).

17.1 Proceeds of Fines

Pursuant to subsection 433 (1) of the *Municipal Act*, where a Person has been convicted of any offence under this By-law, every fine imposed for a contravention of this By-law belongs to the City.

17.2 Unpaid Fines

Pursuant to subsection 441.1 of the *Municipal Act*, the Treasurer may add any part of a fine for a commission of a provincial offence that is in default under section 69 of the *Provincial Offences Act* to the Tax Roll for any Property in the local municipality for which all of the Owners are responsible for paying the fine and collect it in the same manner as municipal taxes.

18 ADMINISTRATIVE PENALTIES

- 18.0 Instead of laying a charge under the Provincial Offences Act for a breach of any provision of this By-law, an Order, a Work Order, or any other order issued pursuant to this By-law, a Municipal Law Enforcement Officer may issue an Administrative Penalty to the Person who has contravened this By-law.
- 18.1 The Municipal Law Enforcement Officer has the discretion to either proceed by way of an Administrative Penalty or a charge laid under the Provincial Offences Act. If an Administrative Penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.
- 18.2 The amount of the Administrative Penalty for a breach of a provision of this By-law, a Work Order or Order issued under this By-law is fixed as set out in the AMPS By-law for Non-Parking Offences, as amended, or any successor by-law.
- 18.3 A Person who is issued an Administrative Penalty shall be subject to the procedures as provided for in the AMPS By-law for Non-Parking Offences, as amended, or any successor by-law.
- 18.4 An Administrative Penalty imposed on a Person pursuant to this By-law that is not paid within fifteen (15) days after the day it becomes due and payable, constitutes a debt of the Person to the City and may be added to a Tax Roll and collected in the same manner as municipal taxes.

19 GENERAL BY-LAW ENFORCEMENT POWERS

19.0 Order to Discontinue Activity

Pursuant to section 444 of the *Municipal Act*, the City may issue an Order requiring any Person, who contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of the land or Property on which the contravention occurred to discontinue the contravening activity.

19.1 Work Order

Pursuant to section 445 of the *Municipal Act*, the City may issue an Order requiring any Person, who contravened this By-law or who caused or permitted the contravention or the Owner or Occupier of the land or Property on which the contravention occurred to do the work to correct the contravention.

19.2 Remedial Action

Wherever this By-law or an Order issued pursuant to this By-law directs or requires any work or thing to be done, in default of its being done by the Person directed or required to do it, such work or thing may be done by the City at the expense of the Person. Pursuant to section 446 of the *Municipal Act*, the City may recover all the

costs incurred in doing the work or thing from the Person directed or required to do it by action or by adding the costs to the Tax Roll and collecting them in the same manner as municipal taxes.

20 NOTICE/SERVICE

- 20.0 Where an Order is issued or a notice is given by the City, unless otherwise provided for in this By-law, the Order or notice may be served:
 - 20.0.0 personally on the Person to whom it is directed;
 - 20.0.1 mailed by regular mail to the last known address provided to the City of the Person to whom it is directed; or
 - 20.0.2 posted in a conspicuous place at the subject Property.
- 20.1 A Person is deemed to be in receipt of the Order or notice on the date it is served personally or posted at the subject Property and five (5) Business Days after the Order or notice is posted by mail to the last known address provided to the City. If no address for the Person has been provided, then the City will send the Order or notice by mail to the Property address identified on the Tax Rolls.

21 FEES

- 21.0 **Service Fees**
 - 21.0.0 The municipal service fees for the administration and enforcement of this By-law shall be in accordance with the City’s Licensing, Permit and Service Fees By-law.
 - 21.0.1 Service fees for the administration and enforcement of this By-law may be applied when a contravention has been confirmed by a Municipal Law Enforcement Officer pursuant to the Licensing, Permit and Service Fees By-law.
- 21.1 **Recovery of Costs**

Pursuant to section 446 of the *Municipal Act*, where the City, its employees or authorized agents have performed work required to bring the Property into compliance with the By-law, all expenses incurred by the City in doing the work as well as any related fees, shall be deemed to be a debt to the City and may be collected by action or the costs may be added to the Tax Roll for the Property and collected in the same manner as municipal taxes.
- 21.2 Fees and charges imposed on a Person pursuant to the Fee By-law, or the Licensing, Permit and Service Fees By-law, as may be amended from time to time, constitute a debt of the Person to the City. The Treasurer may add such fees and charges imposed by the City to the Tax Roll in accordance with the provisions of section 398(2) of the *Municipal Act* and collect them in the same manner as municipal taxes.
- 21.3 Any fees, charges and administrative costs associated with this By-law are non-refundable and are either set out in the Fee By-law or the Licensing, Permit and Service Fees By-law, as may be amended from time to time.

22 GENERAL PROVISIONS

Where a timeframe is set out in this By-law for carrying out any action, the Director of Environmental Services may extend the time for compliance beyond the established timeframe provided such extension is acceptable to the Director of Environmental Services.

23 BY-LAW WORDING

Unless the context requires otherwise, where a word importing the singular number is used in this By-law, such word shall include the plural and vice versa, and words importing one gender shall include all genders. The grammatical changes required to make the provisions of this By-law apply to individuals (male or female), sole proprietorships, partnerships, unincorporated associations, unincorporated organizations, corporations, trustees, heirs,

executors, administrators and other legal representatives where the context so requires shall be assumed as though in each case fully expressed.

24 SEVERABILITY

Notwithstanding that any section, or any part or parts thereof, of this By-law may be found by any court of law to be invalid, unenforceable or beyond the power of the Council to enact, it is the intention of Council that such section, or part or parts thereof, of this By-law shall be deemed to be severable, and all other sections of this By-law, or parts thereof, are separate and independent there from and enacted as such.

25 REPEAL

By-law No.1602, By-law No.105-95 and By-law No.2012-242, as amended, are hereby repealed in their entirety.

26 INTERPRETATION

The provisions of Part VI of the *Legislation Act*, 2006, S.O.2006 c.21, Schedule F, shall apply to this By-law.

27 SHORT TITLE

This By-law may be referred to as the “Water Use By-law”.

28 EFFECTIVE DATE

This By-law comes into force and effect on the day it is passed.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF APRIL, 2019.

FRANK SCARPITTI, MAYOR

KIMBERLEY KITTINGHAM, CITY
CLERK



By-law 2019-XXX

**To amend By-law 2002-276 being a By-law to impose fees or charges for services or activities provided or done by the Town of Markham.
(Amendments to Fee By-law)**

WHEREAS Section 391 of the *Municipal Act*, 2001 provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- (1) That the attached four new Waterworks Service Fees be added to the “Community Services – Water” section in the Schedule “A” of By-law 2002-276.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF APRIL, 2019.

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Kimberley Kitteringham	Frank Scarpitti
City Clerk	Mayor

Updated: March 26, 2019

No.	Fee Description	Current Rate	Rate effective on April 8, 2019	Pertain to Sections in Water Use By-law	Fee Basis
1	Fee for "Repair the Damage to the Waterworks System caused by Construction or other Work"	N/A	Cost-plus	Section 3.0.5	<p>"Cost-plus" means actual costs incurred by the City to perform the service (either by City staff or contracted out) plus overhead and applicable taxes.</p> <p>The calculation will include:</p> <ul style="list-style-type: none"> Contractor or City incurred costs to perform the service; plus Staff time plus overhead costs to administer the work.
2	Waterworks Service Fee for "Change in Water Service Connection requested and performed by the Property Owner "	N/A	16% of "Water Service Connection Construction Cost" (pre-tax amount)	Section 6.2.2	<p>"Water Service Connection Construction Cost" is a quote/estimated cost for doing the work from a third party. (This cost to be paid directly by the owner)</p> <ul style="list-style-type: none"> "16%" charge is to cover the City's administrative, overhead and inspection components.
3	Fee for "Investigation and Repair Leakage on Private Water System "	N/A	Cost - plus	Section 6.7.4	<p>"Cost-plus" means actual costs incurred by the City to perform the service (either by City staff or contracted out) plus overhead and applicable taxes.</p> <p>The calculation will include:</p> <ul style="list-style-type: none"> Contractor or City incurred costs to perform the service; plus Staff time plus overhead costs to administer the work.
4	Fee for "Relocation of Fire Hydrant requested by the Property Owner and performed by the City"	N/A	"Fire Hydrant Relocation Construction Cost" plus 16% of "Fire Hydrant Relocation Construction Cost" (pre-tax amount)	Section 9.4.1	<p>The calculation will include:</p> <ul style="list-style-type: none"> "Fire Hydrant Relocation Construction Cost", which means the construction cost charged by the City's contractor and applicable taxes; plus "16%" charge is to cover the City's administrative, overhead and inspection components.



By-law 2019-XXX

**To amend By-law 2016-84 being a By-law to implement an Administrative Monetary
Penalty System for Non-Parking Offences.
(Amendments to AMPS For Non Parking Offences By-law)**

WHEREAS the Council of The Corporation of the City of Markham, (the “City) considers it desirable to amend By-law 2016-84, a By-law to implement an Administrative Monetary Penalty System for Non-Parking Offences; and,

WHEREAS subsection 434.1(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “*Municipal Act*”) authorizes a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with a by-law of the municipality passed under the *Municipal Act*;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- (1) That the Schedule for “Designated Provisions for Water Meter By-law 2012-142” in Schedule “A” of By-law 2016-84 be deleted and replaced by the attached Schedule for “Designated Provisions for Water Use By-law 2019-XX”.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF APRIL, 2019.

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Kimberley Kitteringham City Clerk	Frank Scarpitti Mayor

Schedule for “Designated Provisions for Water Use By-law 2019-XX”.

Water Use By-law 2019-XXX??

Designated Provisions for Water Use By-law 2019-??			
Column 1 Item	Column 2 Designated Provisions	Column 3 Short Form Wording	Column 4 Administrative Penalty Amount
1	7.3.5(e)(i)	Fail to comply with an Order to schedule an appointment with the City or a City authorized third party agent to replace the water meter.	\$250.00
2	7.3.5(e)(ii)	Fail to comply with an Order to allow the City access to replace the water meter scheduled for replacement under the City’s Water Meter Replacement Program.	\$250.00
3	7.3.5(e)(iii)	Fail to comply with an Order to repair or replace the private water service pipe or private water system prior to the City’s water meter replacement at their property.	\$250.00
4	9.0.0	Operate or take water from a public fire hydrant without a hydrant permit issued by the City	\$250.00



By-law 2019-XXX

To amend Bylaw 2012-137 “Licensing, Permit and Service Fees By-law

WHEREAS the Council of The Corporation of the City of Markham, (the “City) considers it desirable to amend By-law 2012-137, a Licensing, Permit and Service Fees By-law,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- (1) That the Schedule for “Water Meter By-law Inspection Administration” in Schedule “B” of By-law 2012-137, be deleted and replaced by the attached Schedule for “Water Use By-law Inspection Administration”.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 23rd DAY OF APRIL, 2019.

<hr/> Kimberley Kitteringham City Clerk	<hr/> Frank Scarpitti Mayor
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Schedule for “Water Use By-law –Inspection Administration”

By-law	Licence/Permits/Registration Type	Term	Fees and Charges	Amount
Water Use By-law 2019-XXX	Water Use By-law Inspection Administration			
	First Inspection Fee	N/A	Fee	\$64.00
	Second Inspection Fee	N/A	Fee	\$131.00
	Subsequent Inspection Fee	N/A	Fee	\$271.00
	Municipal Remedy Fee	N/A	Fee	7% of Invoice

2019-

A by-law to designate part of a certain
plan of subdivision not subject to Part Lot Control

The Council of The Corporation of the City of Markham hereby enacts as follows:

1. That Section 50(5) of the *Planning Act*, R.S.O. 1990, P.13 shall not apply to the lands within the part of a registered plan of subdivision designated as follows:

Blocks 1, 2, 4, 7, 8, 10, 14, 15, 17, 23 to 25 (inclusive) and 28 to 37 (inclusive), on Registered Plan 65M-4496; City of Markham, Regional Municipality of York

2. This By-law shall expire two years from the date of its passage by Council.

Read a first, second and third time and passed this xx day of April, 2019.

City Clerk

Mayor



EXPLANATORY NOTE

BY-LAW NO: 2019-XXXX
Part Lot Control Exemption By-law

Arista Homes (Box Grove Village) Inc.
Blocks 1, 2, 4, 7, 8, 10, 14, 15, 17, 23 to 25 (inclusive) and 28 to 37 (inclusive), Registered Plan 65M-4496

The proposed by-law applies to Blocks 1, 2, 4, 7, 8, 10, 14, 15, 17, 23 to 25 (inclusive) and 28 to 37 (inclusive), Registered Plan 65M-4496. These lands are located on the north side of Copper Creek Drive, west of Donald Cousens Parkway in the Box Grove community.

The purpose of this by-law is to exempt the subject blocks from the part lot control provisions of the Planning Act.

The effect of this by-law is to allow for the conveyance of townhouse dwelling units.

DRAFT